

Sheltered Employment (Assistance)

No. 22 of 1967

An Act to provide for Assistance by the Commonwealth towards the Provision of Sheltered Employment and Accommodation for certain Disabled Persons.

[Assented to 12 May 1967]

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

PART I.—PRELIMINARY.

1. This Act may be cited as the *Sheltered Employment (Assistance) Act 1967*. Short title.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. This Act is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1–7).

Part II.—Grants in respect of Approved Projects (Sections 8–10).

Part III.—Grants in respect of Rent of Approved Premises (Sections 11–13).

Part IV.—Grants in respect of Approved Equipment (Sections 14–16).

Part V.—General (Sections 17–21).

4.—(1) The *Disabled Persons Accommodation Act 1963* is repealed. Repeal of Disabled Persons Accommodation Act.

(2.) Notwithstanding the repeal effected by the last preceding subsection, the *Disabled Persons Accommodation Act 1963* continues to apply in relation to any grants of money made under that Act before its repeal.

5. In this Act, unless the contrary intention appears— Definitions.

“disabled person” means a person—

- (a) who is, for the purposes of Division 3 of Part III. of the *Social Services Act 1947–1967*, permanently incapacitated for work or whose physical or mental condition is such that, in the opinion of the Director-General, he would become so permanently incapacitated for work if he were not provided with sheltered employment; or
- (b) who is permanently blind;

“ eligible organization ” means—

- (a) an organization (other than an organization conducted or controlled by, or by persons appointed by, the Government of the Commonwealth or of a State) that is carried on otherwise than for the purpose of profit or gain to its individual members and 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; and

(b) a local governing body,

and includes—

- (c) the trustee or trustees under a trust established by an organization referred to in paragraph (a) of this definition or by a local governing body;
- (d) a corporation established by such an organization or by a local governing body; and
- (e) the trustee or trustees under a trust established for charitable or benevolent purposes and approved by the Governor-General for the purposes of this Act;

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

“ organization ” includes a society and an association;

“ sheltered employment ” means employment that, by virtue of a direction under section 7 of this Act, is, for the purposes of this Act, sheltered employment;

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

Administration. 6. The Director-General has, subject to any directions of the Minister, the general administration of this Act.

Sheltered employment.

7. Where the Minister is satisfied that—

- (a) an eligible organization provides paid employment, or proposes to provide paid employment, for disabled persons at any premises; and
- (b) the persons, or a substantial number of the persons, employed or to be employed at those premises are or will be disabled persons,

the Minister may, by instrument in writing, direct that paid employment provided at those premises by the organization is, for the purposes of this Act, sheltered employment.

PART II.—GRANTS IN RESPECT OF APPROVED PROJECTS.

8.—(1.) In this Part, unless the contrary intention appears—

Interpretation.

“approved project” means the purchase or proposed purchase of land, or the construction or alteration or proposed construction or alteration of a building or other improvement on land, approved under the next succeeding section;

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

“government authority” means an authority established by or under a law of the Commonwealth, a State or a Territory of the Commonwealth, but does not include a local governing body;

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

(a) where the approved project is the purchase or proposed purchase of land—the sum of—

(i) such amount in respect of the land, not including any buildings or other improvements on the land, as the Director-General, in his discretion, determines;

(ii) such amount in respect of any buildings or other improvements on the land (being buildings or improvements that the Director-General is satisfied are used or are to be used for or in connexion with providing sheltered employment or residential accommodation for persons engaged in sheltered employment) as the Director-General considers represents that part of the cost of purchasing the land that is attributable to those buildings or improvements; and

(iii) such amount as the Director-General is satisfied is the cost of making any alterations or additions to any building or other improvement on the land that the Director-General is satisfied are necessary for or in connexion with providing sheltered employment or residential accommodation for persons engaged in sheltered employment; or

(b) where the approved project is the construction or alteration, or proposed construction or alteration, of a building or other improvement on land—such amount as the Director-General is satisfied is the cost of constructing or altering the building or other improvement.

(2.) For the purposes of this Part, the cost of constructing, altering or adding to a building includes the cost of installing such fixtures (including the cost of the fixtures) as the Director-General approves.

(3.) Where—

- (a) an approved project is the construction, or proposed construction, by an eligible organization of a building to be used for or in connexion with providing residential accommodation for persons engaged in sheltered employment; and
- (b) the land on which the building is or is to be constructed was purchased by the eligible organization before the twenty-eighth day of November, One thousand nine hundred and sixty-six,

the Director-General may direct that there shall be added to the amount that is the capital cost of the project for the purposes of this Act such amount in respect of the whole or a part of the land as the Director-General, in his discretion, determines.

