

# Functions of boards as prescribed by the Victorian *Health Services Act 1988*

## HEALTH SERVICES ACT 1988, DIVISION 9 B – Public Health Services

### SECTION 65 S - *Board of Directors*

- (1) There shall be a board of directors of each public health service.
- (2) The functions of the board of a public health service are —
  - (a) to develop statements of priorities and strategic plans for the operation of the public health service and to monitor compliance with those statements and plans;
  - (b) to develop financial and business plans, strategies and budgets to ensure the accountable and efficient provision of health services by the public health service and the long term financial viability of the public health service;
  - (c) to establish and maintain effective systems to ensure that the health services provided meet the needs of the communities served by the public health service and that the views of users and providers of health services are taken into account;
  - (d) to monitor the performance of the public health service to ensure that—
    - (i) the public health service operates within its budget;
    - (ii) its audit and accounting systems accurately reflect the financial position and viability of the public health service;
    - (iii) the public health service adheres to its financial and business plans, strategic plans and statements of priorities;
    - (iv) effective and accountable risk management systems are in place;
    - (v) effective and accountable systems are in place to monitor and improve the quality and effectiveness of health services provided by the public health service;
    - (vi) any problems identified with the quality or effectiveness of the health services provided are addressed in a timely manner;
    - (vii) the public health service continuously strives to improve the quality of the health services it provides and to foster innovation;
    - (viii) committees established or appointed under this Division operate effectively;
  - (e) to appoint a chief executive officer of the public health service and to determine, subject to the Secretary's approval, his or her remuneration and the terms and conditions of appointment;
  - (f) to monitor the performance of the chief executive officer of the public health service, each financial year, having regard to the objectives, priorities and key performance outcomes specified in the service's statement of priorities under section 65ZFA;
  - (g) to establish the organisational structure, including the management structure, of the public health service;
  - (h) to develop arrangements with other relevant agencies and service providers to enable effective and efficient service delivery and continuity of care;
  - (i) to ensure that the Minister and the Secretary are advised about significant board decisions and are informed in a timely manner of any issues of public concern or risks that affect or may affect the public health service;
  - (j) to establish a Finance Committee, an Audit Committee and a Quality Committee;
  - (k) to facilitate health research and education;
  - (l) to adopt a code of conduct for staff of the public health service;

(m) to provide appropriate training for directors;

(n) any other functions conferred on the board by or under this Act.

(3) The board of a public health service has such powers as are necessary to enable it to carry out its functions, including the power, subject to section 24, to make, amend or revoke by-laws.

(4) In performing its functions and exercising its powers, the board of a public health service must have regard to—

(a) the needs and views of patients and other users of the health services that the public health service provides and the community that the public health service serves; and

(b) the need to ensure that the public health service uses its resources in an effective and efficient manner; and

(c) the need to ensure that resources of the Victorian public hospital sector generally are used effectively and efficiently.

#### **65T. Directors**

(1) The board of a public health service shall consist of not less than 6 and not more than 9 persons appointed by the Governor in Council on the recommendation of the Minister.

(2) The Governor in Council, on the recommendation of the Minister, may appoint one of the directors of the board to be the chairperson of the board.

(3) In making a recommendation under this section, the Minister must ensure that—

(a) the board includes at least one person who is able to reflect the perspectives of users of health services; and

(b) women and men are adequately represented.

(4) In considering a recommendation for the purposes of sub-section (3)(a), the Minister must give preference to a person—

(a) who is not a registered provider within the meaning of the **Health Services (Conciliation and Review) Act 1987**; and

(b) who is not currently or has not recently been employed or engaged in the provision of health services.

(5) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a director of a board of a public health service in respect of the office of director.

## HEALTH SERVICES ACT 1988, DIVISION 4 – Public Hospitals

### SECTION 33 – *Board of management*

- (1) There shall be a board of management of each public hospital.
- (2) The functions of the board of a public hospital are—
  - (a) to oversee and manage the hospital; and
  - (b) to ensure that the services provided by the hospital comply with the requirements of this Act and the objects of the hospital.
- (2A) The board of a public hospital has such powers as are necessary to enable it to carry out its functions, including the power to make, amend or revoke by-laws.
- (3) The board of a public hospital shall consist of—
  - (a) not less than 6 and not more than 12 natural persons—
    - (i) in the case of the first board of a public hospital added to Schedule 1 after the commencement of this section, nominated by the Minister; and
    - (ii) in any other case, nominated by the Minister after consideration of a name or names submitted by the board; and
  - (b) if the hospital is associated with a university and is prescribed as a clinical school of that university, a natural person nominated by the Minister from a panel of three names submitted to the board by the council of the university.
- (4) If the board does not submit a name or names for the purposes of sub-section (3)(a) within 60 days after receiving a request to do so from the Minister, the Minister may nominate a natural person or natural persons for the purposes of that sub-section.
- (5) For the purposes of sub-section (3)(a)—
  - (a) before the board submits a name or names, the board must cause a notice to be published in a newspaper circulating generally in the area where the hospital is situated inviting nominations for membership of the board; and
  - (b) if more than one name is submitted, the board must list the names in order of its preference.
- (6) For the purposes of sub-section (3)(b), where the council of a university submits names to the board of a hospital, the board must give those names to the Minister, together with any recommendations.
- (7) The members of a board shall be appointed by the Governor in Council.
- (8) The number of registered medical practitioners appointed to a board must not exceed one quarter of the number of members of the board (excluding the members referred to in sub-section (3)(b)).
- [(9) Repealed 1995]
- (10) In nominating a person or persons for appointment to a board, the Minister must ensure that both men and women are adequately represented on the board.
- (11) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of a board in respect of the office of member.

## HEALTH SERVICES ACT 1988, PART 4 A – Multi purpose services

### SECTION 115E – *Board of management*

- (1) There shall be a board of management of each multi purpose service.
- (2) The functions of the board of a multi purpose service are—
  - (a) to oversee and manage the service; and
  - (b) to ensure that the services provided by the service comply with the requirements of this Act, the objects of the service, its by-laws and any agreement entered into by the service.
- (3) The board of a multi purpose service has such powers as are necessary to enable it to carry out its functions, including the power to make, amend or revoke by-laws.
- (4) The board of a multi purpose service shall consist of not less than 6 and not more than 12 natural persons—
  - (a) in the case of the first board of a multi purpose service, nominated by the Minister; and
  - (b) in any other case, nominated by the Minister after consideration of a name or names submitted by the board.
- (5) If the board does not submit a name or names for the purposes of sub-section (4) within 60 days after receiving a request to do so from the Minister, the Minister may nominate a natural person or natural persons for the purposes of that sub-section.
- (6) The members of a board shall be appointed by the Governor in Council.
- (7) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of a board in respect of the office of member.