

EXPLANATORY STATEMENT

Select Legislative Instrument No. 99, 2015

Issued by the Authority of the Minister for Finance

Financial Framework (Supplementary Powers) Act 1997

*Financial Framework (Supplementary Powers) Amendment
(2015 Measures No. 6) Regulation 2015*

The *Financial Framework (Supplementary Powers) Act 1997* (the FF(SP) Act) confers on the Commonwealth, in certain circumstances, powers to: make arrangements under which money can be spent; or to make grants of financial assistance; and to form, or otherwise be involved in, companies. The arrangements, grants, programmes and companies (or classes of arrangements or grants in relation to which the powers are conferred) are specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the Principal Regulations). The FF(SP) Act applies to Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

Section 65 of the FF(SP) Act provides that the Governor-General may make regulations prescribing matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

Section 32B of the FF(SP) Act authorises the Commonwealth to make, vary and administer arrangements and grants specified in the Principal Regulations. Section 32B also authorises the Commonwealth to make, vary and administer arrangements for the purposes of programmes specified in the Principal Regulations. Schedule 1AA and Schedule 1AB to the Principal Regulations specify the arrangements, grants and programmes.

Schedule 1 to the Regulation amends the Principal Regulations to establish legislative authority in Schedule 1AB for spending by the Government on 22 activities across seven portfolios. Many of the activities were announced in the 2015-16 Budget and relate to:

- the Community Legal Services Programme to provide access to legal assistance services for vulnerable and disadvantaged members of the community; the establishment of the National Programme for Excellence in the Arts to support participation in, and access to, Australia's arts and cultural sector; and funding the matched funding programme, to be administered by Creative Partnerships Australia, to support projects that develop the arts sector's capacity to use innovative fundraising strategies and build partnerships with the corporate and philanthropic sectors (Attorney-General's portfolio);
- public access to national geocoded address data (Communications portfolio);
- the Australian Apprenticeship Support Network to deliver support services nationally to assist apprentices and their employers to engage with, participate in, and complete Australian apprenticeships (Education and Training portfolio);
- the development of a coordinated data platform on energy to help all users of energy data understand and forecast changes in energy demand (Industry and Science portfolio);

- supporting land transport infrastructure projects by providing loans to support project delivery; the Stronger Communities Programme which is designed to deliver social benefits in Australia's regions by funding small capital projects in local communities in each of the 150 federal electorates; and the Drought Communities Programme that will fund local infrastructure initiatives in selected local government areas (Infrastructure and Regional Development portfolio);
- the Individual Placement and Support Trial to assist young people with mental illness to remain in education or employment, or to transition to employment (Social Services portfolio); and
- twelve items from the Health portfolio including:
 - supporting the delivery of medical services to people living in rural, regional and remote communities in Australia by providing targeted financial support to encourage doctors to practise in areas that experience the greatest difficulty in attracting and retaining the medical workforce;
 - the Haemopoietic Progenitor Cells Programme to provide Australian patients with better access to life-saving tissue transplants used to restore stem cells destroyed by cancer therapies and other life-threatening conditions;
 - the establishment and maintenance of clinical quality registries for the purpose of assessing and improving the quality of health care;
 - the Junior Medical Officer Programme to support clinical training positions for junior medical practitioners prior to the commencement of specialist training;
 - the National Bowel Cancer Screening Programme that supports the prevention and early detection of bowel cancer to reduce morbidity and mortality from the disease;
 - improving the uptake of vaccines under the National Immunisation Programme;
 - the Health Workforce Scholarship Programme to increase participation in, and promote better distribution of, health workforces;
 - the establishment and ongoing maintenance of a National Cancer Screening Register;
 - measures to improve organ and tissue donation rates and access to organ and tissue transplantation support;
 - funding professional pharmacy programmes and services under the Sixth Community Pharmacy Agreement;
 - funding the Australian Men's Shed Association to promote and provide medical services for the treatment and management of physical and mental health conditions; and
 - funding health peak and advisory bodies for activities that focus on informing and supporting the Government's health agenda.

Details of the Regulation are set out at [Attachment A](#). A Statement of Compatibility with Human Rights is at [Attachment B](#).

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences on the day after registration on the Federal Register of Legislative Instruments.

Consultation

In accordance with section 17 of the *Legislative Instruments Act 2003*, consultation has taken place with the Attorney-General's Department, the Department of Communications, the Department of Education and Training, the Department of Health, the Department of Industry and Science, the Department of Infrastructure and Regional Development and the Department of Social Services.

A regulation impact statement is not required as the Regulation only applies to non-corporate Commonwealth entities and does not adversely affect the private sector.

Details of the *Financial Framework (Supplementary Powers) Amendment (2015 Measures No. 6) Regulation 2015*

Section 1 – Name

This section provides that the title of the Regulation is the *Financial Framework (Supplementary Powers) Amendment (2015 Measures No. 6) Regulation 2015*.

Section 2 – Commencement

This section provides that the Regulation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 – Authority

This section provides that the Regulation is made under the *Financial Framework (Supplementary Powers) Act 1997*.

Section 4 – Schedules

This section provides that the *Financial Framework (Supplementary Powers) Regulations 1997* are amended as set out in the Schedules to the Regulation.

Schedule 1 – Amendments

Item 1 – Part 3 of Schedule 1AB (at the end of the table)

This item adds one new item to Part 3 of Schedule 1AB to establish legislative authority for government spending for an activity administered by the Department of Industry and Science.

New **table item 7** establishes legislative authority for the Government to fund the development of a coordinated data platform on energy to help all users of energy data, including industry, research groups and government, understand and forecast changes in energy demand. The item will be administered by the Department of Industry and Science.

Energy use data is a key input to planning, policy and market development for governments, market bodies and industry. Currently, there are significant gaps in the understanding of energy use and how energy use is changing, including the use of all fuels, electricity, gas and transport.

The coordinated data platform on energy will, through a selected organisation, coordinate data aggregation and build a greater understanding of how energy use and trends at the consumer level relate to energy use and trends economy-wide. The data will inform the development of policies, programmes and effective business planning to improve Australia's energy productivity, including how to overcome the technical and regulatory issues with combining separate data sets. The platform is part of a wider body of work on the National Energy Productivity Plan, which was announced in the Government's *2015 Energy White Paper*, released on 8 April 2015.

The Department of Industry and Science will award a grant to a selected organisation to facilitate the design and implementation of the platform in order to improve Australia's national capacity to collect, organise, analyse and communicate energy use data. The grant will allow research and investigation into energy use in Australia, and dissemination of the results of the research and investigation. It will further allow the development, implementation and operation of a range of supporting systems for energy use data and put in place governance arrangements for the platform.

Energy use data is currently collected and managed by a range of organisations, including, but not limited to, the Australian Energy Market Operator, the Clean Energy Regulator, the Australian Energy Regulator, the Australian Bureau of Statistics, the Department of Industry and Science, the Department of the Environment and the Commonwealth Scientific and Industrial Research Organisation. As the controls placed around these different data collections (for example, privacy considerations) are complex, the development of the platform will require the involvement of many organisations. It is proposed that the grant will be managed by a steering committee made up of data holding bodies. This steering committee will track progress, agree budgets and resourcing, review consultation documents and reports and make related management decisions for the administration of funds under the grant.

Funding decisions will be made by a senior departmental official from the Department of Industry and Science. All expenditure will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

Due to the targeted, ad hoc nature of this grant, there is no mechanism for appealing funding or expenditure decisions.