Approved
projects.

9.—(1.) Subject to this section, where the Director-General is satisfied that—

- (a) an eligible organization—
 - (i) has purchased, or proposes to purchase, any land, including land on which buildings or other improvements are constructed; or
 - (ii) has constructed or altered, or proposes to construct or alter, a building or any other improvement on any land; and
- (b) the land purchased or proposed to be purchased, or the building or improvement constructed or altered or proposed to be constructed or altered, is used, or is to be used, permanently by or on behalf of the organization for or in connexion with providing—
 - (i) sheltered employment;
 - (ii) residential accommodation for persons engaged in sheltered employment; or
 - (iii) sheltered employment and residential accommodation for persons engaged in sheltered employment,

the Director-General may, in his discretion, approve, for the purposes of this Part, the purchase or proposed purchase or the construction or alteration or the proposed construction or alteration, as the case may be.

(2.) Where an eligible organization had, before the commencement of this Act, purchased any land, or constructed or altered or commenced to construct or alter a building or any other improvement on land, the Director-General shall not approve the purchase, or the construction or alteration, as the case may be, under the last preceding sub-section unless the purchase had been made on or after the twenty-eighth day of November, One thousand nine hundred and sixty-six, or the construction had been commenced on or after that date or had been commenced, but had not been completed, before that date.

(3.) Notwithstanding anything contained in the last preceding sub-section, the Director-General may, under sub-section (1.) of this section, approve the purchase by an eligible organization of land on which a building is erected or the construction by an eligible organization of a building, if he would, had the Act repealed by this Act remained in force and the organization been an eligible organization for the purposes of that Act, have been empowered under section 6 of that Act to approve that building.

10.—(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 project. **Grants.**

(2.) Subject to this section, the amount of a grant in respect of an approved project shall not exceed—

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

whichever is the less.

(3.) For the purposes of the last preceding sub-section, the amount of the funds of an eligible organization available for expenditure towards the capital cost of an approved project 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 project, 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 were not received by the organization from the Government of the Commonwealth or of a State or from a government authority; and
- (b) in the case of moneys received by the organization from a local governing body—were moneys that were not received by the local governing body from the Government of the Commonwealth or of a State or from a government authority.

(4.) The Director-General shall not make or agree to make a grant under this section to an eligible organization in respect of an approved project 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 project, together with the amount of the grant, will be not less than the capital cost of the project.

(5.) Payment of a grant under this section in respect of an approved project shall not be made except to a corporation in which, or the trustees in whom, there is vested or to be vested—

- (a) where the approved project is the purchase or proposed purchase of land—that land; or

- (b) where the approved project is the construction or alteration, or proposed construction or alteration, of a building or other improvement—the land on which the building is situated or is to be constructed.

PART III.—GRANTS IN RESPECT OF RENT OF APPROVED PREMISES.

Definition.

11. In this Part, “approved premises” means premises approved under the next succeeding section.

Approval of premises.

12. Where the Director-General is satisfied that premises of which an eligible organization is the tenant are used by or on behalf of the organization for or in connexion with providing sheltered employment, he may, in his discretion, approve those premises for the purposes of this Part.

Grants.

13.—(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 any rent payable by or on behalf of the organization in respect of approved premises.

(2.) The amount of a grant under this section in respect of rent payable in respect of premises shall not exceed two-thirds of the amount of that rent.

(3.) A grant or grants under this section shall not be made—

- (a) in respect of rent payable in respect of a period that commenced before the date of commencement of this Act; or
- (b) in respect of rent payable in respect of a period of more than three years or periods that aggregate more than three years.

PART IV.—GRANTS IN RESPECT OF APPROVED EQUIPMENT.

Definitions.

14. In this Part, unless the contrary intention appears—

“approved equipment” means equipment approved under the next succeeding section;

“the cost”, in relation to the purchase by an eligible organization of approved equipment, means the sum of the amount that the Director-General is satisfied is the cost of purchasing the equipment and such amount (if any) in respect of altering, adding to or installing the equipment as the Director-General determines.

Approval of equipment.

15. Where—

- (a) an eligible organization that provides sheltered employment at any premises proposes to purchase any equipment; and
- (b) the Director-General is satisfied that the equipment is to be used by persons engaged in sheltered employment at those premises or otherwise for or in connexion with the undertaking carried on by the eligible organization at those premises,

the Director-General may, in his discretion, approve that equipment for the purposes of this Part.