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**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**HEALTH PROMOTION BILL 1995**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of**

**Kate Carnell  
Minister for Health and Community Care**

## **DRAFT EXPLANATORY MEMORANDUM**

### **HEALTH PROMOTION BILL 1995**

#### **OUTLINE**

**This Bill establishes the Health Promotion Board to ensure that community agencies and individuals are assisted in promoting health in the ACT. Successful health promotion activities not only help individuals attain or maintain better health but also provides opportunities for longer term reductions in health costs.**

**The Health Promotion Board is to be established as an independent agency in a similar manner to VicHealth in Victoria, Healthway in Western Australia and Foundation SA in South Australia. These agencies all have the promotion of good health and the prevention of disease as their primary focus. In the ACT since 1989 there has been a Health Promotion Fund with administration undertaken through the Department of Health and Community Care. This Bill instates an administration through the Board commensurate with the increased resources being put towards health promotion and the increased profile of activities expected within the ACT.**

#### **COST IMPLICATIONS**

**The Bill sets the income to the Board at five per cent of revenue from the Tobacco Franchise Fee. The appropriation of funds to give effect to this intention will be incorporated into the annual Appropriation Act. This approach ensures that the capacity of the Assembly to control annual expenditure through the Appropriation Act is maintained. In 1994-95 the ACT Health Promotion Fund was funded at a rate of \$957 469. In 1995-96 the estimate of revenue from the Tobacco Franchise Fee yields \$2.1 million for the purpose of health promotion.**

Previously staff and part of the operational costs were paid out of the Health Promotion Fund allocation. The Department of Health and Community Care absorbed all on-costs associated with accommodation, communication, transport and staffing on costs and further support was provided through location in the ACT Government Service. In future the Board will absorb all costs associated with its functions.

## **FORMAL CLAUSES**

### **PART I - PRELIMINARY CLAUSES**

**Clauses 1, 2 and 3** are formal requirements. They provide for the short title of the Bill, commencement and interpretation of terms used in the Bill.

### **PART II - ESTABLISHES THE ACT HEALTH PROMOTION BOARD**

#### ***Division 1 - Establishment, function and powers***

**Clause 4** establishes the ACT Health Promotion Board as a corporate body distinct from the Territory, while remaining an agent of the Crown.

**Clause 5** details the functions of the Board in funding grants and sponsorships directed towards the promotion of good health. It charges the Board with the encouragement and support of healthy pursuits, the promotion of good health through sponsorship of sports, recreation, arts and cultural activities, and funding activities directly related to the promotion of good health and the prevention of disease.

**Clause 6** details the powers of the Board to enable it to perform its functions. These include financial powers covering grants and the production of materials; and administrative arrangements including the appointment of committees and working groups to assist the Board in making decisions.

**Clause 7** gives the Minister for Health and Community Care the ability to provide direction to the Board in the performance of its functions. These directions are to be laid before the Legislative Assembly.

***Division 2 - Membership of the Board***

**Clause 8** details membership of the Board providing for a balance between interest groups in the Health, Sports and Arts areas and expertise to ensure sound business management.

**Clause 9** includes a position on the Board for a representative of the Department of Health and Community Care.

**Clause 10** covers the appointment of members to the Board. Members are to be appointed for three years with consideration for the appointees' ability to fulfil their roles in the position on the Board and their ability to contribute to the Board's activities.

**Clauses 11 to 15** cover the administrative arrangements for the Board including remuneration, leave arrangements, termination and acting appointments.

***Division 3 - Staff and Consultants***

**Clauses 16 to 17** maintain the staff of the Board as members of the ACT Government Service. It also allows for the engagement of consultants by the Board. Consultants may be used in the development of promotions, evaluation of activities and other work towards the performance of the Board's functions.

#### ***Division 4 - Procedure***

**Clauses 18 to 21** detail procedural arrangements for the Board. Committees created by the Board are subject to directions by the Board. Board and Committee members are required to disclose any interests which may conflict with their duties.

#### ***Division 5 - Confidentiality***

**Clause 22** requires Board members, committee members and staff of the Board not to disclose information given in confidence to the Board in the performance of its functions. Breach of this provision is to be a criminal offence.

### **PART III - COVERS THE FINANCES OF THE BOARD**

**Clause 23** provides four sources of income for the Board:

- (a) an initial "establishment amount";
- (b) five per cent of the projected annual tobacco franchise fee;
- (c) any income levied from the Board's activities (eg sale of promotional material);
- (d) investment income (including bank interest).

The appropriation of funds to give effect to a) and b) will be incorporated into the annual Appropriation Act.

**Clause 24** provides in sub clause (1) for an initial amount to be determined by the Minister to establish the Fund. This will allow the transfer of money remaining in the ACT Health Promotion Fund to the Board.

Sub clause (2) of **clause 24** provides for the transfer to the Board each year of five per cent of the projected tobacco franchise fee for the year, or a higher percentage of the fee determined by the Minister for Health and Community Care.

**Sub clause (3) of clause 24** provides for a determination under **sub clause (1) or (2)** to be laid before the Legislative Assembly.

**Clause 25** indicates the application of the Board's income to its major functions of grants and sponsorships to community organisations. It also indicates the type of administrative payments that will need to be drawn from this income.

**Clause 26** requires the Board to submit a strategic plan for three years' duration. The strategic plan consists of management objectives, campaign priorities, operational policies, performance indicators and the budget for the Board. These plans and any variations through the year under **Clause 27** are to be laid before the Legislative Assembly.

**Clause 28** applies the ***Audit Act 1982***, Divisions 1 and 2 of Part IX. This establishes a system of financial control for the Board, including provisions for bank accounts, investment, auditing and financial reporting.

## **PART VI - COVERS OTHER GENERAL MATTERS**

**Clause 29** provides immunity from legal action arising out of the performance in good faith of functions associated with the Act.

**Clause 30** requires an annual report to be submitted under the requirements of Section 30 A of the ***Interpretation Act 1967***. In this case the annual report on the Board's activities would be required within six months of the end of financial year. Extensions may be granted by the Minister where required. The report would be tabled in the Legislative Assembly by the Minister within fifteen sitting days of receipt of the report.

**Clause 31 allows for the making of regulations by the Executive. This is required for the initial remuneration to Board members if there is no existing determination by the Remuneration Tribunal. The Minister will seek a determination on behalf of the Board as soon as is practicable after its establishment.**