

EASTERN HEALTH AUTHORITY

Minutes of the Meeting of the Board of Management of Eastern Health Authority (EHA) held at the offices of the Eastern Health Authority, 101 Payneham Road, St Peters, on Wednesday 31 August 2016 commencing at 6:30 pm.

MEMBERS PRESENT:

| | |
|----------------------------------|------------------------------|
| Cr P Cornish, Cr A Monceaux | Burnside |
| Cr G Knoblauch, Cr S Whittington | Norwood Payneham & St Peters |
| Cr K Barnett, Cr T Evans | Prospect |
| Cr M Bishop, Cr D Shetliffe | Walkerville |

In attendance:

| | |
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| M Livori | Chief Executive Officer |
| N Conci | Team Leader Environmental Health |
| N Bevitt | Team Leader Administration and Immunisation |

1 OPENING:

The meeting was declared open by the Chair, Cr S Whittington, at 6:30 pm.

2 APOLOGIES:

| | |
|-------------------------|--------------|
| Cr J Kennedy, Cr M Ryan | Campbelltown |
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3 CHAIRPERSON'S REMARKS

Nil.

4 CONFIRMATION OF MINUTES:

Cr A Monceaux moved:

The minutes of the meeting of the Board held on 22 June 2016 be taken as read and confirmed.

Seconded by Cr P Cornish

CARRIED UNANIMOUSLY

1:082016

5 MATTERS ARISING FROM THE MINUTES:

Nil.

6 ADMINISTRATION REPORT:

6.1 Eastern Health Authority Review of Delegations

Cr D Shetliffe moved:

1. That:

1.1 having been delegated powers and functions:

1.1.1 under the following:

1.1.1.1 Environment Protection Act 1993
and Environmental Protection
(Waste to Resources) Policy 2010

1.1.1.2 Expiation of Offences Act 1996

1.1.1.3 Housing Improvement Act 1940

1.1.1.4 Safe Drinking Water Act 2011

1.1.1.5 South Australian Public Health Act
2011; South Australian Public Health
(General) Regulations 2013, South
Australian Public Health (Legionella)
Regulations 2013 and South
Australian Public Health
(Wastewater) Regulations 2013

1.1.1.6 Supported Residential Facilities Act
1992 and Supported Residential
Facilities Regulations 2009.

(a) (“the Head Delegation”)

1.1.2 by the following Councils:

1.1.2.1 City of Burnside on the 9th day of
August 2016

1.1.2.2 Campbelltown City Council on the
2nd day of August 2016

1.1.2.3 City of Norwood Payneham and St
Peters on the 1st day of August
2016

1.1.2.4 City of Prospect on the 23rd day of
August 2016

1.1.2.5 Corporation of the Town of Walkerville on the 15th day of August 2016.

- (a) as set out in Appendices A to E of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations".

1.2 Eastern Health Authority ("EHA"):

1.2.1 in exercise of the powers under Section 44(4)(b) and Clause 36 of Schedule 2 of the Local Government Act 1999:

1.2.1.1 revokes all previous subdelegations under the below legislation to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA, and

1.2.1.2 subdelegates the powers and functions under the following Acts and specified in the proposed Instruments of Subdelegation contained in Appendices 1 – 5 of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" (each of which is individually identified as indicated below) to the persons occupying the office or position detailed in the proposed Instruments of Subdelegation subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Subdelegation:

- (a) Environment Protection Act 1993 and Environment Protection (Waste to Resources) Policy 2010 (Appendix 1)
- (b) Expiation of Offences Act 1996 (Appendix 2)
- (c) Housing Improvement Act 1940 (Appendix 3)
- (d) Safe Drinking Water Act 2011 (Appendix 4)
- (e) South Australian Public Health Act 2011; South Australian Public Health (General)

Regulations 2013, South Australian Public Health (Legionella) Regulations 2013 and South Australian Public Health (Wastewater) Regulations 2013 (Appendix 5)

1.2.2 in exercise of the powers contained in Section 9(3)(b) of the Supported Residential Facilities Act 1992 and Clause 36 of Schedule 2 of the Local Government Act 1999:

1.2.2.1 revokes all previous subdelegations under the Supported Residential Facilities Act 1992 to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA and

1.2.2.2 subdelegates the powers and functions under the Supported Residential Facilities Act 1992 specified in the proposed Instrument of Subdelegation contained in Appendix 6 of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" to the persons occupying the office or position detailed in the proposed Instruments of Subdelegation subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in the proposed Instrument of Subdelegation.

