

Municipal public health and wellbeing planning 2021–2025

Advice Note 2: Applying for an exemption from producing a standalone Municipal public health and wellbeing plan

OFFICIAL

August 2021 (re-issued from March 2021)

This Advice Note outlines the process and timelines for councils to follow to seek an exemption from producing a standalone municipal public health and wellbeing plan. It should be read in conjunction with [Municipal public health and wellbeing planning 2021–2025 Advice Note 1](#) (DHHS, August 2020) and previous [guides for municipal public health and wellbeing planning](#).

Section 26 of the *Public Health and Wellbeing Act 2008* (the Act) requires councils to produce a municipal public health and wellbeing plan. This plan is the primary mechanism for planning, coordinating and delivering services and initiatives to improve local public health and wellbeing by councils and partner organisations. Section 26(2) lists what must be included in a municipal public health and wellbeing plan.

Section 27 of the Act provides councils with the option to seek an exemption from producing a municipal public health and wellbeing plan by including the public health and wellbeing matters set out in section 26(2) of the Act into the Council Plan or a Strategic Plan. The Secretary of the Department of Health will grant or deny an exemption based on how adequately the draft Council Plan or Strategic Plan addresses the matters specified in section 26(2). If the exemption is denied, the Secretary must advise the council in writing of the reasons for refusing to do so and the changes that should be made to the draft Council Plan or Strategic Plan.

An exemption does not change the requirements of what must be included. It simply allows for an alternative way of considering and documenting municipal public health and wellbeing matters.

As noted in Advice Note 1, the Community Vision is not considered a strategic plan, therefore inclusion of public health and wellbeing matters into a (ten year) Community Vision will not meet the requirements of the Public Health and Wellbeing Act.

Benefits and risks of including health and wellbeing matters into a Council Plan

[Including public health and wellbeing matters in the council plan or strategic plan](#) (DHHS, 2013) outlines three key benefits to including public health and wellbeing matters in a Council Plan:

- a single, high-level plan can drive a focus on public health and wellbeing across council – this brings the potential to strengthen the mandate for health and wellbeing action
- a single planning process can align and coordinate planning and budgeting tasks – this has the potential to strengthen integrated planning and optimise planning resources
- the public health and wellbeing intentions of council are bound by the monitoring and reporting requirements of a Council Plan – this increases the likelihood of strengthening public accountability about council's public health and wellbeing activities.

There are some potential risks for councils to be aware of in choosing to include public health and wellbeing matters in a Council Plan. For example:

- losing sight of the detail of health and wellbeing activity
- weakening the engagement of health and wellbeing stakeholders
- not sustaining the focus on health and wellbeing.

Planning due dates 2021

The *Local Government Act 2020* has changed the required date for adoption of Council Plans. This change means that the Municipal public health and wellbeing plan and the Council Plan will both be due in October 2021. This is the first time that these two plans will be due in the same month. Councils are required to have a Municipal public health and wellbeing plan by Sunday 24 October 2021 and the Council Plan must be adopted by the council by 31 October 2021.

Implications of the changed timing for adoption of the Council Plan

The Public Health and Wellbeing Act requires the draft Council Plan to be included in a Council's application to the Secretary of the Department of Health for an exemption from producing a standalone municipal public health and wellbeing plan.

In previous planning cycles there was a four month period between the latest date for council approval of the Council Plan (6 months after a general election of the Council or by 30 June, whichever is the later) and the due date for preparation of a municipal public health and wellbeing plan (within 12 months of a general election of the Council under the Public Health and Wellbeing Act). This meant that any council that was unsuccessful in their application for an exemption still had sufficient time to produce a stand-alone municipal public health and wellbeing plan and satisfy the requirements of the Public Health and Wellbeing Act. This is no longer the case.

Councils will need to factor this change in timing into their Council Plan development schedule if they are considering applying for an exemption from producing a standalone municipal public health and wellbeing plan. Councils intending to seek an exemption will need to consider how they would address the requirements of the Public Health and Wellbeing Act if the council's application for an exemption is not granted.

To take account of this possibility, councils seeking an exemption are strongly encouraged to engage as early as possible with their Regional Operations Team, Prevention and Population Health Branch. This will ensure that the team has a good understanding of the planning process and activities being undertaken by the council to include public health and wellbeing matters in the Council Plan. The Regional Operations Team can also provide advice and support during the process.

Councils are also strongly encouraged to allow sufficient time in their Council Plan development schedule to either make any changes to the Council Plan if required by the Secretary in order to grant an exemption, or to develop a standalone municipal public health and wellbeing plan by the end of October if their exemption is not granted.

Exemption application, process and timelines

The application for exemption

Section 27 of the Act describes the process for seeking an exemption. Councils can submit their request for an exemption from the Secretary through prevention@health.vic.gov.au and provide:

- a copy of the draft Council Plan or Strategic Plan (and associated documentation deemed necessary by the council)
- a completed checklist (available from the Regional Operations Team) that summarises where each legislative requirement has been addressed in the draft Council Plan or Strategic Plan.

The assessment process

The Department of Health, will assess the request to determine if all legislative requirements of the Public Health and Wellbeing Act have been adequately met.

The Department of Health will formally acknowledge receipt of the application and the Regional Operations Team may contact the council for additional information to assist with assessment of the exemption application and/or advise the council of amendments needed to the draft Council Plan to adequately meet legislative requirements.

Due to a recent organisation change the Regional Operations teams in the Department of Health may continue to involve Area teams from the Department of Families, Fairness and Housing in the assessments and discussions with Councils during the transition period.

Timelines

Completed applications for exemption must be emailed to the Department of Health at prevention@health.vic.gov.au

The process for assessing a Council's application for exemption, and advising the council of the Secretary's (or delegate's) decision, will take up to four weeks from the date the complete application for exemption is acknowledged as having been lodged with the Department of Health.

Exemption applications open	Monday 29 March 2021
Exemption applications close	Wednesday 1 September 2021
Notification of decision	Councils will receive written advice (email/letter) of the outcome of their request for exemption within four weeks of formal acknowledgment of lodgement of the complete application for exemption.

If a council is not granted an exemption, the Secretary, Department of Health (or their delegate) will advise the Council in writing of the reasons for denying the exemption and the changes that would need to be made to the draft Council Plan or Strategic Plan in order for an exemption to be granted.

If a council is granted an exemption, section 27(6) of the Public Health and Wellbeing Act requires the Council to give a copy of the current Council Plan to the Secretary, Department of Health if a change is made to the Council Plan that relates to the matters specified in section 26(2).

To receive this document in another format [email prevention@health.vic.gov.au](mailto:prevention@health.vic.gov.au)
<prevention@dhhs.vic.gov.au>.

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Available at <https://www2.health.vic.gov.au/public-health/population-health-systems/municipal-public-health-and-wellbeing-planning> <<https://www2.health.vic.gov.au/public-health/population-health-systems/municipal-public-health-and-wellbeing-planning>>