



## **Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 15 March 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Greg Hunt  
Minister for Health

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## 1 Name

This instrument is the *Australian Institute of Health and Welfare (Ethics Committee) Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	21 March 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Australian Institute of Health and Welfare Act 1987*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## 5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Director;
- (b) health-related information and statistics;
- (c) Institute;
- (d) production;
- (e) welfare-related information and statistics.

In this instrument:

**Act** means the *Australian Institute of Health and Welfare Act 1987*.

**identifiable data** has the meaning given by subsection 6(5).

**Institute activities** has the meaning given by subsection 6(3).

*Institute-assisted activities* has the meaning given by subsection 6(4).

## 6 Functions of Ethics Committee

### *Functions*

- (1) For the purposes of subsection 16(2) of the Act, the Ethics Committee has the following functions:
  - (a) to consider ethical matters relating to Institute activities or Institute-assisted activities, including:
    - (i) advising the Institute on such matters; or
    - (ii) imposing conditions, on ethical grounds, on the Institute engaging in Institute activities;
  - (b) to advise any body or person on ethical matters relating to the collection and production of:
    - (i) health-related information and statistics; or
    - (ii) welfare-related information and statistics;
  - (c) the function of the Ethics Committee under paragraph 29(2)(c) of the Act;
  - (d) the functions of a Human Research Ethics Committee under guidelines in force from time to time under section 95 or 95A of the *Privacy Act 1988*;
  - (e) to provide written annual reports of the Ethics Committee's operations to the Institute;
  - (f) any other functions of the Ethics Committee under the Act or any other law.
- (2) The Ethics Committee, in performing the functions mentioned in paragraphs (1)(a), (b) and (c):
  - (a) must have regard to any relevant ethical principles and standards formulated or adopted by the National Health and Medical Research Council; and
  - (b) may have regard to any other matters that the Ethics Committee considers relevant.

### *Definitions*

- (3) ***Institute activities*** are activities engaged in, or proposed to be engaged in, by the Institute, including:
  - (a) releasing data, including identifiable data; or
  - (b) associating, or assisting, with Institute-assisted activities.
- (4) ***Institute-assisted activities*** are activities engaged in, or proposed to be engaged in, by bodies or persons (other than the Institute) in association with, or with the assistance of, the Institute.
- (5) ***Identifiable data*** is data from which a person (within the meaning of section 29 of the Act) can be identified.

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## 7 Composition of Ethics Committee

For the purposes of subsection 16(2) of the Act, the Ethics Committee consists of the following members:

- (a) a Chair of the Ethics Committee;
- (b) a Deputy Chair of the Ethics Committee;
- (c) the Director or a person nominated by the Director;
- (d) at least one person with knowledge of, and current experience in, the professional care, counselling or treatment of people;
- (e) at least one person with knowledge of, and current experience in, areas of research that are regularly considered by the Ethics Committee;
- (f) a person nominated by the persons responsible in the States and Territories for registering births, deaths and marriages;
- (g) at least one person who performs a pastoral care role in a community;
- (h) at least one lawyer;
- (i) at least 2 persons (including at least one man and at least one woman) who:
  - (i) are able to represent general community attitudes; and
  - (ii) are not affiliated with the Institute; and
  - (iii) are not currently involved in medical, scientific or legal work.

Example 1: For paragraph (d), a medical practitioner, clinical psychologist, social worker or nurse.

Example 2: For paragraph (g), an Aboriginal elder or a minister of religion.

Note: The members of the Ethics Committee are appointed by the Institute under subsection 16(1) of the Act.

## **Schedule 1—Repeals**

### *Australian Institute of Health and Welfare Ethics Committee Regulations 1989*

#### **1 The whole of the instrument**

Repeal the instrument.