

Health Services (Amendment) Bill

As Sent Print

EXPLANATORY MEMORANDUM

General

The purpose of this Act is to amend the **Health Services Act 1988** to provide for elected and appointed members of boards of community health centres.

Clause Notes

- Clause 1 sets out the purposes of the Bill.
- Clause 2 is the commencement provision. The Act comes into operation on 1 April 2001.
- Clause 3 substitutes new provisions for sections 46 to 51 of the **Health Services Act 1988** and inserts a new section 51A.

The new section 46 provides that—

- the board of management of a community health centre shall consist of between 7 and 9 members, 4 or 5 of whom shall be elected members and 2 to 4 of whom shall be appointed by the Governor in Council.
- the Minister must consult with current members of a board before nominating a person as a board member to the Governor in Council.
- an employee of a community health centre is not able to be a member of the board of that centre.
- the **Public Sector Management and Employment Act 1998** will not apply to a member of a board.

The new section 47 provides that—

- both appointed and elected members hold office until the third annual general meeting after their appointment or

election and are then eligible for re-appointment or re-election.

- board members may have expenses reimbursed from an annual grant by the Secretary.

The new section 48 provides that—

- Each member of the board has one vote.
- A quorum for the operation of the board consists of the majority of board members.
- The board may decide its own procedures.

The new section 49 provides that—

- If a casual vacancy occurs in the office of an appointed member such that the number of members remaining is less than 7—
 - the board must co-opt a new member to fill the vacancy until the next annual general meeting or an earlier date; and
 - upon the expiry of the term of the co-opted member, the vacancy must be filled by a person appointed by the Governor in Council.
- If a casual vacancy occurs in the office of an appointed member such that the number of members remaining is 7 or more—
 - the board may co-opt a new member to fill the vacancy until the next annual general meeting or an earlier date; and
 - upon the expiry of the term of the co-opted member, the vacancy may be filled by a person appointed by the Governor in Council.
- If a casual vacancy occurs in the office of an elected member such that the number of members remaining is less than 7, or the number of elected members is less than 4,
 - if the regulations provide for a method of determining the next person eligible to be elected

- at the last election, that person is deemed elected; and
 - if there is no such person eligible and available the board must co-opt a new member to fill the vacancy until the next annual general meeting or an earlier date; and
 - upon the expiry of the term of the co-opted member, the vacancy must be filled by an election; and
 - if the term of the co-opted member expires before an election can be held, the term of the co-opted member is deemed extended until the date of the election.
- If a casual vacancy occurs in the office of an elected member such that the number of members remaining is 7 or more, and the number of elected members is 4 or more,
 - if the regulations provide for a method of determining the next person eligible to be elected at the last election, that person is deemed elected; and
 - if there is no such person eligible and available, the board may co-opt a new member to fill the vacancy until the next annual general meeting or an earlier date; and
 - upon the expiry of the term of the co-opted member, the vacancy may be filled by an election.

The new section 50 provides that—

- An appointed member and an elected member of a board may resign by writing delivered to the Governor in Council or the chief executive officer of the health centre respectively.
- The Governor in Council may remove any member of the board on the recommendation of the Minister.

The new section 51 provides that—

- The chief executive officer of a community health centre will maintain an electoral roll, made up of the current members of the centre.
- A person is eligible to be a member of a centre if a person is of or over 18 and lives, works or is a student in the gazetted area of the centre, or is a client of the centre.
- The chief executive officer can remove the name of a person from the roll of electors if a person is no longer eligible to be a member or if the person has not had contact with the centre for the previous 2 years.
- If insufficient candidates nominate to fill the number of vacancies at an election, the Governor in Council may appoint a person to fill the vacancy until the next annual general meeting or an earlier date specified in the appointment, and that person will be deemed to be an elected member. If, at the end of that appointment, a person is elected to the vacancy, that person holds office until the next annual general meeting at which the three-year terms of office of elected members expire.
- If the number of candidates is equal to or less than the number of vacancies at an election the board may appoint those candidates to the vacancies, and they will be deemed to be elected members.
- The Victorian Electoral Commissioner will conduct the elections required for membership of the boards of management of community health centres in accordance with the regulations.

The new section 51A provides that—

An act or decision of a board is not invalid just because there is some irregularity surrounding the way a member has been appointed or elected, or because there is a vacancy on the board.

Clause 4 inserts a power for the Governor in Council to make regulations about elections for boards of community health centres and provides that the regulations may leave decisions associated with the elections to the Electoral Commissioner. It includes a

requirement that the Minister ensure that the Electoral Commissioner is consulted before these regulations are made.

Clause 5 inserts a new Part 10 containing section 230 in the **Health Services Act 1988**.

Section 230 is a transitional provision which provides that, as at April 2001—

- Existing boards of community health centres continue to be the board until the centre's next annual general meeting. That meeting in relation to the financial year ending 30 June 2001 must be held in the third or fourth week of October 2001.
- Members of the existing boards continue on as members until the next annual general meeting, unless they resign or are removed from office before then.
- A vacancy on an existing board will not be filled before the next annual general meeting unless it is necessary to do so to bring the numbers of board members to 7. In this event, the Secretary will decide how any vacancy is to be filled.
- At the first annual general meeting of a community health centre held after 1 April 2001 all board positions will fall vacant and the vacancies will be filled in accordance with Division 6 of Part 3.
- The Minister must consult with members of the existing board before nominating persons to the Governor in Council to fill the vacancies created at the first annual general meeting after 1 April 2001.

