



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 52 of 1948.

An Act to authorize the State to enter into an Agreement with the Commonwealth respecting Mental Institution Benefits, and for purposes incidental thereto.

[Assented to 22nd December, 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

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

Power to execute agreement.

2. The Minister of Health of the State may, on behalf of the State, enter into, execute and carry out an agreement with the Commonwealth substantially in accordance with the heads of agreement specified in the schedule to this Act.

Financial provision.

3. Money received by the State under any agreement made pursuant to this Act shall be paid into the General Revenue of the State.

Regulations.

4. The Governor may make regulations prescribing any matters or things necessary or convenient to be prescribed for carrying into effect any agreement made pursuant to this Act, and may by any such regulations prescribe penalties recoverable summarily and not exceeding fifty pounds for breach of any regulation.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.

THE SCHEDULE.

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.

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 9·67 pence, 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.