

HOSPITAL FUND.

21° GEO. V., No. XXXIX.

No. 39 of 1930.

AN ACT to establish a Hospital Fund and for the administration thereof.

[Assented to 15th December, 1930.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

1. (1.) This Act may be cited as the *Hospital Fund Act*, 1930, and shall come into operation on a day to be fixed by proclamation.

(2.) This Act shall be read as one with the *Hospitals Act*, 1927.

Interpretation.

2. In this Act, except in so far as a contrary intention appears—

“Contributor” means any person liable to contribute to the Fund.

“Department” means the Medical Department.

“Dependant” means and includes the wife and any relative of the contributor by blood, marriage, or adoption, not in receipt of income, salary, or wages equal to one pound or more a week, dependent on the contributor for maintenance.

“Fund” means the Hospital Fund established under this Act.

“Hospital authority” means a board or committee of management of a public hospital, and includes the Minister while in control of a public hospital under the provisions of section seven of the *Hospitals Act*, 1927.

“Income” does not, except as hereinafter mentioned, include salary or wages, but otherwise has the same meaning as in the *Land Tax and Income Tax Assessment Act*, 1907-1924; and notwithstanding anything

contained in the said Act, includes the profits and income of companies subject to the Dividend Duties Act, 1902, and income derived from Government securities and other investments exempt from taxation under the first-mentioned Act. The term shall include salary or wages in any case where objection is taken to contributions under this Act being paid in respect of salary or wages under the provisions of section nine of this Act.

“Minister” means the Minister of Public Health.

“Person” includes a company, and any body corporate, or incorporate in cases where an incorporate body pays salary or wages to employees.

3. (1.) A Hospital Fund shall be established, to be administered by the department. Hospital Fund.

(2.) All moneys belonging to the Fund shall be paid into a special account, to be kept at the Treasury.

4. Except as hereinafter provided, every person in receipt of income, salary, or wages shall contribute to the Fund an amount calculated at such rate (not exceeding one penny half-penny in the pound, in respect of such income, salary, or wages) and during such time as Parliament may declare and enact: Contributions to Fund.

Provided that every person—

- (a) in receipt of old age and invalid pension; or
- (b) in receipt of pension granted for war service and paid by the Commonwealth Government, and not in receipt of income, salary, or wages equal to one pound a week or more; or
- (c) in receipt of salary or wages under one pound a week, and having no other source of income, or
- (d) whose income, including salary or wages (if any) is under fifty-two pounds a year,

shall be exempt from liability to contribute to the Fund:

Provided also, that in assessing the amount of such contribution—

- (i) pension granted for war service and paid by the Commonwealth Government shall not be taken into account; and

- (ii) board and lodging supplied by an employer for his employee in respect of wages not less than one pound a week shall be deemed to be equivalent to additional wages at the rate of one pound a week:

Provided also, that a person in receipt of payments from a superannuation fund to which he has contributed shall be exempt from liability to contribute to the Fund in respect of a proportionate part of each payment in ratio to his contribution to such superannuation fund.

Contributions
in respect of
income.

5. (1.) Contributions to the Fund in respect of income of contributors other than companies subject to the Dividend Duties Act, 1902—

- (a) shall be payable on the net amount remaining of the income received by or accruing or deemed to have accrued to the contributor after all such deductions (with the exceptions hereinafter provided) as are allowed by the Land and Income Tax Assessment Act, 1907-1924, have been made; and
- (b) shall be assessed and payable without regard to the provisos to subsection (1) of section fifteen of that Act, or to subsections (2) and (3) of the said section fifteen, or to paragraphs (5), (6), (12), (13), (14), and (16) of section thirty-one of the said Act; and
- (c) shall be payable in each year of assessment under the Land and Income Tax Assessment Act, 1907-1924, and shall be calculated on and payable in respect of the income of the contributor for the year next preceding the year of assessment:

