



Australian Government
Australian Digital Health Agency



Jurisdictional Advisory Committee Charter

18 April 2018
Approved

1 Purpose

The Australian Digital Health Agency (the Agency) commenced operations in July 2016 to lead the digital transformation of healthcare to create a better health system and enable Australians to make more informed decisions about their health.

The Agency is governed by a [skills based Board](#) and is supported by several expert Advisory Committees, including the Jurisdictional Advisory Committee.

The Jurisdictional Advisory Committee will:

- provide advice to the Board in relation to all matters that are being considered, or are to be considered, by the Board in order to facilitate national consistency in relation to digital health.

2 Composition and Operation

The Australian Digital Health Agency (the Agency) was established by the *Public Governance, Performance and Accountability (Establishing the Australian Digital Health Agency) Rule 2016* (Rule), which also sets out the composition and operations of the Advisory Committees. This Charter operates within the broader framework of Part 6 of the Rule.

2.1 Membership

The Jurisdictional Advisory Committee consists of:

- a) a member to represent the Department
- b) a separate member to represent each State, the Australian Capital Territory and the Northern Territory.

Meetings are to be chaired by members from category (b) on a rotating basis.

2.2 Appointment of Jurisdictional Advisory Committee Members

The Board must not appoint the member in (a) unless the member has been nominated in writing by the Secretary of the Department.

The Board must not appoint members (b) unless the person to be appointed has been nominated in writing by the head (however called) of the Health Department of the relevant State or Territory.

Before the Board appoints a person to the Jurisdictional Advisory Committee the Board must consult the Health Minister and all the State/Territory Health Ministers.

2.3 Jurisdictional Advisory Committee term

A person appointed to the Jurisdictional Advisory Committee (other than a Board member) holds office for the period, not exceeding three years, specified in the instrument of appointment.

2.4 Board direction

The Board may give directions to the Jurisdictional Advisory Committee relating to the assistance that the committee is to provide to the Board. The committee must comply with those directions.

2.5 Powers

The Jurisdictional Advisory Committee may, subject to the required membership and Chair appointments by the Board and any written directions of the Board, determine its own procedures.

Reports or recommendations from the Committee to the Board are prescribed under Part 9 of the Rule – Reporting, as being a document that, once received by the Board, must, as soon as practicable after the Board has received it, be advised as available to State/Territory Health Ministers. If a request for the information is received the Board must give the report, document or information to the State/Territory Health Minister within 30 days after the request was made to the Board.

2.6 Other terms and conditions

A Jurisdictional Advisory Committee member holds office on the terms and conditions (if any) in relation to matters not covered by the PGPA Rule that are determined by the Board.

2.7 Acting Jurisdictional Advisory Committee arrangements

2.7.1 Acting Jurisdictional Advisory Committee Chair and Jurisdictional Advisory Committee members

The Board Chair may, by written instrument, appoint a person to act as a member of the Jurisdictional Advisory Committee during a vacancy in the office of a member of the committee (whether or not an appointment has previously been made to the office) or during any period, or during all periods, when a member of the committee is absent from duty or is, for any reason, unable to perform the duties of the office of the member.

A person must not be appointed to act as a member of the committee for more than 6 months.

A person is not eligible for appointment to act as member of the committee unless the person is eligible for appointment as a member of the committee.

2.7.2 Jurisdictional Advisory Committee proxy attendance

Members may nominate a proxy if they are unable to participate in a meeting. The Secretariat must be notified of proxy details with as much notice as possible.

2.7.3 Jurisdictional Advisory Committee proxy rights

Nominated proxies have full membership rights during the meeting/s they represent a standing member; including but not limited to, contributing to quorum requirements and acting on behalf of the jurisdiction they represent.

3 Remuneration, allowances and Leave Arrangements

3.1 Remuneration of Jurisdictional Advisory Committee Members

A Jurisdictional Advisory Committee member is to be paid the remuneration that is determined by the Remuneration Tribunal.

Remuneration and Allowances for the Australian Digital Health Agency Board's Jurisdictional Advisory Committee are described in [2015-20 Remuneration and Allowances for Holders of Part-Time public office](#).

Travel Allowances are described in [Determination 2015/11: Official Travel by Office Holders](#).

