



Australian Institute of Health Amendment Act 1992

No. 16 of 1992

An Act to amend the *Australian Institute of Health Act 1987*

[Assented to 6 April 1992]

[Date of commencement 4 May 1992]

The Parliament of Australia enacts:

Short title etc.

1:(1) This Act may be cited as the *Australian Institute of Health Amendment Act 1992*.

- 5 (2) In this Act, “Principal Act” means the *Australian Institute of Health Act 1987*¹.

Short title

2. Section 1 of the Principal Act is amended by inserting “and Welfare” after “Health”.

10 Interpretation

3. Section 3 of the Principal Act is amended:

- (a) by inserting “and Welfare” after “Health” in the definition of “Institute” in subsection (1);

(b) by inserting the following definitions:

“**‘State Housing Department’** means the Department of State of a State or Territory that deals with matters relating to housing in the State or Territory;

‘State Housing Minister’ means:

- (a) the Minister of the Crown for a State; or
- (b) the Minister of the Australian Capital Territory; or
- (c) the Minister of the Northern Territory;

who is responsible, or principally responsible, for the administration of matters relating to housing in the State or Territory, as the case may be;

‘State Welfare Minister’ means:

- (a) the Minister of the Crown for a State; or
- (b) the Minister of the Australian Capital Territory; or
- (c) the Minister of the Northern Territory;

who is responsible, or principally responsible, for the administration of matters relating to welfare in the State or Territory, as the case may be;

‘welfare-related information and statistics’ means information and statistics collected and produced from data relevant to the provision of welfare services;

‘welfare services’ includes:

- (a) aged care services; and
- (b) child care services (including services designed to encourage or support participation by parents in educational courses, training and the labour force); and
- (c) services for people with disabilities; and
- (d) housing assistance (including programs designed to provide access to secure housing in the long term and programs to provide access to crisis accommodation in the short term); and
- (e) child welfare services (including, in particular, child protection and substitute care services); and
- (f) other community services.”.

Functions of the Institute

4. Section 5 of the Principal Act is amended:

(a) by inserting before subsection (1) the following subsection:

[Institute to have health-related and welfare-related functions]

“(1AA) The functions of the Institute are:

- (a) the health-related functions conferred by subsection (1); and

- (b) the welfare-related functions conferred by subsection (1A).”;
- (b) by omitting from subsection (1) “functions of the Institute” and substituting “Institute’s health-related functions”;
- 5 (c) by inserting in paragraph (1)(j) “under this subsection” after “Institute”;
- (d) by inserting after subsection (1) the following subsection:

[Welfare-related functions]

“(1A) The Institute’s welfare-related functions are:

- 10 (a) to collect, with the agreement of the Australian Bureau of Statistics, and, if necessary, with the Bureau’s assistance, welfare-related information and statistics (whether by itself or in association with other bodies or persons); and
- 15 (b) to produce welfare-related information and statistics (whether by itself or in association with other bodies or persons); and
- (c) to co-ordinate the collection and production of welfare-related information and statistics by other bodies or persons; and
- 20 (d) to provide assistance (including financial assistance) for the collection and production of welfare-related information and statistics by other bodies or persons; and
- 25 (e) to develop, in consultation with the Australian Bureau of Statistics, specialised statistical standards and classifications relevant to welfare services; and
- (f) subject to section 29, to enable researchers to have access to welfare-related information and statistics held by the
- 30 Institute or by bodies or persons with whom contracts or arrangements have been entered into by the Institute; and
- (g) to publish methodological and substantive reports on work carried out by or in association with the Institute under this subsection; and
- 35 (h) to do anything incidental to the functions conferred by paragraphs (a) to (g).”;
- (e) by omitting from subsection (3) “Subsection (1)” and substituting “This section”.

40 Directions by Minister

5. Section 7 of the Principal Act is amended:

- (a) by omitting from subsection (1) “, after consultation with the Chairperson and each of the State Health Ministers”;
- (b) by inserting after subsection (1) the following subsections:

“(1A) The Minister must consult the Chairperson before giving any direction to the Institute.