Provided that, for the year of assessment current at the date of the commencement of this Act, the calculation shall be made, and the contribution shall be payable, in respect of such portion of the income of the contributor for the year next preceding such year of assessment, as shall bear the same ratio to the whole of such income as the length of the period between the commencement of this Act and the first day of July, 1931, bears to a full year:

Provided further, that in respect of the assessment and payment of contribution under the preceding paragraph the Commissioner shall, on receipt from the contributor of the return for the year ended the 30th day of June, 1931, re-assess such contributor under the preceding paragraph; and should such re-assessment reveal an overpayment on the part of the contributor, such overpayment shall be credited against contributions due by him under this Act, for subsequent periods.

(2.) Such contribution to the Fund shall be due and payable to the Commissioner of Taxation on behalf of the department by every contributor thirty days after service by

post of a notice of assessment of such contribution; and, subject to this Act, the provisions of the Land and Income Tax Assessment Act, 1907-1924, relating to assessment and collection of income tax, shall apply to and in respect of the assessment and collection of contributions to the Fund.

(3.) The income, revenues, and funds exempted from income tax by section eighteen (except paragraphs (3), (8), and (9) thereof) of the Land and Income Tax Assessment Act, 1907-1924, shall be exempt from liability for contribution to the Fund.

6. If an assessment is made by the Commissioner of Taxation under section forty-three of the Land and Income Tax Assessment Act, 1907-1924 (assessment in case of default), contribution to the Fund in respect of the income of any person so assessed shall be due to the department and payable to the Commissioner of Taxation on behalf of the department, and section five of this Act shall apply.

Assessment in
case of default.

7. If any contributor shall not furnish a return to the Commissioner of Taxation for the purpose of assessment under the Land and Income Tax Assessment Act, 1907-1924, within thirty days after the first day of August in any year, on the ground that his income is of such amount, or is derived from such source, as to be exempt from taxation, or for any other reason, such contributor shall forthwith, on the expiration of the said thirty days—

Contributions in
respect of in-
come exempt
from taxation.

(a) send to the Commissioner or to a local agent appointed by the Commissioner to receive returns under this section, a statement in writing in the prescribed form of his income, in respect of which he is liable to contribution to the Fund, and received by him during the twelve months ending the thirtieth day of June then last preceding; and

(b) pay therewith to the Commissioner, or to his local agent, a contribution to the Fund at the rate fixed by Parliament in respect of such income; subject, however, to the proviso to paragraph (c) of subsection (1) of section five.

8. Every company subject to the Dividend Duties Act, 1902, shall, as and when every payment of duty under the Dividend Duties Act, 1902, is payable to the Commissioner of Taxation, pay to the Commissioner on behalf of the depart-

Contributions by
companies.

ment in addition to the duty payable under that Act, a contribution to the Fund at the rate fixed by Parliament in respect of every pound of its profits as assessed, or in the case of a life assurance company, of interest received from its investments, or in the case of any other company which carries on any insurance or assurance business exclusively (not being a life assurance company) in respect of every three pounds two shillings and sixpence of the premiums received by such company, but excluding any portion of such premium actually paid away by way of re-insurance effected in the State of Western Australia with any other company:

Provided that the first contribution to the Fund shall be payable in respect of a proportionate part of the amount of the first assessment under the Dividend Duties Act, 1902, after the commencement of this Act of the profits or income of every such contributor as shall bear the same ratio to the whole as the length of the period between the commencement of this Act and the first day of July, 1931, bears to a year:

Provided also, that income received by any person in respect of shares in any company that has duly contributed to the Fund shall be exempt from contribution to the Fund.

This section shall not apply to shipping companies.

Contributions in
respect of salary
and wages.

