

Municipal Public Health Plans: New requirements

Councils should prepare a new four year Municipal Public Health Plan or update their existing plan by 27 November 2009. For further information contact your regional public health manager.

A significant number of councils are involved in the bushfire recovery effort and this will continue over the coming months. We understand that councils servicing bushfire affected municipalities or that have diverted resources to such areas may have difficulty meeting the 27 November timeline or making significant changes to their plans. In this case please contact your regional public health manager at the earliest opportunity to discuss these matters.

Introduction

Most provisions in the *Public Health and Wellbeing Act 2008* will be effective from 1 January 2010. The existing *Health Act 1958* will remain in force until that date.

Some provisions in the *Public Health and Wellbeing Act*, including section 263 that relates to requirements for and timing of municipal public health plans, were effective on 1 January 2009. Section 263 replaces section 29B of the *Health Act* with new sections 29B–29D (see Attachment 1 for the new sections).

This means **councils must prepare a four year Municipal Public Health Plan that meets new requirements**, within 12 months of general council elections; that is, **by 27 November 2009**. From this time councils will be required to prepare a new plan every four years.

What are the requirements for Municipal Public Health Plans under the amendments to the *Health Act 1958*?

In summary the amendments mean plans must:

1. include an examination of data about health status and health determinants in the municipal district
2. identify goals and strategies based on evidence for creating a local community in which people can achieve maximum health
3. provide for involvement of people in the local community in the development, implementation and evaluation of the public health plan
4. specify how the council will work in partnership with the Department of Human Services and other agencies undertaking public health initiatives, projects and programs to achieve the goals identified in the plan.

Points 1, 3 and 4 above represent new requirements. As far as possible councils should amend their existing plan or develop a new plan to take account of these requirements (see new section 29B of the *Health Act* at Attachment 1 for further detail).

What materials are available to assist with public health planning?

Environments for Health, Municipal Public Health Planning Framework is a Victorian Government publication that includes a practical guide to developing municipal public health plans.

The department is reviewing *Environments for Health* and a revised document will be sent to councils in the near future. In the meantime councils are encouraged to refer to the existing document to inform the development of their new or amended plan.

The document is available at <http://www.health.vic.gov.au/localgov/mphpfr>

Councils should also consider Victoria's health promotion priorities for 2007–2012, as well as the recently released *Victorian Immunisation Strategy 2009–2012*. The health promotion priorities that have been endorsed by the Minister for Health, are:

1. Promoting physical activity and active communities
2. Promoting accessible and nutritious food
3. Promoting mental health and wellbeing
4. Reducing tobacco-related harm
5. Reducing and minimising harm from alcohol and other drugs
6. Safe environments to prevent unintentional injury
7. Sexual and reproductive health.

For further information see: <http://www.health.vic.gov.au/healthpromotion/stakeholders/role.htm#ppps>

Councils should consider a range of other factors in their priority setting process including their statutory requirements and planning at Regional and Primary Care Partnership levels.

What if a council is unable to incorporate all the new requirements into a new plan by November 2009?

A significant number of councils have integrated some or all of the new requirements into existing municipal public health planning processes.

The department acknowledges a number of councils are servicing bushfire affected communities and may not be in a position to make significant changes to their existing planning processes by November 2009.

In relation to developing new plans covering the period 2009–2013, councils may:

- review their current plans against new requirements
- incorporate new requirements to the extent possible or practical
- amend their current plan and adopt this as the new plan
- use the annual review process required by the amended section 29B(3) of the *Health Act*, to work towards new requirements.

What if a council's existing three year plan finishes before November 2009? Is it required to develop an interim plan to cover the period leading up to November 2009?

If a council's existing three year municipal public health plan finishes some time before November 2009, the new section 29D of the *Health Act* deems the existing plan to be in force for the period to November 2009. This means councils will not need to develop a new plan to cover the months leading up to November 2009.

Are there any circumstances where councils are not required to develop a Municipal Public Health Plan by 27 November 2009?

Broadly the amendments provide that councils may be granted an exemption from the requirement to develop a Municipal Public Health Plan if they can satisfy the Secretary of the Department of Human Services (or his/her delegate) that the matters required to be covered in the Municipal Public Health and Wellbeing plan have been adequately addressed in the council or strategic plan (see amended section 29C of the *Health Act*).

The exemption provides the opportunity for councils to integrate their public health planning processes within their council or strategic planning processes.

Councils who wish to apply for an exemption should consult with their regional public health manager. Once discussions have occurred at the regional level applications for exemption should be forwarded in writing to:

Director, Public Health
Department of Human Services
Level 14 50 Lonsdale St
Melbourne 3000

The application should be copied to your regional public health manager.

Applications should:

- include a copy of the relevant council or strategic plan
- include a summary of those components of the plan that are relevant to municipal public health planning
- document how these components meet each of the requirements for Municipal Public Health Plans contained in the amended section 29B of the Health Act
- be endorsed by council.