2. That, in exercise of the power under Clause 36 of Schedule 2 of the Local Government Act 1999, EHA:

2.1 revokes all previous delegations under the below legislation to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA and

2.2 delegates the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Appendices 2 and 4 of the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" (each of which is individually identified as indicated below) to the persons occupying the office or position detailed in the proposed Instruments of Delegation subject to the conditions and/or limitations specified herein or in the Schedule of Conditions in each such proposed Instrument of Delegation:

2.2.1 Expiation of Offences Act 1996 (Appendix 2)

2.2.2 Safe Drinking Water Act 2011 (Appendix 4).

3. That EHA, as an enforcement agency and in exercise of the power contained in Section 91 of the Food Act 2001:
 - 3.1 revokes all previous delegations under the Food Act 2001 to the person occupying the office of Chief Executive Officer of EHA and all other employees and officers of EHA and
 - 3.2 hereby delegates this 31 August 2016 the powers and functions under the Food Act 2001 specified in the proposed Instrument of Delegation contained in Appendix 7 to the Report dated 31 August 2016 and entitled "Eastern Health Authority Review of Delegations" to the persons occupying the office or position detailed in the proposed Instrument of Delegation subject to the conditions or limitations indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Food Act 2001.
4. That having been delegated powers and functions:
 - 4.1 under:
 - 4.1.1 the Local Government Act 1999 to commence a prosecution for a breach of the:
 - 4.1.1.1 Housing Improvement Act 1940
 - 4.1.1.2 South Australian Public Health Act 2011; the South Australian Public Health (Legionella) Regulations 2013; and the South Australian Public Health (Wastewater) Regulations 2013; and
 - 4.1.2 the Local Government Act 1999 and the Supported Residential Facilities Act 1992 to commence a prosecution for a breach of the:
 - 4.1.2.1 Supported Residential Facilities Act 1992.
 - 4.2 by the following Councils:
 - 4.2.1 City of Burnside on the 9th day of August 2016
 - 4.2.2 Campbelltown City Council on the 2nd day of August 2016
 - 4.2.3 City of Norwood Payneham and St Peters on the 1st day of August 2016
 - 4.2.4 City of Prospect on the 23rd day of August 2016

- 4.2.5 The Corporation of the Town of Walkerville on the 15th day of August 2016.
- 4.2.6 (“the Councils”)
- 4.3 EHA in exercise of the powers under Section 44(4)(b) and Clause 36 of Schedule 2 of the Local Government Act 1999 and Section 9(3)(b) of the Supported Residential Facilities Act 1992 sub delegates to the persons occupying the office of Chief Executive Officer of EHA and Senior Environmental Health Officer of EHA:
 - 4.3.1 the powers under Sections 6 and 36(1) of the Local Government Act 1999 to:
 - 4.3.1.1 commence a prosecution for a breach of the Housing Improvement Act 1940 where the Housing Improvement Act 1940 empowers the Councils to commence a prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging that power
 - 4.3.1.2 commence a prosecution for a breach of the South Australian Public Health Act 2011 and/or South Australian Public Health (Legionella) Regulations 2013 and/or South Australian Public Health (Wastewater) Regulations 2013 where the South Australian Public Health Act 2011 and/or South Australian Public Health (Legionella) Regulations 2013 and/or South Australian Public Health (Wastewater) Regulations 2013 empowers the Councils to commence a prosecution for a breach and to do anything necessary, expedient or incidental to performing or discharging that power.
 - 4.3.2 the powers under Sections 6 and 36(1) of the Local Government Act 1999 and Section 9(1) of the Supported Residential Facilities Act 1992 to:
 - 4.3.2.1 commence a prosecution for a breach of the Supported Residential Facilities Act 1992 where the Supported Residential Facilities Act 1992 empowers the Councils to commence a prosecution for a breach and to do anything necessary, expedient or incidental to

performing or discharging that power.

STANDARD CONDITIONS OF SUBDELEGATIONS AND DELEGATIONS MADE BY THE

EASTERN HEALTH AUTHORITY

“Nil”

Seconded by Cr G Knoblauch

CARRIED UNANIMOUSLY 2:082016

6.2 GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2016

Cr D Shetliffe moved:

That:

1. The report regarding the General Purpose Financial Statements for the year ended 30 June 2016 is received.
2. The General Purpose Financial Statements for the year ended 30 June 2016 and provided as attachment 1 are received and adopted.
3. The Chairperson be authorised to sign the adoption statement in relation to the audit for the 2015/2016 financial year.
4. A copy of the Annual Financial Statements are provided to the Constituent Councils.

