

DRAFT Preventive Health SA Bill 2024

Consultation Discussion Paper
June 2024



**Government
of South Australia**

Preventive Health SA

Background

Through an election commitment in 2022, the South Australian Government committed to creating a new and independent prevention agency, with a mandate to develop evidence-based programs and policies to keep South Australians healthy.

As a result, Preventive Health SA was established, strengthening the prevention agenda in South Australia through the consolidation of key prevention functions in a single agency including obesity prevention, tobacco, vaping, mental health, suicide prevention, alcohol and other drugs, and the determinants of health as priority areas.

In February 2024, the South Australian Government approved the drafting of a Bill for the establishment of Preventive Health SA in legislation, to give perpetuity to preventive health in South Australia. The draft Preventive Health SA Bill 2024 (the draft Bill) formally recognises preventive health as an important area of health policy, ensuring it becomes a permanent part of the infrastructure of the health system in South Australia.

The legislative basis demonstrates the South Australian Government's commitment to long term, sustainable system changes to support positive health and wellbeing outcomes through strengthening collaborative preventive health action and giving perpetuity independent of political agendas.

To support this, the Preventive Health SA Establishment Advisory Council (the Advisory Council) was created, to provide strategic advice to the Minister for Health and Wellbeing, on the establishment of Preventive Health SA and the draft Bill. Chaired by the Hon Nicola Roxon, members of the Advisory Council have expertise in epidemiology, public health policy, Aboriginal health, health equity, preventive health strategy, Government policy making and business. The Advisory Council has provided advice to inform drafting of the Bill, incorporating learnings from other relevant legislation both nationally and internationally.

Key themes

The following key themes have been central to the drafting of the Bill.

1. **Minimalist and cost effective** - ensuring the least complex and most cost-effective creation of Preventive Health SA in legislation to ensure the majority of resourcing is directed to prevention action.
2. **Perpetuity and sustainability** – ensuring that legislation future proofs the prevention agenda and supports the success and effectiveness of Preventive Health SA and preventive health action, through sound resourcing and governance structures.
3. **Population health and equity** – including a focus on both preventing and reducing the burden of disease, and a strengths-based framing of improving health equity for priority population groups.
4. **Innovation** – providing mechanisms to strengthen collaborative action across government, providing expert advice as part of Government as well as supporting innovation and new ways of thinking.
5. **Leadership in prevention** - elevating the profile, importance and status of prevention as an essential element of the health system and supporting independence by embedding in legislation the ability to develop and publish reports of significance and for the lead of the agency to make independent public statements.

Elements of the draft Bill

Objects

Section 3 of the draft Bill sets out the key Objects of the Act, including a focus on improving the health and wellbeing of South Australians by both preventing and reducing the burden of non-communicable health conditions. Importantly, the Objects also include a focus on improving health equity for priority population groups, especially First Nations persons. The Objects include measures for the provision of expert advice to the Minister and government agencies to lead collaborative preventive health action and embedding preventive health as an essential and permanent part of the infrastructure of the South Australia health system.

Chief Executive for Preventive Health SA

Part 2 of the draft Bill sets out the role and functions of the Chief Executive for Preventive Health SA (the Chief Executive). The functions of the Chief Executive (Section 7) cover the breadth of preventive health action.

The draft Bill seeks to strengthen collaborative action across government and non-government agencies on prevention and includes provisions for the Chief Executive to develop or adopt procedures for the provision of advice relating to preventive health. Additionally, it includes a function to develop and publish reports and make independent public statements designed to raise awareness and promote action on preventive health priorities.

Section 9 includes a requirement for the Chief Executive to prepare a strategic plan, identifying preventive health priorities, policies and measures for implementation across the State, as well as the identification of preventive health action to improve health equity. The plan, developed in consultation with the Preventive Health SA Council and the Minister within 18 months of the legislation being assented to (transitional provision), must be reviewed at least once in every 4 years.

Preventive Health SA Council

Part 3 of the draft Bill sets out the establishment of the Preventive Health SA Council (the Council), including membership and functions.

Section 12 proposes that membership of the Council includes persons who together have diverse preventive health expertise and experience and are appointed by the Minister upon recommendation from the Chief Executive.

The functions of the Council (Section 16) are to provide strategic advice and assist the Chief Executive in relation to the performance of their functions under the legislation. The Chief Executive and the Chair of the Council must meet with the Minister at least twice in each year to discuss the operations of the Council, the benefits of effective preventive health policy and the allocation of sufficient funding and other resources. The Council must hold at least 2 meetings in each year.

Resources for Preventive Health

In recognition that sound resourcing needs to be in place to support effective and sustainable preventive health action, Section 20 includes a requirement for the Chief Executive to be provided with adequate staff and resources to carry out their functions and to further the Objects of the Act.

Consultation on the draft Bill

Consultation and engagement are essential to ensuring stakeholder perspectives are considered and incorporated into the drafting of the legislation.

A range of consultation approaches will be used to encourage feedback from stakeholders. Consultation will close **on Friday 5 July 2024**.

Following consultation, feedback will be collated and changes made before the draft Bill is finalised by the end of July 2024. The Advisory Council will consider a final draft of the Bill in August 2024, before approval will be sought for the introduction of the Bill to Parliament in September 2024.

Consultation questions

The following questions provide a guide when formulating a response to the draft Bill.

1. The draft Bill has been designed to ensure prevention is an important and permanent part of the infrastructure of the health system in South Australia, embedding preventive health policy, action and resourcing for long term and sustainable outcomes. How likely is it that the wording in the draft Bill will enable this?
 - a. Are there specific areas of the draft Bill that require clarification or strengthening?
 - b. Are there aspects missing from the draft Bill that should be considered for inclusion?
2. Do you have any comments about:
 - a. The Objects?
 - b. Functions of the Chief Executive for Preventive Health SA?
 - c. The Preventive Health SA Council?
3. The draft Bill seeks to strengthen collaborative action across government and non-government agencies on prevention. Do you think the wording in the draft Bill will enable this? What, if anything, could be considered to strengthen this approach?
4. Which aspects, if any, of the draft Bill align or support current or future prevention activities or initiatives which your agency is involved in planning or delivering?
5. Which aspects, if any, of the draft Bill will enable and encourage your agency to support preventive health action and positive health and wellbeing outcomes?
6. Do you have any other suggestions or feedback regarding the draft Bill?

For more information

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