

(5) All costs and expenses incurred in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

Regulations.

8 The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

TUBERCULOSIS (CAMPAIGN ARRANGEMENTS).

No. 10 of 1950.

AN ACT to give effect to certain Arrangements between the State and the Commonwealth for a Tuberculosis Campaign and to amend the *Tuberculosis Act* 1949. [9 January, 1950]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and incorporation.

1—(1) This Act may be cited as the *Tuberculosis (Campaign Arrangements) Act* 1950.

(2) This Act shall be read and construed as one with the *Tuberculosis Act* 1949* (hereinafter referred to as the Principal Act).

Duration of campaign: Amendment of No. 20 of 1949, s. 16.

2—(1) The Governor shall, so far as the exigencies of the public service and the moneys provided by Parliament allow, for the next eight years cause all lawful and proper measures to be taken to reduce the incidence of tuberculosis in the State and to provide adequate facilities for the diagnosis, treatment and control of that disease.

(2) Section sixteen of the Principal Act is amended by omitting the figures "1950" and substituting therefor the figures "1958".

3 Notwithstanding anything contained in the *Public Service Act 1923** the office of Director of Tuberculosis shall be continued during the continuance of the Principal Act, and the holder of that office shall, except for leave as provided by that Act, devote the whole of his time to the duties of his appointment and shall not be permitted to engage in private practice.

Director of
Tuberculosis.

4—(1) Where any part of the cost of lands or goods acquired by the Crown in right of this State for or in connection with the diagnosis, treatment, control and suppression of tuberculosis has been reimbursed to the Treasurer by the Commonwealth in accordance with the arrangement set out in the schedule as now and from time to time agreed to be varied, the Governor shall not dispose of such lands or goods except in accordance with an agreement under seal with the Commonwealth about the disposal of the proceeds in the case of a sale, or about a reimbursement to the Commonwealth in the case of a gift.

Disposal
of Crown
property.

(2) The Governor may in any such agreement agree to pay to the Commonwealth the whole or any part of the proceeds of sale or of the value (as the case requires) in proportion as the cost was reimbursed by it.

(3) Any such agreement shall be recorded in the Treasury, and payment may be made by the Treasurer accordingly, as provided in subsection (4) of this section.

(4) Where the cost was paid out of the Consolidated Revenue, payment under subsection (3) may be made out of Consolidated Revenue, which to the necessary extent is hereby appropriated accordingly, and where the cost was paid out of moneys borrowed by the Treasurer, payment under subsection (3) may be made out of any moneys remaining in the original loan account, which the Treasurer is hereby authorised to re-appropriate accordingly or if no such moneys remain out of the moneys which the Treasurer is hereby authorised to borrow for the purpose.

THE SCHEDULE.

(Section 4.)

ARRANGEMENT made pursuant to section five of the Tuberculosis Act 1948, of the Commonwealth of Australia between His Excellency the Governor-General, acting with the advice of the Federal Executive Council and His Excellency the Governor of the State of Tasmania acting with the advice of the Executive Council of the State:

* 13 Geo. V. No. 25. For this Act, as amended to 1947, see annual volume for 1948, Appendix C. Subsequently amended by No. 36 of 1949.

WHEREAS at a conference of Commonwealth and State Ministers held at Canberra in August, 1948, it was agreed that the Commonwealth and the several States should participate in a campaign to reduce as soon and as far as possible the incidence of tuberculosis in Australia, and to provide adequate facilities for the diagnosis, treatment and control of that disease:

NOW IT IS HEREBY ARRANGED as follows:—

1. The Commonwealth and the State will forthwith participate in a campaign to reduce as soon and as far as possible the incidence of tuberculosis in Australia and to provide adequate facilities for the diagnosis, treatment and control of tuberculosis.

2. For the purposes of the campaign the Commonwealth will reimburse to the State such of the expenditure by the State hereafter in this clause mentioned as shall be approved by the Minister of State for Health of the Commonwealth (in this Arrangement called the "Minister", which expression shall be deemed to include any Minister of State of the Commonwealth acting for or on behalf of the Minister) namely—

- (a) capital expenditure by the State on or after the first day of July, One thousand nine hundred and forty-eight, in the provision by the State of land and buildings for use in the diagnosis, treatment and control of tuberculosis and in the erection and improvement of buildings and the provisions of furnishings, equipment, and plant for such use; and
- (b) the net maintenance expenditure by the State in relation to the diagnosis, treatment and control of tuberculosis in any financial year after the year which ended on the thirtieth day of June, One thousand nine hundred and forty-eight, to an extent not exceeding the amount by which that expenditure is in excess of the net maintenance expenditure in relation to the diagnosis, treatment and control of tuberculosis incurred by the State during the lastmentioned year.