9. (1.) Subject to section ten of this Act, contributions to the Fund in respect of salary and wages shall be due and payable by or on behalf of contributors upon receipt of such salary or wages, in accordance with the following provisions:—

- (a) Every person paying salary or wages to any other person shall be responsible for the payment by such person of the contribution to the Fund on each occasion that any payment of salary or wages is made;
- (b) As and when every payment of salary or wages is received by any person, contribution to the Fund at the rate fixed by Parliament for every pound of such salary or wages shall be paid by one of the alternative methods specified in paragraph (c) of this subsection:

Provided that, if any such payment includes a fraction of a pound of not less than fifteen shillings, such fraction shall be reckoned as a pound;

(c) Contributions to the Fund shall be paid in one of the following alternative methods:—

(i) A person paying salary or wages shall collect on behalf of the Commissioner contributions to the Fund under this section by a deduction from the salary or wages payable by him, separately shown on a pay sheet;

In every such case contributions to the Fund by the employee shall be paid forthwith by the employer to the Commissioner accordingly, and the amount payable in respect of each payment of salary or wages may be deducted from such salary or wages by the employer;

(ii) Any person paying salary or wages may cause contributions to the Fund under this section to be paid by means of adhesive stamps of the requisite value affixed to the pay-sheet;

Adhesive stamps in the prescribed form shall be issued by the Commissioner and his agents on payment of the value thereof, and the proceeds of the sale of such stamps shall be paid to the credit of the Fund.

Any person paying salary or wages and collecting contributions under this subparagraph shall provide and supply to the payee the requisite stamps on payment to him of the value thereof;

(iii) The collection of contributions shall be in accordance with regulations made under this Act;

(d) The Governor may by regulations under this Act prescribe which of the alternative methods of obtaining payment of contributions to the Fund shall be observed by employers and employees.

(2.) For the purposes of this section payments made at piecework rates for work done or labour performed shall be treated as wages.

(3.) In the case of any contract for work or labour, including clearing, shearing, droving, and carting, made by any person, or by or on behalf of several persons, every payment made by the employer or the person for whom the work or labour is done, or received by or on behalf of the person doing such work or labour, under contract, shall be deemed to be wages within the meaning of this Act:

Provided that a proportionate reduction, as prescribed, shall be made from the gross amount payable under the contract, as representing the value of plant and tools and other necessary outlay, when calculating the amount on which contribution is payable to the Fund.

(4.) Contribution to the Fund in respect of salary or wages received by any person in the service of the Government of the Commonwealth or the State shall be paid by such person to, and shall be collected by, the paying officer on behalf of the Commissioner, as and when every payment of salary or wages is received; but in lieu of compliance with the provisions of paragraph (b) of subsection (1) of this section, such contributions may, subject to the regulations, be collected on behalf of the Commissioner by the paying officer, by a deduction of the amount of the contribution from the amount of salary or wages payable; and the amount of any contribution so deducted shall be paid forthwith by such paying officer to the Commissioner, and a record of such deduction shall be entered on the pay sheet to be kept by the officer making the same.

(5.) If, during any period of twelve calendar months computed, as regards the first of such periods from and including the day of the commencement of this Act, any person shall make contributions to the Fund under this section in respect of his salary or wages, and at the expiration of such period proves to the satisfaction of the Commissioner that the amount of the salary or wages received by him during such period is less than fifty-two pounds in the aggregate, such person may apply for and the Commissioner shall make to such person a refund of the amount of the contributions to the Fund made by him as aforesaid during the said period.

In certain cases salary or wages to be treated as income for the purposes of contributions to be paid by contributor.

10. If any contributor, or the employer of any contributor, by notice in writing to the Commissioner of Taxation, objects on legal grounds to pay or deduct contributions to the Fund, which but for such legal objection would be payable in respect of salary or wages under and in accordance with the provisions of section nine of this Act, or if such objection otherwise comes to the knowledge of the Commissioner, the salary or wages of such contributor shall be assessed as income for the purposes of this Act, and contributions to the Fund under this Act shall be payable by the person receiving such salary or wages under and in the manner provided in this Act for contribution to the Fund in respect of income.

11. (1.) Notwithstanding the provisions of section thirty-three of the Hospitals Act, 1927—

Benefits to contributors.