Funding for the programme will come from Programme 4: Programme Support, which is part of Outcome 1: Enabling growth and productivity for globally competitive industries through building skills and capability, supporting science and innovation, encouraging investment and improving regulation, as set out in the *Portfolio Budget Statements 2014-15, Budget Related Paper No. 1.12, Industry Portfolio* at page 66.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the purpose of the item references the following powers of the Constitution:

- the census and statistics power (section 51(xi));
- the external affairs power (section 51(xxix)); and
- the Commonwealth executive and express incidental powers (sections 61 and 51(xxxix)).

Item 2 – Part 4 of Schedule 1AB (at the end of the table)

This item adds 21 new items to Part 4 of Schedule 1AB to establish legislative authority for government spending for certain activities administered by the Attorney-General's Department, the Department of Communications, the Department of Education and Training, the Department of Health, the Department of Industry and Science, the Department of Infrastructure and Regional Development and Department of Social Services.

New **table item 85** establishes legislative authority for the Government to fund the Australian Apprenticeship Support Network (AASN) to deliver support services nationally to assist apprentices and their employers to engage with, participate in, and complete Australian apprenticeships. The AASN will be administered by the Department of Education and Training.

The Government has allocated \$768 million over four years from 2015-16 for this programme. On 27 April 2015, the Assistant Minister for Education and Training, Senator the Hon Simon Birmingham, announced the 11 organisations which will make up the network. A list of the organisations is available on the Department of Education and Training's website (<http://docs.education.gov.au/node/37759>).

The AASN providers will deliver a range of support services to apprentices and their employers with the aim of:

- simplifying and improving user access to, and engagement with, the Australian apprenticeships system by establishing AASN providers as hubs for the delivery of quality end-to-end advice and support services for apprentices and their employers;
- improving apprenticeship retention, completion and satisfaction rates through the provision of new services designed to deliver targeted support to apprentices and employers prior to commencement and in-training;
- providing services to assist individuals to find the right vocational education and training (VET) or employment pathway for them; and
- reducing red tape and the administrative burden on apprentices, providers, stakeholders and system users.

The Department is purchasing a range of services through the AASN to better support apprentices from pre-commencement to completion. A number of universal services will be available to all clients, while targeted services will support apprentices in need of greater support to enter and complete an apprenticeship.

Universal services will be available to all clients at no cost and will include:

- marketing, information and advice about Australian apprenticeships;
- training, contract sign-up and administration;
- eligibility assessments for the Australian Apprenticeships Incentives Programme and Trade Support Loans;
- client progress contacts and visits for the duration of the training contract and payment of incentives and loans; and
- engagement with State Training Authorities through the apprenticeship lifecycle.

As part of universal services delivery, AASN providers are expected to maintain ongoing and regular engagement with apprentices and their employers to ensure the apprenticeship arrangement is operating effectively from sign-up to completion.

Targeted services have been designed to complement universal servicing where there is a need for additional support to apprentices and their employers with the overarching aim of improving completion rates. Targeted services comprise two streams of service delivery, gateway services and in-training support, which will be provided at no cost to clients.

Gateway services will provide customised pre-commencement services to individuals and employers seeking assistance to find the “right fit” apprenticeship or apprentice. These services also will assist individuals who require additional foundation skills or training prior to commencing an apprenticeship to identify an appropriate up-skilling pathway. In addition, gateway services will provide individuals interested in undertaking non-apprenticeship VET pathways with advice and guidance on options available to them.

In-training support will comprise tailored services such as mentoring for individuals assessed as being at high-risk of non-completion. Services also can be made available to employers who may be facing difficulties retaining an apprentice in training.

AASN providers were selected through a national request for tender process undertaken by the Department of Education and Training. In line with the *Commonwealth Procurement Rules*, merit review mechanisms built in to the tender process included the appointment of an external, independent probity adviser and a multi-phase tender assessment process incorporating registration and compliance, initial assessment, re-assessment, value for money assessment and final review by a Tender Management Committee. The decision to engage successful tenderers was taken by the delegate within the Department. Successful providers are contracted for a period of three years from 1 July 2015, with an option to extend for up to a further three years.

As part of their contractual arrangements, AASN providers must have in place complaints resolution processes, including maintenance of a complaints and response register, to deal fairly with complaints. If clients are not satisfied with the handling of their complaint, escalation processes are available. Apprentices, employers and any other interested parties that wish to complain, query or provide feedback on services received may call the Australian Apprenticeships Referral Line. The Department will provide information, investigate the concerns of callers and take action to resolve them. Matters raised could include breaches of the AASN provider code of conduct, issues relating to the quality of services, or issues relating to conflicts of interest.

Apprenticeship Network provider performance will be managed through a comprehensive performance management framework, which will include monitoring and measurement of key performance indicators, quantitative and qualitative assessment of service delivery and regular auditing. Providers will be required to report quarterly to the Department and mechanisms will be in place to manage underperformance, including the option to withhold full payment should agreed service benchmarks for particular services not be met. Further information about the AASN is available from the VET Reform website (<http://www.vetreform.industry.gov.au/>).

Funding will come from Programme 2.8: Building Skills and Capability, Sub-programme 2.8.2: Skills Development. Programme 2.8 is part of Outcome 2: Promote growth in economic productivity and social wellbeing through access to quality higher education, international education, and international quality research, skills and training. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No.1.5, Education and Training Portfolio* at page 61.

Noting that this is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA)); and
- the external affairs power (section 51(xxix)).

New **table item 86** establishes legislative authority for the Government to support land transport infrastructure projects by providing loans to support project delivery. The item will be administered by the Department of Infrastructure and Regional Development.

The Government outlined its intention to use alternative financing arrangements, such as providing funds for the making of loans, in the 2014-15 Budget (*Budget 2014-15, Building Australia's Infrastructure* at page 10). The provision of alternative financing such as loans is intended to complement traditional grant funding and enable the Government to more effectively use its balance sheet to support Australia's infrastructure needs.

Decisions to provide such loans will be made by the Government. The specific terms under which such loans will be provided will be negotiated between the proponent and the Commonwealth. These agreements will form part of broader commercial transactions and while the detailed agreements will not be publicly available, high-level information on the agreements will be publicly announced.

Given the targeted and non-competitive nature of this initiative, internal merits review is not applicable.

Funding details for each loan will be announced publicly as they are approved. For example, details for the concessional loan for Stage 2 of WestConnex are detailed in *Budget Measures, Budget Paper No. 2 2014-15* at page 176, and the Programme 1.1 Expenses table in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.13, Infrastructure and Regional Development Portfolio* at page 34.

Funding for these loans will come from Outcome 1: Improved infrastructure across Australia through investment in and coordination of transport and other infrastructure, as set out at page 30 in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.13, Infrastructure and Regional Development Portfolio*. This Outcome is delivered through the Infrastructure Investment programme.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the trade and commerce power (section 51(i));
- the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix));
- the territories power (section 122);
- the railway construction power (section 51(xxxiv)); and
- grants to States/Territories (section 96).

New **table item 87** establishes legislative authority for the Government to fund the Community Legal Services Programme, which will be administered by the Attorney-General's Department.

This programme will provide access to legal assistance services for vulnerable and disadvantaged members of the community by providing funding to eligible organisations for national service delivery projects and innovative pilot programmes, and for programme support activities, that complement the delivery of community legal services by the states and territories. The Government has committed \$12.5 million over four years from 2015-16 to fund the programme.

The programme is a modified version of the previous "Payments for the provision of community legal services" programme that provided Commonwealth funding for community legal services for people facing disadvantage. The previous programme will cease on 30 June 2015 and the majority of funding will be transferred to the states and territories under a national partnership agreement as part of reforms of the legal assistance sector.