Seconded by Cr T Evans

CARRIED UNANIMOUSLY 3:082016

6.3 FINANCIAL RESULTS FOR THE YEAR ENDED 30 JUNE 2016

Cr G Knoblauch moved:

That:

The Financial Results for the Year Ending 30 June 2016 report is received.

1. The Budgeted Financial Statements as detailed in the Eastern Health Authority Annual Business Plan 2015/2016 and provided as attachment 4 to the report are adopted.
2. A copy of the Eastern Health Authority Annual Business Plan 2015/2016 including the Budgeted Financial Statements are provided to the Chief Executive Officer of each Constituent Council within five

business five days.

Seconded by Cr D Shetliffe

CARRIED UNANIMOUSLY 4:082016

6.4 ANNUAL BUSINESS PLAN 2015/2016 PERFORMANCE EVALUATION

Cr D Shetliffe moved:

That:

The Annual Business Plan 2015/2016 Performance Evaluation report is received.

Seconded by Cr M L Bishop

CARRIED UNANIMOUSLY 5:082016

6.5 FOOD ACT ANNUAL REPORT 2015/2016

Cr D Shetliffe moved:

That:

The report titled Food Act Annual Report 2015/2016 (attachment 1) be received and endorsed.

Seconded by Cr G Koblauch

CARRIED UNANIMOUSLY 6:082016

6.6 REVIEW OF THE FOOD BUSINESS INSPECTION FEE POLICY

Cr K Barnett moved:

That:

1. The report regarding the review of the Food Business Inspection Fee Policy is received.
2. The Policy entitled Food Business Inspection Fee Policy, marked attachment 1 to this report, is adopted.

Seconded by Cr P Cornish

CARRIED UNANIMOUSLY 7:082016

6.7 COMPLAINTS HANDLING POLICY

Cr P Cornish moved:

That:

1. The Complaints Handling Policy report is received.
2. The Complaints Handling Policy marked attachment 1 to the Complaints Handling Policy Report dated 31 August 2016 is adopted.

Seconded by Cr A Monceaux

CARRIED UNANIMOUSLY 8:082016

6.8 SAFE ENVIRONMENT POLICY REVIEW

Cr A Monceaux moved:

That:

1. The report regarding the Safe Environment Policy Review is received.
2. The Safe Environment Policy marked as attachment 2 to the Safe Environment Policy Review Report dated 31 August 2016 is adopted.

Seconded by Cr K Barnett

CARRIED UNANIMOUSLY 9:082016

6.9 2015/2016 FINANCIAL YEAR ANNUAL ENVIRONMENTAL HEALTH REPORT

Cr D Shetliffe moved:

That:

1. The Report titled 2015/2016 Financial Year Annual Environmental Health report is received.
2. The 2015/2016 Financial Year Annual Environmental Health Report provided as attachment 1 to this report is submitted to the Chief Public Health Officer.

Seconded by Cr M L Bishop

CARRIED UNANIMOUSLY 10:082016

7 CONFIDENTIAL REPORT

7.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW AND REMUNERATION REVIEW

RECOMMENDATION 1

Cr D Shetliffe moved:

That pursuant to Section 90(2) of the Local Government Act 1999 the Board orders the public be excluded, with the exception of the Chief Executive Officer, Michael Livori, on the basis that it considers it necessary and appropriate to act in a meeting closed to the public in order to discuss and consider Item No 7.1 - in confidence. The Board is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter under consideration because:

- The information is of the nature specified in Subsection 90(3)(a) of the Local Government Act 1999, being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs, being the performance and remuneration of the Chief Executive Officer.

Seconded by Cr G Knoblauch

CARRIED UNANIMOUSLY 11:082016

RECOMMENDATION 3

Cr D Shetliffe moved:

In accordance with Section 91 (7) and (9) of the Local Government Act 1999, the Board of Management (Board) orders that in relation to the Chief Executive Officer Performance and Remuneration Review Report, all relevant documentation having been considered by the Board in confidence under Section 90 (3) (a) be kept confidential and not available for public inspection on the grounds that it involves information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer.

This order shall operate for a period of 12 months and will be reviewed annually.

Seconded by Cr A Monceaux

CARRIED UNANIMOUSLY 13:082016

8 CORRESPONDENCE

Letter from The University of Adelaide re Meningococcal B vaccine study

Letter from SA Health re Council involvement in Salmonella Outbreak Investigation

9 CLOSURE OF MEETING:

The Chairperson, Cr S Whittington, declared the meeting closed at 8:00pm.

The foregoing minutes were printed and circulated to EHA Members and member Councils on 2 September 2016.

CR S Whittington

CHAIRPERSON