

# **HANDICAPPED PERSONS ASSISTANCE ACT 1974**

## **No. 134 of 1974**

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# HANDICAPPED PERSONS ASSISTANCE ACT 1974

## No. 134 of 1974

An Act to provide for Assistance by Australia towards the Provision of Facilities for Handicapped Children, Disabled Persons and certain other Persons.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

### PART I—PRELIMINARY

- Short title.        1. This Act may be cited as the *Handicapped Persons Assistance Act* 1974.<sup>1</sup>
- Commence-        2. (1) Subject to sub-section (2), this Act shall come into operation ment.        on the day on which it receives the Royal Assent.<sup>1</sup>
- (2) Parts IV, VI and VII and sub-section 36 (2) shall come into operation on 1 January 1975.
- Definitions.      3. In this Act, unless the contrary intention appears—
- “approved holiday accommodation” means holiday accommodation that is approved under section 7;
- “approved activity therapy” means activity therapy that is approved under section 4;
- “approved recreational facilities” means recreational facilities that are approved under section 7;
- “approved rehabilitational facilities” means rehabilitational facilities that are approved under section 7;
- “approved residential accommodation” means residential accommodation that is approved under section 6;
- “approved training” means training that is approved under section 4;
- “disabled person” means a person—
- (a) who is, for the purposes of Division 3 of Part III of the *Social Services Act* 1947-1974, permanently incapacitated for work or whose physical or mental condition is such that, in the opinion of the Minister, 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 Australia 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 or Territory Branch of such an organization; or

(iv) an organization determined by the Minister to be an eligible organization for the purposes of this Act;

(b) a local governing body; or

(c) the trustees for the time being under a trust established for charitable or benevolent purposes, being a trust in relation to which the Minister has determined that the trustees constitute an eligible organization for the purposes of this Act,

and includes—

(d) the trustee or trustees under a trust established by an organization referred to in paragraph (a) or by a local governing body; and

(e) a corporation established by such an organization or by a local governing body;

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

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

“organization” includes a society and an association;

“prescribed service” means—

(a) approved training;

(b) approved activity therapy;

(c) sheltered employment;

(d) approved residential accommodation;

(e) approved holiday accommodation;

(f) approved recreational facilities; or

(g) approved rehabilitational facilities;

“sheltered employment” means employment that, by virtue of a direction under section 5, is, for the purposes of this Act, sheltered employment;

“training” means vocational or other training, and includes general education.

Approved training and approved activity therapy.

4. Where the Minister is satisfied that training or activity therapy is provided, or proposed to be provided, at any premises, for persons who by reason of their being handicapped are in need of training or activity therapy, the Minister may, by writing under his hand, for the purposes of this Act, approve the training or activity therapy so provided or proposed to be provided at those premises.

Sheltered employment.

5. 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 writing under his hand, direct that paid employment provided at those premises by the organization is, for the purposes of this Act, sheltered employment.

Approved residential accommodation.

6. Where the Minister is satisfied that an eligible organization provides, or proposes to provide, at any premises, residential accommodation for—

- (a) persons undertaking approved training, approved activity therapy or sheltered employment; or
- (b) persons (whether or not they are disabled persons) needing, by reason of a disability, special accommodation to allow them to engage in employment other than sheltered employment or in any other occupation or business,

the Minister may, by writing under his hand, for the purposes of this Act, approve the residential accommodation so provided or proposed to be provided at those premises by that organization.

Approved holiday accommodation, &c.

7. Where the Minister is satisfied that an eligible organization provides, or proposes to provide, at any premises, holiday accommodation, recreational facilities or rehabilitational facilities for persons undertaking approved training, approved activity therapy or sheltered employment or living at premises at which approved residential accommodation is provided, the Minister may, by writing under his hand, for the purposes of this Act, approve the holiday accommodation, recreational facilities or rehabilitational facilities so provided or proposed to be provided at those premises by that organization.

## PART II—GRANTS IN RESPECT OF APPROVED PROJECTS

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

Interpretation.

“alteration”, in relation to a building or other improvement on land, includes an addition to the building or improvement;

“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 section 9;

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

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

(a) where the approved project is the purchase or proposed purchase of land, with or without buildings or other improvements, the sum of—

(i) such amounts in respect of the land, not including any buildings or other improvements on the land, as the Minister, in his discretion, determines;

(ii) such amount in respect of any buildings or other improvements on the land, being buildings or improvements that the Minister is satisfied are used or are to be used for or in connexion with the provision of a prescribed service, as the Minister considers represents that part of the value of the land that is attributable to those buildings or improvements; and

(iii) such amount as the Minister is satisfied is the cost of making any alterations to any building or other improvement on the land that are necessary for or in connexion with the provision of a prescribed service; 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 Minister is satisfied was or will be the cost of that construction or alteration.

