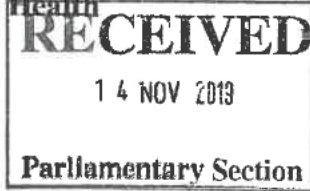




Australian Government

Department of Health

OFFICIAL: Sensitive Legal privilege



Ministerial Submission – Standard

MS19-001690 Version (1)

Date sent to MO: 07/11/19

To: Minister Hunt

Subject: 47C, 47E(d)
47C, 47E(d)

- 12 December 2019 Executive Council meeting

47C, 47E(d)

Recommendation/s:

47C, 47E(d)

1.

1. Agreed/Not agreed/Please discuss

2.

2. Signed/Not signed/Please discuss

Signature

Date: 13 / 11 / 19

Media Release required? YES/ NO

Comments:

Contact Officer:	Stephen Bouwhuis	Assistant Secretary, Legal Advice and Legislation Branch, Legal and Assurance Division	Ph: (02) 6289 7803
Clearance Officer:	Jackie Davis	General Counsel, Legal and Assurance Division	Ph: (02) 6289 9815

Issues:

1. 47C, 47E(d)

S42

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1

s42

47C, 47E(d)

3. 47C, 47E(d)

Background: Since *Williams v Commonwealth (2012) 248 CLR 156* (Williams No.1), Commonwealth spending activities, other than those relating to the ordinary and well-recognised functions of government, require legislative authority to authorise contracting and spending.

Many current spending activities for the Health portfolio are covered by Schedule 1AA of the Regulations. Government made a decision not to add further items to Schedule 1AA but to use Schedule 1AB of the Regulations for new and significantly changed spending activities, where primary legislation is not appropriate to establish authority for the spending activity.

42

47C, 47E(d)

47C, 47E(d)

47C, 47E(d)

47C, 47E(d)

47C, 47E(d)

Attachments:

s47C, 47E(d)

s42, s47C, 47E(d)

Relevance to Election Commitments / Budget Measures:

Funding of \$1.275 million over two years (2019-20 to 2020-21) will be provided through the \$1.25 billion CHHP announced in the Mid-Year Economic and Fiscal Outlook 2018-19 under 'Ensuring access to quality and affordable health care'. The Program was also announced in the 2019-20

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Budget under the measure '*Supporting Our Hospitals — Community Health and Hospitals Program*' for a period of seven years commencing in 2018-2019.

Consultations: Portfolio Strategies Division, the Office of Constitutional Law within the Attorney-General's Department; the ^{s42} and the Department of Finance were consulted in the preparation of this submission.

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BY THE DEPARTMENT OF HEALTH

Minister	Hunt
PDR Number	MS19-001690
Subject	47C, 47E(d) mental health spending activity
Initiator	s22
Contact Officer	s22 (s22)
Clearance Officer	Stephen Bouwhuis (02) 6289 7803
Division/Branch	Legal and Assurance Division

Adviser/DLO Comments:

**Return to
Dept for:**
Redraft ☐
NFA ☐

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