

2019-2020

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Health Insurance Amendment  
(Continuing the Office of the National  
Rural Health Commissioner) Bill 2020**

**No.     , 2020**

*(Health)*

**A Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes**



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# **A Bill for an Act to amend the *Health Insurance Act 1973*, and for related purposes**

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Health Insurance Amendment (Continuing the Office of the National Rural Health Commissioner) Act 2020*.

## **2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

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**Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	The later of: (a) immediately after the commencement of Schedule 2 to the <i>Health Insurance Amendment (National Rural Health Commissioner) Act 2017</i> ; and (b) the start of the day this Act receives the Royal Assent.	

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Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—National Rural Health Commissioner**

### ***Health Insurance Act 1973***

#### **1 Subsection 3(1)**

Insert:

***paid work*** means work for financial gain or reward (whether as an employee, a self-employed person or otherwise).

***Rural Health Minister*** means the Minister responsible for health in rural, regional or remote areas.

#### **2 Before Part VAA**

Insert:

### **Part VA—National Rural Health Commissioner**

#### **79AA Object of this Part**

The object of this Part is to establish the National Rural Health Commissioner to assist in improving health outcomes in rural, regional and remote areas, particularly in relation to improving the quality and sustainability of, and access to, health services in those areas.

#### **79AB Simplified outline of this Part**

The National Rural Health Commissioner's functions are:

- (a) to provide advice to the Rural Health Minister about matters relating to health in rural, regional and remote areas; and
- (b) to undertake specified projects about those matters; and
- (c) to inquire into and report on specified aspects of those matters; and

- (d) to support the implementation of Commonwealth strategies, priorities and measures about those matters; and
- (e) to undertake research, and to collect, analyse, interpret and share information, about approaches to those matters; and
- (f) to consult with a broad range of rural, regional and remote stakeholders about those matters; and
- (g) to build and maintain effective working relationships with those stakeholders; and
- (h) to perform functions conferred on the Commissioner by a Commonwealth law about those matters.

The Commissioner must perform those functions in an independent and impartial manner.

The Rural Health Minister must cause an independent review of the operation of this Part to be conducted within 6 months of the fifth anniversary of the commencement of this Part.

#### **79AC National Rural Health Commissioner**

There is to be a National Rural Health Commissioner.

#### **79AD Functions of the National Rural Health Commissioner**

##### *Commissioner's functions*

- (1) The functions of the National Rural Health Commissioner are as follows:
  - (a) to provide advice to the Rural Health Minister about matters relating to health in rural, regional or remote areas, including in relation to:
    - (i) developing, aligning and implementing Commonwealth strategies, priorities or measures so as to improve health outcomes in those areas; and
    - (ii) developing and promoting innovative and integrated approaches to the delivery of health services in those



- areas so as to improve the quality and sustainability of, and access to, health services in those areas; and
- (iii) identifying opportunities to strengthen and align health workforce training in those areas; and
  - (iv) strengthening and promoting regionally-based, patient-centred approaches to the delivery of health services in those areas that take into account the needs of the communities, families and individuals in those areas;
- (b) to undertake projects specified by the Rural Health Minister under subsection (3);
  - (c) to inquire into and report on matters specified by the Rural Health Minister under subsection (4);
  - (d) to support the implementation of Commonwealth strategies, priorities and measures for improving the quality and sustainability of, and access to, health services in those areas;
  - (e) to undertake research, and to collect, analyse, interpret and share information, about approaches for improving the quality and sustainability of, and access to, health services in those areas;
  - (f) to consult with the following persons, groups and bodies about matters relating to health in those areas:
    - (i) health professionals;
    - (ii) State and Territory governmental bodies;
    - (iii) industry, non-profit and other community groups;
    - (iv) other health stakeholders;
  - (g) to build and maintain effective working relationships with the persons, groups and bodies referred to in paragraph (f);
  - (h) to perform any function conferred on the Commissioner under a law of the Commonwealth.

Paragraphs (a) to (h) do not limit each other.

Note: For the purposes of paragraph (h), a function may be conferred on the Commissioner under subsection (7).

*Independence and impartiality*

- (2) The Commissioner must perform those functions in an independent and impartial manner.

