

# Aged Persons Hostels

No. 76 of 1972

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

[Assented to 27 September 1972]

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

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| Short title.       | 1. This Act may be cited as the <i>Aged Persons Hostels Act 1972</i> .  |
| Commence-<br>ment. | 2. This Act shall come into operation on the day on which it receives the Royal Assent.   |
| Interpretation.    | 3.—(1.) In this Act, unless the contrary intention appears—<br>“approved hostel” means a building or proposed building approved under section 5 of this Act;<br>“prescribed organization” means an eligible organization that, at the commencement of this Act, is conducting a qualifying subsidized home or a qualifying unsubsidized home;<br>“qualifying subsidized home” means a home for aged persons that, having been approved by the Director-General under the Aged Persons Homes Act before the twenty-second day of October, One thousand nine hundred and fifty-seven, has been the subject of a grant under that Act of an amount not exceeding one-half of the capital cost of the home;<br>“qualifying unsubsidized home” means a home for aged persons erected or purchased by an eligible organization before the fifteenth day of August, One thousand nine hundred and seventy-two, being a home that has not been the subject of a grant under the Aged Persons Homes Act, but, except where the Director-General, in special circumstances, otherwise determines, does not include a home as to which the Director-General is satisfied that the eligible organization concerned would not have been able to obtain a grant under the Aged Persons Homes Act in respect of it if its erection or purchase by the eligible organization had occurred immediately before the date of commencement of this Act;<br>“the Aged Persons Homes Act” means the <i>Aged Persons Homes Act 1954</i> , and includes that Act as amended; |

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

- (a) in the case of an approved hostel erected or to be erected by a prescribed organization, the sum of—
  - (i) such amount in respect of the whole or a part of the land acquired or to be acquired for the purposes of the hostel as the Minister, in his discretion, determines; and
  - (ii) the amount which the Director-General is satisfied is the cost of erecting the hostel, including the cost of necessary fixtures in the hostel; or
- (b) in the case of an approved hostel purchased or to be purchased by a prescribed organization—the amount which the Director-General is satisfied is the cost of purchasing the hostel 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 hostel is erected, less the value of any part of that land that is not required for the purposes of the hostel;

“ the prescribed number of aged persons ”, in relation to a prescribed organization, means the sum of—

- (a) twice the number of aged persons for whose accommodation provision is made, at the commencement of this Act, at a qualifying unsubsidized home, or at qualifying unsubsidized homes, of the prescribed organization; and
- (b) half the number of aged persons for whose accommodation provision is made, at the commencement of this Act, at a qualifying subsidized home, or at qualifying subsidized homes, of the prescribed organization.

(2.) Expressions used in this Act that are defined by the *Aged Persons Homes Act* 1954–1972 have the same respective meanings as they have in that Act.

(3.) For the purposes of this Act—

- (a) a hostel may consist of two or more buildings; and
- (b) references in this Act to a building shall be construed as including references to two or more buildings used, or to be used, together as a hostel.

4. In the performance of his functions under this Act, the Director-General is subject to any directions of the Minister.

Directions of  
Minister.

5.—(1.) Where the Director-General is satisfied that a building erected or to be erected, or purchased or to be purchased, by a prescribed organization is intended to be used permanently by or on behalf of the organization as a home for the accommodation of aged persons, being a hostel, he may, in his discretion, approve that building or proposed building as a hostel for the purposes of this Act.

Approval of  
hostels.

(2.) A building or proposed building shall not be approved under this section unless its erection by the prescribed organization was, or is to be, commenced after the commencement of this Act, or it was, or is to be, purchased by the prescribed organization after the commencement of this Act.

(3.) In considering whether a building or proposed building is or will be a hostel for the purposes of this Act, the Director-General shall have regard to the nature of the accommodation that is or will be provided in the building and the provision made or to be made for the supply of meals or for other services in connexion with that accommodation.

(4.) A building that has been approved under section 6 of the Aged Persons Homes Act shall not be approved under this section.

Grants to  
organizations.

6.—(1.) The Director-General may, in his discretion, on behalf of the Commonwealth, make a grant of moneys in accordance with this Act to a prescribed organization in respect of the whole or a part of the capital cost of an approved hostel.

(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 prescribed organization or, in the absence of agreement, by the Director-General.

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

Amounts of  
grants.

7.—(1.) Subject to the next succeeding sub-section, the maximum amount of the grant that may be made to an organization under the last preceding section in respect of a hostel is an amount equal to so much of the capital cost of the hostel (being the whole or a part of that capital cost) as is attributable to—

- (a) accommodation and related facilities for aged persons not exceeding in number the prescribed number of aged persons; and
- (b) if the number of aged persons for whose accommodation provision is made is less than the prescribed number of aged persons—accommodation and related facilities for staff of the hostel not exceeding in number the number necessary in connexion with the accommodation of the aged persons.

(2.) The amount of the grant shall not exceed the amount ascertained by multiplying Seven thousand eight hundred dollars by the total of the numbers of the aged persons and staff referred to in paragraphs (a) and (b) of the last preceding sub-section.

(3.) Where the amount of a grant under the last preceding section to a prescribed organization in respect of a hostel is to be determined after the making of a grant or grants under that section to the organization in

respect of another hostel or other hostels, this section applies as if the prescribed number of aged persons were reduced by the number of aged persons for whose accommodation provision is made at the other hostel or hostels.

8. Where the Director-General makes a grant under section 6 of this Act to a prescribed organization in respect of a hostel, he may, in his discretion, on behalf of the Commonwealth, make to the prescribed organization a grant in respect of the provision of furnishings in the hostel, being a grant not exceeding an amount calculated at the rate of Two hundred and fifty dollars for each aged person or member of the staff of the hostel taken into account under paragraph (a) or (b) of sub-section (1.) of the last preceding section.

Grants for furnishings.

9.—(1.) A grant to a prescribed organization under section 6 of this Act in respect of a hostel the erection of which has not been commenced at the time of the grant shall be made upon condition that arrangements to the satisfaction of the Director-General for the erection of the hostel will be made, and the erection of the hostel will be commenced, within twelve months from the date of approval of the hostel under section 5 of this Act.

Terms and conditions of grants.

(2.) A grant to a prescribed organization under this Act may be made upon such other terms and conditions, not inconsistent with this Act, as the Director-General thinks fit.

(3.) Before making a grant under this Act to a prescribed 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.

(4.) An agreement under the last preceding sub-section may, if the Director-General considers the circumstances so require, include an undertaking by the prescribed organization with respect to the continued use of the hostel 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.

(5.) A payment under this Act shall not be made except to a corporation in which, or to trustees in whom, the approved hostel is or is to be vested.

10. A grant shall not be made under this Act in respect of a hostel unless the hostel is approved under section 5 of this Act within the period of three years that commenced on the date of commencement of this Act.

Period of operation.

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

Moneys to be appropriated.

Further grants  
under Aged  
Persons Homes  
Act.

12.—(1.) Except as provided by this section, a grant under the Aged Persons Homes Act shall not be made in respect of a hostel in respect of which a grant has been made under this Act.

(2.) Where a grant under section 6 of this Act in respect of a hostel has been calculated by reference to accommodation for aged persons less in number than the total number of aged persons for whose accommodation provision is made at the hostel, the Director-General may, in accordance with the Aged Persons Homes Act, make a grant under that Act in relation to the hostel, but in such a case the Director-General shall make such reduction of the grant that would otherwise be made under that Act as he considers appropriate having regard to the number of aged persons in respect of whose accommodation at the hostel the grant under this Act has been calculated.

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