“(1B) The Minister must consult each State Health Minister before giving the direction if the direction relates to the Institute’s health-related functions. 5

“(1C) The Minister must consult each State Welfare Minister before giving the direction if the direction:

- (a) relates to the Institute’s welfare-related functions; and
- (b) does not concern housing matters.

“(1D) The Minister must consult each State Housing Minister before giving the direction if the direction: 10

- (a) relates to the Institute’s welfare-related functions; and
- (b) concerns housing matters.”.

Constitution of Institute

6. Section 8 of the Principal Act is amended: 15

(a) by omitting from paragraph (1)(c) “3 members” and substituting “a member”;

(b) by inserting after paragraph (1)(c) the following paragraphs:

“(ca) a member nominated by the Standing Committee of Social Welfare Administrators; 20

(cb) a representative of the State Housing Departments nominated in the manner determined by the Minister;”;

(c) by omitting paragraph (1)(f) and substituting the following paragraphs:

“(f) a person: 25

(i) who has knowledge of the needs of consumers of health services; and

(ii) whose nomination has been recommended by a body that is referred to in the Schedule and that represents consumers of health services; and 30

(iii) who has been nominated by the Minister;

(fa) a person:

(i) who has knowledge of the needs of consumers of welfare services; and

(ii) whose nomination has been recommended by a body that is referred to in the Schedule and that represents consumers of welfare services; and 35

(iii) who has been nominated by the Minister;

(fb) a person:

(i) who has knowledge of the needs of consumers of housing assistance services; and 40

(ii) whose nomination has been recommended by a

body that is referred to in the Schedule and that represents consumers of housing assistance services; and

(iii) who has been nominated by the Minister;

5 (fc) a person:

(i) who has expertise in research into public health issues; and

10 (ii) whose nomination has been recommended by a body that is referred to in the Schedule and that is a peak body promoting research into public health issues; and

(iii) who has been nominated by the Minister;”;

(d) by inserting in paragraph (1)(g) “other” after “3”;

15 (e) by omitting from paragraph (1)(h) “nominated by the Consumers’ Health Forum of Australia” and substituting “of the staff of the Institute elected by that staff”;

(f) by inserting after subsection (1) the following subsection:

“(1A) A recommendation for the purposes of paragraph (1)(f), (fa), (fb) or (fc):

20 (a) may be made by one or more bodies; and

(b) may contain one or more names.”;

(g) by omitting from paragraph (3)(a) “or (f)” and substituting “, (f), (fa), (fb), (fc) or (h)”;

(h) by omitting from paragraph (3)(b) “(c) or”;

25 (i) by inserting after paragraph (3)(b) the following paragraph:

“(ba) a vacancy of not more than 6 months duration in the office of a member referred to in paragraph (1)(c), (ca) or (cb);”;

30 (j) by omitting from subsection (5) “, and shall be appointed on a full-time or part-time basis for such period, not exceeding 3 years, as is specified in the instrument of appointment”;

(k) by inserting after subsection (5) the following subsections:

35 “(5A) Subject to this Act, a member referred to in paragraph (1)(a), (c), (ca), (cb), (f), (fa), (fb), (fc) or (g) may be appointed on a full-time or a part-time basis and holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment.

40 “(5B) Subject to this Act, a member elected under paragraph (1)(h) holds office on a part-time basis for a period of one year commencing on:

(a) the day on which the poll for the election of the member is held; or

(b) if that day occurs before the expiration of the term of

office of the person whose place the member fills—the day after the expiration of that term.”.

Remuneration and allowances

7. Section 10 of the Principal Act is amended by omitting from subsection (3) “*Tribunals*” and substituting “*Tribunal*”.

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Termination of appointment

8. Section 13 of the Principal Act is amended:

(a) by omitting from paragraph (3)(a) “or (f)” and substituting “, (ca) or (cb)”;

(b) by inserting after paragraph (3)(b) the following word and paragraph:

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“; or (c) a member has been elected under paragraph 8(1)(h) and the member ceases to be a member of the staff of the Institute.”.