The Community Legal Services Programme will provide programme support to the community legal centre component of the National Partnership Agreement on Legal Assistance Services during 2015-16 as services transition to the new arrangements. The programme will also fund community legal services at a national level including insurance and children related services. It will also provide opportunities for innovative new services through targeted grant rounds within the legal assistance sector.

Funding decisions will be made by the Attorney-General or a nominated departmental delegate in accordance with the *Public Governance, Performance and Accountability Act 2013*.

Guidelines for this programme will be developed as required under the *Commonwealth Grants Rules and Guidelines*. The guidelines will include selection criteria and details of the decision-making processes for the programme and will be available at: <https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/LegalServicesProgram/Pages/default.aspx>. Funding outcomes will be published through the Attorney-General's Department Grants Register where appropriate.

The programme guidelines will outline applicants' rights of appeal which consist of an internal review process.

Funding will come from Programme 1.4: Justice Services which is part of Outcome 1: A just and secure society through the maintenance and improvement of Australia's law and justice framework and its national security and emergency management system. Funding details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.2, Attorney-General's Portfolio* at page 30.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix));
- the external affairs power (section 51(xxix));
- the communications power (section 51(v));
- the census and statistics power (section 51(xi)); and
- the races power (section 51(xxvi)).

New **table item 88** establishes legislative authority for the Government to establish the National Programme for Excellence in the Arts, to be administered by the Ministry for the Arts within the Attorney-General's Department. This programme will provide a responsive, national approach to supporting participation in, and access to, Australia's high quality, diverse and vital arts and cultural sector.

Grants will be provided through a range of funding streams including: endowment incentives; international and cultural diplomacy; strategic initiatives; festivals; and an exhibitions touring stream. The programme aims to deliver a wide range of quality arts and cultural experiences that grow arts audiences; encourage greater private sector support and partnership funding for the arts; support collaborations to develop arts and culture initiatives; and strengthen Australia's reputation as a sophisticated and artistic nation with a confident, outward-focused arts sector.

The Attorney-General and Minister for the Arts, Senator the Hon George Brandis QC, announced on 12 May 2015 reforms to arts funding, which included the transfer of the Festivals Australia programme, the Visions of Australia programme and the Major Festivals Initiative from the Australia Council to the Department.

The Government has provided \$104.7 million over four years from 2015-16 for this programme. Details are set out in the measure, *National Programme for Excellence in the Arts – establishment*, in *Budget Measures, Budget Paper No. 2 2015-16* at page 62.

The programme will enable the Minister for the Arts to allocate funding across five grant streams.

The Endowment Incentive stream will support organisations to leverage funds from other sources to realise medium to long term projects through financial partnerships and collaborations. This stream will be open to a wide range of projects that may include: co-investment to deliver new initiatives such as a fellowship programme; contribution to an infrastructure project; or development of new Australian works.

The International and Cultural Diplomacy stream will support arts and cultural organisations to expand audiences for Australian artistic work and creative products through international tours, exhibitions, partnerships and exchanges. It will also support Australian arts and cultural organisations to take up partnership opportunities to enable Australian audiences to have access to international performances and exhibitions.

The Strategic Initiatives stream will assist arts and cultural organisations to respond to new opportunities, challenges and issues. It will also support organisations to deliver outcomes against planned and developing priorities. It will support projects enabling regional and remote audiences to have new opportunities for access to a wide range of art forms.

The Festivals stream incorporates both Festivals Australia grants and the Major Festivals Initiative. Festivals Australia grants will support arts festivals in regional and remote areas, while the Major Festivals Initiative will support the commissioning, development and showcasing of new Australian performing arts productions for Australia's major international arts festivals in metropolitan areas.

Visions of Australia grants will support the touring of exhibitions to and from regional and remote Australia.

Two overarching conditions will apply to all streams of the programme: the delivery of a wide range of quality arts and cultural experiences that grow arts audiences throughout Australia and internationally; and the encouragement of greater private sector support and partnerships for the arts.

Decisions for funding under the programme will be made by the Minister for the Arts on the basis of advice prepared by the Department, in accordance with the *Public Governance, Performance and Accountability Act 2013*.

Guidelines for the programme will be made publicly available on the Department's website (www.arts.gov.au). Grants will be published on the Grants Register on the Attorney-General's Department website within 14 days of the grant agreement taking effect, in line with the *Commonwealth Grants Rules and Guidelines*. Information on complaints and how they will be dealt with will form part of the guidelines.

Funding for the programme will come from Programme 2.1: Arts and Cultural Development which is part of Outcome 2: Participation in, and access to, Australia's arts and culture through developing and supporting cultural expression. Funding details are set out in the *Portfolio Budget Estimates 2015-16, Budget Related Paper No. 1.2, Attorney-General's Portfolio* at page 40.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix));
- the aliens power (section 51(xix));
- the trade and commerce power (section 51(i));
- the territories power (section 122); and
- the external affairs power (section 51(xxix)).

New **table item 89** establishes legislative authority for the Government to provide funding for a matched funding programme, to be administered by Creative Partnerships Australia (CPA) under a grant agreement with the Attorney-General's Department. CPA is the arts portfolio agency established with the express purpose of encouraging and facilitating private giving, social investment and philanthropy for the arts in Australia.

The Government has allocated \$5.3 million over three years for CPA to continue to deliver matched funding initiatives to support projects that develop the arts sector's capacity to use innovative fundraising strategies and build partnerships with the corporate and philanthropic sectors. By offering the incentive of government grants pledged to match contributions raised from the philanthropic and corporate supporters, this funding will increase arts organisations' fundraising capacity and help to encourage a broader culture of giving to the arts.

The grant to CPA for this purpose will be published on the Grants Register on the Attorney-General's Department website within 14 days of the grant agreement taking effect, in line with the *Commonwealth Grants Rules and Guidelines*.

More information on CPA's delivery of matched funding initiatives is available at www.creativepartnershipsaustralia.org.au. CPA will publish comprehensive guidelines, including information on processes for dealing with complaints, when seeking applications for matched funding in 2015-16 and beyond. The guidelines will be available at www.creativepartnershipsaustralia.org.au.

Funding for the programme is from Programme 2.1: Arts and Cultural Development: Matched Funding Programme which comes under Outcome 2: Participation in, and access to, Australia's arts and culture through developing and supporting cultural expression. Funding details are set out in the *Portfolio Budget Statements 2015-16 Budget Related Paper No. 1.2, Attorney-General's Portfolio* at page 38.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix)) of the Constitution.

New **table item 90** establishes legislative authority for the Government to provide funding for the Individual Placement and Support (IPS) Trial to assist young people with mental illness to remain in education or employment, or to transition to employment. The trial is a component of the Youth Employment Strategy – Intensive Support for Vulnerable Job Seekers under the Government's Growing Jobs and Small Business Package, and will be administered by the Department of Social Services.

Under the trial, professional employment specialists will be integrated into clinically-focused, youth mental health services throughout Australia. The trial will commence in 2015-16 and, once fully implemented, will aim to assist at least 2,000 participants per year.

The trial will provide career advice and employment support to assist young people up to the age of 25 years with mental illness to transition to employment, or to remain in education or employment. Vocational assistance will be provided together with clinical mental health services and non-vocational support, and will be based on the needs of the individual seeking assistance.

The trial will also involve associated research and a concurrent evaluation of the trial. Appropriate support and training in the delivery of the IPS model will also be provided to the employment specialists and youth mental health services in the trial sites.

Grants will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*. Details of grants will be made publicly available on the Department's website in accordance with the *Commonwealth Grants Rules and Guidelines*. The trial is unsuitable for merits review as it is a time limited trial, has limited funds and only a proportion of applications can be met.

