

Aged Persons Homes

No. 83 of 1967

An Act to amend the *Aged Persons Homes Act 1954–1957*.

[Assented to 8 November 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:—

- 1.—(1.) This Act may be cited as the *Aged Persons Homes Act 1967*. Short title and citation.
(2.) The *Aged Persons Homes Act 1954–1957** is in this Act referred to as the Principal Act.
(3.) The Principal Act, as amended by this Act, may be cited as the *Aged Persons Homes Act 1954–1967*.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. Section 2 of the Principal Act is amended by omitting the definition of “eligible organization” and inserting in its stead the following definitions:—
“ ‘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

* Act No. 81, 1954; as amended by No. 47, 1957.

(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;

‘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;

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

Eligible
organizations.

4. Section 5 of the Principal Act is repealed.

Grants to
organizations.

5. Section 7 of the Principal Act is amended by inserting after sub-section (2.) the following sub-section:—

“(2A.) The Director-General may, by instrument in writing, authorize an officer in the Department of Social Services to exercise, subject to such conditions as are specified in the instrument, any power of the Director-General under the last preceding sub-section.”.

Amount of
grants.

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) twice the sum of the moneys (if any) expended, and the moneys presently available for expenditure, by the eligible organization towards the capital cost of the home, being moneys that the Director-General is satisfied—

(i) 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

(ii) 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;”.

Transitional
provisions.

7.—(1.) A building erected or purchased by a local governing body shall not be approved under section 6 of the Principal Act as amended by this Act unless the building—

(a) was in course of erection by the local governing body on the twenty-eighth day of November, One thousand nine hundred and sixty-six; or

(b) was erected or purchased by the local governing body on or after that date.

(2.) Moneys received by an eligible organization from a local governing body before the twenty-eighth day of November, One thousand nine hundred and sixty-six, shall, for the purposes of sub-section (1.) of section 9 of the Principal Act as amended by this Act, be deemed to have been received from an authority that is a government authority for the purposes of the Principal Act as so amended.

- (3.) In this section, “ local governing body ” includes—
- (a) the trustee or trustees under a trust established by a local governing body; and
 - (b) a corporation established by a local governing body.
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