



1945.

ANNO NONO ET DECIMO

GEORGII VI. REGIS.

No. 33.

## ANALYSIS.

1. Short title and commencement.
2. Power to enter into Agreement.
3. Certain provisions of the *Hospitals Act* 1918 to have effect subject to Agreement.



AN ACT to authorise the execution of an Agreement between the Commonwealth and the State in relation to Hospital Benefits, and to make provision for matters incidental thereto. [20 December, 1945.]

A.D.  
1945.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Commonwealth and State Hospital Benefits Agreement Act* 1945. Short title and commencement.

(2) This Act shall come into operation on a date to be fixed by proclamation.

6d.]

*Commonwealth and State Hospital Benefits Agreement.*

A.D. 1945.

Power to  
enter into  
Agreement.

**2** The execution by the Premier, on behalf of the State, of an agreement with the Commonwealth in relation to hospital benefits, in accordance with the form set forth in the schedule (in this Act referred to as "the Agreement"), is hereby authorised.

Certain  
provisions of  
the *Hospitals  
Act 1918* to  
have effect  
subject to  
Agreement.

**3** After the commencement of this Act, sections fifty-two and eighty-five of the *Hospitals Act 1918*\* shall be construed, and shall have effect, subject to the provisions of the Agreement.

\* 9 Geo. V. No. 70. For this Act, as amended to 1936, see Reprint of Statutes, Vol. IV., p. 417. Subsequently amended by 2 Geo. VI. No. 31, 5 Geo. VI. No. 49, 6 Geo. VI. No. 6, 7 Geo. VI. No. 45, and 7 & 8 Geo. VI. No. 71.

## THE SCHEDULE.

AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, One thousand nine hundred and forty-five, between the Commonwealth of Australia (in this Agreement called "the Commonwealth") and the State of Tasmania (in this Agreement called "the State"):

WHEREAS with the object of improving the health of the people by making hospital services more fully available to them the Commonwealth proposes to grant to the States financial assistance to enable the States to carry into effect that object:

NOW it is hereby agreed as follows:—

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

2. In this Agreement—

"daily occupied bed" means a bed occupied by a qualified person for a full day (the day of admission and the day of discharge together being counted as one day);

"financial year" means the period of twelve months ending on the thirtieth day of June;

"non-public ward" means a ward other than a public ward;

"public hospital" means a hospital (not being a tuberculosis hospital within the meaning of the *Tuberculosis Act 1945* of the Commonwealth) which—

(a) is ordinarily recognized as a public hospital; and

(b) is in receipt of a grant for maintenance from the State;

and includes a State institution used for hospital purposes and a ward in any other institution maintained or subsidized by the State which is used for hospital purposes and is for the time being approved by the Commonwealth;

"public ward" means a ward which is ordinarily recognized as a public ward;

"qualified person" means a person who was ordinarily resident in Australia at the time of admission to a public hospital and is occupying a bed for the purposes of hospital treatment, and includes, where two or more children are born at one birth, any child born at that birth in excess of one, and also any newly born child except during the time the mother of that child is occupying a bed, but does not include a member of the staff of the public hospital receiving treatment in his or her own quarters, or a person whose fees are borne by the Commonwealth or who has received, or is entitled to receive, those fees under any law in force in the State;

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- “the Commonwealth Hospital Benefit Expenditure Rate for Public Wards” means an amount of four shillings or such other amount as is from time to time agreed upon between the Commonwealth and the State; A.D. 1945.
- “the Commonwealth Hospital Benefit Rate for Non-public Wards” means an amount of six shillings or such other amount as is, from time to time, agreed upon between the Commonwealth and the State;
- “the Commonwealth Hospital Benefit Rate for Public Wards” means an amount of six shillings or such other amount as is, from time to time, agreed upon between the Commonwealth and the State.

3. This Agreement shall be in force for a period of five years commencing on the first day of January, 1946, and thereafter shall continue in force until the expiration of eighteen months' notice in writing given by either party to the other of intention to terminate this Agreement.

4. 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 beds occupied by qualified persons in public and non-public wards in public hospitals amounts determined in accordance with this Agreement.

5. The amount to be paid by the Commonwealth for any financial year in respect of beds in public wards in public hospitals shall be determined by multiplying the Commonwealth Hospital Benefit Rate for Public Wards by the number of daily occupied beds in public wards in that financial year.

