

TUBERCULOSIS (COMMONWEALTH AND STATE ARRANGEMENT).

13° Geo. VI., No. XCIX.

No. 13 of 1949.

AN ACT to authorise the State to enter into, execute and carry out an arrangement with the Commonwealth respecting a campaign to reduce the incidence of tuberculosis in Australia.

[Assented to 24th 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 *Tuberculosis (Commonwealth and State Arrangement) Act, 1949.* Short title.

2. The Governor on behalf of the State may enter into, execute and carry out an arrangement with the Commonwealth substantially in accordance with the form in the Schedule to this Act. Power to enter into, execute and carry out Agreement Cf. Act No. 46 of 1948, C'th, s. 5.

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

4. The Governor may make regulations prescribing any matters or things necessary or convenient to be prescribed for carrying into effect any arrangement 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. Regulations.

THE SCHEDULE.

ARRANGEMENT made pursuant to section five of the Tuberculosis Act, 1948, of the Commonwealth of Australia between His Excellency the Governor General acting with the advice of the Federal Executive Council and His Excellency the Governor of the State of Western Australia acting with the advice of the Executive Council of the State:

WHEREAS at a Conference of Commonwealth and State Ministers held at Canberra in August, 1948, it was agreed that the Commonwealth and the several States should 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 that disease:

NOW IT IS HEREBY ARRANGED as follows—

1. The Commonwealth and the State will forthwith 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.

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 of State for Health of the Commonwealth (in this arrangement called the "Minister" which expression shall be deemed to include any Minister of State of the Commonwealth acting for or on behalf of the Minister) namely—

- (a) capital expenditure by the State on or after the first day of July, one thousand nine hundred and forty-eight, 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 provisions 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 in institutions (or part of any institution) or on services or facilities which, in the opinion of the Minister, are conducted by the State or by any authority of the State primarily and principally for 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 in such institutions or part of any such institution and on such services or facilities during that lastmentioned year.

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) payments for that year by the Commonwealth to the State, under the agreement entered into under the Hospital Benefits Act, 1945-1947, at the Commonwealth Hospital Benefits Expenditure Rate for Public Wards in respect of beds occupied by sufferers from tuberculosis in the institutions or part of any institution mentioned in paragraph (b), clause 2, of this Arrangement;
- (b) payments for that year by the Commonwealth to the State under sections 4 and 5 of the Tuberculosis Act, 1945-1946;
- (c) payments by the Commonwealth to the State, on behalf of approved hospital authorities, under section 14 of the Pharmaceutical Benefits Act, 1947, in respect of the supply during that year of pharmaceutical benefits for the treatment of sufferers from tuberculosis in the institutions or part of any institution mentioned in paragraph (b) of clause 2 of this Arrangement; and
- (d) any other amounts received during that year by the State, or by any such 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 mentioned in paragraph (b) of clause 2 of this Arrangement, 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, excepting payments made after 1st July, 1948, and up to the date 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;
- (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.

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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 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 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 on, and that no charge is made for, accommodation and treatment in respect of, persons occupying beds in public wards in an institution or part of an institution mentioned in paragraph (b) of clause 2 of this Arrangement.

9. The State shall, as soon as practicable, appoint a Director of Tuberculosis, who shall devote the whole of his time to the duties of his office and shall not engage in private practice.

10. This Arrangement shall be in force for a period of ten years computed as from the first day of July, one thousand nine hundred and forty-eight and prior to the date of its expiration the Commonwealth and the State shall confer with a view to a further arrangement being entered into.

11. 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.

12. It is a condition of this Arrangement that the State shall, before the first day of January, one thousand nine hundred and fifty, enact and bring into force legislation to give effect to this Arrangement, and for the effective carrying out of the said campaign. If such legislation is not enacted and brought into force before that date, the Commonwealth will not make any further reimbursements to the State under this Arrangement, except only in respect of or on account of expenditure actually paid by the State prior to that date.

Dated this day of , 1949.

By His Excellency's Command,

Prime Minister.

By His Excellency's Command,

Premier.