

National Health Funding Pool Bill 2012

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Defined Terms

Western Australia

LEGISLATIVE ASSEMBLY

National Health Funding Pool Bill 2012

A Bill for

An Act to —

- **provide for the appointment of the Administrator of the National Health Funding Pool; and**
- **provide for the establishment and management of a State Pool Account; and**
- **amend the *Hospitals and Health Services Act 1927*; and**
- **repeal the *Hospital Fund Act 1930* and make consequential amendments.**

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *National Health Funding Pool Act 2012*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Terms used

(1) In this Act —

Administrator means the Administrator of the National Health Funding Pool appointed under section 5 and under the corresponding provision of the laws of the Commonwealth and the other States;

CEO means the chief executive officer of the department of the Public Service principally assisting in the administration of this Act;

COAG means the Council of Australian Governments;

local hospital network means an organisation that is a local hospital network (however described) for the purposes of the National Health Reform Agreement;

National Health Funding Pool means the combined State Pool Accounts for each State;

National Health Reform Agreement means the National Health Reform Agreement between the Commonwealth and the States that was agreed to by COAG on 2 August 2011, as amended from time to time;

responsible Minister for a jurisdiction means the relevant Minister with portfolio responsibility for administration of the

1 provision of this Act in which the expression occurs (or of the
2 corresponding provision of the laws of the Commonwealth and
3 the other States);

4 Note: See also section 31.

5 ***Standing Council on Health*** means (subject to subsection (2))
6 the Ministerial Council by that name or, if there is no such
7 Ministerial Council, the standing Ministerial Council
8 established or recognised by COAG whose members include all
9 Ministers in Australia having portfolio responsibility for health;
10 ***State*** includes the Australian Capital Territory and the Northern
11 Territory;

12 ***State Managed Fund*** of a State means a separate account or
13 fund established or designated by the State for the purposes of
14 health funding under the National Health Reform Agreement
15 that is required to be undertaken in the State through a State
16 Managed Fund;

17 ***State Pool Account*** of a State means the agency special purpose
18 account and bank account established by the State under Part 3
19 or the bank account established under the corresponding
20 provisions of the law of another State.

21 (2) The Standing Council on Health, when acting under this Act, is
22 to be constituted only by a single Minister for the
23 Commonwealth and a single Minister for each of the States and
24 any reference in this Act to a member of that Council is to be
25 construed as a reference to those Ministerial members only.

26 (3) If there are 2 or more Ministers for the Commonwealth or for a
27 State who are members of the Standing Council on Health, the
28 relevant Minister for the purposes of this Act is the Minister
29 with primary portfolio responsibility for health in his or her
30 jurisdiction.

31 (4) A reference in this Act to the agreement of, or a request by, a
32 member of the Standing Council on Health is a reference to an
33 agreement or request in writing.

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- 1 (5) This Act is to be interpreted in accordance with Schedule 7 to
2 the Health Practitioner Regulation National Law set out in the
3 Schedule to the *Health Practitioner Regulation National Law*
4 (*WA*) Act 2010 and, for that purpose, Schedule 7 applies as if
5 references to this Law were references to this Act, with all other
6 necessary modifications.
- 7 (6) Except in Parts 7 and 8 and as provided in section 30(2), the
8 *Interpretation Act 1984* does not apply to or in respect of this
9 Act.

**Part 2 — Administrator of the National Health
Funding Pool**

4. The office of Administrator

- (1) The office of Administrator of the National Health Funding Pool is established by this Act.
- (2) It is the intention of Parliament that the same individual holds the office established under subsection (1) and under the corresponding provision of the law of the Commonwealth and the other States.
- (3) The Administrator appointed under this Act may exercise and perform the functions of the Administrator in relation to —
- (a) one jurisdiction; or
 - (b) 2 or more or all jurisdictions collectively.
- (4) A reference in a provision of this Act (other than in section 10(1) or Part 3) to a function of the Administrator under this Act includes a reference to a function of the Administrator under the corresponding provision of the law of the Commonwealth and the other States.