- (a) every married person contributing under this Act, who satisfactorily proves that he or she is in receipt of income, salary, or wages totalling less than two hundred and thirty pounds during the twelve months preceding treatment at a hospital of any such person or a dependant of such person; and
- (b) every single person contributing under this Act, who satisfactorily proves that he or she is in receipt of income, salary, or wages totalling less than one hundred and fifty-six pounds during the twelve months preceding treatment at a hospital of any such person, or a dependant of such person,

shall be exempt from the liability specified in the said section.

(2.) For the purposes of paragraph (a) "married person" includes a widow or widower or other person having dependants; and for the purposes of paragraph (b) "single person" includes a widow or widower not having dependants.

(3.) Provided that this section shall not apply to—

- (a) cases within the provisions of the Workers' Compensation Act, 1912-1924, so far as hospital treatment is available to the contributor under that Act;
- (b) cases of venereal disease within the provisions of the Health Act, 1911-1919;
- (c) maternity cases in respect of which an allowance under the Maternity Allowance Act, 1912-1927, is payable;
- (d) cases for which the Repatriation Department of the Commonwealth is responsible.

12. Every person claiming hospital benefit under section eleven of this Act for himself or a dependant shall produce to the hospital authority evidence that he is a contributor to the Fund, by—

Proof that a patient is a contributor.

- (a) the production of a certificate from the Commissioner of Taxation or the department; or
- (b) the production of a certificate, in a prescribed form, from an employer or paying officer, in cases where contribution is collected pursuant to section nine:
or

(c) such other means as may be prescribed:

Provided that, where the benefit is sought on behalf of a dependant, the hospital authority may require the application to be supported by a statutory declaration that the patient is a dependant of a contributor to the Fund.

Appropriation of
the Fund.

13. The moneys in the Fund shall be applied by the Minister—firstly, in payment of the costs of collection and administration as declared by the Minister, and thereafter, in any of the following ways:—

- (a) Paying any public hospital for any hospital service granted to any person exempt from liability for such service under section eleven of this Act;
- (b) Paying subsidies to any public hospital;
- (c) Erecting, adding to, altering, or renovating any public hospital;
- (d) Providing equipment for any public hospital, or generally for the extension, improvement, or benefit of the hospital service.

Recovery of
contributions.

14. Any contribution to the Fund payable by any person in respect of income, salary, or wages shall be a debt due to the Crown, and may be sued for and recovered by action in any court of competent jurisdiction, at the suit of the Commissioner of Taxation.

Officers:

15. The Governor may appoint inspectors and other officers for the purposes of this Act, and such inspectors and officers shall have power to demand the production by any person of such documents or other proof by them deemed necessary to ascertain that the provisions of this Act are being observed.

Offences.

16. Every person shall be guilty of an offence against this Act who—

- (a) obstructs or impedes, or attempts to obstruct or impede, any inspector or other officer in the performance of his duties;
- (b) refuses to furnish any inspector or other officer with any information, or wilfully misleads any inspector or other officer in any way so as to interfere with the discharge of his duties;

- (c) omits to make any contribution to the Fund as prescribed by this Act, or fails or neglects to comply with, or commits any breach of any provision of this Act, or the regulations, or furnishes any return or statement of income false in any material particular, or commits or suffers to be committed any act which defrauds or may defraud the Fund of any contribution, or by whose default such Fund may be or is defrauded.

Penalty: For a first offence, twenty pounds; for any subsequent offence, one hundred pounds.

17. The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted, or which are necessary or convenient to be prescribed for giving effect to this Act. Regulations.

18. The accounts of all moneys received and disbursed by the department shall be made up to the thirtieth day of June in each year, and shall be audited once at least in every year by the Auditor General. Accounts.

19. The department shall furnish to the Minister annually a copy of the accounts as so audited, together with a report on the operations of the Fund, which shall be laid before Parliament. Annual report.