

HOSPITAL BENEFITS.

No. 47 of 1945.

An Act relating to Hospital Benefits, and for other purposes.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Citation.

1. This Act may be cited as the *Hospital Benefits Act* 1945.

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Execution of agreements relating to hospital benefits.

3. 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 this Act, is hereby authorized.

4. The regulations may make provision for and in relation to payments by the Commonwealth of hospital benefits, at such rates and subject to such conditions as are prescribed, in respect of patients in private hospitals as defined by the regulations.

Private hospitals.

5. The Treasurer may pay to the Minister of State for Health such sums as are agreed upon between the Treasurer and that Minister towards the maintenance of public hospitals in the Australian Capital Territory and the Northern Territory.

Territories.

6.—(1.) There shall be payable, for each financial year, to such of the States as the Minister determines (being States which have executed agreements with the Commonwealth under this Act), by way of financial assistance, a sum not exceeding in the aggregate Five hundred thousand pounds.

Payments in respect of medical attendance, &c., in public wards of public hospitals.

(2.) The amount to be paid to any such State for any financial year shall be such amount (if any) as the Minister determines.

(3.) An amount payable to a State under this section for any financial year shall be paid upon condition that an amount not less than the first-mentioned amount is used by that State, in that financial year, in such manner and subject to such conditions as the Minister approves, in or towards the payment of salaries to medical practitioners, and to professional persons of such other classes as the Minister approves, attending qualified persons in public wards in public hospitals.

(4.) In the last preceding sub-section, the expressions "qualified persons", "public wards" and "public hospitals" have, in relation to any State, the same meanings as those expressions have in the agreement executed between the Commonwealth and that State under this Act.

7. Payments for the purposes of this Act or the regulations, or for the purposes of any agreement the execution of which is authorized by this Act, shall be made out of the Trust Account established under the *National Welfare Fund Act 1943-1945* and known as the National Welfare Fund.

Payment of hospital benefits to be made from National Welfare Fund.

8. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding three months, for offences against the regulations.

Regulations.

THE SCHEDULE.

Section 3.

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].

THE SCHEDULE—continued.

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 sub-paragraph (1.) of the last preceding paragraph, the Commonwealth shall pay to the State the amount of the difference.

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 sub-paragraph 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.

THE SCHEDULE—continued.

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 ;
- “ 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 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 ;
- “ 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).