5. Appointment of Administrator

- (1) The Minister for this jurisdiction who is a member of the Standing Council on Health is to appoint an individual as the Administrator of the National Health Funding Pool under this Act.
- (2) Before the appointment is made, the Chair of the Standing Council is to give each member of that Council an opportunity to nominate an individual for appointment.
- (3) An appointment is not to be made unless all the members of the Standing Council on Health have agreed on the individual who will be appointed as Administrator, the date that the

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1 appointment will take effect, the period of appointment and the
2 conditions of appointment.

3 (4) The appointment is to be made by instrument in writing.

4 (5) The Administrator is to be appointed (subject to subsection (3))
5 for the period, not exceeding 5 years, and on the conditions
6 specified in his or her instrument of appointment, but is eligible
7 for reappointment.

8 (6) The Administrator is entitled to the remuneration determined in
9 accordance with the law of the Commonwealth.

10 **6. Suspension of Administrator**

11 (1) The Chair of the Standing Council on Health is required to
12 suspend the Administrator from office if requested to do so
13 by —

14 (a) at least 3 members of the Council who are Ministers of a
15 State; or

16 (b) the member of the Council who is a Minister of the
17 Commonwealth.

18 (2) A member of the Standing Council on Health is not to request
19 the suspension of the Administrator unless the member is
20 satisfied that the Administrator —

21 (a) is, because of any physical or mental incapacity or
22 otherwise, unable to perform his or her functions
23 satisfactorily; or

24 (b) has failed to comply with his or her obligations or duties
25 as Administrator; or

26 (c) has been accused or convicted of an offence that carries
27 a penalty of imprisonment; or

28 (d) has or may become bankrupt.

29 (3) A suspension is to be effected by an instrument in writing and is
30 to be notified by the Chair of the Standing Council on Health to
31 all members of the Council.

- 1 (4) A suspension is terminated after a period of suspension of
2 60 days unless before the end of that period the Administrator is
3 removed or resigns from office or a majority of the members of
4 the Standing Council on Health —
5 (a) terminate the suspension; or
6 (b) extend the suspension for a specified further period.
- 7 (5) Despite subsection (1), the Chair of the Standing Council on
8 Health is not to suspend the Administrator from office within
9 the period of 90 days after an earlier period of suspension was
10 terminated unless a majority of the members of the Council
11 request the Chair to do so.

12 **7. Removal or resignation of Administrator**

- 13 (1) The Minister for this jurisdiction who is a member of the
14 Standing Council on Health is required to remove the
15 Administrator from office if a majority of the members of the
16 Council agree to the Administrator's removal from office.
- 17 (2) The Administrator is to be removed from office by an
18 instrument in writing that takes effect on the date agreed to by
19 the majority of members of the Standing Council on Health.
- 20 (3) The Administrator may resign as Administrator by notice in
21 writing to the Chair of the Standing Council on Health.
- 22 (4) The resignation of the Administrator takes effect on the date
23 notified by the Chair of the Standing Council on Health to all
24 members of the Council.

25 **8. Acting Administrator**

- 26 (1) The Chair of the Standing Council on Health may, from time to
27 time, appoint an individual to act as the Administrator during
28 any period when the office is vacant or the holder of the office
29 is suspended or absent from duty.

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- 1 (2) Any such appointment may only be made from a panel of
2 persons, and in accordance with the procedure, agreed to by the
3 Standing Council on Health.

4 Note: The applied provisions of Schedule 7 to the Health Practitioner
5 National Law (clause 27) contain additional provisions relating to acting
6 appointments that have effect subject to this section.

7 **9. Provision of staff and facilities for Administrator**

- 8 (1) Staff and facilities to assist the Administrator in exercising or
9 performing his or her functions under this Act are to be
10 provided by the National Health Funding Body constituted
11 under the *National Health Reform Act 2011* (Commonwealth).

- 12 (2) The Administrator is not entitled to delegate a function
13 conferred on the Administrator under this Act to that body, to
14 any such member of staff or to any other person or body.

