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1043 of the Supplementary Volumes to the Official Records of the National Council XX GP

Printed on 20 January 1998

Government Bill

Federal Act on Measures and Initiatives on Health Promotion, Education and Information (Health Promotion Act – HPA)

The National Council has so resolved:

Subject Matter

§ 1. (1) This Federal Act pertains to measures and initiatives for helping to achieve the following objectives:

1. Maintain, promote and improve the public's health in a holistic sense and at all stages of life;
2. Provide education and information on avoidable diseases and on the emotional, mental and social factors influencing health.

(2) This Federal Act does not pertain to measures and initiatives falling under the responsibilities of the statutory social insurance institutions or conducted on the basis of other legal provisions.

(3) Any masculine pronouns or other masculine designations used in this Act for persons refer equally to men and women.

Achievement of the Goals

§ 2. The following basic strategies are planned in order to achieve the objectives named in § 1 above:

1. To build up structures for health promotion and disease prevention taking into account and incorporating existing institutions and structures;
2. To develop and commission contextual programs and offerings directly connected to the populace in communities, cities, schools, enterprises and in the public health care system;
3. To develop programs for specific target groups in order to inform and advise them about healthy lifestyles, disease prevention and strategies for coping with chronic diseases and crises;
4. To conduct scientific programs for further developing health promotion and disease prevention as well as epidemiology, evaluation and quality assurance in this field;
5. To support the continuing education of people working in health promotion and disease prevention;
6. To coordinate the measures and initiatives outlined in this Federal Act with existing activities in health promotion.

Execution of the Tasks

§ 3. (1) The non-profit making *Fonds Gesundes Österreich*, a fund in the meaning of the Federal Foundation and Fund Act (*Bundes-Stiftungs- und Fondsgesetz*), Federal Law Gazette No. 11/1975 in the currently valid version, with registered office in Vienna, is charged with carrying out the measures and initiatives outlined in this Federal Act.

(2) Federal funds available under the currently valid Federal Finance Act (*Bundesfinanzgesetz*) in accordance with § 4 below can be requested from the Federal Government for the activity of the *Fonds Gesundes Österreich*. These grants-in-aid, awarded in each case for the calendar year, can be increased by releasing any provisions of funds not used in previous years.

(3) In order to monitor that grants-in-aid are used for their intended purpose, the *Fonds Gesundes Österreich* has an obligation to the Federal Government, prior to the awarding of grants-in-aid, to allow Federal Government officials or persons duly commissioned by them to evaluate execution by examining the records and supporting documents and by conducting examinations on site and to provide these individuals with the information they require. Further, the *Fonds Gesundes Österreich* agrees to pay back to the Federal Government any grants-in-aid not used as intended.

(4) The *Fonds Gesundes Österreich* must conduct its long-term and annual planning for implementing these measures and initiatives in a manner that takes into account the measures and initiatives undertaken by other regional and local authorities. The *Fonds Gesundes Österreich* must produce and publish an annual business report.

Financing

§ 4. Annual portions of value-added tax revenues shall be made available for the purpose of health promotion, education and information from the year 1998 onward in accordance with the Revenue Equalization Act (*Finanzausgleichsgesetz*) currently in force.

Execution

§ 5. (1) The Federal Minister for Labor, Health and Social Services is charged with the execution of this Federal Act unless otherwise stipulated in §5.2.

(2) The Federal Minister of Finance is entrusted with the execution of § 4.

Introduction

Problem:

Rising health care costs require that more steps be taken to promote health in addition to the structural changes already initiated. It is therefore a health policy goal to expand the public's knowledge of health risks and health-promoting measures, to convey information about a healthy lifestyle, and to support the development of positive behaviors and of health-promoting conditions for this purpose.

Goal:

This Federal Act defines the goal and the strategies for the use of earmarked funds made available from value-added tax revenues and budgeted at the Federal Ministry for Labor, Health and Social Services. The funds to be made available annually from the entry into force of this Federal Act now allow coherent, long-term planning and implementation in the field of health promotion, education and information.

Content:

This additional funding is intended as a supplement to preventive measures already established for promoting and conducting practical activities and flanking scientific studies on health promotion and as a means of creating a lasting support structure for measures and initiatives of this kind.

The already existent *Fonds Gesundes Österreich* shall be entrusted with handling the above.

Alternatives:

Individual measures solely within the framework of annual budgeting without any legal guarantee of long-term financial planning. International experience shows that this alternative is a much less efficient approach to health promotion. The desired effect can only be achieved with sustainable programs designed for the long term.

Costs:

Please refer to § 4. The funds made available from the Revenue Equalization Act (*Finanzausgleichsgesetz*) to implement the present "Health Promotion Initiative" currently total ATS 100 million a year. Additional costs are not expected.

EU Conformity:

In conformity with EU provisions

Explanations General Chapter

The government agreement of 11 March 1996 emphasizes that health promotion and disease prevention should be attributed greater importance, also in connection with assuring the financing of the health care system.

The Federal Government, the Länder, the local government and municipalities have now agreed to make available a sum of ATS 100 million for health promotion measures prior to the distribution of value-added tax revenues to the regional and local authorities.

Thanks to this "Health Promotion Initiative", it will be possible also in Austria to initiate a course of events that allows the development and execution of long-term programs for priority target groups. The funding is to be applied as a supplement to already existing measures.

International experience in health promotion, education and information shows that only long-term programs addressing the actual situation in which people live and work achieve the desired degree of effectiveness. Most European countries have taken organizational measures for health promotion to lay a structural foundation for this goal and have been successful with this approach. In certain areas, costs were even verifiably reduced.

The task of handling the administration and content of projects under this Federal Act shall be entrusted to the *Fonds Gesundes Österreich (FGÖ)*, an organization with years of experience in carrying out health promotion projects.

