

# MENTAL INSTITUTION BENEFITS.

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**No. 78 of 1948.**

**An Act relating to Mental Institution Benefits.**

[Assented to 17th December, 1948.]

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

**Short title.**

**1.** This Act may be cited as the *Mental Institution Benefits Act* 1948.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement

3. The execution, on behalf of the Commonwealth, of agreements with all or any of the States, relating to the provision of mental institution benefits, substantially in accordance with the heads of agreement set out in the Schedule to this Act, is hereby authorized. Agreements relating to mental institution benefits.

4. Payments 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. Payments to be made from National Welfare Fund.

## THE SCHEDULE.

Section 3.

### MENTAL INSTITUTION 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 qualified persons in mental institutions, amounts determined in accordance with the agreement.

4. The amount to be paid by the Commonwealth to the State for any financial year or part thereof in respect of qualified persons shall be determined by multiplying the Commonwealth Mental Institution Benefit Rate by the number of patient-days in that financial year or part thereof.

5. The State shall ensure that no means test is imposed on, and that no fees are charged to or in respect of, qualified persons.

6. The State shall ensure that, except with the concurrence of the Commonwealth, no charge is made to or in respect of qualified persons for services or comforts for which it was not customary to make a charge as at the first day of November, 1948.

7. For the purposes of the agreement, the number of patient-days in a financial year or part thereof shall be the sum of the number of complete days on which each qualified person was a patient in a mental institution during that financial year or part thereof (the day of admission and the day of discharge being together counted as one day).

8. The agreement may contain such incidental and supplementary provisions as are necessary to give effect to the Commonwealth Mental Institution Benefits Scheme.

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

“the Commonwealth Mental Institution Benefit Rate” means (*here insert amount*) or such other rate as is, from time to time, agreed upon between the Commonwealth and the State;

“mental institution” means a hospital for the insane, mental hospital, reception house, receiving house or similar institution which—

(a) is conducted by the State or is in receipt of a grant for maintenance from the State; and

(b) is for the time being approved by the Commonwealth for the purposes of the agreement;

“qualified person” means a patient in a mental institution who was ordinarily resident in Australia at the time of admission to the mental institution, but does not include a patient whose fees are borne by the Commonwealth or by another State.