15 **10. Functions of Administrator**

- 16 (1) The Administrator is —
- 17 (a) to calculate and advise the Treasurer of the
18 Commonwealth of the amounts required to be paid by
19 the Commonwealth into each State Pool Account of the
20 National Health Funding Pool under the National Health
21 Reform Agreement (including advice on any
22 reconciliation of those amounts based on subsequent
23 actual service delivery); and
- 24 (b) to monitor State payments into each State Pool Account
25 for the purposes of Part 5; and
- 26 (c) to make payments from each State Pool Account in
27 accordance with the directions of the State concerned;
28 and
- 29 (d) to report publicly on the payments made into and from
30 each State Pool Account and other matters on which the
31 Administrator is required to report under this Act; and

1 (e) to exercise or perform any other functions conferred on
2 the Administrator under this Act.

3 Note: Under the corresponding legislation of the Commonwealth the
4 functions of the Administrator include monitoring Commonwealth
5 payments into each State Pool Account for the purposes of Part 5.

6 (2) The Administrator and the body and staff assisting the
7 Administrator are not subject to the control or direction of any
8 Minister of the Commonwealth in relation to the exercise or
9 performance of the Administrator's functions under this Act.

10 (3) However, the Administrator is required to comply with any
11 directions given by COAG in relation to the manner in which
12 the Administrator exercises or performs his or her functions
13 under this Act (including in relation to the preparation or
14 provision of annual or monthly reports, financial statements or
15 information under Part 5).

16 (4) Directions given by COAG under subsection (3) —

17 (a) are to be given in accordance with a written resolution
18 of COAG passed in accordance with the procedures
19 determined by COAG; and

20 (b) are to be notified in writing to the Administrator; and

21 (c) are to be made publicly available by the Administrator.

22 (5) To avoid doubt, this Act is not intended —

23 (a) to give the Commonwealth ownership or control of
24 money in a State Pool Account; or

25 (b) to affect the obligation of the Administrator under the
26 laws of a State to make payments from the State Pool
27 Account of the State in accordance with the directions of
28 the State.

29 (6) To avoid doubt, the Administrator may have regard to
30 information obtained in the exercise or performance of
31 functions under the law of another jurisdiction in the exercise or
32 performance of the Administrator's functions under Part 5.

1 **Part 3 — State Pool Accounts — the National Health**
2 **Funding Pool**

3 **11. Establishment of State Pool Account - Special Purpose**
4 **Account**

5 An agency special purpose account called the State Pool
6 Account is established in accordance with the *Financial*
7 *Management Act 2006* section 16 for the purpose of the
8 National Health Reform Agreement.

9 **12. Establishment of State Pool Account - Bank Account**

10 (1) The CEO is to open and maintain a separate State bank account
11 for the purpose of the National Health Reform Agreement.

12 (2) The bank account is to be opened and maintained with —
13 (a) the Reserve Bank of Australia; or
14 (b) if another bank is specified under the National Health
15 Reform Agreement, that other bank.

16 (3) Unless otherwise agreed under the National Health Reform
17 Agreement, the bank account does not form part of the Public
18 Bank Account.

19 **13. Administration of State Pool Account**

20 (1) The State Pool Account is to be administered by the CEO.

21 (2) There is to be credited to the State Pool Account —
22 (a) money paid to the State by the Commonwealth for
23 payment into the State Pool Account under the National
24 Health Reform Agreement; and
25 (b) money made available by the State for the purposes of
26 funding public hospital services on an activity basis
27 under the National Health Reform Agreement; and

- 1 (c) money paid to the State by another State for payment
2 into the State Pool Account under the National Health
3 Reform Agreement; and
4 (d) any other amount required by law to be credited to the
5 State Pool Account.