Funding for the trial will come from Programme 5.1: Disability Mental Health and Carers, which is under Outcome 5: Disability and Carers: Improved independence of, and participation by, people with disability, including improved support for carers, by providing targeted support and services. Funding details and a description of the trial are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper 1.15, Social Services Portfolio* at pages 32 and 144.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the external affairs power (section 51(xxix)); and
- the social welfare power (section 51(xxiiiA)).

New **table item 91** establishes legislative authority for the Government to fund public access to national geocoded address data.

The Department of Communications will make national geocoded address data openly available through the Government data website (www.data.gov.au) under open data terms (that is, at no charge to the end user and with minimal licence restrictions).

Making national geocoded address data available under open data terms will enable greater use of the data and unlock and create opportunities for industry innovation and competitiveness, realising substantial economic and social benefits. Beneficiaries will include industry, community organisations, research institutions and government agencies.

All decisions for this item will be made in accordance with the Department of Communication's Accountable Authority Instructions and delegations on the expenditure of relevant monies as authorised under the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Procurement Rules*. The Minister for Communications, or delegate, will be the decision-maker for the activity.

This item is not considered suitable for merits review given the non-competitive nature of the funding for this item.

Funding for the item will come from Programme 1.1: Digital Technologies and Communications Services, which is part of Outcome 1: Promote an innovative and competitive communications sector, through policy development, advice and program delivery, so all Australians can realise the full potential of digital technologies and communications services. Details are set out in the *Portfolio Budget Statements 2015-2016, Budget Related Paper No. 1.3, Communications Portfolio* at pages 19 and 23.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the communications power (section 51(v)) of the Constitution.

New **table item 92** establishes legislative authority for the Government to fund the Stronger Communities Programme which is designed to deliver social benefits in Australia's regions. This programme will be administered by the Department of Infrastructure and Regional Development.

The Government will provide \$45 million over two years, commencing in 2015-16, to fund small capital projects in local communities in each of the 150 federal electorates. The desired outcome of the programme is to improve local community participation, cohesion and contribute to vibrant and viable communities.

Funding of \$150,000 per year over two years will be available to support projects in each of the electorates. Applicants must seek a grant of at least \$5,000, up to a maximum of \$20,000, and will be required to match funding either in cash or in-kind.

In accordance with the *Commonwealth Grants Rules and Guidelines*, information about the programme, including roles and responsibilities, eligible applicants, projects and the selection process will be published in the programme guidelines, which will be available on the Department of Infrastructure and Regional Development's website at www.infrastructure.gov.au/scp.

In general terms, members of parliament (MPs) will be required to establish a community consultation committee to assist with identifying projects. MPs will recommend and provide comments to the Department on projects they consider suitable for funding. The Department will assess the applications against the eligibility criteria and whether funding the project will be a proper use of grant funding. An authorised officer of the Department will be delegated to approve the funding of successful projects. MPs will be notified of the outcomes. Successful projects will be listed on the Department's website. Internal merits review is not applicable in respect of decisions made in relation to funding, given the non-competitive nature of the funding.

The Stronger Communities Programme comes under Programme 3.1: Regional Development, which is part of Outcome 3: Strengthening the sustainability, capacity and diversity of regional economies including through facilitating local partnerships between all levels of government and local communities; and providing grants and financial assistance. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.13, Infrastructure and Regional Development Portfolio* at pages 54 to 59.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the territories power (section 122);
- the trade and commerce power (section 51(i));
- the races power (section 51(xxvi)); and
- the communications power (section 51(v)).

New **table item 93** establishes legislative authority for the Government to provide funding for the Drought Communities Programme that will fund local infrastructure initiatives in selected local government areas. The initiatives are expected to provide employment for people whose work opportunities have been impacted by drought. The programme will be administered by the Department of Infrastructure and Regional Development.

The proposal was announced by the Prime Minister, the Hon Tony Abbott MP, the Deputy Prime Minister and Minister for Infrastructure and Regional Development, the Hon Warren Truss MP, and the Minister for Agriculture, the Hon Barnaby Joyce MP, on 9 May 2015.

The Government has allocated \$35 million over four years from 2015-16 to this programme.

Funding will be targeted at projects that stimulate local community spending, use local resources, businesses and suppliers, and provide a benefit to communities and the agricultural industries on which they depend. Funding will be available to 'agreed councils'. Agreed councils eligible for funding under the programme will be those specified by the Minister for Infrastructure and Regional Development, in consultation with the Minister for Agriculture. Drought, remoteness and rainfall deficiency information prepared by the Department of Agriculture will inform decisions by ministerial discretion on the agreed councils. Funding under the programme is limited to the agreed councils. Agreed councils will each receive total payments of \$1.5 million.

Programme guidelines will be provided directly to the agreed councils and will be published on the Department of Infrastructure and Regional Development's website (<http://investment.infrastructure.gov.au/>) along with the list of agreed councils and spending decisions as they are made.

Eligible projects could include economic, social and cultural infrastructure, safety and accessibility upgrades, and town facility developments and upgrades. Proposals will be appraised against the eligibility criteria by the Department of Infrastructure and Regional Development. An authorised officer of the Department will be delegated to approve the funding of successful projects. The merits of individual projects will not be assessed by the Department; rather, projects will be assessed as being eligible against the criteria in the programme guidelines. Should a project not be approved, the agreed council will be provided with the opportunity to submit an alternative project or amend the current proposal and re-submit it.

The Drought Communities Programme is not a competitive grants programme. Only projects identified by the agreed councils will be considered, subject to them meeting the principle of value with relevant money. As a result, the establishment of these projects is not subject to external review.

The programme does not create an entitlement for all drought-affected councils to receive funding. Programme funding is capped at \$35 million, and once that ceiling is reached through additional councils being added to the list of agreed councils, then no other approvals are possible, without a further consideration of the programme's parameters by the Government. The Minister for Infrastructure and Regional Development, in consultation with the Minister for Agriculture, can consider adding further agreed councils at their discretion.

Further information about the programme will be provided on the Department's website once available.

The Drought Communities Programme is being delivered under Programme 3.1: Regional Development, which is part of Outcome 3: Strengthening the sustainability, capacity and diversity of regional economies including through facilitating local partnerships between all levels of government and local communities; and providing grants and financial assistance. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.13, Infrastructure and Regional Development Portfolio* at pages 56 to 59.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the trade and commerce power (section 51(i));
- grants to States/Territories (section 96);
- the territories power (section 122);
- the communications power (section 51(v));
- the defence power (section 51(i));
- the railway construction power (section 51(xxxiv));
- the social welfare power (section 51(xxiiiA));
- the races power (section 51(xxvi));
- the external affairs power (section 51(xxix)); and
- the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix)).

New **table item 94** establishes legislative authority for the Government to support the delivery of medical services to people living in rural, regional and remote communities in Australia by better targeting assistance to areas with the highest level of workforce need. The programme involves the provision of targeted financial support to encourage doctors to practise in areas that experience the greatest difficulty in attracting and retaining the medical workforce.

The existing General Practice Rural Incentives Programme will be expanded by the consolidation of two ceasing programmes, the Outer Metropolitan Relocation Incentive Grant and the Higher Education Contributions Scheme Reimbursement Scheme, to provide a single, better designed incentive programme for improved access to medical services for rural populations.

The measure, *Better Targeted Rural Financial Incentives for Doctors*, was announced in the 2015-16 Budget. Details are set out in *Budget Measures 2015-16, Budget Paper No. 2 2015-16* at page 99.

