

## **TUBERCULOSIS ACT.**

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**Act No. 35, 1958.**

**Elizabeth II, No. 35, 1958.** 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,

Act, 1929, as amended by subsequent Acts; No. 35, 1958.  
and for purposes connected therewith. [Assented  
to, 15th December, 1958.]

**B**E it enacted by the Queen'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, 1958". Short title.

2. The Tuberculosis Act, 1949, is hereby repealed.

Repeal of  
Act No. 47,  
1949.

3. 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  
relating to  
tuberculosis.

4. The Public Hospitals Act, 1929, as amended by subsequent Acts, is amended by inserting next after section 32A the following new section :—

Amendment  
of Act No.  
8, 1929.  
New sec.  
32B.

32B. During the period within which the Arrangement executed under the provisions of the Tuberculosis Act, 1958, 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.

Charges in  
respect of  
sufferers  
from  
tuberculosis.

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 five years from the first day of July, one thousand nine hundred and fifty-eight, and prior to expiration the Commonwealth and the State shall confer with a view to a further arrangement being entered into. Either the Commonwealth or the State may give the other six months notice expiring on 30th June, 1963, or at any time thereafter of its intention to terminate the arrangement.

2. The Commonwealth and the State to continue 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) 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.

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

sufferers from tuberculosis and their dependants, and the amount of **No. 35, 1958.**  
any net maintenance expenditure shall be arrived at after taking into  
account—

- (a) payments for that year by the Commonwealth in accordance with Part V of the National Health Act 1953-1957 to the State or to an institution upon the maintenance of which any part of the net maintenance expenditure has been incurred ;
- (b) payments by the Commonwealth in accordance with Part VII of the National Health Act 1953-1957 to the State or to an approved hospital authority in respect of the supply of pharmaceutical benefits for the treatment of tuberculosis ;
- (c) 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.

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 State shall maintain and keep occupied the office of Director of Tuberculosis and shall ensure that the Director devotes the whole of his time to the duties of his office and does not engage in private practice.

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