

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

STATES GRANTS (NURSE EDUCATION TRANSFER  
ASSISTANCE) BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister  
representing the Minister for Health)

This memorandum takes account of amendments made by the  
House of Representatives to the Bill as introduced.

STATES GRANTS (NURSE EDUCATION TRANSFER  
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GENERAL OUTLINE

The purpose of this Bill is to provide financial assistance to the States and the Northern Territory for the transfer of basic nurse education from hospitals to colleges of advanced education.

The Bill empowers the Minister for Health to enter into agreements with the Ministers who are responsible for nurse education in the States and the Northern Territory on the terms and conditions relating to that financial assistance.

Payments to be made under this Bill will be appropriated annually.

FINANCIAL IMPACT STATEMENT

The measures to be provided by this Bill are estimated to cost \$14 256 000 in the first triennium 1985/87.

### Clause 1: Short Title

This clause provides that the Act may be cited as the States Grants (Nurse Education Transfer Assistance) Act 1985.

### Clause 2: Commencement

This clause provides that the Bill, after passage, is to come into operation on the day on which it receives the Royal Assent.

### Clause 3: Interpretation

Sub-clause 3(1) defines several terms used in the Bill.

"approved form" means a form approved by the Minister.

"basic nurse undergraduate course" means a course of study at a college of advanced education that leads to the award of an undergraduate diploma that provides an initial tertiary education qualification in respect of nursing. By virtue of this definition, financial assistance under the proposed Act is not payable in respect of nursing students who already have nursing qualifications.

"college of advanced education" means an educational institution that is either defined as a college of advanced education in the Commonwealth Tertiary Education Commission Act 1977 or is declared by the Minister for Health for the purposes of this proposed Act to be a college of advanced education. The purpose of the Minister's declaration is to cover those institutions which may be universities but incorporate a college of advanced education and are still able to make advanced education awards.

"relevant State Minister" means the Minister of the Crown for a State, or Minister of the Northern Territory, who is principally responsible for the administration of matters relating to the education of nurses in the State or Northern Territory.

"year to which this Act applies" means any one of the years 1985 to 1993.

Sub-clause 3(2) provides that a reference in the Bill to a State includes the Northern Territory unless a contrary intention appears.

Sub-clause 3(3) requires that any determination or declaration made or given by the Minister for purposes of the proposed Act is to be in writing.

Clause 4: Special Nurse Education Transfer Grants

Sub-clause 4(1) would allow the Minister to enter into agreements with relevant State Ministers on the provision of Commonwealth financial assistance to assist the States in financing the basic nurse undergraduate courses at colleges of advanced education. It is proposed that separate but similar agreements be reached between the Commonwealth and each State. The agreements will provide the basic details of the transfer of nurse education. Essentially the agreements and their terms and conditions will be identical. However, there will be some variations in the agreements because of the different sizes of the States and different rates of transfer.

Sub-clause 4(2) allows the Minister to authorise payments of financial assistance to those States which have entered into an agreement. The financial assistance paid to the States will be determined according to the number of students in colleges of advanced education in a State, agreed to by the Commonwealth.

Sub-clause 4(3) provides conditions under which the financial assistance under the proposed Act will be granted to a State. These conditions are:

- (a) that the States pay the financial assistance received, to the colleges of advanced education;
- (b) that the States provide information of State expenditure to each college of advanced education both in relation to the financial assistance provided under this Bill and the money paid to the colleges of advanced education by the State in addition to the Commonwealth nursing assistance funds. This information, which is required on an annual basis, is to provide the Commonwealth Tertiary Education Commission with adequate accounting data on the additional revenue received by colleges of advanced education as a result of the transfer of nurse education.
- (c) that the number of students in basic nurse undergraduate courses on which the level of assistance is based (sub-clause 4(2)) is achieved.

A shortfall in the number of nursing students at colleges of advanced education will result in a reduced level of assistance. The calculation of the amount of reduction is to be covered by the agreements (sub-clause 4(1)) but will essentially be on a per student basis. Subject to the operation of conditions, the level of assistance paid to the States in respect of each student will be the same at any one time. The dates of 30 April and 30 September are the dates on which national nursing student censuses will take place. These will enable both a first and second semester intake into nursing courses. In determining the relevant number of students the Minister will take account of those nursing places funded through the States Grants (Tertiary Education Assistance) Act;

- (d) that the State meets the terms and conditions contained in the agreements (provided for in sub-clause 4(1)). These terms and conditions relate to the mechanics of the transfer and payments of the financial assistance. As mentioned in relation to sub-clause 4(1) the terms and conditions will be similar for all States although there may need to be some minor variations to allow for different rates of transfer in each State;
- (e) that if the State fails to fulfil a condition which relates to the grant of financial assistance, the State will be required to repay to the Commonwealth an amount determined by the Minister. This will enable the Commonwealth in accordance with proposed paragraph 4(3)(f) to recover moneys given to the State where the number of students is less than the number in respect of whom assistance is paid; and
- (f) that financial assistance paid to a State in excess of that properly due will be required to be repaid to the Commonwealth - this is a normal financial provision to provide for recovery of overpayments.

Sub-clause 4(4) provides the maximum amount to be paid to the States under this Bill for each year of the triennium 1985/87. It is intended that maximum funding for the next two trienniums to which the proposed Act applies will be provided for in amendments to the proposed Act when the transfer program for those trienniums has been agreed to.

#### Clause 5: Time and manner of payments

This clause provides that the Minister for Finance may determine the frequency and level of individual payments to the States.

#### Clause 6: Advances

This clause allows the Minister to make advance payments, under the same conditions as the financial assistance payments, to the States. If the advance exceeds the amount that would be properly payable to a State, provision for the recovery of such overpayment is made in proposed paragraph 4(3)(f) of the Act.

#### Clause 7: Moneys to be appropriated

This clause provides that moneys to be paid for purposes of the proposed Act shall be appropriated by the Parliament. The maximum amount that may be appropriated is specified in proposed sub-section 4(4) of the Act.

#### Clause 8: Delegation

This clause provides that the Minister may delegate his powers under the proposed Act.

#### Clause 9: Report by the Minister

This clause requires the Minister to report to the Parliament details of the determinations made under proposed section 4 of the Act.