Disclosure of interests

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9. Section 14 of the Principal Act is amended by omitting from subsection (3) “(f) or (h)” and substituting “(ca), (cb) or (h)”.

Committees

10. Section 16 of the Principal Act is amended:

(a) by omitting from subsection (1) “Australian Institute of”;

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(b) by inserting in subsection (1) “of the Australian Institute of Health and Welfare” after “Committee”;

(c) by omitting from subsection (12) “*Tribunals*” and substituting “*Tribunal*”.

Director of Institute

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11. Section 17 of the Principal Act is amended by omitting subsection (4).

Periodical reports

12. Section 31 of the Principal Act is amended:

(a) by inserting after subsection (1) the following subsection:

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“(1A) The Institute must submit to the Minister:

(a) as soon as practicable after (and in any event within 6 months of) 30 June 1993, a welfare report prepared by the Institute for the period:

(i) beginning on the day on which the *Australian Institute of Health Amendment Act 1992* commences; and

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(ii) ending on 30 June 1993; and

(b) as soon as practicable after (and in any event within

6 months of) 30 June 1995 and every second 30 June thereafter, a welfare report for the 2 year period ending on that 30 June.”;

(b) by inserting in paragraph (2)(a) “or welfare” after “health”;

5 (c) by inserting after subsection (3) the following subsection:

“(3A) A welfare report must provide:

(a) statistics and related information concerning the provision of welfare services to the Australian people; and

10 (b) an outline of the development of welfare-related information and statistics by the Institute, whether by itself or in association with other persons or bodies;

during the period to which the report relates.”;

(d) by inserting in subsection (4) “or (1A)” after “(1)”.

Schedule

15 **13.** The Principal Act is amended by adding at the end the Schedule set out in Schedule 1 to this Act.

Minor amendments

14. The Principal Act is further amended as set out in Schedule 2.

SCHEDULE 1

Section 13

NEW SCHEDULE TO PRINCIPAL ACT

SCHEDULE

Subsection 8(1)

BODIES THAT MAY NOMINATE BOARD MEMBERS

Australian Council of Social Service
Australian Hospital Association
Australian Medical Association
Australian Pensioners' and Superannuants' Federation
Australian Private Hospitals' Association
Brotherhood of St Laurence
Catholic Social Welfare Commission
Consumers' Health Forum of Australia
National Shelter
Public Health Association of Australia

SCHEDULE 2

Section 14

MINOR AMENDMENTS

Title to Act:

Insert "and Welfare" after "Health".

Heading to Part II:

Insert "AND WELFARE" after "HEALTH".

Subsection 3(1):

Insert the following definitions:

"**Ethics Committee**" means the Health Ethics Committee of the Australian Institute of Health and Welfare;

'health-related information and statistics' means information and statistics collected and produced from data relevant to health or health services;

'production' means compilation, analysis and dissemination;".

Subsection 4(1):

Insert "and Welfare" after "Health".

Subsection 5(2):

Omit the subsection.

SCHEDULE 2—continued

Subsection 29(2):

Omit “Nothing”, substitute “Subject to subsections (2A) and (2B), nothing”.

Paragraph 29(2)(c):

Omit “Australian Institute of Health”.

After subsection 29(2):

Insert:

“(2A) Paragraph (2)(c) applies only to information that is health-related information and statistics.

“(2B) Paragraph (2)(c) applies to a document only to the extent to which the document contains health-related information and statistics.”.

NOTE

1. No. 41, 1987, as amended. For previous amendments, see No. 79, 1988; No. 95, 1989; and No. 122, 1991.

NOTE ABOUT SUBSECTION HEADINGS

1. On the day on which this Act commences, headings to subsections of the *Australian Institute of Health Act 1987* are inserted as set out in the following Table:

TABLE

Subsection	Heading
Subsection 5(1)	[Health-related functions]
Subsection 5(2)	[Interpretation]
Subsection 5(3)	[Functions of Australian Bureau of Statistics not limited by this section]

[Minister's second reading speech made in—
House of Representatives on 7 November 1991
Senate on 13 November 1991]