

**TUBERCULOSIS
(COMMONWEALTH AND STATE
ARRANGEMENT).**

7° Elizabeth II., No. XXV.

No. 25 of 1958.

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 11th November, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the 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, 1958.*

Short title
and citation.

Authorisation or, as the case may be, confirmation of execution of arrangement. Schedule.

2. Execution by or on behalf of the State of an arrangement in, or substantially in accordance with, the form in the Schedule to this Act if not already executed prior to the coming into operation of this Act is hereby authorised; or, if already executed by or on behalf of the State prior to the coming into operation of this Act, the execution of the arrangement by or on behalf of the State, and the arrangement as so executed are hereby confirmed and power for the State to carry out its part of the arrangement is hereby conferred.

SCHEDULE.

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 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 by an arrangement made as aforesaid and dated the twenty-sixth day of September, 1949 (which arrangement is in this arrangement called "the previous arrangement") 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 provisions of those facilities:

AND WHEREAS it was provided by clause 10 of the previous arrangement that the previous arrangement was to be in force for a period of ten years computed as from the first day of July, 1948, and that prior to the date of its expiration the Commonwealth and the State would confer with a view to a further arrangement being entered into:

AND WHEREAS agreement has been reached between the Commonwealth and the State 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 arrangement 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 1953-1957 as amended from time to time, to the State or to an institution 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 1953-1957 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 the 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 the 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 on 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.

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9. 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.

10. 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.

11. This arrangement shall be in force for a period of five years commencing on the first day of July, 1958, and, subject to the next succeeding clause, shall continue in force unless and until determined under clause 13 of this arrangement.

12. At the request of either the Commonwealth or the State, the Commonwealth and the State will, prior to the thirtieth day of June, 1963, confer with a view to a further arrangement in relation to the said campaign being entered into.

13. Either the Commonwealth or the State may give to the other six calendar months notice expiring on the thirtieth day of June 1963 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.

14. 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 _____, 1958.

By His Excellency's Command,

Governor General.

Prime Minister

By His Excellency's Command,

Governor.

Premier.