Doctors who meet the eligibility criteria under updated programme guidelines will receive the financial incentives in accordance with the location in which they practise, the length of time they have been there and their clinical workload. The guidelines will be available on the Department of Health's website for Rural and Regional Health Australia (<http://www.ruralhealthaustralia.gov.au/>). The Department of Human Services will administer the payments, through an automatic payment system, on behalf of the Department of Health. All expenditure under this item will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

Doctors who wish to appeal their particular outcome can do so by applying to the Department of Human Services or the Department of Health, as set out in the programme guidelines. Reviews will be conducted internally by the Department of Health. For appeals arising due to exceptional circumstances, the Department of Health will receive assistance from an advisory committee comprising external members who represent key stakeholders.

The programme comes under Programme 8.1: Workforce and Rural Distribution, which is part of Outcome 8: Health Workforce Capacity. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at pages 31 and 143 to 144.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA)); and
- the external affairs power (section 51(xxix)).

New **table item 95** establishes legislative authority for the Government to fund the Haemopoietic Progenitor Cells Programme to provide Australian patients with better access to life-saving tissue transplants used to restore stem cells destroyed by cancer therapies and other life-threatening conditions. This programme will merge two existing programmes, the Bone Marrow Transplant Programme and the International Searches Programme, to streamline administrative processes and reduce regulatory burden. This item will be administered by the Department of Health.

Funding will be provided to enable patients to access international matched tissue in the same way as under the previous programme arrangements, including:

- funding to conduct searches of international registries for an unrelated donor and confirmatory tissue testing and typing of potential donors residing overseas; and
- payments for services including:
 - costs to procure cells from overseas-based unrelated donors;
 - costs to transport cells to Australia; and
 - financial assistance for a related donor who is resident overseas to travel to Australia in order to make a donation.

Funding decisions for the programme are based on an application made on behalf of an individual and decisions are made by a delegate of the Minister for Health based on criteria, which are publicly available on the Department of Health's website (<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-organ-bmtransplant.htm>). Internal merits review is not applicable to the programme as decisions for funding are ad hoc, tightly targeted and non-competitive in nature.

All expenditure under this item will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

Payments for this programme will be made from Programme 7.6: Blood and Organ Donation, which comes under Outcome 7: Health Infrastructure, Regulation, Safety and Quality, as set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at pages 30 and 128. Details of the measure, *Bone Marrow Transplant and International Searches Programmes – consolidation*, are in *Budget Measures, Budget Paper*

No. 2 2015-16, at pages 99 and 100. The cost of the measure will be met from within the existing resources of the Department of Health.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the social welfare power (section 51(xxiiiA)) of the Constitution.

New **table item 96** establishes legislative authority for the Government to fund those activities carried out under the Improve Safety and Quality in Health Care Programme in relation to the establishment and maintenance of clinical quality registries for the purpose of assessing and improving the quality of health care. Other activities may include the development of shared decision-making tools and patient decision aids; and the development and provision of clinical education.

These activities support government action to improve safety, quality and efficiencies, and reduce waste in the health system. This item will be administered by the Department of Health.

Clinical quality registries are systems or mechanisms for monitoring the appropriateness and effectiveness of health care by collecting, analysing and reporting health-related information about the treatment of a particular type of disease, the use of a type or types of procedure, or the use of a type of medical device. They are set up in accordance with the Framework for Australian Clinical Quality Registries (see <http://www.safetyandquality.gov.au/our-work/information-strategy/clinical-quality-registries/a-framework-for-australian-clinical-quality-registries/>).

Clinical quality registries will collect relevant health-related information from both public and private health care providers. This could include information about the medical procedure or types of medical devices, the details of the date that the procedure or episode of care was carried out, and information about the performance or effectiveness of the medical procedure or medical device and patient outcomes.

Through the monitoring of the safety and performance of implantable medical devices, the Secretary of the Department of Health, health care providers (such as hospitals and medical practitioners), medical device manufacturers, sponsors and others involved in the supply of these types of medical devices will be able to receive timely warning of device failure. They will also be able to obtain information and data relating to the safety and performance of these types of medical devices more generally. The information collected and made available will also enable patients and the general public to be better informed about the safety and performance of these types of medical devices.

All expenditure under this programme will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*. The Department of Health will conduct an open, competitive tender process to fund the clinical registry services and the Minister for Health, or delegates, will make those funding decisions.

The Department of Health has a complaints mechanism for grants and funding processes which is available on the Department of Health's website (<http://www.health.gov.au/internet/main/publishing.nsf/Content/pfps-complaints-procedures>). Applicants are also able to seek review from the Commonwealth Ombudsman.

Funding for this item will come from Programme 7.4: Improve Safety and Quality in Health Care, which is part of Outcome 7: Health Infrastructure, Regulation, Safety and Quality. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at page 124.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA));
- the census and statistics power (section 51(xi)); and
- the external affairs power (section 51(xxix)).

New **table item 97** establishes legislative authority for the Government to fund the Junior Medical Officer Programme to support clinical training positions for junior medical practitioners prior to the commencement of specialist training.

The Government has allocated \$40 million over four years from 2015-16 for the programme which is a continuation of an existing programme previously administered by the Department of Veterans' Affairs. Responsibility for the programme was transferred to the Department of Health as a part of the 2015-16 Budget. The initiative is a long standing programme of financial support for junior doctor training following the privatisation of Commonwealth repatriation hospitals which are now operated by Ramsay Health Care.

The transfer of responsibility from the Department of Veterans' Affairs provides an opportunity to reduce red tape and better integrate Commonwealth medical training programmes under one portfolio, providing an opportunity to simplify grants administration. It also provides the ability to link future investment priorities with the work of the National Medical Training Advisory Network. There is no reduction in funding for junior doctor training.

All expenditure under this item will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*. Funding decisions are made by delegates within the Department of Health. Given the targeted, non-competitive nature of the funding for the programme, merits review is not applicable.

Funding will come from Programme 8.1: Workforce and Rural Distribution, which is part of Outcome 8: Health Workforce Capacity. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at pages 31 and 143. Details of the measure, *Junior Medical Officer Programme - interagency transfer from the Department of Veterans' Affairs*, are in *Budget Measures, Budget Paper No. 2 2015-16* at page 102.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the social welfare power (section 51(xxiiiA)) of the Constitution.

New **table item 98** establishes legislative authority for the Government to fund the National Bowel Cancer Screening Programme that supports the prevention and early detection of bowel cancer to reduce morbidity and mortality from the disease. This item will be administered by the Department of Health.

The item will support the accelerated delivery of the National Bowel Cancer Screening Programme to all Australians aged 50 to 74 years, consistent with National Health and Medical Research Council Guidelines. Funding was previously supported by items 415.028 and 415.032 of Part 4 of Schedule 1AA to the *Financial Framework (Supplementary Powers) Regulations 1997*. This item establishes legislative authority for spending on a redesigned programme, which includes the development and maintenance of national standards and the education of service providers in the colonoscopy sector.

Under the National Bowel Cancer Screening Programme, Australians in the eligible age groups are invited to be screened for bowel cancer using a free, simple test at home. Completed tests are sent to the contracted pathology laboratory for analysis. A National Register is responsible for issuing invitations and following people through the screening pathway. Data from the Register is used for programme monitoring, including screening participation and outcomes.