6 **14. Payments from State Pool Account**

- 7 (1) Money standing to the credit of the State Pool Account is to be
8 applied to fund the following in the State under the National
9 Health Reform Agreement (including through a State Managed
10 Fund) —
11 (a) the services provided by local hospital networks;
12 (b) health teaching, training and research provided by local
13 hospital networks or other organisations;
14 (c) any other matter that under that Agreement is to be
15 funded through the National Health Funding Pool.
- 16 (2) Interest earned on money in the State Pool Account is to be
17 credited to the Consolidated Account.
- 18 (3) Payments of amounts from the State Pool Account established
19 for the State are to be made by the Administrator strictly in
20 accordance with the directions of the responsible Minister for
21 the State, including on the amount of each payment, the party or
22 account to which it is to be paid and the timing of the payment.
- 23 (4) The Administrator is required to authorise personally each
24 payment made from the State Pool Account.
- 25 (5) The Administrator is, at the direction of the responsible Minister
26 for the State, to repay any money paid by the State into the State
27 Pool Account for the State that the responsible Minister is
28 satisfied constitutes an overpayment into that Account.
- 29 (6) This section does not affect the payment from the State Pool
30 Account of charges imposed by the bank at which the Account
31 is established for the operation of that Account.

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1 (7) This section does not require the payment for services and
2 matters referred to in subsection (1) to be made only from the
3 State Pool Account.

4 (8) If at any time when a payment from the State Pool Account is
5 required to be made there is no Administrator or the
6 Administrator is not available to make the payment at that time,
7 the payment from that Account may be made by an official of
8 the State who is directed by the responsible Minister for the
9 State to make the payment.

10 **15. Distribution of Commonwealth funding**

11 (1) Directions by the responsible Minister for the State to the
12 Administrator for payments from the State Pool Account are, in
13 relation to the distribution of Commonwealth funding provided
14 to the State under the National Health Reform Agreement, to be
15 consistent with the advice provided by the Administrator to the
16 Treasurer of the Commonwealth about the basis on which the
17 Administrator has calculated the payments to be made into that
18 Account by the Commonwealth.

19 (2) This section does not affect the obligation of the Administrator
20 to make payments from the State Pool Account strictly in
21 accordance with the directions of the responsible Minister for
22 the State.

Part 4 — State Managed Funds

16. State Managed Funds

(1) The following agency special purpose accounts are established in accordance with the *Financial Management Act 2006* section 16 —

(a) the State Managed Fund (Health) Account for the purposes of the department of the Public Service principally assisting in the administration of the *Hospitals and Health Services Act 1927*; and

(b) the State Managed Fund (Mental Health) Account for the purposes of the department of the Public Service principally assisting in the administration of the *Mental Health Act 1996*.

(2) The agency special purpose accounts are designated as State Managed Funds for the purposes of health funding under the National Health Reform Agreement that is required to be undertaken in the State through a State Managed Fund.

(3) The following money may be credited to a State Managed Fund —

(a) money applied under section 14(1) that is to be used as block grant funding for —

(i) services provided by local hospital networks;

(ii) health teaching, training and research provided by local hospital networks or other organisations;

(iii) any other matter that under the National Health Reform Agreement is to be funded through a State Managed Fund;

(b) money made available by the State under the National Health Reform Agreement that is to be used as block grant funding for —

(i) services provided by local hospital networks;

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- 1 (ii) health teaching, training and research provided
2 by local hospital networks or other organisations;
- 3 (iii) any other matter that under the National Health
4 Reform Agreement is to be funded through a
5 State Managed Fund.
- 6 (4) Amounts to fund the following in the State under the National
7 Health Reform Agreement are to be debited to a State Managed
8 Fund —
- 9 (a) services provided by local hospital networks;
- 10 (b) health teaching, training and research provided by local
11 hospital networks or other organisations;
- 12 (c) any other matter that under the National Health Reform
13 Agreement is to be funded through a State Managed
14 Fund.

1 **Part 5 — Financial management and reporting**

2 **17. Financial management obligations of Administrator**

3 The Administrator must —

- 4 (a) develop and apply appropriate financial management
5 policies and procedures with respect to the State Pool
6 Accounts (including policies and procedures to ensure
7 payments from those Accounts are made in accordance
8 with the directions of the responsible Ministers); and
- 9 (b) keep proper records in relation to the administration of
10 the State Pool Accounts, including records of all
11 payments made into and from those Accounts and the
12 basis on which the payments were made; and
- 13 (c) prepare the financial statements required by this Part in
14 relation to the State Pool Accounts and arrange for the
15 audit of those financial statements in accordance with
16 this Part.

