

AGED PERSONS HOMES.

No. 81 of 1954.

An Act to provide for Assistance by the Commonwealth towards the provision of Homes for Aged Persons.

[Assented to 18th November, 1954.]

[Date of commencement, 16th December, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Aged Persons Homes Act 1954.* Short title.
2. In this Act, unless the contrary intention appears— Definitions.
 - “aged person” means a man who has attained the age of sixty-five years or a woman who has attained the age of sixty years and includes the wife or husband of an aged person residing or desiring to reside with the aged person ;
 - “approved home” means a building or buildings or proposed building or buildings approved under section six of this Act ;
 - “building” includes a part of a building and an addition to a building ;
 - “eligible organization” means an organization eligible, by virtue of section five of this Act, for assistance under this Act, and includes the trustee or trustees under a trust established by an eligible organization and a corporation so established ;
 - “the capital cost”, in relation to an approved home, means the amount which the Director-General is satisfied is—
 - (a) in the case of an approved home erected or to be erected by an eligible organization—the cost of erecting the home, including the cost of necessary fixtures in the home, but not including the cost or value of any land ; or
 - (b) in the case of an approved home purchased or to be purchased by an eligible organization—the cost of purchasing the home 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 home is erected, less the value of any part of that land that is not required for the purposes of the home ;
 - “the Director-General” means the Director-General of Social Services.

Purpose.

3.—(1.) The purpose of this Act is to encourage and assist the provision of suitable homes for aged persons, and in particular homes at which aged persons may reside in conditions approaching as nearly as possible normal domestic life, and, in the case of married people, with proper regard to the companionship of husband and wife.

(2.) The Director-General shall have regard to the purpose of this Act in exercising his powers under this Act.

Administration.

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

Eligible organisations.

5.—(1.) Subject to this section, a society, association or other organization is eligible for assistance under this Act if—

(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 shall, if the Governor-General so approves, 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, the Government of the Commonwealth or of a State or a local governing body established under the law of a State, is not eligible for assistance under this Act.

Approval of houses.

6.—(1.) Where the Director-General is satisfied that a building or buildings erected or to be erected, or purchased or to be purchased, by an eligible organization is or are intended to be used permanently by or on behalf of the organization as a home or homes for the accommodation of aged persons, he may, in his discretion, approve that building or proposed building or those buildings or proposed buildings as a home 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 fourth day of May, One thousand nine hundred and fifty-four;

(b) its erection by the eligible organization was commenced after the date specified in the last preceding paragraph 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.

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 home. Grants to organizations.

(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 home is or is to be vested.

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. Terms and conditions of grants.

(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 home as a home for aged persons, 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 home shall be an amount not exceeding— Amount of grants.

- (a) one-half of the capital cost of the home, as determined by the Director-General; or
- (b) the sum of the moneys (if any) expended, and the moneys presently available for expenditure, by the organization towards the capital cost of the home, being moneys which the Director-General is satisfied did not become available as a result of the borrowing of those moneys or any other moneys by the organization and 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,

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 home unless he is satisfied that the sum of the moneys (if any) expended, and the moneys presently available for expenditure, by the organization towards the capital cost of the home, together with the amount of the grant, will be not less than the capital cost of the home.

Moneys to be appropriated.

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

Regulations.

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