

# Mental Health and Related Services Assistance Act 1973

No. 154 of 1973

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## AN ACT

To provide for Financial Assistance to States,  
Local Governing Bodies and Voluntary Organizations  
in respect of the provision of Medical or other Services  
or Facilities in relation to Mental Illness, Mental Disability,  
Alcoholism and Drug Dependence.

[Assented to 27 November 1973]

BE IT ENACTED by the Queen, the Senate and the House of  
Representatives of Australia, as follows:—

1. This Act may be cited as the *Mental Health and Related Services Assistance Act 1973*. Short title.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-  
ment.
3. (1) In this Act, unless the contrary intention appears— Interpre-  
tation.
  - “ approved application ” means an application for financial assistance approved under section 6;
  - “ approved scheme ” means a scheme approved under section 6;

“ financial year ” means the year that commenced on 1 July 1973 or the next succeeding year;

“ local governing body ” means a local governing body established by or under a law of a State or a Territory;

“ prescribed services ” means medical or other services or facilities for, or in relation to, the prevention or diagnosis of, or the treatment or rehabilitation of persons suffering from, mental illness, mental disability, alcoholism or drug dependence;

“ voluntary organization ” means an association of persons, whether incorporated or not, but does not include an association that operates for the financial gain, either direct or indirect, of an individual member or individual members.

(2) For the purposes of this Act—

(a) the acquisition of land, or the construction, extension, alteration or renovation of a building, for the purpose of the provision of prescribed services; or

(b) the maintenance of a building used in the provision of prescribed services, being maintenance relating to the provision of those prescribed services,

shall be deemed to be part of the provision of those prescribed services.

Application  
for approval  
of a  
scheme.

4. (1) A State may submit to the Minister, in writing, a scheme for the provision of prescribed services, during both financial years or one financial year only, by—

(a) that State;

(b) a voluntary organization, or voluntary organizations, operating in that State; or

(c) that State and a voluntary organization, or voluntary organizations, operating in that State.

(2) A local governing body may submit to the Minister, in writing, a scheme for the provision of prescribed services, during both financial years or one financial year only, by that local governing body.

(3) A voluntary organization may submit to the Minister, in writing, a scheme for the provision of prescribed services, during both financial years or one financial year only, by that voluntary organization.

Application  
for approval  
of financial  
assistance  
with respect  
to costs of  
administra-  
tion of  
voluntary  
organiza-  
tions.

5. A voluntary organization may submit to the Minister, in writing, an application for financial assistance in respect of the cost, during both financial years or one financial year only, of co-ordinating the provision, in more than one State, of prescribed services by branches of that organization or by other voluntary organizations.

6. (1) The Minister may give his approval, for the purposes of this Act, to such schemes and applications of the kind referred to in sections 4 and 5 submitted to him as he thinks fit.

Approval of schemes and applications for financial assistance.

(2) An approval under sub-section (1) shall specify the financial year, or financial years, to which the approval relates.

(3) An approval under sub-section (1) may be given subject to such conditions as the Minister specifies in the approval.

(4) Where a scheme is submitted to the Minister under sub-section 4 (2) by a local governing body established by or under a law of a State, the Minister shall, before giving his approval to the scheme, request the appropriate Minister of that State to consult with him concerning the scheme and, if that Minister does so consult with him, have regard to the view expressed by that Minister.

7. (1) Where the Minister approves a scheme, or an application for financial assistance, under section 6, he shall allocate, for the purposes of that scheme or a project forming part of that scheme or for the purposes of that application, an amount of money in respect of—

Allocation of amounts.

- (a) where the approval relates to one financial year only—that financial year; or
- (b) where the approval relates to both financial years—each of those financial years.

(2) The Minister may, on the request of the State, local governing body or voluntary organization that submitted an approved scheme or an approved application, vary the amount allocated under sub-section (1) for the purposes of that approved scheme or approved application.

(3) The amounts allocated under this section (taking into account variations under sub-section (2) ) in respect of a financial year shall not exceed, in the aggregate, an amount of \$7,500,000.

