

# **VETERANS' HEALTH ADVISORY COUNCIL**

## **RULES**

THE RULES FOR THE VETERANS' HEALTH ADVISORY COUNCIL WERE DETERMINED BY THE MINISTER FOR HEALTH IN ACCORDANCE WITH SECTION 17(3) OF THE *HEALTH CARE ACT 2008* ON THE 5<sup>th</sup> DAY OF MARCH 2009.

THE RULES WERE VARIED BY THE MINISTER FOR HEALTH AND WELLBEING IN ACCORDANCE WITH SECTION 17(7) OF THE *HEALTH CARE ACT 2008* ON THE 1<sup>st</sup> DAY OF JUNE 2019, AND AGAIN ON THE 23<sup>rd</sup> DAY OF JUNE 2024.

**CONSOLIDATED COPY**

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## **PART 1 - PRELIMINARY**

### **Establishment**

1. The Minister has by notice in the Gazette established the Veterans' Health Advisory Council ("the Advisory Council") as an unincorporated health advisory council pursuant to section 15 of the *Health Care Act 2008* ("the Act"). In particular, the Advisory Council is established in relation to the Minister.
2. The Advisory Council is established in relation to veterans and their families to:
  - 2.1. Advise on their health service needs, priorities and issues;
  - 2.2. Advise on the delivery of health services;
  - 2.3. Advocate on their behalf with the Minister.
3. In fulfilling its role, the Advisory Council will:
  - 3.1. Act in accordance with the Act and give effect to the policies from time to time determined by the Minister either generally or specifically;
  - 3.2. Operate consistently with the strategic objectives of the Government of South Australia either generally or specifically and not act in any way to adversely affect the rights or interests of the Government of South Australia under the terms of any agreement.

## **PART 2 - ADVISORY COUNCIL**

### **Composition**

4. The Advisory Council will comprise not fewer than six and up to 16 members appointed by the Minister.
5. Up to 11 members will be nominated by the Advisory Council, 1 member will be nominated by the RSL and up to 4 members may be nominated by the Minister.
  - 5.1. The following provisions shall apply to nominations made by the Advisory Council:
    - 5.1.1. In seeking nominations, the Advisory Council may consult with the Veteran Community through its established Consultation Framework.

- 5.1.2. All nominations must be made in writing and accompanied by evidence in writing of the consent of the person so nominated.
    - 5.1.3. In the event that the Advisory Council does not or cannot nominate a person (or persons) to fill the office of a member which will become vacant, the Minister may appoint a person or persons to fill any vacancy.
  - 5.2. The following provisions shall apply to nominations made by the RSL:
    - 5.2.1. All nominations must be made in writing and accompanied by evidence in writing of the consent of the person so nominated.
    - 5.2.2. In the event that the RSL does not or cannot nominate a person to fill the office of its member which will become vacant, the Minister may appoint a person to fill the vacancy.
  - 5.3. There may, at the Minister's discretion, be up to 4 members selected and appointed to the Advisory Council by the Minister after due consideration of the qualities they possess, with a view to achieving an appropriate balance and level of skill and experience.
6. Membership of the Advisory Council should reflect the diversity of the broader Veteran Community and have an appropriate balance of skills, qualifications or experience appropriate for its functions and responsibilities, including:
  - 6.1. Veterans' health and wellbeing needs and challenges.
  - 6.2. Health services.
  - 6.3. Professional skills, e.g., management, finance.
  - 6.4. Community participation.
7. In making appointments to the Advisory Council, the Minister will ensure, as far as practicable, the membership consists of:
  - 7.1. Equal numbers of men and women.
  - 7.2. Members with knowledge or experience of the needs of veterans who reside in regional South Australia.
  - 7.3. Members with knowledge or experience of the needs of Aboriginal and Torres Strait Islander veterans.
  - 7.4. Members with lived experience as a family member of a veteran.
8. The Minister will appoint one member to be the Presiding Member.

9. The Minister may appoint a suitable person to be a deputy of a member and the deputy may perform or exercise the functions and powers of the member in the member's absence.

### **Conditions of appointment**

10. A member will be appointed for a term of up to three years and on any conditions determined by the Minister.
11. A member will, at the expiration of a term of appointment, be eligible for reappointment.
12. A member of the Advisory Council is entitled to remuneration, allowances and expenses determined by the Minister, in accordance with the policy from time to time of the Government of South Australia.
13. The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of the Advisory Council.

### **Vacancies**

14. A vacancy in membership occurs in accordance with Schedule 2, clause 2 of the Act.
15. The office of a member will also become vacant if the member:
  - 15.1. Is absent for three or more consecutive meetings of the Advisory Council without the consent of the Presiding Member;
  - 15.2. Fails to comply with a duty imposed under Part 2, Division 2 of the *Public Sector (Honesty and Accountability) Act 1995*;
  - 15.3. Ceases to satisfy the qualification by virtue of which the member was eligible for appointment to the Advisory Council.
16. The Minister may appoint a person to be a member to fill a casual vacancy on the Advisory Council. Any such member shall hold office from the date of appointment for the unexpired term of the member whose office is being filled.

