

# Tuberculosis Act 1970 No 18

[1970-18]



New South Wales

## Status Information

### Currency of version

Repealed version for 3 December 1999 to 5 January 2012 (accessed 21 December 2024 at 22:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by Sch 5 to the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2011 No 62](#) with effect from 6.1.2012.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 6 January 2012

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# Tuberculosis Act 1970 No 18



New South Wales

An Act to authorise the execution by or on behalf of the State of New South Wales of an Arrangement between the Commonwealth and that State relating to tuberculosis; to repeal the *Tuberculosis Act 1965*; to amend the *Public Hospitals Act 1929*; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *Tuberculosis Act 1970*.

## 2 Repeal of Act No 6, 1965

The *Tuberculosis Act 1965* is hereby repealed.

## 3 Execution of Arrangement relating to tuberculosis

The execution, by or on behalf of the State of New South Wales, of an Arrangement with the Commonwealth, 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, in the form set out in the Schedule to this Act, is hereby authorised.

## 4 (Repealed)

## The Schedule

(Section 3)

An ARRANGEMENT made pursuant to section 5 of the *Tuberculosis Act 1948* of the Commonwealth of Australia Between HIS EXCELLENCY THE GOVERNOR-GENERAL OF THE COMMONWEALTH OF AUSTRALIA, acting with the advice of the Federal Executive Council, and HIS EXCELLENCY THE GOVERNOR OF THE STATE OF NEW SOUTH WALES, acting with the advice of the Executive Council of the State.

WHEREAS by arrangements made as aforesaid and dated the 31st May, 1950, the 18th December, 1958, and the 19th March, 1966, (which arrangements are in this arrangement referred to as "the previous arrangements") provision was made for the participation of the Commonwealth and the State 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 and for the reimbursement by the Commonwealth to the State of expenditure by the State in the provision of

those facilities:

AND WHEREAS it was provided by clause 14 of the previous arrangement dated the 19th March, 1966, that that arrangement was to be in force for the period of five years that commenced on the first day of July, 1963, and by clause 15 thereof that prior to the thirtieth day of June, 1968, the Commonwealth and the State would, at the request of either, confer with a view to a further arrangement in relation to the campaign being entered into:

AND WHEREAS in discussions between the Commonwealth and the State pursuant to the said clause 15 agreement has been reached with a view to this arrangement being entered into:

NOW IT IS HEREBY ARRANGED as follows:—

**1.**

The Commonwealth and the State will continue to participate in the campaign provided for in the previous arrangements to reduce the incidence of tuberculosis in Australia and to provide adequate facilities for the diagnosis, treatment and control of tuberculosis.

**2.**

For the purposes of the campaign the Commonwealth will reimburse to the State such of the expenditure by the State hereafter in this clause mentioned as shall be approved by the Minister, namely—

- (a) capital expenditure by the State on or after the first day of July, 1948, in the provision by the State of land and buildings for use in the diagnosis, treatment and control of tuberculosis and in the erection and improvement of buildings and the provision of furnishings, equipment and plant for such use; and
- (b) the net maintenance expenditure by the State in relation to the diagnosis, treatment and control of tuberculosis during each of the financial years next occurring after the year which ended on the thirtieth day of June, 1948, 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 during the year which ended on the thirtieth day of June, 1948.

**3.**

For the purposes of this arrangement, net maintenance expenditure 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) payment for that year by the Commonwealth, in accordance with Part V of the *National Health Act 1953-1969* as amended from time to time, 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 1953-1969* as amended from time to time, to the State or to an approved hospital authority as defined in that Part of the Act in respect of the supply during that year of pharmaceutical benefits for the treatment of tuberculosis; and

- (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.

**4.**

The amount of any gift, donation or bequest received in any financial year by the State or by any institution upon the maintenance of which any part of the net maintenance expenditure during that year has been incurred shall also be taken into account in arriving at the amount of the net maintenance expenditure.

**5.**

In order to enable the Minister to determine whether any of the expenditure mentioned in clause 2 of this arrangement should be approved by him the State shall ensure that—

- (a) any proposal which will involve the reimbursement of capital expenditure under paragraph (a) of clause 2 of this arrangement shall be submitted in writing to the Commonwealth before any expenditure is incurred or any commitment made in respect of that proposal; and
- (b) the Minister shall be supplied with such information by such persons, at such times and in such manner and form as he shall from time to time require.

**6.**

Any assets acquired or services or facilities provided by the State the cost, or part of the cost, of which has been reimbursed to the State under this arrangement shall not, without the prior written approval of the Minister, be used otherwise than for the diagnosis, treatment and control of tuberculosis.

**7.**

The State shall indemnify and keep indemnified the Commonwealth—

- (a) against payment by way of compensation for property the cost of which has been reimbursed to the State by the Commonwealth under a previous arrangement or under this arrangement in the event of the acquisition of that property by the Commonwealth; and
- (b) where the cost of the property was reimbursed in part to the State by the Commonwealth under a previous arrangement or under this arrangement against payment by way of compensation proportionate to the cost so reimbursed to the State in the event of the acquisition of that property by the Commonwealth.

**8.**

The State shall ensure that no means test is imposed and no charge is made for accommodation, diagnosis and treatment for tuberculosis in respect of persons occupying beds 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 ensure that attendance at community chest X-ray surveys by the persons to whom the surveys extend is compulsory and effectively enforced.

**10.**

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

**11.**

The State shall ensure that there is an adequate number of chest clinics for the control of tuberculosis staffed with sufficient full-time medical officers working under the direction of the Director of Tuberculosis.

**12.**

The Prime Minister of the Commonwealth and the Premier of the State shall confer from time to time on the means whereby the said campaign shall be effectively carried out.

**13.**

This arrangement shall be deemed to have come into force on the first day of July, 1968, and on and from that date to have taken the place of the previous arrangement dated the 19th March, 1966.

**14.**

This arrangement shall be in force for a period of five years commencing on the first day of July, 1968, and, subject to the next succeeding clause, shall continue in force unless and until determined under clause 16 of this arrangement.

**15.**

At the request of either the Commonwealth or the State, the Commonwealth and the State will, prior to the thirtieth day of June, 1973, confer with a view to a further arrangement in relation to the said campaign being entered into.

**16.**

Either the Commonwealth or the State may give to the other six calendar months notice expiring on the thirtieth day of June, 1973, or at any time thereafter of its intention to terminate this arrangement and, unless a further arrangement is entered into in pursuance of the last preceding clause, this arrangement shall determine upon the expiration of that notice.

**17.**

In this arrangement “the Minister” means the Minister of State for the Commonwealth for the time being administering the *Tuberculosis Act 1948* of the Commonwealth and includes any Member of the Federal Executive Council for the time being acting for or on behalf of that Minister.

Dated this            day of            , 197    .

By His Excellency's Command Governor-General.

Prime Minister.

By His Excellency's Command Governor.

Premier.