*Projects or inquiries specified by the Rural Health Minister*

- (3) For the purposes of paragraph (1)(b), the Rural Health Minister may give a written notice to the National Rural Health Commissioner requesting the Commissioner:
  - (a) to undertake a project that:
    - (i) relates to health in rural, regional or remote areas; and
    - (ii) is specified in the notice; and
  - (b) to complete the project within the timeframe specified in the notice.
- (4) For the purposes of paragraph (1)(c), the Rural Health Minister may give a written notice to the National Rural Health Commissioner requesting the Commissioner:
  - (a) to inquire into a matter that:
    - (i) relates to health in rural, regional or remote areas; and
    - (ii) is specified in the notice; and
  - (b) to give a written report on the matter to the Rural Health Minister within the timeframe specified in the notice.
- (5) The National Rural Health Commissioner must comply with a notice given under subsection (3) or (4).
- (6) A notice under subsection (3) or (4) is not a legislative instrument.

*Additional functions*

- (7) For the purposes of paragraph (1)(h), the Rural Health Minister may, by legislative instrument, confer on the National Rural Health Commissioner a function that relates to health in rural, regional or remote areas.

**79AE Keeping the Rural Health Minister informed**

- (1) The National Rural Health Commissioner must:
  - (a) keep the Rural Health Minister informed of the activities of the Commissioner; and
  - (b) provide the Rural Health Minister with any information specified by the Minister under subsection (2).

- (2) For the purposes of paragraph (1)(b), the Rural Health Minister may give a written notice to the National Rural Health Commissioner requesting the Commissioner:
  - (a) to provide information that:
    - (i) relates to the activities of the Commissioner; and
    - (ii) is specified in the notice; and
  - (b) to provide the information to the Rural Health Minister within the timeframe specified in the notice.
- (3) The National Rural Health Commissioner must comply with a notice given under subsection (2).
- (4) A notice under subsection (2) is not a legislative instrument.

### **79AF Appointment**

- (1) The National Rural Health Commissioner is to be appointed by the Rural Health Minister by written instrument, on a full-time basis or a part-time basis.

Note: The Commissioner may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.
- (2) The National Rural Health Commissioner holds office for the period specified in the instrument of appointment. The period must not exceed 2 years.
- (3) A person is only eligible to be appointed as the National Rural Health Commissioner if the person has experience in rural health.

### **79AG Acting appointments**

The Rural Health Minister may, by written instrument, appoint a person to act as the National Rural Health Commissioner:

- (a) during a vacancy in the office of the Commissioner (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Commissioner:
  - (i) is absent from duty or from Australia; or

- (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

#### **79AH Terms and conditions**

The National Rural Health Commissioner holds office on the terms and conditions (if any) in relation to matters not covered by this Part that are determined by the Rural Health Minister.

#### **79AI Remuneration**

- (1) The National Rural Health Commissioner is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Commissioner is to be paid the remuneration that is prescribed by the instrument under subsection (4).
- (2) The National Rural Health Commissioner is to be paid the allowances that are prescribed by the instrument under subsection (4).
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.
- (4) The Rural Health Minister may, by legislative instrument, prescribe:
  - (a) remuneration for the purposes of subsection (1); and
  - (b) allowances for the purposes of subsection (2).

#### **79AJ Leave of absence**

- (1) If the National Rural Health Commissioner is appointed on a full-time basis, the Commissioner has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) If the National Rural Health Commissioner is appointed on a full-time basis, the Rural Health Minister may grant the Commissioner leave of absence, other than recreation leave, on the

terms and conditions as to remuneration or otherwise that the Rural Health Minister determines.

- (3) If the National Rural Health Commissioner is appointed on a part-time basis, the Rural Health Minister may grant the Commissioner leave of absence on the terms and conditions that the Rural Health Minister determines.

#### **79AK Other paid work**

- (1) If the National Rural Health Commissioner is appointed on a full-time basis, the Commissioner must not engage in paid work outside the duties of the Commissioner's office without the Rural Health Minister's approval.
- (2) If the National Rural Health Commissioner is appointed on a part-time basis, the Commissioner must not engage in any paid work that, in the Rural Health Minister's opinion, conflicts or could conflict with the proper performance of the Commissioner's duties.

