



Health Care (Appropriation) Act 1998

Act No. 74 of 1998 as amended

[Note: This Act was repealed by Act No. 12 of 2009 on 1 July 2009]

This compilation was prepared on 1 July 2009
taking into account amendments up to Act No. 12 of 2009

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to provide financial assistance in respect of health care services

1 Short title [see Note 1]

This Act may be cited as the *Health Care (Appropriation) Act 1998*.

2 Commencement [see Note 1]

This Act commences on the day on which it receives the Royal Assent.

3 Definitions

In this Act:

appropriation period means:

- (a) the period of 5 years starting on 1 July 1998; or
- (b) the period of 6 years starting on 1 July 2003.

eligible person means:

- (a) a person who is an ***eligible person*** as defined in subsection 3(1) of the *Health Insurance Act 1973*; or
- (b) a person who is treated as an ***eligible person*** under section 6, 6A or 7 of that Act (but only to the extent to which the person is so treated).

State includes the Australian Capital Territory and the Northern Territory.

4 Grants of financial assistance

- (1) The Minister may grant financial assistance to a State, or to a hospital or other person, for the purpose of:
 - (a) providing, or paying for, health and emergency services of a kind or kinds that are currently, or were historically, provided by hospitals; or
 - (b) funding projects or programs that are designed:
 - (i) to improve the efficiency and effectiveness of, or reduce the demand for, health and emergency services of a kind

- or kinds that are currently, or were historically, provided by hospitals; or
- (ii) to improve patient outcomes in relation to the delivery of such services.
- (2) Financial assistance under this section is only payable in respect of services provided, or projects or programs conducted, during an appropriation period.
- (3) The total amount paid by way of financial assistance under this section must not exceed:
- (a) in respect of the appropriation period starting on 1 July 1998—\$31,800,000,000; and
- (b) in respect of the appropriation period starting on 1 July 2003—\$52,760,000,000.
- (4) The Consolidated Revenue Fund is appropriated for the purpose of making payments of financial assistance under this section.
- (5) The Minister must present to each House of the Parliament as soon as practicable after the end of an appropriation period a statement of the total amount paid by way of financial assistance under this section in respect of that appropriation period.

5 Terms and conditions of grants of financial assistance

- (1) The following matters in relation to grants of financial assistance under section 4 are to be as determined by the Minister, or as worked out in accordance with a determination by the Minister:
- (a) the amount of a grant;
- (b) the method for payment of a grant (for example, whether it is to be paid in a lump sum or by instalments);
- (c) the time or times for payment of a grant or instalments of a grant.
- (2) A grant of financial assistance under section 4 to a State in relation to a particular appropriation period is (in addition to the condition specified in section 6) subject to:
- (a) the conditions applicable to the grant that are specified in an agreement in force between the Commonwealth and the State for that appropriation period; or

- (b) if there is no agreement in force specifying the conditions applicable to the grant—the conditions determined by the Minister.
- (3) A grant of financial assistance under section 4 to a hospital or other person (not being a State) is subject to the conditions (if any) determined by the Minister.
- (4) A determination under this section is to be in writing.

6 Grants to States conditional on adherence to specified principles

- (1) A grant of financial assistance under section 4 is not payable to a State unless the Minister is satisfied that the State is adhering to the principles set out in subsection (2).
- (2) The principles are as follows:

Principle 1

Eligible persons are to be given the choice to receive, free of charge as public patients, health and emergency services of a kind or kinds that are currently, or were historically, provided by hospitals.

Principle 2

Access to such services by public patients free of charge is to be on the basis of clinical need and within a clinically appropriate period.

Principle 3

Arrangements are to be in place to ensure equitable access to such services for all eligible persons, regardless of their geographic location.

7 Delegation

- (1) The Minister may, by writing signed by him or her, delegate to an SES employee in the Department any of the Minister's powers under:
 - (a) paragraph 4(1)(b); and
 - (b) subsections 5(1), 5(2) and 5(3), so far as they relate to financial assistance granted under paragraph 4(1)(b).

Section 7

- (2) The delegate is, in the exercise of a power delegated under subsection (1), subject to the directions of the Minister.

Table of Acts**Notes to the *Health Care (Appropriation) Act 1998*****Note 1**

The *Health Care (Appropriation) Act 1998* as shown in this compilation comprises Act No. 109, 2002 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Health Care (Appropriation) Act 1998</i>	74, 1998	30 June 1998	30 June 1998	
<i>Health Care (Appropriation) Amendment Act 2002</i>	109, 2002	2 Dec 2002	2 Dec 2002	—
<i>Health Care (Appropriation) Amendment Act 2003</i>	50, 2003	26 June 2003	26 June 2003	—
<i>Health Care (Appropriation) Amendment Act 2008</i>	52, 2008	25 June 2008	25 June 2008	—
<i>Federal Financial Relations (Consequential Amendments and Transitional Provisions) Act 2009</i>	12, 2009	26 Mar 2009	Schedule 2 (item 5): 27 Mar 2009 Schedule 3 and Schedule 4 (item 3): 1 July 2009	Sch. 4 (item 3)

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 50, 2003
S. 3	am. No. 50, 2003; No. 52, 2008
S. 4	am. No. 109, 2002; No. 50, 2003; No. 52, 2008; No. 12, 2009
S. 5	am. No. 50, 2003
S. 7	ad. No. 50, 2003

Table A

Table A

Application, saving or transitional provisions

Federal Financial Relations (Consequential Amendments and Transitional Provisions) Act 2009 (No. 12, 2009)

Schedule 4

3 Grants paid under section 4 of the *Health Care (Appropriation) Act 1998*

Despite the repeal of the *Health Care (Appropriation) Act 1998* by this Act, subsections 4(5), 5(2) and 5(3) of that Act, and any delegations under section 7 of that Act of powers under subsection 5(2) or (3) of that Act, continue to apply, in relation to grants of financial assistance paid during the appropriation period (within the meaning of that Act) starting on 1 July 2003, as if that repeal had not happened.