These expanded responsibilities of the FGÖ require structural adaptations in the Articles of Association. This adaptation must change the composition of the FGÖ's official bodies to include not only the FGÖ founders, but in addition all local and regional authorities whose consent to the Revenue Equalization Act (*Finanzausgleichsgesetz*) has enabled funds to be raised for the "Health Promotion Initiative". Above and beyond those authorities, all influential players in health promotion must be included in operational implementation.

Each natural and/or legal person is allowed to submit projects to obtain co-funding from the funds made available for this legislative initiative, provided these projects are in accord with the goals of this law and/or the FGÖ's annual work program.

Powers here granted are based upon Art. 10 (1) (12) in connection with Art. 17 Federal Constitutional Law (B-VG).

Special Chapter

Re § 1:

The goals are based on the comprehensive concept of health adopted by the WHO. Besides a biomedical approach, this definition of health emphasizes the significance of psychosocial and societal aspects of health. The goals are modeled on the Ottawa Charter for Health Promotion of the WHO, which has proven to be a reliable professional framework for health promotion throughout Europe.

The member states of the EU have been setting up transnational networks since 1996 which further the development of quality in health promotion by cooperating and by sharing experience on particularly effective, lasting and accepted measures in this field. This "Health Promotion Initiative" shall therefore also seek to take part in this Europe-wide cooperation and above all, to support the use of evaluated, quality-assured measures of health promotion and disease prevention. In addition to the improvement of the general health of the public, special goals should be pursued, e.g. industrial health promotion measures to reduce the amount of sick leave taken.

The goal of this initiative is to expand, strengthen and advance health promotion and disease prevention. No provision is made for the funding under this Federal Act to be drawn on to bear the costs of pertinent

Re § 2:

The strategies are applied at several levels: They cover the development of structures and of integrated programs at individual level and in connection with the context in which people live. They are aimed at achieving a balance between the information on preventive measures and on healthy lifestyle and at more complex interventions in the psychosocial field and in organization-backed health promotion. Long-term strategies for implementation should promote personal responsibility on the part of individuals as well as fundamental conditions for health (WHO Ottawa Charter 1986). In these efforts, the findings of scientific research should be linked more closely than before with practical implementation and evaluation. Moreover, to assure an efficient use of funding, steps must be taken in the implementation of this initiative to guarantee its coordination with existing activities in Austria in the scope of annual work plans and the awarding of projects.

The focal priorities in implementation are as follows:

- Children and young people as target groups (in school and non-school settings, including measures to prevent diseases involving dependence);
- Health promotion at the workplace (e.g. participatory intervention approaches, health circles, improved food services at work, special programs for small and medium-sized enterprises); sick leave and other indicators which can be influenced by health promotion measures should also be addressed in connection with the work environment;
- Special target groups such as the chronically ill (e.g. diabetics, people with cardio-vascular diseases or risk factors), older people (including health promotion for family members who are care-givers) and information and education on pregnancy and early childhood, especially the Mother-Child Pass.

Besides physical health, psychosocial health should also be promoted. Socio-economic living conditions of target groups and special crisis situations should be taken into account as well (e.g. critical life-changing events, violence, and risk of suicide and sect involvement).

Effective health promotion and disease prevention can only be achieved through long-term implementation strategies whose quality is monitored and constantly improved. For this reason, the "Health Promotion Initiative" also covers the requisite flanking measures such as epidemiology, evaluation, quality management and continuing education and training.

Re § 3:

The execution of measures and initiatives shall be entrusted to the *Fonds Gesundes Österreich (FGÖ)*, an organization which was set up expressly for health promotion and which previously assumed responsibilities as an information and coordination platform for health promotion, where its finances allowed. As a private fund, this institution has the necessary flexibility for carrying out programs in Austria and also enables Austria to participate in international projects of the EU Action Program on health promotion, education and information.

The previous activities of the FGÖ are now to be integrated into the current overall initiative. Sets of documentation on health promotion and self-help groups already established at the FGÖ provide a valuable foundation for urgently needed coordination and harmonization.

To assure long-term planning and implementation, this Act provides for the release of provisions and their use in subsequent years.

It is noted that the infrastructural costs for the FGÖ's administrative office must be covered from the overall federal funding made available. A percentage cap on overhead costs will have to be set in the FGÖ's Articles of Association and in the annual framework subsidy agreement to be concluded with the FGÖ.

The supervisory requirements correspond to the precautionary measures generally provided for in subsidy agreements with the Federal Government.

In addition to the pertinent professional organizations; government at federal, Land, local and municipal level will also be entitled to appoint a commensurate number of representatives to the FGÖ bodies under the revised Articles of Association of the FGÖ.

This arrangement ensures these parties' involvement as partners in deciding on the application of funds.

An annual report on activities must be produced and made available to the public to assure the necessary transparency and traceability of FGÖ activities.

Re § 4:

From budget year 1998 onward, an amount totaling ATS 100 million must be drawn annually from value-added tax revenues for the purpose of health promotion, education and information in accordance with § 7 (2) (3) Revenue Equalization Act 1997 (*Finanzausgleichsgesetz 1997*) prior to the allocation of funds between the federal government, the Länder and local government. This fixed amount is not value-safeguarded in relation to value-added tax revenues and must be used for measures and initiatives of the kind referred to in this Federal Act.

Re § 5:

The Federal Minister for Labor, Health and Social Services is responsible for the execution of this Federal Act with the exception of § 4. Pursuant to § 4, the funding for this Health Promotion Initiative shall be raised through the Revenue Equalization Act (*Finanzausgleichsgesetz*), for the execution of which the Federal Minister of Finance is responsible.