### **Functions**

17. The functions of the Advisory Council in regard to veterans and their families are to:

- 17.1. Act as an advocate to promote their health interests;
- 17.2. Provide advice to the Minister about any aspect of the provision of health services;
- 17.3. Provide advice or assistance to the Minister in relation to the development or implementation of systems or mechanisms designed to support the delivery of health services or programs;
- 17.4. Assist the Minister and the Department in the provision of information to, and to consult broadly with veterans in relation to health services provided by incorporated hospitals in the State;
- 17.5. Consult with other bodies that are interested in the provision of health services to veterans;
- 17.6. Provide advice to the Minister about any matter referred to it by the Minister or the Chief Executive;
- 17.7. Give advice to the Minister on the development and management of health and wellbeing services and on the resources made available for these services and in so doing, reflect the views of veterans;
- 17.8. Provide advice to the Minister as required when the agreement between the Department and the Commonwealth Department of Veterans' Affairs in relation to health care for veterans in the State. is renegotiated.

### **PART 3 - PROCEEDINGS OF THE ADVISORY COUNCIL**

#### **Ordinary Meetings of the Advisory Council**

18. The Advisory Council is to hold ordinary meetings at times and places determined by the Advisory Council.
19. The Advisory Council will hold at least four ordinary meetings in any 12-month period and these meetings are to be held at regular intervals.
20. The Advisory Council may invite persons other than members to any meetings of the Advisory Council, but such persons will not be entitled to vote and are not members of the Advisory Council.
21. Written Notice of an ordinary meeting of the Advisory Council is to be given by a Nominated Officer at least seven days before the meeting to all members and persons invited to attend the meeting by the Advisory Council.
22. The Written Notice to a member is to be accompanied by the following:
  - 22.1. A copy of the agenda for the meeting;

- 22.2. A copy of the minutes of the previous ordinary meeting of the Advisory Council if a copy has not previously been distributed to members; and
  - 22.3. A copy of the minutes of any special meeting of the Advisory Council held since the Advisory Council's last ordinary meeting if a copy has not previously been distributed to members.
23. Written Notice is to be provided to persons invited to attend the meeting and will be accompanied by such of the material referred to in clause 22 as the Presiding Member considers appropriate.
  24. The quorum for a meeting of the Advisory Council is a majority of the members for the time being.
  25. The Presiding Member of the Advisory Council or, in the absence of the Presiding Member, another member elected to preside at the meeting by the members present, is to preside at a meeting of the Advisory Council.
  26. The person presiding at any meetings of the Advisory Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.
  27. A decision supported by a majority of the votes cast at a meeting of an Advisory Council at which a quorum is present is the decision of the Advisory Council.
  28. A conference by telephone or other electronic means between the members of the Advisory Council will be taken to be a meeting of the Advisory Council at which the participating members are present if:
    - 28.1. Notice of the conference is given to all members in the manner determined by the members of the Advisory Council for that purpose; and
    - 28.2. Each participating member can communicate with every other participating member during the conference.
  29. A proposed resolution of the Advisory Council becomes a valid decision of the Advisory Council despite the fact that it is not voted on at a meeting of the Advisory Council if:
    - 29.1. Notice of the proposed resolution is given to all members in accordance with procedures determined by the members of the Advisory Council; and
    - 29.2. A majority of the members of the Advisory Council express their

concurrence in the proposed resolution by letter, or other written or electronic communication setting out the terms of the resolution.

### **Special Meetings of the Advisory Council**

30. A special meeting of the Advisory Council is to be called by a Nominated Officer:
  - 30.1. At the direction of the Presiding Member; or
  - 30.2. Within 48 hours of receipt by a Nominated Officer of a written request for a special meeting signed by at least three members.
31. A special meeting is to be held not later than seven days after receipt by a Nominated Officer of a request referred to in sub-clause 30.2.
32. A Nominated Officer is to give at least 24 hours' notice of a special meeting to each member and each person invited to attend the meeting by the Advisory Council.
33. Notice of a special meeting is to specify the business to be considered at that meeting. Only business specified in the notice of a special meeting is to be considered at the special meeting.

### **Minutes**

34. The Advisory Council must have accurate minutes kept of its meetings.
35. A motion for the confirmation of minutes of any meeting of the Advisory Council is to be put to the next ordinary meeting.
36. The Advisory Council must provide copies of its minutes to the Chief Executive as and when requested.
37. The Advisory Council may make minutes or any part of any minutes available to persons who are not members of the Advisory Council as it deems appropriate.
38. The Advisory Council may make available to employees of the employing authority working at Health Units information concerning the decisions of the Advisory Council as it deems appropriate.
39. The Advisory Council may make available to the public information concerning the decisions of the Advisory Council as it deems

appropriate.

40. Clauses 34 to 39 do not limit the application of any other Act or policy of the Minister relating to the provision of information.

