

Tobacco Act 1987



Tobacco (Victorian Health Promotion Foundation) Amendment Regulations 2025

EXPLANATORY MEMORANDUM

Summary

- Members of the Victorian Health Promotion Foundation (VicHealth) board are appointed by the Tobacco (Victorian Health Promotion Foundation) Regulations 2020 made under the **Tobacco Act 1987**.
- It is proposed that the Tobacco (Victorian Health Promotion Foundation) Regulations 2020 be amended to appoint Professor Danielle Mazza AM as a member of the VicHealth board in the category of persons with expertise in health and illness prevention.

Recommendation

1. It is recommended to the Governor in Council that the Tobacco (Victorian Health Promotion Foundation) Amendment Regulations 2025 ('the Proposed Regulations') be made.

Background to proposed Regulations and their effect

2. Section 21 of the **Tobacco Act 1987** ('the Act') provides for the composition of the Victorian Health Promotion Foundation (VicHealth) board. The section stipulates the categories and numbers of members that will make up VicHealth and how they are to be appointed.
3. Under section 21(3) of the Act, all members of VicHealth, other than those members of the Legislative Assembly or Legislative Council who are elected by the Legislative Assembly or Legislative Council jointly, are appointed by regulations. The Tobacco (Victorian Health Promotion Foundation) Regulations 2020 ('the Principal Regulations') currently appoint members to VicHealth.
4. Section 21(1)(a) of the Act provides that membership of the VicHealth shall include three persons with expertise in health and illness prevention, one of whom shall be chosen by the Minister from a panel of three names submitted by the Anti-Cancer Council.
5. The Proposed Regulations will provide for the appointment of Prof Mazza under section

21(1)(a) as a member of VicHealth with expertise in health and illness prevention. The appointment is for a period commencing on 5 March 2025 and ending on 4 March 2028. Prof Mazza is one of the two appointees under section 21(1)(a) who are not selected from a panel of names submitted by the Anti-Cancer Council.

6. Prof Mazza's appointment is intended to fill the position formerly held by Dr Sally Fawkes. This position has been vacant since the end of Dr Fawkes' term on 30 September 2022.

Authorising Legislation

7. Section 43 of the Act authorises the Governor in Council to make regulations for and with respect to generally prescribing any other matter or thing required or permitted by the Act to be prescribed, or necessary to be prescribed to give effect to the Act.

Certificates provided in accordance with the Subordinate Legislation Act 1994

8. The following certificates are attached for the proposed Tobacco (Victorian Health Promotion Foundation) Amendment Regulations 2025 in accordance with the **Subordinate Legislation Act 1994**:

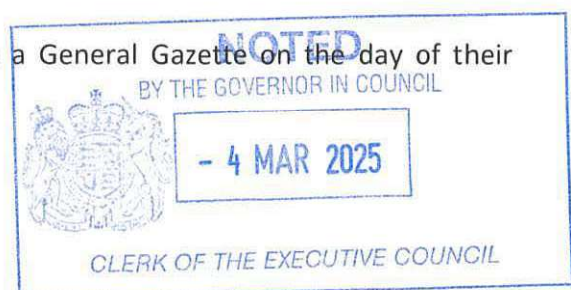
- An exemption certificate prepared in accordance with section 8(1)(c) of the **Subordinate Legislation Act 1994**;
- A human rights certificate prepared in accordance with section 12A of the **Subordinate Legislation Act 1994**. The Proposed Regulations do not limit human rights under the **Charter of Human Rights and Responsibilities Act 2006**. The Proposed Regulations appoint a new member to the board, in replacement of a member whose term has expired, as required by the Act. Given that, the Proposed Regulations do not limit any individual's human rights.

National Competition Policy

9. In accordance with the guidelines contained in the *Victorian Guide to Regulation* (published by the Office of the Commissioner for Better Regulation), the proposed Regulations are not required to be tested under competition policy assessment requirements as they are exempt from the Regulatory Impact Statement process.

Gazettal

10. The proposed Regulations will be published in a General Gazette on the day of their



making.

Contact Name: Adam Clark
Telephone Number: (03) 9668 7456

