

**MENTAL INSTITUTION BENEFITS AGREEMENT
ACT.**

Act No. 43, 1949.

An Act to authorise the execution of an Agreement between the Commonwealth of Australia and the State of New South Wales relating to the provision of mental institution benefits and to approve such Agreement; to amend the Lunacy Act, 1898-1947; and the Inebriates Act, 1912, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 16th November, 1949.] George VI.
No. 43, 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 "Mental Institution Benefits Agreement Act, 1949." Short title.

2. (1) The execution, by or on behalf of the State of New South Wales, of an Agreement with the Commonwealth of Australia, relating to the provision of mental institution benefits, substantially in accordance with the heads of agreement set out in the Schedule to this Act, is hereby authorised. Execution of Agreement relating to mental institution benefits.

(2) The Agreement as made and executed by or on behalf of the State of New South Wales and the Commonwealth of Australia is hereby approved.

3.

Mental Institution Benefits Agreement Act.

No. 43, 1949.

Amendment of
Act No. 45,
1898.New
sec. 147A.Fees and
charges not
payable in
respect of
qualified
persons
under
Common-
wealth and
State Mental
Institution
Benefits
Agreement.

3. (1) The Lunacy Act, 1898-1947, is amended by inserting next after section one hundred and forty-seven the following new section:—

147A. During the period within which the Agreement executed and approved under the provisions of the Mental Institution Benefits Agreement Act, 1949, is in force—

- (a) no means test shall be imposed on and no fees shall be charged to or in respect of qualified persons in mental institutions;
- (b) except with the concurrence of the Commonwealth of Australia no charge shall be made to or in respect of qualified persons for services or comforts for which it was not customary to make a charge as at the first day of November, one thousand nine hundred and forty-eight.

In this section the terms “qualified person” and “mental institution” shall have the meanings respectively ascribed thereto in the aforesaid Agreement.

(2) The Lunacy Act of 1898 as amended by subsequent Acts and by this Act may be cited as the Lunacy Act, 1898-1949.

Amendment of
Act No. 24,
1912.
New
sec. 9A.Fees and
charges not
payable in
respect of
qualified
persons
under Com-
monwealth
and State
Mental
Institution
Benefits
Agreement.

4. (1) The Inebriates Act, 1912, as amended by subsequent Acts, is amended by inserting next after section nine the following new section:—

9A. During the period within which the Agreement executed and approved under the provisions of the Mental Institution Benefits Agreement Act, 1949, is in force—

- (a) no means test shall be imposed on and no fees shall be charged to or in respect of qualified persons in mental institutions established for the reception, control and treatment of inebriates;
- (b) except with the concurrence of the Commonwealth of Australia, no charge shall be made to or in respect of qualified persons for services or comforts for which it was not

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not customary to make a charge as at the first day of November, one thousand nine hundred and forty-eight. No. 43, 1948.

In this section the terms "qualified person" and "mental institution" shall have the meanings respectively ascribed thereto in the aforesaid Agreement.

(2) The Inebriates Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Inebriates Act, 1912-1949.

THE SCHEDULE.

Sec. 2.

MENTAL INSTITUTION BENEFITS: HEADS OF AGREEMENT.

1. The agreement shall not have any force or effect unless and until authorized or approved by the Parliament of the State concerned.
2. The agreement shall be in force for a minimum period of five years and thereafter shall be subject to termination after (*here specify a period of notice by either party of not less than one year*).
3. The Commonwealth shall, subject to compliance by the State with the provisions of the agreement, pay to the State, by way of financial assistance, in respect of qualified persons in mental institutions, amounts determined in accordance with the agreement.
4. The amount to be paid by the Commonwealth to the State for any financial year or part thereof in respect of qualified persons shall be determined by multiplying the Commonwealth Mental Institution Benefit Rate by the number of patient-days in that financial year or part thereof.
5. The State shall ensure that no means test is imposed on, and that no fees are charged to or in respect of, qualified persons.
6. The State shall ensure that, except with the concurrence of the Commonwealth, no charge is made to or in respect of qualified persons for services or comforts for which it was not customary to make a charge as at the first day of November, 1948.
7. For the purposes of the agreement, the number of patient-days in a financial year or part thereof shall be the sum of the number of complete days on which each qualified person was a patient in a mental institution during that financial year or part thereof (the day of admission and the day of discharge being together counted as one day).
8. The agreement may contain such incidental and supplementary provisions as are necessary to give effect to the Commonwealth Mental Institution Benefits Scheme.

9.

District Courts (Amendment) Act.

No. 43, 1949. 9. The agreement shall contain definitions substantially to the following effect and such other definitions as are necessary:—

“the Commonwealth Mental Institution Benefit Rate” means (*here insert amount*) or such other rate as is, from time to time, agreed upon between the Commonwealth and the State;

“mental institution” means a hospital for the insane, mental hospital, reception house, receiving house or similar institution which—

- (a) is conducted by the State or is in receipt of a grant for maintenance from the State; and
- (b) is for the time being approved by the Commonwealth for the purposes of the agreement;

“qualified person” means a patient in a mental institution who was ordinarily resident in Australia at the time of admission to the mental institution, but does not include a patient whose fees are borne by the Commonwealth or by another State.