(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 Minister approves.

(3) Where an approved project is the construction or alteration, or proposed construction or alteration, by an eligible organization of a building or other improvement upon land already owned by the organization, the Minister 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 Minister, in his discretion, determines.

Approval of projects.

**9.** Subject to this section, where the Minister 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 other improvement on 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 to be used, permanently, by or on behalf of the organization for or in connexion with the provision of a prescribed service,

the Minister 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.

Grants.

**10.** (1) The Minister may, in his discretion, on behalf of Australia, make a grant of moneys in accordance with this Act to an eligible organization as assistance in respect of the capital cost of an approved project.

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

(a) four-fifths of the capital cost of the project; or

(b) 4 times the amount of the contribution of the eligible organization towards the capital cost of the project,

whichever is the less.

(3) For the purposes of sub-section (2), the contribution of an eligible organization towards the capital cost of an approved project is the sum of—

(a) 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 Minister is satisfied—

- (i) in the case of an organization that is not a local governing body—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 Australia or of a State or from a government authority;
  - (ii) in the case of an organization that is a local governing body—were not received by the organization (otherwise than by way of the borrowing of those moneys by the organization) from the Government of Australia or of a State or from a government authority; and
  - (iii) in the case of an organization that is not a local governing body but received the moneys from a local governing body—were not received by the local governing body (otherwise than by way of the borrowing of those moneys by the local governing body) from the Government of Australia or of a State or from a government authority; and
- (b) where—
- (i) the capital cost of the project includes an amount determined under sub-section 8 (3) by the Minister in respect of the land included in the project; and
  - (ii) no amount was expended by the organization in respect of that land or the amount expended by the organization in respect of that land was less than the amount so determined by the Minister,

the amount so determined less any amount so expended.

(4) The Minister 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, the amount (if any) treated under paragraph (3) (b) as included in the contribution of the eligible organization towards the capital cost of the project and 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 trustees in whom, there is vested or to be vested the title in the land.

### PART III—GRANTS IN RESPECT OF MAINTENANCE OF PRESCRIBED PREMISES

**11.** In this Part, unless the contrary intention appears, “prescribed premises” means any premises used by an eligible organization for or in connexion with the provision of a prescribed service, but does not include premises approved for the purposes of Part IV. Definition.



**Approval of projects of maintenance.**      **12.** Where an eligible organization proposes to undertake a project of maintenance in respect of prescribed premises the Minister may, in his discretion, approve that project of maintenance for the purposes of this Part.

**Grants.**      **13.** (1) The Minister may, in his discretion, on behalf of Australia, make a grant of moneys in accordance with this Act to an eligible organization as assistance towards meeting the cost of an approved project of maintenance.

(2) The amount of a grant to an eligible organization in respect of an approved project of maintenance shall not exceed four-fifths of the cost to that organization of that project.

#### PART IV—GRANTS IN RESPECT OF RENT OF APPROVED PREMISES

**Approval of premises.**      **14.** Where the Minister 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 a prescribed service, he may, in his discretion, approve those premises for the purposes of this Part.

**Grants.**      **15.** (1) The Minister may, in his discretion, on behalf of Australia, 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 premises approved under section 14.

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

(3) A grant under this section shall not be made in respect of rent payable in respect of a period that commenced before the commencement of this Part.

#### PART V—GRANTS IN RESPECT OF APPROVED EQUIPMENT

**Definitions.**      **16.** In this Part, unless the contrary intention appears—  
“approved equipment” means equipment approved under section 17;

“cost”, in relation to the purchase by an eligible organization of approved equipment, means the sum of the amount that the Minister 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 Minister determines.

17. (1) Subject to sub-section (2), where—

- (a) an eligible organization that provides a prescribed service at any premises has purchased or proposes to purchase any equipment; and
- (b) the Minister is satisfied that the equipment is used, or is to be used, by persons making use of that prescribed service at those premises or otherwise for or in connexion with the provision of that prescribed service,

Approval of  
equipment.

the Minister may, in his discretion, approve that equipment for the purposes of this Part.