However, a Jurisdictional Advisory Committee member is not entitled to be paid remuneration if he or she holds an office or appointment, or is otherwise employed, on a full-time basis in the service or employment of:

- a State; or
- a corporation (a public statutory corporation) that:
 - is established for a public purpose by a law of a State; and
 - is not a tertiary education institution; or
 - a company limited by guarantee, where the interests and rights of the members in or in relation to the company are beneficially owned by a State; or
 - a company in which all the stock or shares are beneficially owned by a State or by a public statutory corporation.

An office of Jurisdictional Advisory Committee member is not a public office for the purposes of Part II of the *Remuneration Tribunal Act 1973*.

3.2 Travel, allowances and expenses

Business and travel expenses and will be in accordance with the *Agency Travel, Allowances and Business Expense Policy*. This Policy aligns with public sector

expense standards such as 'best fare of the day' economy class travel for domestic flights. A copy of the Policy is available on the Agency website.

3.3 Leave for Jurisdictional Advisory Committee members

The Board Chair may grant leave of absence to a member of the Jurisdictional Advisory Committee on the terms and conditions that the Board Chair determines.

The Board Chair must notify the Minister for Health and all the State/Territory Health Ministers if the Board Chair grants a member of the Jurisdictional Advisory Committee leave of absence for a period that exceeds 3 months.

4 Committee Members' Responsibilities

The Jurisdictional Advisory Committee subscribes to conflict of interest principles set out in the Australian Public Service Commission's [Values and Code of Conduct in practice: A guide to official conduct for APS employees and agency heads](#).

4.1 Confidentiality

All deliberations, decisions and activities of the Jurisdictional Advisory Committee are confidential where they are explicitly labelled as "in-confidence". The "in-confidence" label will only be added in extremely limited circumstances.

As the Jurisdictional Advisory Committee seeks to provide advice from a jurisdictional perspective to the Board, members of the JAC will by necessity need to discuss the activities and decisions of the JAC with other members from the relevant Department within a jurisdiction. For all deliberations, decisions and activities that are not explicitly labelled as "in-confidence", members are permitted to discuss these with their jurisdictional colleagues to inform further discussions by the Jurisdictional Advisory Committee.

4.2 Disclosure of Interests and Conflicts

At each Jurisdictional Advisory Committee meeting (including meetings convened by teleconference or other form of electronic communication), the Jurisdictional Advisory Committee Chair must seek declarations of interests from all Jurisdictional Advisory Committee members present. A Jurisdictional Advisory Committee member who has a material personal interest in a matter that relates to the affairs of the Agency must give the other Jurisdictional Advisory Committee members notice of the interest.

The notice must give details of:

- The nature and extent of the interest; and
- The relation of the interest to the affairs of the Agency; and

- Be given at a Jurisdictional Advisory Committee meeting as soon as practicable after the Jurisdictional Advisory Committee member becomes aware of his or her interest in the matter.

The details must be recorded in the minutes of the meeting. Additionally, the Australian Digital Health Agency Jurisdictional Advisory Committee secretariat must retain all details of interests declared and all standing notices of interest.

4.3 Restrictions on outside employment

A member of the Jurisdictional Advisory Committee member must not engage in any paid employment that, in the Board's opinion, conflicts or may conflict with the proper performance of his or her duties on the Jurisdictional Advisory Committee.

5 Meetings

5.1 Jurisdictional Advisory Committee Members' Conduct in meetings

The Jurisdictional Advisory Committee may, subject to the required membership and Chair appointments by the Board and any written directions of the Board, determine its own procedures.

Section 15 of the Public Governance, Performance and Accountability Rule 2014 deals with the consequences of having a material personal interest and may affect whether a Jurisdictional Advisory Committee member can be present at a meeting and vote in relation to a matter.

5.2 Convening Meetings

The Jurisdictional Advisory Committee Chair must convene such meetings of the Jurisdictional Advisory Committee as are, in his or her opinion, necessary for the efficient conduct of its affairs.

The Jurisdictional Advisory Committee Chair must convene at least two meetings annually and further meetings dependent on workload.

The Jurisdictional Advisory Committee Chair must convene a meeting of the Jurisdictional Advisory Committee if directed to do so by the Board Chair.

On receipt of a written request signed by a majority of the Jurisdictional Advisory Committee members, the Jurisdictional Advisory Committee Chair must convene a meeting of the Jurisdictional Advisory Committee.

