

1998/99/2000

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
SENATE

HEALTH LEGISLATION AMENDMENT BILL (NO.3) 1998

SUPPLEMENTARY EXPLANATORY MEMORANDUM

(Amendments to be moved on behalf of the Government)

(Circulated by authority of the Minister for Health and Aged Care,
the Hon Dr Michael Wooldridge, MP)

HEALTH LEGISLATION AMENDMENT BILL (NO. 3) 1998

OUTLINE

These amendments amend the *Health Legislation Amendment Bill (No.3) 1998* (the Bill). This Bill, as introduced in 1998, amends the *National Health and Medical Research Council Act 1992* (the Act) by addressing some of the administrative and procedural issues which have prevented the National Health and Medical Research Council (the Council) from discharging its statutory functions in an effective and efficient manner.

Additional amendments became necessary following the Health and Medical Research Strategic Review, and cover two main issues.

Firstly, the amendments make provision for the Minister to approve the Council's strategic plan providing a greater degree of transparency and accountability.

Secondly, the amendments allow for the appointment of a Chief Executive Officer to the Council, while repealing the existing position of Secretary to the Council.

FINANCIAL IMPACT STATEMENT

Remuneration of the Chief Executive Officer will not be an additional cost as funds have already been appropriated.

NOTES ON CLAUSES

Amendment (1)

This amendment inserts a new Item 1A in Schedule 1. The new item amends section 4 of the Act by adding a new definition of Chief Executive Officer.

Amendment (2)

This amendment inserts new items 6A to 6N into Schedule 1.

New item 6A repeals subsection 16(6), which is replaced by a similar provision for tabling the strategic plan at item 6C.

Items 6B and 6C amend section 18 of the Act by introducing additional provisions to provide for the including approval, commencement and tabling of strategic plans. The amendments includes a stipulation that the Minister approves the Council's strategic plan which is to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister approves it.

The amendments make provision for the Minister to reject Council's strategic plan and to request a different strategic plan. Council must comply with this request as soon as reasonably practicable. Strategic plans come into effect immediately after the end of the period covered by the preceding strategic plan or when approved by the Minister if that approval comes after the end of the period of the preceding strategic plan.

Items 6D, 6E, 6F, 6G and 6H - amend section 19, variation to strategic plans, consequent upon the amendments made at section 18. Specifically, when varying a strategic plan Council must seek the Minister's approval.

Item 6J – provides for the application of these amendments for all strategic plans for periods starting after 30 June 2000.

Item 6K – repeals reference to the Secretary to the Council and replaces it with reference to the Chief Executive Officer pursuant to amendments at item 6L.

Item 6L – repeals section 22 deleting reference to the appointment of a Secretary to the Council. This function will be assumed by the Chief Executive Officer under amendment (4) below.

Item 6M and 6N – Replaces references to the Secretary to the Council with references to the Chief Executive Officer and includes reference to remuneration for the Chief Executive Officer.

Amendment (3)

This amendment inserts a new Item 8A into Schedule 1 to amend paragraph 37(2)(c) of the Act to replace the reference to the Secretary to the Council with a reference to the Chief Executive Officer as a member of the Executive Committee.

Amendment (4)

This amendment inserts a new Item 16A into Schedule 1 of the Bill to introduce a new Part 5A into the Act to provide for the appointment of a Chief Executive Officer. The Chief Executive Officer will be the executive officer of the Council and will be responsible for the day to day activities of the Council.

Under proposed section 44B of the Act the Minister will appoint the Chief Executive Officer, on a full time basis, for a period not exceeding five (5) years. The Remuneration Tribunal will determine remuneration, and other terms and conditions of employment will be specified by the Minister, in writing, at the time of appointment.

Provisions for the resignation of the Chief Executive Officer, and acting arrangements to cover periods of absence, are also included.

Item 16B expands the existing section 45 of the Act to provide that staff of the Council, and officers and employees of the Department assisting the Council, work at the direction of the Chief Executive Officer.

Amendment (5)

This amendment introduces new item 18A –to replace references to the Secretary to the Council with references to the Chief Executive Officer in paragraph 81 (2)(e), thus giving the Chief Executive Officer the same protection from civil proceedings as that previously afforded the Secretary to the Council.

Amendment (6)

This amendment introduces a new Item 21 which replaces reference to the Secretary to the Council with reference to the Chief Executive Officer in paragraph 82 (2)(c) of the Act, thus giving Council the ability to delegate any of its powers to the Chief Executive Officer.