The Government allocated \$95.9 million over four years in the 2014-15 Budget to accelerate the full implementation of the National Bowel Cancer Screening Programme. Funding under the programme will predominantly be open competitive processes; however, other selection processes (such as targeted competitive and closed non-competitive selection processes) may also be used. The form of merits review available for activities funded under the National Bowel Cancer Screening Programme will depend on the nature of the funding, and will be in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

The programme redesign includes provision for projects that support the effective delivery and expansion of the National Bowel Cancer Screening Programme ('support activities'). Only projects that are consistent with, and support the programme to achieve its aims and objectives, will be considered. Projects funded under the programme redesign may include ad hoc grants and may also include one-off funding to other Commonwealth entities. These funding decisions will be made by the Minister for Health. For ad hoc and one-off grants, grant guidelines will be developed and published on the Department of Health's website (<http://www.health.gov.au>). Given the targeted, non-competitive, nature of the funding for the support activities, merits review is not applicable.

All expenditure under this item will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

Funding will come from Outcome 1: Population Health, Programme 1.1 Public Health, Chronic Disease and Palliative Care, as set out in the *Portfolio Budget Statements 2014-15, Budget Related Paper No. 1.10, Health Portfolio* at page 27. Details of the measure, *Full implementation of National Bowel Cancer Screening Programme*, are in *Budget Measures, Budget Paper No. 2 2014-15* at page 129.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA));
- the external affairs power (section 51(xxix)); and
- the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix)).

New **table item 99** establishes legislative authority for the Government to fund measures to improve the uptake of vaccines under the National Immunisation Programme in order to reduce the incidence of vaccine preventable diseases across the Australian community.

Funding will be provided for activities to:

- broaden immunisation data capture through immunisation register enhancements to record all adolescent vaccines given through school-based programmes, and progressing options to capture adult immunisation records;
- provide a financial incentive to immunisation providers, including general practitioners, to provide catch-up vaccinations to children in their practice who are overdue for immunisation; and
- provide a range of communication activities, tools and resources, based on comprehensive market research, to increase awareness and understanding of the National Immunisation Programme and address parents' concerns regarding immunisation, including dispelling common myths.

The Government has allocated \$26.4 million over four years for this measure which was announced by the Hon Sussan Ley MP, Minister for Health and Minister for Sport, on 19 April 2015. Details of the measure, *Improving Immunisation Coverage Rates*, are in *Budget Measures, Budget Paper No.2 2015-16* at page 101.

All expenditure under this item will be made in accordance with conditions and delegations of the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*. This item will be administered by the Department of Health, with the Minister for Health, or delegate, making the funding decisions.

An open tender process will be undertaken to support the expansion of the National Human Papillomavirus Vaccination Register to an Australian Schools Vaccination Register. The tender process will outline details of applicants' rights of appeal, including the option to refer matters to the Commonwealth Ombudsman.

The financial incentive to immunisation providers will be provided through an agreement between the Department of Health and the Department of Human Services. The Department of Human Services, through the Australian Childhood Immunisation Register, will collect vaccination catch-up information from immunisation providers which will trigger the incentive payments. The Department of Human Services will make the payments to immunisation providers on behalf of the Department of Health.

The Department of Health has a complaints mechanism for grants and funding processes which is provided publicly on the Department of Health's website (<http://www.health.gov.au/internet/main/publishing.nsf/Content/pfps-complaintsprocedures>). Applicants are also able to seek review from the Commonwealth Ombudsman.

Funding for this item will come from Programme 1.3: Immunisation, which is part of Outcome 1: Population Health, as set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at page 49.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the social welfare power (section 51(xxiiiA)) of the Constitution.

New **table item 100** establishes legislative authority for the Government to fund the Health Workforce Scholarship Programme. The aim of the programme is to increase participation in, and promote better distribution of, health workforces by providing financial scholarships to individual health students, including those health students who identify as being Aboriginal and Torres Strait Islander people. This item will be administered by the Department of Health.

Nine existing health workforce scholarships will be combined into the Health Workforce Scholarship Programme in order to create consistency in rules and obligations and provide greater flexibility to respond to health workforce priorities. A return of service obligation will apply and will require most recipients to work in rural or regional areas for one year. The number of scholarships aimed at increasing Aboriginal and Torres Strait Islander health workforce participation will not be reduced nor be subject to the return of service obligation.

The measure, *Streamlining Health Workforce Scholarships*, was announced in the 2015-16 Budget. Details are set out in *Budget Measures, Budget Paper No. 2 2015-16* at page 113.

The Department of Health will approach the market through an open competitive process to select an administrator who will coordinate and manage the scholarships within the parameters set by the Government. The Government, in consultation with the administrator, will determine the appropriate funding allocation for the various scholarship components. Details of the programme will be publicly available on the Department of Health's website (<http://www.health.gov.au/>). Given the nature of the funding to the administrator, merits review is not applicable. Applications from students for scholarships will be determined by the administrator and processes for merits review will be established by the administrator.

All expenditure under this item will be made in accordance with conditions and delegations imposed under the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

Funding for this item will come from Programme 8.1: Workforce and Rural Distribution, which is part of Outcome 8: Health Workforce Capacity. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at pages 143 to 144.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA)); and
- the races power (section 51(xxvi)).

New **table item 101** establishes legislative authority for the Government to fund the establishment and ongoing maintenance of a National Cancer Screening Register (the Register) for the purpose of supporting the early detection and prevention of cancer through screening.

The Minister for Health, the Hon Sussan Ley MP, announced the establishment of the National Cancer Screening Register on 10 May 2015.

The item also supports funding for various initial and ongoing support activities in the areas of:

- information and technology;
- education and training aimed at facilitating inclusion of information on the Register; and
- communications, in particular, the existence and use of the Register.

The Register will be national infrastructure that supports the National Cervical Screening Programme and the National Bowel Cancer Screening Programme in the initial stage, and will be able to be extended to other cancer screening programmes in the future.

The Register will host and manage cancer screening information for the National Cervical and Bowel Cancer Screening Programmes and alleviate the need for states and territories to maintain separate cervical screening registers.

It is anticipated that having the Register will reduce costs and regulatory burden for the health sector because general practices, hospitals and pathology laboratories will only need to connect to one register instead of multiple systems for cancer screening.

The Register will significantly reduce the current costs and burden of paper-based reporting and data entry relating to the National Bowel Cancer Screening Programme. Health service providers will be able to quickly and easily provide data to the Register and receive information from the Register through their software systems. This will assist them in making informed and time-critical decisions, which is vital to the National Cervical and Bowel Cancer Screening Programmes.

The Register will facilitate invitations to increase participation rates in the National Cervical Screening Programme. It is anticipated that the Register will support the delivery of a renewed and more effective National Cervical Screening Programme which will save an estimated 15 per cent more lives from cervical cancer and prevent an additional 140 cervical cancers per year.

The Register will also enable a more efficient delivery of an expanded National Bowel Cancer Screening Programme, which was an election commitment and announced in the 2014-15 Budget.

A competitive request for tender process will be conducted in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Procurement Rules* for an anticipated operation date of 1 May 2017. Funding decisions will be made by Department of Health delegates. Given the nature of the funding, further merits review will not be applicable. However, complaints on procurement processes will be handled in accordance with the Department of Health's Grant and Procurement Complaints

Procedures are published on the Department of Health's website (<http://www.health.gov.au/internet/main/publishing.nsf/Content/pfps-complaintsprocedures>).

Funding for the Register will come from Programme 1.1: Public Health, Chronic Disease and Palliative Care, part of Outcome 1: Population Health, with details set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at page 41.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA));
- the census and statistics power (section 51(xi));
- the communications power (section 51(v)); and
- the external affairs power (section 51(xxix)).

New **table item 102** establishes legislative authority for the Government to fund measures to improve organ and tissue donation rates and access to organ and tissue transplantation support.

