
**MENTAL INSTITUTION BENEFITS
(COMMONWEALTH AND STATE
AGREEMENT).**

13° Geo. VI., No. XCII.

No. 6 of 1949.

AN ACT to authorise the State to enter into, execute and carry out an agreement with the Commonwealth respecting mental institution benefits.

[Assented to 14th September, 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Mental Institution Benefits (Commonwealth and State Agreement) Act, 1949.* Short title.

No. 6.] *Mental Institution Benefits (Commonwealth and State Agreement).* [1949.

Power to execute agreement.
Cf. No. 78 of 1948, O'th, s. 3.

2. On behalf of the State the Minister may enter into and execute an agreement with the Commonwealth substantially in accordance with the form in the Schedule to this Act.

Power to carry out agreement.

3. When an agreement is entered into and executed pursuant to the provisions of the last preceding section, the Governor may carry out the agreement.

Financial provisions.

4. This Act, without further appropriation, shall be sufficient authority for the use of money received by the State under any agreement made pursuant to the provisions of this Act in accordance with the terms of that agreement.

Regulations.

5. The Governor may make regulations prescribing any matters or things necessary or convenient to be prescribed for carrying into effect any agreement made pursuant to the provisions of this Act and may, by any regulation so made, prescribe penalties recoverable on summary conviction and not exceeding fifty pounds (£50) for breach of any regulation.

THE SCHEDULE.

MEMORANDUM of Agreement made the _____ s. 2.
_____ day of
_____ one thousand nine hundred and forty-nine
between the Commonwealth of Australia (hereinafter called "the Commonwealth") of the one part and the State of Western Australia (hereinafter called "the State") of the other part whereby it is agreed as follows:—

1. The Commonwealth shall subject to compliance by the State with the provisions of this Agreement pay to the State by way of financial assistance in respect of qualified persons in Mental Institutions amounts determined in accordance with this Agreement.

2. 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 and for the purposes of this clause the State shall in respect of each mental institution furnish to the Commonwealth statements showing the number of patient-days—

- (a) during each period of three months ending on the last days of September, December, March and June in each financial year; and
- (b) during the financial year ending on the 30th day of June in each year:

Provided that the latter statement shall be furnished within three months after the expiration of the financial year and shall be certified by the Auditor General of the State.

3. The State shall ensure that no means test is imposed on, and that no fees are charged to or in respect of, qualified persons.

4. 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.

5. 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).

6. This Agreement shall not have any force or effect unless and until authorised or approved by the Parliament of the State.

7. This Agreement shall commence on the _____ day of _____ one thousand nine hundred and forty-nine and shall remain in force for a period of five years and thereafter until determined by either party by one calendar year's previous notice in writing given at any time.

8. In this Agreement—

“the Commonwealth Mental Institution Benefit Rate” means an amount of eight pence or such other amount 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 or a person who is receiving care and treatment under control or supervision 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.

In witness whereof the Minister of State for Health and Social Services of the Commonwealth on behalf of the Commonwealth and

the Minister for Health and Attorney General of the State on behalf of the State have hereunder set their hands the day and year first hereinbefore written.

Signed by the Honourable Nicholas Edward McKenna, Minister of State for Health and Social Services of the Commonwealth for and on behalf of the Commonwealth in the presence of—

Signed by the Honourable Arthur Valentine Rutherford Abbott, Minister for Health and Attorney General of the State for and on behalf of the State in the presence of—