5.3 Presiding at Jurisdictional Advisory Committee meetings

The Jurisdictional Advisory Committee Chair must preside at all meetings of the Jurisdictional Advisory Committee at which he or she is present.

If the Jurisdictional Advisory Committee Chair is not present at a meeting of the Jurisdictional Advisory Committee, the Jurisdictional Advisory Committee members present must elect one of their number to preside at the meeting.

5.4 Quorum

At a meeting of the Jurisdictional Advisory Committee, a quorum is constituted by a majority of the Jurisdictional Advisory Committee members for the time being holding office.

However, if:

- a Jurisdictional Advisory Committee member is required by section 15 of the Public Governance, Performance and Accountability Rule 2014 (which deals with material personal interests):
 - not to be present while a matter is being considered at a meeting of the Jurisdictional Advisory Committee; or
 - not to vote on a matter that is being considered at a meeting of the Jurisdictional Advisory Committee; and
- when the Jurisdictional Advisory Committee member leaves the meeting concerned there is no longer a quorum present the Jurisdictional Advisory Committee members remaining at the meeting constitute a quorum for the purposes of any consideration of, or vote on, the matter at the meeting.

5.5 Voting

At a meeting of the Jurisdictional Advisory Committee, a question is decided by a majority of the votes of Jurisdictional Advisory Committee members present and voting.

The Jurisdictional Advisory Committee member presiding at the meeting has:

- a deliberative vote; and
- in the event of an equality of votes, a casting vote.

5.6 Jurisdictional Advisory Committee Minutes

The Jurisdictional Advisory Committee must keep minutes of its meetings.

The Jurisdictional Advisory Committee may establish its own procedures for determining matters out of session and must keep a record of decisions made in accordance with the procedure.

6 Committee Reports and Recommendations to the Board

6.1 Sharing information with other jurisdictions

The Agency is a prescribed agency for the purpose of paragraph 82 of the PGPA Act, which means that each State/Territory Health Minister may request the following reports, documents and information from the Jurisdictional Advisory Committee:

- a report or recommendation prepared by the Jurisdictional Advisory Committee for consideration by the Board of the Australian Digital Health Agency, once the Board has received the report or recommendation from the Jurisdictional Advisory Committee.

The Board must advise State/Territory Health Ministers of availability of documents as soon as practicable.

The Board must provide these within 30 days after the State/Territory Health Minister's request.

6.2 Annual performance report to the Board

The Jurisdictional Advisory Committee must prepare an annual performance report of its deliverables under the Board's national digital health work program for each financial year. The annual performance report must be prepared and delivered by the date requested by the Board before 31 March in the financial year.

7 Resignation and Termination

7.1 Resignation of Jurisdictional Advisory Committee members

A Jurisdictional Advisory Committee member may resign his or her appointment by giving the Board Chair a written resignation. The resignation takes effect on the day it is received by the Board Chair or, if a later day is specified in the resignation, on that later day.

7.2 Termination of appointments of Jurisdictional Advisory Committee members

The Board may terminate the appointment of a Jurisdictional Advisory Committee member:

- a) for misbehaviour
- b) if the member is unable to perform the duties of his or her office because of physical or mental incapacity
- c) if the member

- i. becomes bankrupt; or
 - ii. takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - iii. compounds with one or more of his or her creditors; or
 - iv. makes an assignment of his or her remuneration for the benefit of one or more of his or her creditors; or
- d) if the member is absent, except on leave of absence, from 3 consecutive meetings of the committee; or
- e) if the member engages in paid work that, in the Board's opinion, conflicts or may conflict with the proper performance of his or her duties.

7.3 Procedures relating to certain terminations

The Board Chair must not terminate the appointment of a member of the Jurisdictional Advisory Committee member, unless:

- a) in the case of a member to represent the Department, the Board Chair has received a written direction from the Secretary of the Department; and
- b) in the case of a member appointed as a separate member to represent each State, the Australian Capital Territory and the Northern Territory the Department, the Board Chair has received a written direction from the head (however called) of the Health Department of the relevant State or Territory to terminate the member's appointment.

8 Jurisdictional Advisory Committee Performance Review

The Board Chair will arrange for Jurisdictional Advisory Committee performance reviews every three years. Performance will be assessed against this Charter.

9 Publication and Review of Charter

This Charter will be available on the Agency's website. The Board must review this Charter annually to ensure it remains consistent with the Jurisdictional Advisory Committee's functions.