3. For the purposes of this Arrangement, net maintenance expenditure by the State in any financial year shall not include any payment by the State by way of allowances to, or in respect of, sufferers from tuberculosis and their dependants, and the amount of any net maintenance expenditure shall be arrived at after taking into account—

- (a) payments for that year by the Commonwealth to the State, under the agreement entered into under the Hospital Benefits Act 1945-1948, at the Commonwealth Hospital Benefits Expenditure Rate for Public Wards in respect of beds occupied by sufferers from tuberculosis;
- (b) payments for that year by the Commonwealth to the State under sections four and five of the Tuberculosis Act 1945-1946;
- (c) payment by the Commonwealth to the State, on behalf of approved hospital authorities, under section fourteen of the Pharmaceutical Benefits Act 1947-1949, in respect of the supply during that year of pharmaceutical benefits for the treatment of sufferers from tuberculosis; and
- (d) any other amounts received during that year by the State, or by any institution upon the maintenance of which any part of that expenditure has been incurred, from, or in respect of, patients treated for tuberculosis.

4. The amount of any gift, donation or bequest received in any financial year by the State or by any institution upon the maintenance of which any part of the net maintenance expenditure during that year has been incurred shall also be taken into account in arriving at the amount of the net maintenance expenditure.

5. In order to enable the Minister to determine whether any of the expenditure mentioned in clause 2 of this Arrangement should be approved by him the State shall ensure that—

- (a) any proposal which will involve the reimbursement of capital expenditure under paragraph (a) of clause 2 of this Arrangement, excepting payments made on or after the 1st July, 1948, and up to the date of this Arrangement, shall be submitted in writing to the Commonwealth before any expenditure is incurred or any commitment made in respect of that proposal;
- (b) the Minister shall be supplied with such information by such persons at such times and in such manner and form as he shall from time to time require.

6. Any assets acquired or services or facilities provided by the State the cost, or part of the cost, of which has been reimbursed to the State under this Arrangement shall not, without the prior written approval of the Minister, be used otherwise than for the diagnosis, treatment and control of tuberculosis.

7. The State shall indemnify and keep indemnified the Commonwealth—

- (a) against payment by way of compensation for property the cost of which has been reimbursed to the State by the Commonwealth under this Arrangement in the event of the acquisition of that property by the Commonwealth; and
- (b) where the cost of the property was reimbursed in part to the State by the Commonwealth under this Arrangement—against payment by way of compensation proportionate to the cost so reimbursed to the State in the event of the acquisition of that property by the Commonwealth.

8. The State shall ensure that no means test is imposed on, and that no charge is made for accommodation and treatment in respect of, persons occupying beds in public wards in an institution upon the maintenance of which any part of the net maintenance expenditure has been incurred.

9. The State shall, as soon as practicable, appoint a Director of Tuberculosis, who shall devote the whole of his time to the duties of his office and shall not engage in private practice.

10. This Arrangement shall be in force for a period of ten years computed as from the First day of July, One thousand nine hundred and forty-eight, and prior to the date of its expiration the Commonwealth and the State shall confer with a view to a further Arrangement being entered into.

11. The Prime Minister of the Commonwealth and the Premier of the State shall confer from time to time on the means whereby the said campaign shall be effectively carried out.

12. It is a condition of this Arrangement that the State shall before the First day of January, One thousand nine hundred and fifty, enact and bring into force legislation to give effect to this Arrangement and for the effective carrying out of the said campaign. If such legislation is not enacted and brought into force before that date the Commonwealth will not make any further reimbursements to the State under this Arrangement except only in respect of or on account of expenditure actually paid by the State prior to that date.

Dated this ninth day of November, 1949.

By His Excellency's Command,
J. B. CHIFLEY, Prime Minister.

By His Excellency's Command,
ROBERT COSGROVE, Premier.