

HOSPITALS.

10 GEO. VI.
NO. 2.
THE
HOSPITAL
BENEFITS
AGREEMENT
ACT OF 1945.

An Act to Authorise the Execution by the State of Queensland of an Agreement between the Commonwealth of Australia and the State of Queensland Relating to Hospital Benefits, and for other incidental purposes.

[ASSENTED TO 13TH DECEMBER, 1945.]

Preamble.

WHEREAS pursuant to the *Hospitals Benefit Act* 1945 of the Commonwealth it was enacted *inter alia* that the execution by or on behalf of the Commonwealth of Agreements with all or any of the States relating to the provision of hospital benefits substantially in accordance with the heads of Agreement specified in the Schedule to such lastmentioned Act was thereby authorised :

AND WHEREAS the said Schedule provides that the Agreement shall not have any force or effect unless and until authorised or approved by the Parliament of the State concerned :

AND WHEREAS it is desirable that the execution by the State of Queensland of an Agreement between the Commonwealth and the said State (herein referred to as "the parties") substantially in accordance with the heads of the Agreement specified in the Schedule above referred to shall be authorised and also that the Agreement as finally made between the parties be adopted, ratified, and confirmed—

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. (1.) This Act may be cited as "*The Hospital Benefits Agreement Act of 1945.*"

Construction of Act.

(2.) (i.) This Act shall where necessary be read and construed with *"*The Hospitals Acts, 1936 to 1944.*"

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(ii.) The Governor in Council may make any Regulations, regulations which are necessary or convenient to give effect to the purposes of this Act, and the provisions of section six of **"The Hospitals Acts, 1936 to 1944,"* *mutatis mutandis*, apply and have effect accordingly.

2. (1.) The execution by or on behalf of the State of Queensland of an Agreement (hereinafter referred to as the "draft Agreement") substantially in accordance with the heads of the Agreement specified in the Schedule to this Act is hereby authorised.

Authorisation of execution of draft Agreement. Schedule.

(2.) On the signature by the Parties thereto of the draft Agreement (including any amendments or modifications (if any) made in such draft Agreement), the Agreement as thus finally agreed upon and made and executed by the parties thereto is approved, adopted, authorised, and ratified.

Approval of executed Agreement.

3. (1.) The Agreement as finally agreed upon and made and executed by the Parties thereto shall be published by the Governor in Council by †Proclamation published in the *Gazette*, and shall upon such publication have the force of law and shall be valid and effectual for all purposes whatsoever and shall be obeyed and shall be judicially noticed.

Executed Agreement to be published in *Gazette*.

(2.) The Proclamation above referred to shall be laid before Parliament within fourteen sitting days after the execution thereof, if Parliament is then sitting, or if Parliament is not then sitting, within fourteen sitting days after the commencement of the next session of Parliament.

Proclamation to be laid before Parliament.

4 The moneys to be received from the Commonwealth under the Agreement as finally approved and executed shall be paid into a Fund at the Treasury to be called "The Hospital Benefits Fund," and shall be disbursed in and for the objects and purposes of the ‡*Hospitals Benefits Act 1945* of the Commonwealth and this Act as may be from time to time appropriated by Parliament.

Application of moneys received from Commonwealth.

* 1 G. 6 No. 4 and amending Acts, v. 3, p. 1050 *et seq.*

† Completed agreement dated 14th December, 1945, proclaimed by Proclamation of 7th March, 1946 (*Gazette*, 11th March, 1946, p. 627).

‡ No. 47 of 1945 of the Commonwealth.

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Section 2.

THE SCHEDULE.

HOSPITAL BENEFITS: HEADS OF AGREEMENT.

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

2. The Agreement shall be in force for a minimum period of five years and thereafter shall be subject to termination after (*here specify a period of notice by either party of not less than one year*).

3. The Commonwealth shall, subject to compliance by the State with the provisions of the 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 the Agreement.

4. 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.

5. 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.

6. (1.) The State shall, out of the amount paid to the State for each financial year under paragraph four of this Schedule, 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; 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 [*here insert an amount determined by the Commonwealth and the State based on the average amount received by public hospitals during the financial years 1942-43 and 1943-44 by way of donations (including voluntary contributions) and used for the maintenance of public hospitals*].

(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.

7. If the amount paid to the State for any financial year under paragraph four of this Schedule is less than the aggregate of the amounts referred to in clauses (a) and (b) of subparagraph one of the last preceding paragraph, the Commonwealth shall pay to the State the amount of the difference.

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8. (1.) Subject to the next succeeding paragraph the State shall ensure that no means test is imposed on, 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.

9. (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, and prior to the date of the Agreement shall cease to be applied, as from the date of the Agreement, unless the Commonwealth concurs in the increase.

(3.) The Commonwealth shall not refuse its concurrence under the last preceding subparagraph 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.

10. 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 the 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.

11. The Agreement may provide that nothing in the Agreement shall be construed so as to affect the State's control of clinical teaching and research in public hospitals.

12. The Agreement may contain such incidental and supplementary provisions as are necessary to give effect to the Commonwealth Hospital Benefits Scheme.

13. The Agreement shall contain definitions substantially to the following effect and such other definitions as are necessary:—

“The Commonwealth Hospital Benefit Rate for Public Wards” means six shillings or such other rate as is, from time to time, agreed upon between the Commonwealth and the State;

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“The Commonwealth Hospital Benefit Rate for Non-public Wards” means six shillings or such other rate as is, from time to time, agreed upon between the Commonwealth and the State;

“The Commonwealth Hospital Benefit Expenditure Rate for Public Wards” means [*here insert an amount determined by the Commonwealth and the State based on the average amount recovered during the financial years 1942-43 and 1943-44 from patients in public wards for each daily occupied bed*] or such other amount as is from time to time agreed upon between the Commonwealth and the State;

“Public hospital” means a hospital (not being a tuberculosis hospital within the meaning of the *Tuberculosis Act* 1945) 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 subsidised 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;

“Non-public ward” means a ward other than 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 a public hospital receiving treatment in his 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; and

“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).