(2) Where an eligible organization has purchased or proposes to purchase equipment for the purpose of replacing similar equipment that—

- (a) is equipment that was approved under sub-section (1) of this section or under a provision of an Act repealed by this Act; and
- (b) is an income-earning item of equipment used for or in connexion with the provision of sheltered employment,

the Minister shall not, under sub-section (1), approve the equipment so purchased or proposed to be purchased.

18. (1) The Minister may, in his discretion, on behalf of Australia, make a grant of moneys in accordance with this Act to an eligible organization as assistance towards meeting the cost of the purchase by the organization of approved equipment.

Grants.

(2) The amount of a grant to an eligible organization under this section in respect of approved equipment that is for use for or in connexion with the provision of sheltered employment shall not exceed four-fifths of the cost of the purchase by the organization of the equipment.

(3) The amount of a grant to an eligible organization under this section in respect of approved equipment that is for use for or in connexion with the provision of a prescribed service other than sheltered employment shall not exceed—

- (a) four-fifths of the cost of the purchase by the organization of the equipment; or
- (b) 4 times the contribution of the organization towards the cost of the purchase by the organization of the equipment,

whichever is the less.

(4) For the purposes of sub-section (3), the contribution of an eligible organization towards the cost of the purchase by the organization of approved equipment 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 cost of the purchase by the organization of the equipment, being moneys that the Minister is satisfied—

- (a) in the case of an organization that is not a local governing body—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 Australia or of a State or from a government authority;
  - (b) in the case of an organization that is a local governing body—were not received by the organization (otherwise than by way of the borrowing of those moneys by the organization) from the Government of Australia or of a State or from a government authority; and
  - (c) in the case of an organization that is not a local governing body but that received the moneys from a local governing body—were not received by the local governing body (otherwise than by way of the borrowing of those moneys by the local governing body) from the Government of Australia or of a State or from a government authority.
- (5) A grant under this section shall not be made in respect of equipment purchased before the commencement of this Part.

#### PART VI—FINANCIAL ASSISTANCE IN RESPECT OF APPROVED OFFICERS

- Definition.**        **19.** In this Part, unless the contrary intention appears, “approved officer” means a person in respect of whom a direction is in force under section 20.
- Approved officers.**        **20.** Where a person is employed by an eligible organization in connexion with the provision by the organization of a prescribed service—
- (a) the Minister may by writing under his hand direct that the person be regarded as an approved officer for the purposes of this Part in relation to that prescribed service; and
  - (b) where the Minister is satisfied that the person is not wholly employed by the eligible organization in connexion with the provision of the prescribed service—the Minister shall set out in the direction the proportion of the remuneration of the person that the Minister considers is attributable to the person’s employment in connexion with the prescribed service.
- Financial assistance towards meeting the cost of remuneration.**        **21.** (1) Subject to this section, where an eligible organization employs a person who is an approved officer in relation to a prescribed service, the Minister may, in his discretion, pay to the organization, by way of financial assistance towards meeting the cost to the organization of the remuneration of that officer for any period commencing after the commencement of this Part, an amount that does not exceed 50 per centum of—

- (a) where the direction by reason of which the officer is an approved officer in relation to that prescribed service sets out the proportion of the remuneration of the officer that the Minister considers is attributable to the officer's employment by the organization in connexion with that prescribed service—that proportion of the remuneration of the officer in respect of that period; or
- (b) in any other case—the remuneration of the officer in respect of that period.

(2) In giving an approval of a person under section 20 in respect of a prescribed service that is to be provided by an eligible organization, the Minister may direct that, with respect to any period ending not later than 2 years after the eligible organization commenced to provide the service, sub-section (1) shall apply in relation to the provision of the service as if the reference to 50 per centum in that sub-section were a reference to such higher percentage, not exceeding 100 per centum, as the Minister determines from time to time.

- (3) Where, in respect of a period—
  - (a) an amount would, but for this sub-section, be payable to an eligible organization in respect of the remuneration of an approved officer in relation to a prescribed service; and
  - (b) there is payable by the Government of a State or by an authority established by or under a law of a State to the eligible organization an amount in respect of the remuneration of that approved officer by reason that he is employed in connexion with the provision of that prescribed service,

then—

- (c) if the amount referred to in paragraph (b) is equal to or greater than the amount referred to in paragraph (a), no amount is payable under this section in respect of the remuneration of the approved officer by reason that he is employed in connexion with the provision of the prescribed service; or
- (d) in any other case—the amount referred to in paragraph (a) shall, by force of this sub-section, be reduced by an amount equal to the amount referred to in paragraph (b).