17 **18. Monthly reports by Administrator**

- 18 (1) The Administrator must provide monthly reports to the
19 Commonwealth and each State containing the following
20 information for the relevant month —
- 21 (a) the amounts paid into each State Pool Account and State
22 Managed Fund by the relevant State and the basis on
23 which the payments were made;
- 24 (b) the amounts paid into each State Pool Account by the
25 Commonwealth and the basis on which the payments
26 were made;
- 27 (c) the amounts paid from each State Pool Account to local
28 hospital networks, a State Managed Fund or other
29 organisations or funds and the basis on which the
30 payments were made;

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- 1 (d) the amounts paid from each State Managed Fund to
2 local hospital networks or other organisations or funds
3 and the basis on which the payments were made;
- 4 (e) the number of public hospital services funded for each
5 local hospital network (including a running financial
6 year total) in accordance with the system of activity
7 based funding;
- 8 (f) the number of other public hospital functions funded
9 from each State Pool Account or State Managed Fund
10 (including a running financial year total).
- 11 (2) A monthly report required to be provided to a jurisdiction under
12 this section is to be provided to the responsible Minister for that
13 jurisdiction or to a body or officer notified to the Administrator
14 by that Minister.
- 15 (3) The Administrator is to make reports provided under this
16 section publicly available.

17 **19. Annual report by Administrator**

- 18 (1) The Administrator must, within 4 months after the end of each
19 financial year, provide to the responsible Ministers an annual
20 report on the exercise or performance of his or her functions
21 under this Act during the financial year.
- 22 (2) The annual report must include the following information for
23 the relevant financial year —
- 24 (a) the amounts paid into each State Pool Account and State
25 Managed Fund by the relevant State and the basis on
26 which the payments were made;
- 27 (b) the amounts paid into each State Pool Account by the
28 Commonwealth and the basis on which the payments
29 were made;
- 30 (c) the amounts paid from each State Pool Account to local
31 hospital networks, a State Managed Fund or other
32 organisations or funds and the basis on which the
33 payments were made;

- 1 (d) the amounts paid from each State Managed Fund to
2 local hospital networks or other organisations or funds
3 and the basis on which the payments were made;
- 4 (e) the number of public hospital services funded for each
5 local hospital network in accordance with the system of
6 activity based funding;
- 7 (f) the number of other public hospital services and
8 functions funded from each State Pool Account or State
9 Managed Fund.
- 10 (3) The annual report is to be accompanied by —
- 11 (a) an audited financial statement for each State Pool
12 Account; and
- 13 (b) a financial statement that combines the audited financial
14 statements for each State Pool Account.
- 15 (4) A responsible Minister must, as soon as practicable after
16 receiving an annual report under this section, cause a copy of
17 the report to be tabled in the Parliament of the responsible
18 Minister’s jurisdiction.

19 **20. Administrator to prepare financial statements for State Pool**
20 **Accounts**

- 21 The Administrator must, after each financial year, prepare —
- 22 (a) a financial statement for each State Pool Account that
23 details financial transactions during that financial year;
24 and
- 25 (b) a combined financial statement that consists of the
26 financial statements for each State Pool Account for the
27 financial year.

28 **21. Audit of financial statements**

29 A financial statement under this Part for the State Pool Account
30 of a State is to be audited by the Auditor General of that State in

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1 accordance with the relevant legislation of that State relating to
2 financial audit by the Auditor General.

3 **22. Performance audits**

4 (1) For the purposes of this section, a *performance audit* is an audit
5 by the Auditor General of a jurisdiction of the exercise or
6 performance of the functions of the Administrator in relation to
7 that jurisdiction to determine whether the Administrator is
8 acting effectively, economically, efficiently and in compliance
9 with all relevant laws.

10 (2) Before the Auditor General of this State conducts a performance
11 audit, the Auditor General must notify the Auditors General of
12 all other jurisdictions of his or her intention to conduct the
13 proposed audit.

