

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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Presented and read a first time, 15 May 1985

*(Minister for Health)*

## A BILL

FOR

### **An Act relating to the grant of financial assistance to the States and the Northern Territory with respect to nurse education**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

#### **Short title**

5     **1.** This Act may be cited as the *States Grants (Nurse Education Transfer Assistance) Act 1985*.

#### **Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

#### **Interpretation**

10     **3. (1)** In this Act, unless the contrary intention appears—  
“approved form” means a form approved by the Minister;  
“basic nurse undergraduate course” means a course leading to the award of an undergraduate diploma that provides an initial qualification in relation to nursing;

“college of advanced education” means—

- (a) an institution that is a college of advanced education for the purposes of the *Commonwealth Tertiary Education Commission Act 1977*; or
- (b) an institution (other than an institution referred to in paragraph (a)) that is declared by the Minister to be an institution that is to be treated, for the purposes of this Act, as a college of advanced education;

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“State Health Minister” means—

- (a) in relation to a State—the Minister of the Crown for the State who is responsible, or principally responsible, for the administration of matters relating to health in that State; and
- (b) in relation to the Northern Territory—the Minister of the Northern Territory who is responsible, or principally responsible, for the administration of matters relating to health in the Northern Territory;

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“year to which this Act applies” means any one of the years 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992 and 1993.

(2) In this Act, unless the contrary intention appears, a reference to a State shall be read as including a reference to the Northern Territory.

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(3) Any declaration or determination made or given by the Minister under, or for the purposes of, this Act shall be made or given in writing.

#### **Special nurse education transfer grants**

4. (1) The Minister may enter into an agreement with a State Health Minister in respect of the making of grants by the Commonwealth to the State under this section by way of financial assistance to the State in relation to the provision, in respect of a year to which this Act applies, of basic nurse undergraduate courses at colleges of advanced education in the State.

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(2) Where the Minister has entered into an agreement under sub-section (1) in relation to a State, the Minister may authorise the payment to the State under this section, by way of financial assistance to the State in respect of the provision, in a year to which this Act applies, of basic nurse undergraduate courses at colleges of advanced education in the State, of such amounts as the Minister determines.

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(3) Financial assistance is granted to a State under sub-section (2) in relation to the provision, in respect of a year to which this Act applies, of basic nurse undergraduate courses at colleges of advanced education in the State on the conditions that—

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- (a) the State will pay each amount of that financial assistance received by it to colleges of advanced education in the State;

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(b) the State will cause to be furnished to the Minister, not later than 30 June next following the end of that year, a statement, in accordance with the approved form, as to—

5 (i) the amounts paid by the State in respect of that year, out of moneys granted to the State under this section, to each college of advanced education in the State; and

10 (ii) the amounts paid by the State in respect of that year, out of moneys other than those referred to in sub-paragraph (i), to each college of advanced education in the State pursuant to the agreement referred to in sub-section (1);

(c) the State will ensure that—

15 (i) the number of students enrolled, as at 30 April in that year, in basic nurse undergraduate courses at colleges of advanced education in the State is not less than the number determined by the Minister to be the relevant number in respect of the State in relation to that day in that year for the purposes of this sub-paragraph; and

20 (ii) the number of students enrolled, as at 30 September in that year, in basic nurse undergraduate courses at colleges of advanced education in the State is not less than the number determined by the Minister to be the relevant number in respect of the State in relation to that day in that year for the purposes of this sub-paragraph;

25 (d) the State will ensure that the terms and conditions of the agreement referred to in sub-section (1) are complied with;

30 (e) if the Minister informs the State that the Minister is satisfied that the State has failed to fulfil a condition applicable to that financial assistance, the State will pay to the Commonwealth the amount (if any) specified by the Minister, being an amount not exceeding the amount of the financial assistance; and

(f) if the amount of the financial assistance paid to the State under this section exceeds the amount of financial assistance that is properly payable to the State under this section, the State will pay an amount equal to the excess to the Commonwealth.

35 (4) The aggregate of the amounts determined by the Minister under sub-section (2) in respect of a year to which this Act applies shall not exceed—

(a) in respect of the year 1985—\$1,620,000;

(b) in respect of the year 1986—\$4,431,000; and

40 (c) in respect of each subsequent year to which this Act applies—\$8,205,000.

#### **Time and manner of payments**

5. Financial assistance payable to a State under this Act shall be paid in such amounts, and at such times, as the Minister for Finance determines.

**Advances**

6. The Minister may make arrangements for the making of advances by the Minister to a State, by way of financial assistance to the State, on account of an amount that is expected to become payable under section 4 to the State, and the conditions that would be applicable to a payment of the amount under that section are applicable to any such advance. 5

**Moneys to be appropriated**

7. Payments (including advances) to the States under this Act shall be made out of moneys appropriated by the Parliament for the purposes of this Act. 10

**Delegation**

8. (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Minister, delegate to a person all or any of the Minister's powers under this Act, other than this power of delegation. 15

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation of a power by the Minister under this section does not prevent the exercise of the power by the Minister.

**Report by Minister** 20

9. The Minister shall, as soon as practicable after the end of each year to which this Act applies, cause a report setting out details of determinations made by the Minister under section 4 to be laid before each House of the Parliament.