#### **79AL Resignation**

- (1) The National Rural Health Commissioner may resign the Commissioner's appointment by giving the Rural Health Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Rural Health Minister or, if a later day is specified in the resignation, on that later day.

#### **79AM Termination of appointment**

- (1) The Rural Health Minister may terminate the appointment of the National Rural Health Commissioner:
    - (a) for misbehaviour; or
    - (b) if the Commissioner is unable to perform the duties of the Commissioner's office because of physical or mental incapacity.
  - (2) The Rural Health Minister may terminate the appointment of the National Rural Health Commissioner if:
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- (a) the Commissioner:
  - (i) becomes bankrupt; or
  - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
  - (iii) compounds with the Commissioner's creditors; or
  - (iv) makes an assignment of the Commissioner's remuneration for the benefit of the Commissioner's creditors; or
- (b) if the Commissioner is appointed on a full-time basis—the Commissioner is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
- (c) if the Commissioner is appointed on a full-time basis—the Commissioner engages, except with the Rural Health Minister's approval, in paid work outside the duties of the Commissioner's office (see subsection 79AK(1)); or
- (d) if the Commissioner is appointed on a part-time basis—the Commissioner engages in paid work that, in the Rural Health Minister's opinion, conflicts or could conflict with the proper performance of the Commissioner's duties (see subsection 79AK(2)); or
- (e) the Commissioner fails, without reasonable excuse, to comply with section 79AN.

#### **79AN Disclosure of interests**

The National Rural Health Commissioner must disclose to the Rural Health Minister details of any direct or indirect pecuniary interests that the Commissioner has or acquires and that conflict or could conflict with the proper performance of the Commissioner's functions.

#### **79AO Application of the finance law**

- (1) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*), the National Rural Health Commissioner is an official (within the meaning of that Act) of the Department.

Note: The Commissioner's responsibilities as an official under the finance law include duties in relation to exercising due care and diligence,

acting in good faith and for a proper purpose and not improperly using information or position (see Division 3 of Part 2-2 of the *Public Governance, Performance and Accountability Act 2013*).

- (2) However, section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) does not apply to the Commissioner.

Note: Section 29 of that Act does not apply to the Commissioner because the duty is instead imposed on the Commissioner under section 79AN of this Act.

### **79AP Annual report**

- (1) The National Rural Health Commissioner must prepare and give to the Rural Health Minister, for presentation to the Parliament, an annual report about the Commissioner's activities during the previous financial year (the *reporting period*).

Note: See also section 34C of the *Acts Interpretation Act 1901*, which contains extra rules about annual reports.

- (2) The report must include:
- (a) details of the National Rural Health Commissioner's activities during the reporting period; and
  - (b) any other matters the Rural Health Minister directs the Commissioner to include in the report under section 79AQ.
- (3) The report must be given to the Rural Health Minister by:
- (a) the 15th day of the fourth month after the end of the reporting period; or
  - (b) the end of any further period granted under subsection 34C(5) of the *Acts Interpretation Act 1901*.
- (4) The report may be included in a report prepared in relation to the Department and given to the Minister administering this Act under section 46 of the *Public Governance, Performance and Accountability Act 2013*.

**79AQ Minister may give directions to the National Rural Health Commissioner**

- (1) The Rural Health Minister may, by notifiable instrument, give written directions to the National Rural Health Commissioner about:
  - (a) the performance of the Commissioner's functions; and
  - (b) matters to be included in a report under section 79AP.
- (2) The Commissioner must comply with a direction under subsection (1).

**79AR Assistance from APS employees**

- (1) The Secretary of the Department may enter into an arrangement with the National Rural Health Commissioner for the services of APS employees in the Department to be made available to assist the Commissioner.
- (2) When performing services for the National Rural Health Commissioner under this section, a person is subject to the directions of the Commissioner.

**79AS Review of the operation of this Part**

- (1) The Rural Health Minister must cause an independent review of the operation of this Part to be conducted within 6 months after the fifth anniversary of the commencement of this Part.
- (2) The persons who conduct the review must give the Rural Health Minister a written report of the review.
- (3) The Rural Health Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Rural Health Minister.