### **Rescission**

41. The Advisory Council may at any ordinary or special meeting vary or rescind any resolution carried at any previous meeting of the Advisory Council only if the motion to vary or rescind the resolution has been included in or with the notice of the meeting.
42. If a motion to vary or rescind any resolution is considered at a meeting of the Advisory Council and is not carried, the motion is not to be reconsidered by the Advisory Council during a period of three months from the date of that meeting.

### **Procedures**

43. The Advisory Council may develop a set of procedures to be followed by the Advisory Council at and between meetings. Such procedures may include provision for internal dispute resolution and identify persons or entities with whom the Advisory Council may consult when it requires assistance in relation to any matters.

### **Committees**

44. The Advisory Council may establish committees or subcommittees as the Advisory Council thinks fit to advise the Advisory Council on any aspect of its functions.
45. A committee will be appointed by the Advisory Council and may include members of the Advisory Council.
46. A member of a committee is entitled to remuneration determined by the Minister (if any).

## **PART 4 – MISCELLANEOUS**

### **Vacancy in membership or irregularity in appointment of members**

47. An act or proceeding of the Advisory Council is not invalid by reason only of a vacancy in its membership or a defect or irregularity in, or in

connection with, the appointment of a member.

### **Access**

48. The Advisory Council will allow any employee of the Chief Executive of the Department with the consent in writing of the Minister, or any person authorised in writing in that regard by the Minister, to enter any premises occupied by the Advisory Council and to have access to and inspect all records, documents, and other data in the possession of the Advisory Council and to interview officers of the Advisory Council.

### **Reports**

49. The Advisory Council will prepare and submit to the Minister, when required from time to time, a report explaining any aspect of the activities of the Advisory Council.
50. The Advisory Council will, within 3 months after the end of each financial year, deliver to the Minister a report on its operations during that period.
51. The Minister must, within 12 sitting days after the receipt of the report, cause a copy of the report to be laid before both Houses of Parliament.

## **PART 5 - DEFINITIONS**

52. In these Rules whenever appearing:

"**Act**" means the *Health Care Act 2008*.

"**Chief Executive**" means the Chief Executive of the Department and includes a person for the time being acting in that position.

"**Consultation Framework**" is a hierarchical structure for consulting with the Veteran Community, particularly when seeking input into advice that may be provided to government and is structured as follows:

Tier 1 VHAC Membership – VHAC members are selected for their expertise and knowledge of veteran health issues and the membership is broad based. The collective knowledge of VHAC can be a source of prompt advice to government, particularly on matters where time for broader consultation is limited.

Tier 2 Ex-Service Organisations - These organisations have significant numbers of members and have established networks with a capacity to respond quickly. Currently these organisations include:

- RSL SA
- TPI Association
- Legacy
- Defence Force Welfare Association.
- Vietnam Veterans Association
- Vietnam Veterans Federation
- RAR Association
- RAAF Association
- Naval Association
- War Widows Guild

**"Department"** means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of the Act.

**"Health Units"** means sites of hospitals incorporated under the *Health Care Act 2008*.

**"Member"** unless the contrary intention appears, means a member of the Advisory Council for the time being and includes a person appointed to act in the office of a member during the absence of the member.

**"Minister"** means the Minister of the Crown to whom the administration of the Act is for the time being committed and includes any Minister of the Crown for the time being discharging the duties of office of that Minister or, where the Minister has delegated the relevant power or function under the Act or these Rules, any such delegate of the Minister.

**"Nominated Officer"** means any person or officer nominated by the Advisory Council to discharge the powers and functions set out in Part 3 of these Rules.

**"People of Aboriginal or Torres Strait Islander Descent"** means people who identify as Aboriginal or as Torres Strait Islander and who are accepted as such by their communities.

**"Presiding Member"** means the person appointed by the Minister pursuant to clause 4 of Schedule 2 to the Act.

**"Regional SA"** is all postcodes and suburbs in the State of South Australia outside of the Greater Capital City Statistical Area (GCCSA) as defined by the Australian Bureau of Statistics, or the area otherwise determined by the Minister and advised to the Advisory Council in writing.

“**RSL**” means the Returned & Services League of Australia (SA Branch) Inc.

“**Rules**” means these Rules and the Schedules and includes any amendment thereto.

“**State**” means the State of South Australia.

“**Veterans**” means anyone who has served in the Australian Defence Force, including the Reserve Forces; or a spouse, widow or widower of a veteran.

“**Veteran Community**” is inclusive of veterans and their families. This includes spouses, widows, widowers, partners, former partners, carers, children, parents, siblings and relatives of serving or ex-serving members, and should include anyone with an evident link to, or interest in, matters associated with veterans’ welfare or wellbeing.

“**Written Notice**” includes notice by electronic means.

53. Other terms in these Rules have the same meaning as that ascribed to them in the Act.

## **ATTACHMENT 1 – History**

[NOTE: This does not form part of the Rules]

Rules determined by the Minister on 5 March 2009.

Amended by Notice of Variation on 1 June 2019.

Amended by Notice of Variation on 23 June 2024.