## PART VII—HANDICAPPED CHILDREN'S BENEFIT

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

Definition.

“benefit” means handicapped children's benefit payable under this Part;

“handicapped child” means a person who—

- (a) is suffering from a physical or mental disability; and
- (b) has not attained the age of 16 years;

“medical practitioner” means a person registered or licensed as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of medical practitioners;

“month” means a month of the year.

Handicapped  
children's  
benefit.

**23.** (1) An eligible organization that provides approved residential accommodation for handicapped children is entitled to receive benefit in respect of each such handicapped child at the rate of \$3.50 for each day after the commencement of this Part on which the approved residential accommodation is provided for the child.

(2) Benefit in respect of a particular child for a particular day is not payable both under this Part and under Division 5A of Part V of the *National Health Act 1953-1974*.

Temporary  
absences.

**24.** (1) Where—

(a) a handicapped child ceases to be provided by an eligible organization with approved residential accommodation by reason that he is absent from the premises at which the accommodation is provided; and

(b) that absence does not exceed 4 days or, if it does exceed 4 days, the child is not, during that absence, outside the care of the organization for a period exceeding 4 days,

then, for each day of the absence, benefit shall, if the Minister approves, be payable in respect of him as if he had continued to be provided with approved residential accommodation.

(2) Where—

(a) in respect of any day, benefit is payable under sub-section (1) to an eligible organization in respect of a handicapped child; and

(b) on that day—

(i) the child is outside the care of the organization; and

(ii) another handicapped child is provided with approved residential accommodation by the organization in the place of the first-mentioned handicapped child,

benefit is not payable for that day to that organization in respect of that other handicapped child.

Claims for  
benefit.

**25.** For the purpose of obtaining payment of benefit, an eligible organization shall—

(a) as soon as practicable after the end of each month or such other period as the Minister permits, submit a claim, in a form approved by the Minister, for benefit payable in respect of that month or other period and forward with that claim such information in relation to that claim as is shown in the form to be required; and

- (b) if the Minister so requires, furnish such information in relation to the claim as the Minister specifies.

26. The Minister may, for the purpose of considering a claim for benefit in respect of a child, require that the child be examined by a medical practitioner specified by the Minister. Minister may require medical examination.

### PART VIII—TRAINING FEES FOR ELIGIBLE ORGANIZATIONS PROVIDING SHELTERED EMPLOYMENT

27. In this Part, “normal employment”, in relation to a person, Definition. 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 annual amount specified in paragraph 28 (1A) (a) of the *Social Services Act 1947-1974* and the amount specified in paragraph 28 (2) (a) of that Act.

28. (1) Where—

- (a) a disabled person who has completed a continuous period of not less than 6 months' sheltered employment provided by an eligible organization completes, after the commencement of this Part, a further continuous period of 12 months' normal employment;
- (b) the 2 periods are continuous with one another or are separated by an interval that is so short that, in the opinion of the Minister, it is not significant for the purposes of this section; and
- (c) the Minister 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,

Training fees.

the Minister may, in his discretion, pay to the organization a training fee of \$500.

(2) The Minister may, by reason of special circumstances, direct that 2 or more periods of normal employment of a person and the intervals that separate them shall, together, be treated, for the purposes of paragraph (1) (a), as one continuous period of normal employment.

**Claims.**           **29.** A claim for the payment of a fee under this section shall be in a form approved by the Minister and shall be lodged with the Minister within a period of 6 months, or such longer period as the Minister permits, commencing at the expiration of the period of 12 months' normal employment to which the claim relates.

## PART IX—GENERAL

**Definition.**       **30.** In this Part, "grant" includes a payment under Part VI, but does not include a payment under Part VII or VIII.

**Terms and conditions of grants.**       **31.** (1) A grant to an eligible organization may be made upon such terms and conditions, not inconsistent with this Act, as the Minister thinks fit.

(2) Before making a grant to an eligible organization, the Minister 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) Without limiting the generality of sub-sections (1) and (2), an agreement under sub-section (2) may, if the Minister considers the circumstances so require, include provision for the repayment of the grant to Australia in specified circumstances, and for the giving of security for the carrying out of the agreement.

**Grants to be made as agreed.**       **32.** A grant shall be made at such time as is, or by such instalments and at such times as are, determined by agreement between the Minister and the eligible organization or, in the absence of such an agreement, by the Minister.

