



Community Employment Act 1983

No. 34 of 1983

An Act to provide for the creation of additional employment throughout Australia

[Assented to 19 June 1983]

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

Short title

1. This Act may be cited as the *Community Employment Act 1983*.

Commencement

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

Interpretation

3. In this Act, unless the contrary intention appears—
“approved project” means a project approved under section 4;
“Commonwealth authority” means a corporation (not being a company) established for a public purpose by or under a law of the Commonwealth;
“Department” means a Department of State of the Commonwealth;
“State” includes the Northern Territory.

Approval of projects

4. (1) The Minister, or an officer of the Department who is authorized by the Minister by instrument in writing, may approve projects for the creation of employment.

(2) In approving projects for the purposes of sub-section (1), particular regard shall be had to the creation of employment for the long-term unemployed and for unemployed persons who are specially disadvantaged.

The States

5. (1) The Minister may, on behalf of the Commonwealth, enter into an agreement with a State for the carrying out of approved projects in the State.

(2) Without in any way limiting the matters that may be provided for in an agreement with a State, such an agreement shall include provision for and in relation to—

- (a) the manner of carrying out the approved projects to which the agreement relates;
- (b) payments to be made to the State under this Act; and
- (c) the conditions subject to which those payments shall be made.

Commonwealth Departments

6. A Department may, with the approval of the Minister, incur expenditure for the carrying out of approved projects.

Commonwealth authorities

7. (1) The Minister, or an officer of the Department who is authorized by the Minister by instrument in writing, may, on behalf of the Commonwealth, enter into an agreement with a Commonwealth authority for the carrying out, by that authority, of approved projects.

(2) Without in any way limiting the matters that may be provided for in an agreement with a Commonwealth authority, such an agreement shall include provision for and in relation to—

- (a) the manner of carrying out the approved projects to which the agreement relates;
- (b) payments to be made to the authority under this Act; and
- (c) the conditions subject to which those payments shall be made.

Australian Capital Territory

8. (1) The Minister administering the *Seat of Government (Administration) Act 1910*, or an officer of the Department administered by that Minister, being an officer who is authorized by that Minister by instrument in writing, may, on behalf of the Commonwealth, enter into an agreement with a person for the carrying out, by that person, of approved projects in the Australian Capital Territory.

(2) Without in any way limiting the matters that may be provided for in an agreement under this section with a person, such an agreement shall include provision for and in relation to—

- (a) the manner of carrying out the approved projects to which the agreement relates;
- (b) payments to be made to the person as part of the expenditure to be incurred under section 6 by the Department referred to in sub-section (1) of this section; and
- (c) the conditions subject to which those payments shall be made.

Financial assistance

9. Subject to this Act, there is payable to a State, by way of financial assistance, such amount as is, or such amounts as are, payable to the State in accordance with an agreement under section 5.

Advances

10. Where a Minister has entered into an agreement under this Act that provides for the payment of advances, he may, at such times as he thinks fit, make advances, subject to the conditions of the agreement, of such amounts as he thinks fit on account of an amount that may become payable under the agreement.

Conditions of payments

11. (1) An agreement under this Act is, except so far as otherwise provided in the agreement, subject to the following conditions:

- (a) the payee is not entitled to a payment under the agreement with respect to any expenditure by the payee for the purposes of carrying out an approved project unless the payee has furnished to the Minister—
 - (i) in the case of an agreement with a State or a Commonwealth authority—a statement in respect of that expenditure, in accordance with a form approved by the Minister, accompanied by a certificate of the Auditor-General certifying, in relation to each amount shown in the statement as having been expended, either—
 - (A) that, in his opinion, the amount was expended for the purposes of carrying out the approved project; or
 - (B) that he has received a certificate from a qualified accountant stating that, in his opinion, the amount was expended for the purposes of carrying out the approved project;
 - (ii) in the case of an agreement with a person under section 8—a statement in respect of that expenditure, in accordance with a form approved by the Minister, accompanied by a certificate of a qualified accountant certifying, in relation to each amount shown in the statement as having been expended, that, in his opinion, the amount was expended for the purposes of carrying out the approved project; and

- (iii) such further information, if any, as the Minister requires in respect of that expenditure;
- (b) in relation to a payment to the payee for the purposes of carrying out an approved project—
 - (i) if the Minister so requests, the payee shall furnish to the Minister, as soon as practicable after such date as the Minister specifies, a report on the activities by the payee in connection with the approved project, being a report containing such particulars as are specified by the Minister;
 - (ii) if the Minister informs the payee that he is satisfied that the payee has failed to fulfil the condition specified in sub-paragraph (i) or satisfied that the approved project or any part of the approved project has not been undertaken, the payee shall repay the amount of the payment, or such part of that amount as the Minister specifies, to the Commonwealth; and
 - (iii) the Minister may deduct any amount repayable by the payee in accordance with the condition specified in sub-paragraph (ii) from any amount payable by the Commonwealth to the payee under this Act;
- (c) in relation to a payment to the payee—
 - (i) the payee shall repay to the Commonwealth, on demand by the Minister, the amount by which, at the time of the demand, the total of the payments made to the payee under this Act exceeds the total of the amounts that have become payable to the payee under this Act; and
 - (ii) the Minister may deduct any amount repayable by the payee in accordance with the condition specified in sub-paragraph (i) from any amount payable by the Commonwealth to the payee under this Act.

(2) In sub-section (1)—

“Auditor-General” means—

- (a) in relation to an agreement with a State—the Auditor-General of that State; or
- (b) in relation to an agreement with a Commonwealth authority—the Auditor-General for the Commonwealth;

“Minister”, in relation to an agreement under section 8, means the Minister referred to in that section;

“payee”, in relation to an agreement, means the party to which amounts are payable by the Commonwealth under the agreement;

“payment” includes an advance;

“qualified accountant” means—

- (a) a person who is registered as a company auditor or a public accountant under a law in force in a State or Territory; or
- (b) a member of The Institute of Chartered Accountants in Australia or of the Australian Society of Accountants.

Moneys to be appropriated

12. (1) The Consolidated Revenue Fund is appropriated to the extent of \$300,000,000 for the purposes of payments made, and expenditure incurred, under this Act in respect of the financial year commencing on 1 July 1983.

(2) Payments made, and expenditure incurred, under this Act in respect of subsequent financial years shall be out of moneys appropriated by the Parliament for the purpose, but no liability to be discharged out of moneys so appropriated shall be incurred after 30 June 1986.