

## National Health Funding Pool Bill 2012

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**Defined Terms**

Western Australia

LEGISLATIVE ASSEMBLY

*(As amended in Committee)*

**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) When the Administrator is given a direction under  
23 subsection (3) —
- 24 (a) the Administrator must give a copy of the direction to  
25 the responsible Minister for the State; and
- 26 (b) the responsible Minister must, as soon as practicable  
27 after receiving the copy, cause it to be tabled in each  
28 House of Parliament.
- 29 (6) To avoid doubt, this Act is not intended —
- 30 (a) to give the Commonwealth ownership or control of  
31 money in a State Pool Account; or

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

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- 1 (b) to affect the obligation of the Administrator under the  
2 laws of a State to make payments from the State Pool  
3 Account of the State in accordance with the directions of  
4 the State.
- 5 (7) To avoid doubt, the Administrator may have regard to  
6 information obtained in the exercise or performance of  
7 functions under the law of another jurisdiction in the exercise or  
8 performance of the Administrator's functions under Part 5.



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- 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.

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.

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**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;

- 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;

- 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;

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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 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 each House of the Parliament of the  
18 responsible 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

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;

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- 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 if approved by the responsible Minister  
25 for the jurisdiction to which the information relates.

**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 any modifications necessary to give effect to subsection (1) that are made by the regulations.

(3) Until regulations referred to in subsection (2) are made, subsection (1) does not have effect and instead the legislation referred to in section 25 applies to or in respect of the Administrator and any function exercised or performed by the Administrator.

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1    **27.     Extraterritorial operation of Act**

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

- 5           (a)   things situated in or outside the territorial limits of this  
6                jurisdiction;
- 7           (b)   acts, transactions and matters done, entered into or  
8                occurring in or outside the territorial limits of this  
9                jurisdiction;
- 10          (c)   things, acts, transactions and matters (wherever situated,  
11                done, entered into or occurring) that would, apart from  
12                this Act, be governed or otherwise affected by the law of  
13                another jurisdiction.

14   **28.     Act binds the State**

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

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

- 18          (1)   The responsible Minister for the State may delegate to an  
19                authority or officer of the State the responsible Minister's  
20                functions under this Act.
- 21          (2)   This section does not apply to the functions of a Minister under  
22                Part 2.

23   **30.     Regulations**

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

1   **31.    Transitional and validation provisions**

2       (1) If, on the commencement of this Act, corresponding provisions  
3       to this Act have not been enacted by another jurisdiction, the  
4       responsible Minister for that jurisdiction for the purposes of this  
5       Act is the Minister of that jurisdiction with portfolio  
6       responsibility for health.

7       (2) Any thing done by a Minister of the Commonwealth or of a  
8       State before the commencement of this Act that would have  
9       been validly done if this Act, and the corresponding provisions  
10      of other jurisdictions, had been in force at the time is taken to  
11      have been validly done.

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

3    **32. Act amended**

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

5    **33. Section 21 amended**

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

7

8                    the board;

9

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

11

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

15

16           (3) After section 21(1) insert:

17

18            (2A) In subsection (1)(h) —

19                                    ***public patient*** has the meaning given in section 3(1) of  
20    the Commonwealth Act.

21

1 **Part 8 — *Hospital Fund Act 1930* repealed**

2 **Division 1 — Repeal**

3 **34. *Hospital Fund Act 1930* repealed**

4 The *Hospital Fund Act 1930* is repealed.

5 **35. Funds to be transferred**

6 (1) In this section —

7 ***commencement day*** means the day on which section 34 comes  
8 into operation;

9 ***Hospital Fund*** means the Hospital Fund established under the  
10 *Hospital Fund Act 1930*.

11 (2) The Treasurer, on advice from the Minister who administers the  
12 *Hospitals and Health Services Act 1927*, must make a  
13 determination for the purposes of subsections (3) and (4) before  
14 section 34 comes into operation.

15 (3) On the commencement day any funds standing to the credit of  
16 the Hospital Fund are to be credited to one of the following  
17 accounts, in accordance with the determination of the Treasurer  
18 made under subsection (2) —

19 (a) the State Pool Account of the State;

20 (b) a State Managed Fund of the State;

21 (c) an agency special purpose account established and  
22 maintained under the *Financial Management Act 2006*  
23 section 16 by the department of the Public Service  
24 principally assisting in the administration of the  
25 *Hospitals and Health Services Act 1927*;

26 (d) the Consolidated Account.

27 (4) An account or fund referred to in subsection (3) is to be  
28 credited, in accordance with the determination made by the  
29 Treasurer under subsection (2), with any money that became  
30 payable to the Hospital Fund before the commencement day and  
31 that is paid after that day.

**National Health Funding Pool Bill 2012**

**Part 8** Hospital Fund Act 1930 repealed

**Division 2** Lotteries Commission Act 1990 amended

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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

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

<b>Defined Term</b>	<b>Provision(s)</b>
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)