**Delegation by Minister.**       **33.** (1) The Minister may, by writing under his hand, delegate to a person, either generally or otherwise as provided in the instrument of delegation, all or any of his powers or functions under this Act (except this power of delegation).

(2) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of the power or the performance of the function by the Minister.

**Regulations.**       **34.** 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.

## PART X—REPEAL AND SAVING

35. (1) The *Handicapped Children (Assistance) Act* 1970 and the *Handicapped Children (Assistance) Act* 1973 are repealed.

Repeal of  
Handicapped  
Children  
(Assistance)  
Acts, &c.

(2) Notwithstanding the repeal effected by sub-section (1), the *Handicapped Children (Assistance) Act* 1970-1973 continues to apply in relation to any grants of money made under the *Handicapped Children (Assistance) Act* 1970 or that Act as amended and in force at any time.

(3) Any training provided by an eligible organization at particular premises that was, immediately before the commencement of this section approved training for the purposes of the *Handicapped Children (Assistance) Act* 1970-1973 shall be deemed to be approved training for the purposes of this Act.

36. (1) Parts II, IV, and IVA of the *Sheltered Employment (Assistance) Act* 1967-1973 are repealed.

Repeal of  
Parts of the  
Sheltered  
Employment  
(Assistance)  
Act.

(2) Parts I, III, IVB and V of the *Sheltered Employment (Assistance) Act* 1967-1973 are repealed.

37. (1) Notwithstanding the repeal of the Parts of the *Sheltered Employment (Assistance) Act* 1967-1973 specified in section 36—

Repealed  
Parts of the  
Sheltered  
Employment  
(Assistance)  
Act to  
continue in  
force, &c.

(a) the Director-General of Social Services may—

- (i) direct that there be paid to an eligible organization any training fees that would, had those Parts not been repealed, have been payable under Part IVA of that Act in respect of a period of normal employment that was completed by a disabled person before the repeal of that last-mentioned Part;
- (ii) make any grant that, had those Parts not been repealed, he could have made towards meeting the rent payable on premises that were approved premises under Part III of that Act in respect of any period that ended before the repeal of that last-mentioned Part; and
- (iii) direct that there be paid to an eligible organization any financial assistance that would, had those Parts not been repealed, have been payable under Part IVB of that Act towards the cost of remuneration paid to a person who was an approved officer under that last-mentioned Part in respect of any period that ended before the repeal of that last-mentioned Part,

as if those Parts had not been repealed; and



- (b) the provisions of those Parts apply in relation to any grant or payment under any of those Parts and apply in relation to any grant or payment made in accordance with paragraph (a) as if those Parts had not been repealed and that grant or payment had been made under those Parts.

(2) Any paid employment provided by an eligible organization at particular premises that was, immediately before the repeal of Part I of the *Sheltered Employment (Assistance) Act 1967-1973*, sheltered employment for the purposes of that Act shall be deemed to be sheltered employment for the purposes of this Act; and

(3) Any premises that were, immediately before the repeal of Part III of the *Sheltered Employment (Assistance) Act 1967-1973*, approved premises for the purposes of that last-mentioned Part shall be deemed to be premises approved for the purposes of Part IV of this Act.

Certain projects approved under repealed provisions to be approved projects under this Act, &c.

**38.** Where, in respect of a project approved under Part II, or equipment approved under Part III, of the *Handicapped Children (Assistance) Act 1970* or that Act as amended and in force at any time, or in respect of a project approved under Part II, or equipment approved under Part IV, of the *Sheltered Employment (Assistance) Act 1967* or that Act as amended and in force at any time, the Director-General of Social Services—

- (a) had not, before the repeal of that Part of that Act, made a grant in respect of that project or that equipment; or
- (b) had, before the repeal of that Part of that Act, made such a grant but had not, before that repeal, made any payment in accordance with that grant—

then—

- (c) the project shall be deemed to be an approved project for the purposes of Part II of this Act and the capital cost of that approved project for the purposes of this Act shall be calculated in accordance with Part II of the *Handicapped Children (Assistance) Act 1970-1973* or Part II of the *Sheltered Employment (Assistance) Act 1967-1973*, as the case may be, as if that Part had not been repealed;
- (d) the equipment shall be deemed to be approved equipment for the purposes of Part V of this Act; and
- (e) the grant referred to in paragraph (b) shall, for the purposes of sub-section 35 (2) or paragraph 37 (1) (b), be deemed never to have been made.

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#### NOTE

1. Act No. 134, 1974; assented to 9 December 1974.