8. (1) Where the Minister allocates, under sub-section 7 (1), an amount of money for the purposes of an approved scheme or a project forming part of an approved scheme or for the purposes of an approved application, he shall notify the State, local governing body or voluntary organization that submitted the scheme or application that he has approved the scheme or the application and shall specify in the notification the amount of money so allocated and, if the allocation is for the purposes of a project forming part of the approved scheme, he shall specify that project.

Notification of approvals and allocations.

(2) Where the Minister varies, under sub-section 7 (2), an amount allocated for the purposes of an approved scheme or an approved application, he shall notify the State, local governing body or voluntary organization that submitted the scheme or application that he has varied the amount so allocated and shall specify in the notification the amount of the variation.

Authoriza-  
tion of  
payments  
with respect  
to approved  
schemes.

**9. (1) Where—**

- (a) the Minister has, in respect of a financial year, allocated an amount under section 7 for the purposes of an approved scheme or a project forming part of an approved scheme;
- (b) the State, local governing body or voluntary organization that submitted the approved scheme (in this sub-section referred to as “the claimant”) has lodged with the Minister, on or before 30 June 1976, a claim for the whole or a part of that amount; and
- (c) the Minister is satisfied that the claimant or, where the claimant is a State, the State or a voluntary organization operating in the State has, during that financial year, expended moneys, for the purposes of that scheme or that project, in accordance with that scheme,

the Minister shall, subject to sub-sections (2) and (3), authorize the payment to the claimant of an amount not exceeding the amount of that expenditure.

(2) Payments under sub-section (1) for the purposes of a scheme or a project shall not, in the aggregate, exceed the amount allocated under this Act for the purposes of that scheme or that project.

(3) A payment under sub-section (1) shall not be authorized for the purposes of a scheme or application the approval of which has been cancelled under section 14.

Condition of  
payment in  
respect of  
expenditure  
by voluntary  
organization.

**10. It is a condition of—**

- (a) a payment to a State under section 9 in respect of expenditure of moneys by a voluntary organization; or
- (b) an advance to a State under section 13 in respect of anticipated expenditure of moneys by a voluntary organization,

that the State pay to the voluntary organization an amount equal to the amount of the payment or advance, as the case may be.

Authoriza-  
tion of  
payments  
with respect  
to approved  
applications.

**11. Where the Minister has, in respect of a financial year, allocated an amount for the purposes of an approved application, he shall authorize the payment during that financial year to the voluntary organization that submitted the application, upon such conditions as he thinks fit, of an amount, or amounts, equal to the amount so allocated.**

Minister  
may  
determine  
manner and  
time of  
payments.

**12. The Minister may determine the manner in which, and the times at which, payments under sections 9 and 11 shall be made.**

Advances.

**13. The Minister may, at such times and subject to such conditions as he thinks fit, make advances of such amounts as he thinks fit to a State, local governing body or voluntary organization on account of an amount that may become payable under section 9 to the State, local governing body or voluntary organization.**

**14.** (1) Where the Minister is satisfied that a condition imposed under section 6 or 13 with respect to an approved scheme or an approved application has not been complied with, he may—

Conditions not complied with.

- (a) cancel his approval of the scheme or application; and
- (b) cancel his allocation of moneys with respect to that scheme or application to the extent that the amount allocated has not been paid under section 9 or made the subject of an advance under section 13.

(2) Where an amount of an allocation is cancelled under sub-section (1), that amount shall, for the purposes of sub-section 7 (3), be deemed not to have been allocated.

**15.** (1) The Minister may, in writing, delegate to a person, either generally or otherwise as provided in the instrument of delegation, all or any of his powers or functions under this Act, except this power of delegation.

Delegation by Minister.

(2) A power or function so delegated shall be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister.

**16.** Payments for the purposes of this Act shall be made out of the Consolidated Revenue Fund, which is appropriated accordingly.

Appropriation.