6. The amount to be paid by the Commonwealth for any financial year in respect of beds in non-public wards in public hospitals shall be determined by multiplying the Commonwealth Hospital Benefit Rate for Non-public Wards by the number of daily occupied beds in non-public wards in that financial year.

7. In respect of the period between the date of the commencement of this Agreement and the thirtieth day of June, 1946, the amounts to be paid by the Commonwealth to the State under clauses 5 and 6 respectively shall be determined by multiplying the appropriate rate by the number of daily occupied beds in public wards or non-public wards (as the case requires) during that period.

8.—(1) The State shall, out of the amount paid to the State for each financial year (or portion thereof) under clause 5, set aside the amount (if any) ascertained by subtracting from the amount so paid the aggregate of—

- (a) the amount ascertained by multiplying the Commonwealth Hospital Benefit Expenditure Rate for Public Wards by the number of daily occupied beds in public wards in that financial year (or portion thereof); and
- (b) the amount by which donations (including voluntary contributions) received by public hospitals during that financial year and used for the maintenance of public hospitals is less than the sum of nine thousand three hundred and nineteen pounds (or in respect of the period between the date of the commencement of this Agreement and the thirtieth day of June, 1946, such proportion of the amount received in the financial year ending on the thirtieth day of June, 1946, as bears the same proportion to that amount as that period bears to twelve months).

(2) The State shall not use the amount so set aside, or interest thereon, otherwise than for capital expenditure on public hospitals as approved by the Commonwealth.

9. If the amount paid to the State for any financial year (or portion thereof) under clause 5 is less than the aggregate of the amounts referred to in paragraphs (a) and (b) of subclause (1) of clause 8, the Commonwealth shall pay to the State the amount of the difference.

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**A.D. 1945.** 10.—(1) The State shall pay all amounts set aside as provided by clause 8 into a trust fund to be established by the State.

(2) The State shall after the end of each quarter furnish to the Commonwealth a statement showing the number of daily occupied beds in public and non-public wards respectively in each public hospital during the quarter and shall within three months after the end of each financial year furnish to the Commonwealth—

(a) a statement certified by the Auditor-General of the State of the accounts in the trust fund mentioned in subclause (1) of this clause in a form approved by the Treasurer of the Commonwealth; and

(b) a statement certified by the Auditor-General of the State showing in detail the working operations of the public hospitals during the financial year in a form approved by the Treasurer of the Commonwealth.

11.—(1) Subject to subclause (2) of this clause, the State shall ensure that no means test is imposed on any person who was ordinarily resident in Australia at the time of seeking admission to a public ward, and that no fees are charged to or in respect of, qualified persons occupying beds in public wards in public hospitals.

(2) The State may permit a public hospital to charge fees in respect of beds in a public ward which are temporarily used as non-public ward beds.

12.—(1) The State shall ensure that the charges per day payable by qualified persons in respect of beds in non-public wards in public hospitals shall be reduced by the amount of the Commonwealth Hospital Benefit Rate for Non-public Wards.

(2) The State shall ensure that no increase in those charges is made without the concurrence of the Commonwealth and that any such increase made after the first day of September, 1945, shall cease to be applied, as from the date of the commencement of this Agreement, unless the Commonwealth concurs in the increase.

(3) The Commonwealth shall not refuse its concurrence under subclause (2) of this clause in respect of any increase of charges necessitated by increased costs.

(4) The State shall ensure that, except with the concurrence of the Commonwealth, no charge is made to qualified persons for services or comforts in public or non-public wards in public hospitals for which it was not customary to make a charge as at the first day of September, 1945.

13. The Commonwealth and the State, in conjunction with any other State which enters into an Agreement with the Commonwealth in terms similar to the terms of this Agreement, shall establish a council, to be known as the National Hospital Council, to advise the Commonwealth and the States with respect to any matter relating to hospitals which is referred to the Council by the Commonwealth or a State.

14. Nothing in this Agreement shall be construed so as to affect the State's control of clinical teaching and research in public hospitals.

IN WITNESS whereof the Prime Minister of the Commonwealth and the Premier of the State have signed this Agreement the day and year first above written.

Signed by the Prime Minister of the  
Commonwealth for and on behalf of  
the Commonwealth in the presence of—

Signed by the Premier of the State  
for and on behalf of the State in  
the presence of—