14 (3) Auditors General who are conducting performance audits at the
15 same time are to make arrangements to coordinate the conduct
16 of those audits in relation to any requirements imposed on the
17 Administrator.

18 (4) A performance audit is to be conducted by the Auditor General
19 of this jurisdiction in accordance with the laws of this
20 jurisdiction relating to the exercise or performance of the
21 functions of the Auditor General.

22 **23. States to provide Administrator with information about**
23 **State Managed Funds**

24 (1) The responsible Minister for a State is to provide information to
25 the Administrator about any of the following matters relating to
26 the State Managed Fund of that State that the Administrator
27 requires for the preparation of reports and financial statements
28 under this Part —

29 (a) the amounts paid by the State into the State Managed
30 Fund and the basis on which the payments were made;

- 1 (b) the amounts paid by the State from the State Managed
2 Fund to local hospital networks or other organisations or
3 funds and the basis on which the payments were made;
4 (c) public hospital services and functions that are funded
5 from the State Managed Funds.
- 6 (2) The information is to be provided by the time requested by the
7 Administrator.

8 **24. Provision of other information**

- 9 (1) The Administrator is required to provide to the responsible
10 Minister for a jurisdiction any information requested by that
11 Minister that relates to that jurisdiction.
- 12 (2) The information is to be provided by the time requested by that
13 responsible Minister.
- 14 (3) The Administrator is required to provide to the responsible
15 Ministers of all jurisdictions a copy of advice provided by the
16 Administrator to the Treasurer of the Commonwealth about the
17 basis on which the Administrator has calculated the payments to
18 be made into State Pool Accounts by the Commonwealth.
- 19 (4) The Administrator may at any time provide any information that
20 relates to a jurisdiction to the responsible Minister for that
21 jurisdiction.
- 22 (5) Any information relating to a jurisdiction that is provided under
23 this section to another jurisdiction may only be publicly released
24 by that other jurisdiction in accordance with arrangements
25 approved by the responsible Minister for the jurisdiction to
26 which the information relates.

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Part 6 — Miscellaneous

25. Exclusion of legislation of this jurisdiction

The following Acts of this jurisdiction do not apply to or in respect of the Administrator or any function exercised or performed by the Administrator —

- (a) the *Freedom of Information Act 1992*;
- (b) the *Parliamentary Commissioner Act 1971*;
- (c) the *Public Sector Management Act 1994*;
- (d) the *State Records Act 2000*.

26. Application of Commonwealth Acts

(1) The following Acts apply (subject to subsection (2)) as laws of this jurisdiction to or in respect of the Administrator and any function exercised or performed by the Administrator —

- (a) the *Archives Act 1983* (Commonwealth);
- (b) the *Australian Information Commissioner Act 2010* (Commonwealth);
- (c) the *Freedom of Information Act 1982* (Commonwealth);
- (d) the *Ombudsman Act 1976* (Commonwealth);
- (e) the *Privacy Act 1988* (Commonwealth).

(2) Each of those Acts so applies subject to the modifications made by the regulations.

27. Extraterritorial operation of Act

It is the intention of Parliament that the operation of this Act is to include, as far as possible, operation in relation to the following —

- (a) things situated in or outside the territorial limits of this jurisdiction;

- 1 (b) acts, transactions and matters done, entered into or
2 occurring in or outside the territorial limits of this
3 jurisdiction;
- 4 (c) things, acts, transactions and matters (wherever situated,
5 done, entered into or occurring) that would, apart from
6 this Act, be governed or otherwise affected by the law of
7 another jurisdiction.

8 **28. Act binds the State**

9 This Act binds the State and, so far as the legislative power of
10 the State permits, the Crown in all its other capacities.

11 **29. Delegation of functions of responsible Minister**

- 12 (1) The responsible Minister for the State may delegate to an
13 authority or officer of the State the responsible Minister's
14 functions under this Act.
- 15 (2) This section does not apply to the functions of a Minister under
16 Part 2.

