

DISABLED PERSONS ACCOMMODATION.

No. 63 of 1963.

An Act to provide for Assistance by the Commonwealth towards the provision of Residential Accommodation for certain Disabled Persons.

[Assented to 28th October, 1963.]

[Date of commencement, 25th November, 1963.]

BE it enacted by the Queen'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 *Disabled Persons Accommodation Act 1963*.

Interpretation.

2.—(1.) In this Act, unless the contrary intention appears—

“ approved building ” means a building or proposed building approved under section six of this Act;

“ building ” includes a part of a building and an addition to a building;

“ disabled person ” means a person who—

(a) has attained the age of sixteen years; and

(b) is, for the purposes of Division 3 of Part III. of the *Social Services Act 1947–1963*, permanently incapacitated for work or is permanently blind;

“ eligible organization ” means an organization eligible, by virtue of section five of this Act, for assistance under this Act, and includes—

(a) the trustee or trustees under a trust established by an organization so eligible; and

(b) a corporation established by such an organization;

“ organization ” includes a society and an association;

“ sheltered workshop ” means a workshop or factory, or a part of a workshop or factory, declared by the Minister under section four of this Act to be a sheltered workshop for the purposes of this Act;

“ the capital cost ”, in relation to an approved building, means—

(a) in the case of an approved building erected or to be erected by an eligible organization, the sum of—

(i) such amount in respect of the whole or a part of the land acquired or to be acquired for the purposes of the

- building as the Minister, in his discretion, determines; and
- (ii) the amount that the Director-General is satisfied is the cost of erecting the building, including the cost of necessary fixtures in the building; or
- (b) in the case of an approved building purchased or to be purchased by an eligible organization, the amount that the Director-General is satisfied is the cost of purchasing the building and of making any necessary alterations or additions to it and installing any necessary fixtures, including the cost of purchasing the land on which the building is erected, less the value of any part of that land that is not required for the purposes of the building;

“the Director-General” means the Director-General of Social Services.

(2.) A reference in this Act to persons employed in sheltered workshops shall be read as including a reference to persons seeking employment in a sheltered workshop.

3. The Director-General has, subject to any directions of the Minister, the general administration of this Act. Administration.

4. Where the Minister is satisfied that—

- (a) the persons, or a substantial number of the persons, employed in a workshop or factory, or in a part of a workshop or factory, are disabled persons; and
- (b) they are paid for the work they perform in the workshop or factory,

Sheltered
workshops.

he may declare the workshop or factory, or the part of the workshop or factory, to be a sheltered workshop for the purposes of this Act.

5.—(1.) Subject to this section, an organization is eligible for assistance under this Act if— Eligible
organizations.

- (a) it is carried on otherwise than for the purposes of profit or gain to its individual members; and
- (b) it is—
- (i) a religious organization;
 - (ii) an organization the principal objects or purposes of which are charitable or benevolent;
 - (iii) an organization of former members of the Defence Force established in every State or a State branch of such an organization; or
 - (iv) an organization approved by the Governor-General for the purposes of this Act.

(2.) A trustee or trustees under a trust established for charitable or benevolent purposes may be approved by the Governor-General for the purposes of this Act, and a trustee or trustees so approved shall be deemed to be an organization referred to in the last preceding sub-section.

(3.) An organization conducted or controlled by, or by persons appointed by—

- (a) the Government of the Commonwealth or of a State; or
- (b) a local governing body established under the law of a State,

is not eligible for assistance under this Act.

**Approval of
buildings for
accommodation
of disabled
persons.**

6.—(1.) Where the Director-General is satisfied that a building erected or to be erected, or purchased or to be purchased, by an eligible organization is intended to be used permanently by or on behalf of the organization as, or as part of, an establishment that provides residential accommodation for disabled persons employed in sheltered workshops, he may, in his discretion, approve that building or proposed building for the purposes of this Act.

(2.) A building or proposed building shall not be approved under this section unless—

- (a) it was in course of erection by the eligible organization on the thirteenth day of August, One thousand nine hundred and sixty-three;
- (b) its erection by the eligible organization was commenced after that date or is to be commenced after the date of the approval; or
- (c) it was purchased by the eligible organization after the date specified in paragraph (a) of this sub-section or is to be so purchased after the date of the approval.

**Grants to
organizations.**

7.—(1.) The Director-General may, in his discretion, on behalf of the Commonwealth, make a grant of moneys in accordance with this Act to an eligible organization as assistance towards meeting the capital cost of an approved building.

(2.) A grant under this section shall be made at such time, or by such instalments and at such times, as are determined by agreement between the Director-General and the eligible organization or, in the absence of agreement, by the Director-General.

(3.) A payment under this Act shall not be made except to a corporation in which, or to trustees in whom, the approved building is or is to be vested.

**Terms and
conditions
of grants.**

8.—(1.) A grant to an eligible organization under this Act may be made upon such terms and conditions, not inconsistent with this Act, as the Director-General thinks fit.

(2.) Before making a grant under this Act to an eligible organization, the Director-General may require the organization to enter into an agreement with him with respect to the terms and conditions upon which the grant is to be made.

(3.) An agreement under the last preceding sub-section may, if the Director-General considers the circumstances so require, include an undertaking by the eligible organization with respect to the continued use of the approved building as, or as part of, an establishment that provides residential accommodation for disabled persons employed in sheltered workshops, and provision for the repayment of the grant to the Commonwealth in the event of a breach of the undertaking, and for the giving of security for the carrying out of the undertaking.

9.—(1.) Subject to this section, the amount of a grant under this Act in respect of an approved building shall be an amount not exceeding—

Amount of grants.

- (a) two-thirds of the capital cost of the building; or
- (b) twice the amount of the funds of the organization available for expenditure towards the capital cost of the building,

whichever is the less.

(2.) The Director-General shall not make, or agree to make, a grant under this Act to an eligible organization in respect of an approved building unless he is satisfied that the amount of the funds of the organization available for expenditure towards the capital cost of the building, together with the amount of the grant, will be not less than the capital cost of the building.

(3.) For the purposes of this section, the amount of the funds of an organization available for expenditure towards the capital cost of an approved building shall be deemed to be the sum of the moneys (if any) expended, and the moneys presently available for expenditure, by the organization towards the capital cost of the building, being moneys that the Director-General is satisfied—

- (a) did not become available as a result of the borrowing of those moneys or any other moneys by the organization; and
- (b) were not received by the organization from the Government of the Commonwealth or of a State, or from a local governing body or other authority established by a State Act.

10. Grants under this Act are payable out of moneys appropriated by the Parliament from time to time for the purposes of this Act.

Moneys to be appropriated.

11. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Regulations.