

TUBERCULOSIS ACT.

Act No. 47, 1949.

An Act to authorise an Arrangement between the Commonwealth of Australia and the State of New South Wales relating to tuberculosis to be executed by or on behalf of the State of New South Wales; to amend the Public Hospitals Act, 1929, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 30th November, 1949.]

George VI.
No. 47, 1949.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Tuberculosis Act, 1949."

2. The execution, by or on behalf of the State of New South Wales, of an Arrangement with the Commonwealth of Australia, relating to the participation by the Commonwealth and the State in a campaign to reduce the incidence of tuberculosis and to provide adequate facilities for the diagnosis, treatment and control of tuberculosis, substantially in accordance with the heads of arrangement specified in the Schedule to this Act, is hereby authorised.

Execution
of Arrange-
ment relat-
ing to tuber-
culosis.

3.

No. 47, 1949. 3. The Public Hospitals Act, 1929, as amended by subsequent Acts, is amended by inserting next after Amendment of Act No. 8, 1929, section 32A the following new section:—
New sec.
32B.

Charges in
respect of
sufferers
from
tuberculosis.

32B. During the period within which the Arrangement executed under the provisions of the Tuberculosis Act, 1949, is in force no means test shall be imposed on and no charge shall be made in respect of sufferers from tuberculosis occupying beds in public wards in any hospital or part of a hospital the maintenance expenditure of which by the State is subject to any such Arrangement.

In this section—

“tuberculosis” means tuberculous disease, in whatever form, which has not been arrested;

“public ward” means a ward which is ordinarily recognised as a public ward.

SCHEDULE.

TUBERCULOSIS CAMPAIGN: HEADS OF ARRANGEMENT.

1. The arrangement shall be in force for a period of ten years from the first day of July, one thousand nine hundred and forty-eight, and prior to expiration the Commonwealth and the State shall confer with a view to a further arrangement being entered into.

2. The Commonwealth and the State to participate in a campaign to reduce as soon and as far as possible the incidence of tuberculosis in Australia and to provide adequate facilities for the diagnosis, treatment and control of tuberculosis.

3. The arrangement shall provide for reimbursement to the State by the Commonwealth of—

- (a) the capital expenditure incurred by the State on or after the first day of July, one thousand nine hundred and forty-eight, in the provision of land and buildings for use in the diagnosis, treatment and control of tuberculosis and in the erection and improvement of buildings and the provisions of furnishings, equipment and plant for such use; and

(b)

- (b) the net maintenance expenditure incurred by the State in relation to the diagnosis, treatment and control of tuberculosis in any financial year after the year which ended on the thirtieth day of June, one thousand nine hundred and forty-eight, to an extent not exceeding the amount by which that expenditure is in excess of the net maintenance expenditure in relation to the diagnosis, treatment and control of tuberculosis incurred by the State during that last mentioned year. No. 47, 1949.

4. The arrangement shall in respect of the matters mentioned in clause three above also provide—

- (a) for information to be supplied to the Commonwealth Minister by such persons, at such times and in such form as he requires in order to enable him to determine whether any such expenditure should be approved by him; and
- (b) that any such expenditure shall be subject to the approval of the Commonwealth Minister before that expenditure is reimbursed to the State by the Commonwealth.

5. For the purposes of this arrangement, net maintenance expenditure incurred by the State in any financial year shall not include any payment by the State by way of allowances to, or in respect of, sufferers from tuberculosis and their dependants, and the amount of any net maintenance expenditure shall be arrived at after taking into account—

- (a) payments for that year by the Commonwealth to the State, under the agreement entered into under the Hospital Benefits Act 1945-1947 of the Parliament of the Commonwealth and the Hospital Benefits Agreement Act, 1946-1949, of the Parliament of the State, at the Commonwealth Hospital Benefits Expenditure Rate for public wards in respect of beds occupied by sufferers from tuberculosis;
- (b) payments for that year by the Commonwealth to the State under sections four and five of the Tuberculosis Act 1945-1946 of the Parliament of the Commonwealth;
- (c) payments by the Commonwealth to the State, on behalf of approved hospital authorities, under section fourteen of the Pharmaceutical Benefits Act 1947 of the Parliament of the Commonwealth, in respect of the supply during that year of pharmaceutical benefits for the treatment of tuberculosis; and
- (d) any other amounts received during that year by the State, or by any institution upon the maintenance of which any part of that expenditure has been incurred, from, or in respect of, patients treated for tuberculosis.

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6. The arrangement shall also provide that any assets acquired by the State the cost, or part of the cost, of which has been reimbursed to the State under the arrangement shall not, without the approval of the Commonwealth Minister, be used otherwise than for the diagnosis, treatment and control of tuberculosis.

7. The arrangement may also make provision for and in respect of the indemnification of the Commonwealth against payment by way of compensation for property the cost of which has been reimbursed in whole or in part to the State by the Commonwealth under the arrangement, in the event of the acquisition of that property by the Commonwealth, and may fix the limits of and the basis for such indemnity.

8. The arrangement may also provide that the State will ensure that no charge shall be made for patients in public wards in an institution upon the maintenance of which any part of the net maintenance expenditure has been incurred.

9. The arrangement may provide for the appointment by the State of a Director of Tuberculosis.

10. The arrangement to provide for conferences between the Prime Minister and the Premier on means for effectually carrying out the campaign.