The Government has allocated \$10.2 million over two years from 2015-16 to support an increase in the rates of organ donation and access to life-saving transplants for those who need them. Details of the measure, *Accelerating Growth in Organ and Tissue Donation for Transplantation*, are set out in *Budget Measures, Budget Paper No. 2 2015-16* at page 99.

The new Organ and Tissue Donation for Transplantation Programme will build on the previous National Reform Programme through an efficient investment in systems and education to address clinical barriers to continuing growth in organ and tissue donation for transplantation, improve consent rates on the Australian Organ Donation Register, and provide financial assistance to employers who provide additional leave to donor employees.

The Programme consists of four elements that will contribute to continued growth in organ and tissue donation and transplantation rates through a number of activities.

The current outdated organ matching system will be replaced by the Australian Organ Matching System which will allow improved matching of donor organs to transplant recipients. This will support equity of access and better clinical outcomes for all transplant recipients in Australia.

Support for the current Clinical Governance Framework and Clinical Practice Improvement Program will be enhanced through implementation of a Targeted Hospital Improvement Programme (THIP). This training and education package will facilitate the wider adoption of best practice approaches and sharing of expertise and professional education for the donation specialist staff in the 77 hospitals that are part of the DonateLife network to increase organ donation rates.

Donor consent will be streamlined through simpler online enrolment on the Australian Organ Donation Register. This will increase the number of legal consent registrations on the Australian Organ Donor Register and, in turn, improve the prospect that families will agree that donation should proceed.

Further funding will be provided to the Supporting Leave for Living Organ Donors Programme for two years from 1 July 2015. The programme, which aims to relieve some of the financial stress that may be experienced by employed living donors, reimburses employers for leave an employee needs to take to donate an organ. Originally funded as a two year pilot until June 2015, reimbursements will be extended from the current six weeks leave up to nine weeks of leave at the national minimum wage.

All expenditure will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

The Australian Organ and Tissue Donation and Transplantation Authority will administer the first two activities. Funding for the organ matching system will be provided to an appropriate supplier to manage, build, develop and host the new system, selected in accordance with the Government's procurement and funding processes.

Funding for the THIP will be used to procure forums that coordinate and facilitate wider adoption of best practice approaches and sharing of expertise and professional education for the donation specialist staff in the 77 hospitals that are part of the DonateLife network. Education will focus on improving clinical practice in the identification and management of potential organ and tissue donors. THIP jurisdictional and cross-jurisdictional workshops will facilitate sharing of best practice across hospitals and jurisdictions and the delivery of Introductory Donation Awareness Training to provide dedicated/specialist training to hospital teams and e-learning options, and training on clinical triggers and donor identification practices. Any procurement will be completed in accordance with the *Commonwealth Procurement Rules*.

The Department of Human Services is directly appropriated to administer the Australian Organ Donation Register (on behalf of the Department of Health) and has received funding through the 2015-16 Budget to modify the existing system to enable a simplified enrolment process.

The Australian Organ and Tissue Donation and Transplantation Authority has also been given additional funding to develop communication activities around the changes to the enrolment process on the Australian Organ Donation Register as part of a number of integrated strategies to increase consent rates to organ donation.

The Department of Health will administer the Supporting Leave for Living Organ Donors Programme. Payments may be made to eligible employers for employed donors (who have met the eligibility requirements) between 1 July 2015 and 30 June 2017. Decisions relating to reimbursement for leave paid by an employer to an employed donor for the purpose of donating an organ will be made according to approved guidelines by officers with the appropriate delegations in the Department of Health. The guidelines will be available on the Department of Health's website (<http://www.health.gov.au>).

The Supporting Leave for Living Organ Donors Guidelines will set out a process of internal merits review available in cases where a decision about payment, including eligibility or the amount paid, is challenged by the donor or the employer. This will include the option of referring the matter to the Commonwealth Ombudsman.

Funding for the Organ and Tissue Donation for Transplantation Programme will come from Programme 7.6: Blood and Organ Donation, which is part of Outcome 7: Health Infrastructure, Regulation, Safety and Quality. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at pages 30 and 128 to 129.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA));
- the communications power (section 51(v)); and
- the external affairs power (section 51(xxix)).

New **table item 103** establishes legislative authority for government spending on professional pharmacy programmes and services as set out under the Sixth Community Pharmacy Agreement (the Agreement). The item will be administered by the Department of Health.

The Government has allocated up to \$1.26 billion over five years to the community pharmacy programmes and services, commencing from 1 July 2015.

Funding will be provided for:

- services delivered by pharmacists and pharmacies, for example, home visits;
- allowances provided to pharmacies to support defined outcomes, for example, contributing to the opening costs of rural pharmacies;
- defined programmes for pharmacists, for example, workforce programmes, scholarships and continuing education; and
- other defined programmes, for example, programmes that focus on the quality use of medicines by Aboriginal and Torres Strait Islander people.

In 2015-16, a range of services and programmes will continue to be funded. These include:

- Medication Adherence Programmes, such as Dose Administration Aids and Staged Supply;
- Medication Management Programmes, including Home Medicine Reviews, Residential Medication Management Reviews as well as in-pharmacy reviews (MedsCheck);
- Aboriginal and Torres Strait Islander Programmes, such as QUMAX and ATSI Workforce support programmes;
- Rural Support Programmes, including the Rural Pharmacy Maintenance Allowance and Rural Workforce support programmes; and
- eHealth programmes, including the Electronic Prescription Fee.

In addition, funding will be used to support a comprehensive review of pharmacy remuneration and regulation (to be undertaken in the first two years of the Agreement), as well as funding to support programme administration and audit activities.

From 2015-16, a Pharmacy Trial Programme will also be implemented. This programme will fund a number of trial programmes which seek to extend the role of pharmacies and pharmacists in delivering a wider range of primary healthcare services. Trials that will be funded will be determined by the Minister for Health in consultation with the Pharmacy Guild of Australia and other stakeholders during the first year of the Agreement.

Further information on the above programmes is contained in the Sixth Community Pharmacy Agreement, available at <http://www.pbs.gov.au/info/general/pbs-access-sustainability-package>.

The Minister for Health, including delegates and authorised persons, will make funding decisions for these programmes and services. Funding will be provided in various ways depending upon the particular programme or service, including through:

- competitive selection processes;
- payment for services provided; and
- one-off ad hoc payments.

All expenditure will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

Funding decisions made in consequence of the obligations under the Sixth Community Pharmacy Agreement will have no review mechanism given the nature of the funding. The exception is where funding decisions relate to competitive selection processes. Where such a competitive process is undertaken, it will comply with relevant conditions and delegations as required under the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*.

The complaints and review procedures for procurement and grants processes are available on the Department of Health's website (<http://www.health.gov.au/internet/main/publishing.nsf/Content/pfps-complaintsprocedures>).

Funding will come from Programme 2.1: Community Pharmacy and Pharmaceutical Awareness, which is part of Outcome 2: Access to Pharmaceutical Services, with details set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at page 56.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the social welfare power (section 51(xxiiiA));
- the races power (section 51(xxvi)); and
- the external affairs power (section 51(xxix)).

New **table item 104** establishes legislative authority for the Government to support activities to raise community awareness of preventative health strategies by funding the Australian Men's Shed Association to promote and provide medical services for the treatment and management of physical and mental health conditions, and target the health needs of disadvantaged populations and adults predominantly not in the workforce. This item will be administered by the Department of Health.

