

Sheltered Employment (Assistance)

No. 84 of 1970

An Act to amend the *Sheltered Employment (Assistance) Act 1967*.

[Assented to 26 October 1970]

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.—(1.) This Act may be cited as the *Sheltered Employment (Assistance) Act 1970*. Short title and citation.

(2.) The *Sheltered Employment (Assistance) Act 1967** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Sheltered Employment (Assistance) Act 1967–1970*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section 3 of the Principal Act is amended by omitting the words— Parts.
“ Part V.—General (Sections 17–21).”

and inserting in their stead the words—

“ Part IVA.—Training Fees for Eligible Organizations (Sections 16A–16B).

Part IVB.—Financial Assistance in respect of Approved Officers (Sections 16C–16E).

Part V.—General (Sections 16F–21).”.

4. Section 5 of the Principal Act is amended by inserting before the definition of “ disabled person ” the following definition:— Definitions.

“ ‘ approved person ’ means—

(a) a disabled person engaged in sheltered employment or in any other employment, occupation or business; or

(b) a person who, because of a disability, needs special residential accommodation to allow him to engage in sheltered employment or in any other employment, occupation or business;”.

5. Section 8 of the Principal Act is amended—

(a) by omitting from the definition of “ the capital cost ” in subsection (1.) the words “ providing sheltered employment or Interpretation.

* Act No. 22, 1967.

residential accommodation for persons engaged in sheltered employment” (wherever occurring) and inserting in their stead the words “providing sheltered employment or providing residential accommodation for approved persons or providing both sheltered employment and residential accommodation for approved persons”; and

- (b) by omitting from paragraph (a) of sub-section (3.) the words “persons engaged in sheltered employment” and inserting in their stead the words “approved persons”.

Approved projects.

6. Section 9 of the Principal Act is amended by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph:—

- “(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 sheltered employment or providing residential accommodation for approved persons or providing both sheltered employment and residential accommodation for approved persons.”.

7. After Part IV. of the Principal Act the following Parts are inserted:—

“PART IVA.—TRAINING FEES FOR ELIGIBLE ORGANIZATIONS.

Definition.

“16A. In this Part, ‘normal employment’, in relation to a person, means—

- (a) full-time employment of the person with an employer at rates of pay normally paid in respect of employment in the occupation concerned; or
- (b) full-time engagement (other than as an employee) of the person in any employment, occupation or business that provides, or will provide, the person with an income at an annual rate not less than an amount per annum equal to the aggregate of the amount included in the annual rate specified in paragraph (a) of sub-section (1A.) of section 28 of the *Social Services Act 1947–1970* and the amount specified in paragraph (a) of sub-section (2.) of that section.

Training fees.

“16B.—(1.) Where—

- (a) a disabled person who has completed a continuous period of not less than six months’ sheltered employment provided by an eligible organization completes, on or after the commencement of this Part, a further continuous period of twelve months’ normal employment;
- (b) the two periods are continuous with one another or are separated by an interval that is so short that, in the opinion of the Director-General, it is not significant for the purposes of this section; and

- (c) the Director-General is satisfied that the training given to the disabled person during the period of sheltered employment contributed significantly to the ability of that person to engage in the normal employment,

the Director-General may, in his discretion, pay to the organization a training fee of Five hundred dollars.

“(2.) The Director-General may, by reason of special circumstances, direct that two or more periods of normal employment of a person and the intervals that separate them shall, together, be treated, for the purposes of paragraph (a) of the last preceding sub-section, as one continuous period of normal employment.

“(3.) A claim for the payment of a fee under this section shall be lodged with the Director-General within a period of six months, or such longer period as the Director-General approves in a particular case, commencing at the expiration of the period of twelve months’ normal employment to which the claim relates.

“ PART IVB.—FINANCIAL ASSISTANCE IN RESPECT OF APPROVED OFFICERS.

“ 16C. In this Part, ‘ approved officer ’ means a person in respect of whom a direction is in force under the next succeeding section. Definition.

“ 16D. Where—

- (a) a person is employed by an eligible organization wholly or partly to provide services of a supervisory, medical, counselling or other kind in connexion with the employment of disabled persons in sheltered employment provided by the organization; and
- (b) the Director-General is satisfied that some or all of the services provided, or to be provided, by the person would not be required if the employment in connexion with which those services are provided, or to be provided, were not sheltered employment,

Approved officers.

the Director-General may, by instrument in writing, direct that the first-mentioned person be regarded as an approved officer for the purposes of this Part.

“ 16E. Where an eligible organization employs an approved officer, the Director-General may, in his discretion, pay to the organization, by way of financial assistance towards meeting the cost to the organization of the remuneration of the approved officer in respect of any period commencing after the commencement of this Part, an amount calculated having regard to the services provided by the officer during that period that would not have been required if the employment in connexion with which the services were provided had not been sheltered employment, but not, in any event, exceeding one-half of the amount of that remuneration.” Financial assistance towards meeting the cost of remuneration.

8. Before section 17 of the Principal Act the following section is inserted in Part V.:—

Definition.

“ 16F. In this Part, ‘ grant ’ or ‘ grant under this Act ’ includes a payment under Part IVA. or Part IVB. of this Act.”.

Application
of certain
amendments.

9. For the purposes of the grant of approvals under section 9 of the Principal Act, as amended by this Act, the amendments made by sections 4, 5 and 6 of this Act apply in relation to projects commenced on or after the date of commencement of this Act, or commenced, but not completed, before that date.