17 **30. Regulations**

- 18 (1) The Governor may make regulations prescribing all matters that
19 are required or permitted by this Act to be prescribed, or are
20 necessary or convenient to be prescribed for giving effect to the
21 purposes of this Act.
- 22 (2) Nothing in section 3(5) or (6) affects the operation of the
23 *Interpretation Act 1984* Part VI in relation to regulations made
24 under this Act.

25 **31. Transitional and validation provisions**

- 26 (1) If, on the commencement of this Act, corresponding provisions
27 to this Act have not been enacted by another jurisdiction, the
28 responsible Minister for that jurisdiction for the purposes of this
29 Act is the Minister of that jurisdiction with portfolio
30 responsibility for health.

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- 1 (2) Any thing done by a Minister of the Commonwealth or of a
2 State before the commencement of this Act that would have
3 been validly done if this Act, and the corresponding provisions
4 of other jurisdictions, had been in force at the time is taken to
5 have been validly done.

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Part 7 — *Hospitals and Health Services Act 1927* amended

32. Act amended

This Part amends the *Hospitals and Health Services Act 1927*.

33. Section 21 amended

(1) In section 21(1)(g) delete “the board.” and insert:

the board;

(2) After section 21(1)(g) insert:

(h) the funding of services for public patients provided by private hospitals and non-government providers of health services.

(3) After section 21(1) insert:

(2A) In subsection (1)(h) —
public patient has the meaning given in section 3(1) of the Commonwealth Act.

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Part 8 — *Hospital Fund Act 1930* repealed

Division 1 — Repeal

34. *Hospital Fund Act 1930* repealed

The *Hospital Fund Act 1930* is repealed.

35. Funds to be transferred

- (1) In this section —
commencement day means the day on which section 34 comes into operation;
Hospital Fund means the Hospital Fund established under the *Hospital Fund Act 1930*.
- (2) The Treasurer, on advice from the Minister who administers the *Hospitals and Health Services Act 1927*, must make a determination for the purposes of subsections (3) and (4) before section 34 comes into operation.
- (3) On the commencement day any funds standing to the credit of the Hospital Fund are to be credited to one of the following accounts, in accordance with the determination of the Treasurer made under subsection (2) —
 - (a) the State Pool Account of the State;
 - (b) a State Managed Fund of the State;
 - (c) an agency special purpose account established and maintained under the *Financial Management Act 2006* section 16 by the department of the Public Service principally assisting in the administration of the *Hospitals and Health Services Act 1927*;
 - (d) the Consolidated Account.
- (4) An account or fund referred to in subsection (3) is to be credited, in accordance with the determination made by the Treasurer under subsection (2), with any money that became payable to the Hospital Fund before the commencement day and that is paid after that day.

1 **Division 2 — Lotteries Commission Act 1990 amended**

2 **36. Act amended**

3 This Division amends the *Lotteries Commission Act 1990*.

4 **37. Section 22 amended**

5 (1) In section 22(2)(b) delete “agency special purpose account
6 referred to in section 3(2) of the *Hospital Fund Act 1930*,” and
7 insert:
8

9 State Pool Account of the State established under the *National*
10 *Health Funding Pool Act 2012*; and
11

12 (2) Delete section 22(2a)(a) and insert:

13
14 (a) paid into the State Pool Account of the State
15 established under the *National Health Funding*
16 *Pool Act 2012*; and
17

18 (3) After section 22(2d) insert:

19
20 (3) The moneys paid into the State Pool Account of the
21 State under subsection (2a) are to be applied in
22 accordance with the *National Health Funding Pool*
23 *Act 2012* section 14.
24

25 (4) After section 22(2)(a) and (c) insert:

26
27 and
28

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Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Administrator	3(1)
CEO	3(1)
COAG	3(1)
commencement day	35(1)
Hospital Fund	35(1)
local hospital network.....	3(1)
National Health Funding Pool	3(1)
National Health Reform Agreement	3(1)
performance audit	22(1)
responsible Minister	3(1)
Standing Council on Health	3(1)
State	3(1)
State Managed Fund	3(1)
State Pool Account	3(1)