Funding was previously supported by item 415.030 in Part 4 of Schedule 1AA to the *Financial Framework (Supplementary Powers) Regulations 1997*. This new item establishes legislative authority for spending on a redesigned programme. The redesign includes narrowing activities performed under the programme to maintain a clearer focus on preventative health aims and the facilitation of health services. This includes funding activities such as developing stakeholder relationships and linkages with health providers, developing and distributing health and emotional wellbeing resources, undertaking men's

health events and other health prevention activities, and providing access to men's health resources online.

Funding is provided to the Australian Men's Shed Association which conducts community awareness raising activities and men's health events, and also provides general support activities and resources to new and existing men's sheds in Australia.

The Department of Health administers the programme in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*, and the Minister for Health makes the funding decisions. Given that the funding has already been committed, there is no mechanism for appealing funding or expenditure decisions.

Funding for this item comes from Programme 7.2: Health Information, which is part of Outcome 7: Health Infrastructure, Regulation, Safety and Quality. Details are set out in the *Portfolio Budget Statements 2014-15, Budget Related Paper No. 1.10, Health Portfolio* at page 132.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the communications power (section 51(v));
- the defence power (section 51(vi));
- the aliens power (section 51(xix));
- the social welfare power (section 51(xxiiiA));
- the races power (section 51(xxvi));
- the immigration power (section 51(xxvii)); and
- the external affairs power (section 51(xxix)).

New **table item 105** establishes legislative authority for the Government to fund the Health Peak and Advisory Bodies Programme.

Funding will be provided to health peak and advisory bodies (that is, non-government entities which are recognised as representing the interests of a specific part of the health sector at the national level) for activities that focus on informing and supporting the Government's health agenda. These activities may include one or more of the following:

- consultation with members of the health peak and advisory bodies about health sector policy and programme matters for the purposes of providing relevant, well-informed information and advice to the Government;
- activities that support the sharing of information between the Government and the public, including professional sectors and the general community, about particular health matters, including government health policy and programme information, the prevention, treatment and control of diseases, the availability of health services and other matters affecting public health. This may include:
 - maintaining telephone and internet-based services for the purposes of disseminating accurate information;
 - the preparation of relevant content and materials for dissemination; and
 - promoting and supporting best practice services;
- inquiries, investigations, and provision of impartial, well-informed information and advice to the Government on matters affecting public health;

- national secretariat activities of the peak and advisory bodies which may include:
 - participation in relevant government advisory/consultation forums;
 - coordination of responses to government requests for information on health matters, such as discussion papers and consultations; and
 - promoting networks, partnerships and cooperation within the health sector.

The item will be administered by the Department of Health. All expenditure will be made in accordance with the *Public Governance, Performance and Accountability Act 2013* and the *Commonwealth Grants Rules and Guidelines*. The approver for grants awarded under this item is the Minister for Health or their delegate.

Grant selection processes will be undertaken in accordance with the programme guidelines and will predominantly be open competitive processes. However, other selection processes (such as targeted competitive and closed non-competitive selection processes) may also be used. Information about grant availability and selection processes, including eligibility criteria and the application process, will be published on the Department of Health's website including the guidelines (<http://www.health.gov.au>).

The programme guidelines will outline the process by which unsuccessful grant applicants may request feedback on their applications. Complaints relating to grant and procurement processes will be handled in accordance with the Department of Health's Grant and Procurement Complaints Procedures, which are published on the Department of Health's website (<http://www.health.gov.au/internet/main/publishing.nsf/Content/pfps-complaintsprocedures>). Those dissatisfied with the Department's response to a complaint may lodge a further complaint with the Commonwealth Ombudsman.

Funding will come from Programme 7.2: Health Information, which is part of Outcome 7: Health Infrastructure, Regulation, Safety and Quality. Details are set out in the *Portfolio Budget Statements 2015-16, Budget Related Paper No. 1.10, Health Portfolio* at page 120.

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the telecommunications power (section 51(v));
- the census and statistics power (section 51(xi));
- the social welfare power (section 51(xxiiiA));
- the external affairs power (section 51(xxix)); and
- the Commonwealth executive power and the express incidental power (sections 61 and 51(xxxix)).

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Financial Framework (Supplementary Powers) Amendment (2015 Measures No. 6) Regulation 2015

This Regulation is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

Section 32B of the *Financial Framework (Supplementary Powers) Act 1997* (the FF(SP) Act) authorises the Commonwealth to make, vary and administer arrangements and grants specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the FF(SP) Regulations) and to make, vary and administer arrangements and grants for the purposes of programmes specified in the Regulations. Schedule 1AA and Schedule 1AB to the FF(SP) Regulations specify the arrangements, grants and programmes.

The FF(SP) Act applies to Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

The Regulation amends Schedule 1AB to the FF(SP) Regulations to establish legislative authority for spending by the Government on 22 activities across seven portfolios. Many of the activities were announced in the 2015-16 Budget and relate to:

- the Community Legal Services Programme to provide access to legal assistance services for vulnerable and disadvantaged members of the community; the establishment of the National Programme for Excellence in the Arts to support participation in, and access to, Australia's arts and cultural sector; and funding the matched funding programme, to be administered by Creative Partnerships Australia, to support projects that develop the arts sector's capacity to use innovative fundraising strategies and build partnerships with the corporate and philanthropic sectors (Attorney-General's portfolio);
- public access to national geocoded address data (Communications portfolio);
- the Australian Apprenticeship Support Network to deliver support services nationally to assist apprentices and their employers to engage with, participate in, and complete Australian apprenticeships (Education and Training portfolio);
- the development of a coordinated data platform on energy to help all users of energy data understand and forecast changes in energy demand (Industry and Science portfolio);
- supporting land transport infrastructure projects by providing loans to support project delivery; the Stronger Communities Programme which is designed to deliver social benefits in Australia's regions by funding small capital projects in local communities in each of the 150 federal electorates; and the Drought Communities Programme that will fund local infrastructure initiatives in selected local government areas (Infrastructure and Regional Development portfolio); and

- the Individual Placement and Support Trial to assist young people with mental illness to remain in education or employment, or to transition to employment (Social Services portfolio).

The Regulation also includes 12 items for the Health portfolio relating to:

- supporting the delivery of medical services to people living in rural, regional and remote communities in Australia by providing targeted financial support to encourage doctors to practise in areas that experience the greatest difficulty in attracting and retaining the medical workforce;
- the Haemopoietic Progenitor Cells Programme to provide Australian patients with better access to life-saving tissue transplants used to restore stem cells destroyed by cancer therapies and other life-threatening conditions;
- the establishment and maintenance of clinical quality registries for the purpose of assessing and improving the quality of health care;
- the Junior Medical Officer Programme to support clinical training positions for junior medical practitioners prior to the commencement of specialist training;
- the National Bowel Cancer Screening Programme that supports the prevention and early detection of bowel cancer to reduce morbidity and mortality from the disease;
- improving the uptake of vaccines under the National Immunisation Programme;
- the Health Workforce Scholarship Programme to increase participation in, and promote better distribution of, health workforces;
- the establishment and ongoing maintenance of a National Cancer Screening Register;
- measures to improve organ and tissue donation rates and access to organ and tissue transplantation support;
- funding professional pharmacy programmes and services under the Sixth Community Pharmacy Agreement;
- funding the Australian Men's Shed Association to promote and provide medical services for the treatment and management of physical and mental health conditions; and
- funding health peak and advisory bodies for activities that focus on informing and supporting the Government's health agenda.

The items specified in Schedule 1AB are the responsibility of the relevant Ministers who have portfolio responsibility for the matters.

Human rights implications

The Regulation does not engage any of the applicable rights or freedoms.

Conclusion

This Regulation is compatible with human rights as it does not raise any human rights issues.

**Senator the Hon Mathias Cormann
Minister for Finance**