The Director of Public Health will consult with the relevant region in considering applications for exemption.

Some councils are developing or intend to be a party to a sub-regional health plan that covers two or more council areas. This can facilitate an integrated, coordinated approach to service planning and delivery across municipalities. The Department

supports this approach to public health planning. In some instances it may be appropriate for councils with such plans to adopt the whole plan or incorporate aspects of it into their Municipal Public Health and Wellbeing plan.

Which area of the department should councils consult with in developing their plan?

The Health Act requires councils to prepare its plan in consultation with the Secretary of the Department (see amended section 29B(1) of the Health Act).

To do so you should liaise with your regional public health manager in relation to developing a new plan or amending an existing plan to meet the new requirements.

The Health Act requires councils to provide the Secretary of the Department with a copy of their Municipal Public Health and Wellbeing plan (section 29B(5) of the Health Act). To comply with this requirement one copy of the plan should be provided to your regional public health manager and one copy to the Director, Public Health at: jim.hyde@dhs.vic.gov.au

What is the State Public Health and Wellbeing Plan? How does it relate to a council's Municipal Public Health and Wellbeing Plan?

The *Public Health and Wellbeing Act* requires the Minister for Health to ensure that a State Public Health and Wellbeing Plan is prepared by 1 September 2011, and then every four years subsequently.

This Act (section 26(3)) provides that councils must have regard to the State Plan when they are preparing their Municipal Public Health and Wellbeing Plan. This requirement will affect Public Health and Wellbeing Plans from 2013.

The Act sets out what must be included in the State Plan. The Plan must specify how Government will *work with other bodies undertaking public health initiatives, projects and programs* to achieve the objectives and policy priorities in the State Plan (section 49(2)(e)).

Local Government is key to the development of an effective State Plan. The department intends to engage Local Government and other key players shortly in its development.

Attachment 1: Health Act 1958—as amended 1 January 2009

“29B Municipal public health plans

- (1) Unless section 29C applies, a Council must, in consultation with the Secretary, prepare a municipal public health plan within the period of 12 months after each general election of the Council.
- (2) A municipal public health plan must—
 - (a) include an examination of data about health status and health determinants in the municipal district;
 - (b) identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health;
 - (c) provide for the involvement of people in the local community in the development, implementation and evaluation of the public health plan;
 - (d) specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health plan;
 - (e) be consistent with—
 - (i) the Council Plan prepared under section 125 of the **Local Government Act 1989**; and
 - (ii) the municipal strategic statement prepared under section 12A of the **Planning and Environment Act 1987**.
- (3) A Council must review its municipal public health plan annually and, if appropriate, amend the plan.

- (4) Despite subsection (2)(c), a Council is not required to provide for the involvement of people in the local community when reviewing or amending a municipal public health plan under subsection (3).
- (5) A Council must give a copy of the current municipal public health plan to the Secretary.
- (6) A copy of the current municipal public health plan must be available for inspection by the public at the places at which the current Council Plan must be available under section 125(11) of the **Local Government Act 1989**.

29C Inclusion of public health matters in Council Plan or strategic plan

- (1) A Council is not required to comply with section 29B if—
 - (a) the Council complies with this section; and
 - (b) the Secretary grants the Council an exemption from complying with section 29B.
- (2) If a Council intends to comply with this section, the Council must—
 - (a) address the matters specified in section 29B(2) in the Council Plan to be prepared under section 125 of the **Local Government Act 1989** or in a Strategic Plan prepared and approved by the Council;
 - (b) if the matters specified in section 29B(2) are included in the Council Plan, review the Council Plan in accordance with section 125(7) of the **Local Government Act 1989**;
 - (c) if the matters specified in section 29B(2) are included in a Strategic Plan, review the Strategic Plan annually.

- (3) A Council may apply to the Secretary for an exemption from complying with section 29B by submitting a draft of the Council Plan or Strategic Plan which addresses the matters specified in section 29B(2).
- (4) If the Secretary is satisfied that the draft Council Plan or Strategic Plan adequately addresses the matters specified in section 29B(2), the Secretary must grant the Council an exemption from complying with section 29B.
- (5) If the Secretary is not satisfied that the draft Council Plan or Strategic Plan adequately addresses the matters specified in section 29B(2), the Secretary must—
 - (a) refuse to grant an exemption from complying with section 29B(2); and
 - (b) advise the Council in writing—
 - (i) of the reasons for refusing to do so; and
 - (ii) as to the changes that should be made to the draft Council Plan or Strategic Plan.
- (6) If a Council has been granted an exemption from complying with section 29B, the Council must give a copy of the current Council Plan or Strategic Plan to the Secretary if a change is made to the Council Plan or Strategic Plan which relates to the matters specified in section 29B(2).

29D Transitional

A municipal public health plan in force under section 29B as in force immediately before the commencement of section 263 of the **Public Health and Wellbeing Act 2008** is taken to be a municipal public health plan under section 29B as in force on and from that commencement”.

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