

Community Development Fund Ordinance 1981

No. 10 of 1981

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 14 May 1981.

STANLEY BURBURY
Administrator

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

An Ordinance relating to grants for the purpose of community development
in the Territory

Short title

1. This Ordinance may be cited as the *Community Development Fund Ordinance 1981*.¹

Commencement

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for the Capital Territory by notice published in the *Gazette*.

Interpretation

3. (1) In this Ordinance, unless the contrary intention appears—

“approved community project” means a project approved by the Minister under section 6 for the purposes of this Ordinance;

“arts” includes creative and interpretative expression through theatre, literature, music, visual arts, films and crafts;

“fund” means the Australian Capital Territory Community Development Fund established as a Trust Account under section 62A of the *Audit Act 1901*;

“national estate” means those places, being components of the natural or cultural environment of Australia, that have aesthetic, historic,

scientific or social significance or other special value for future generations in the Territory as well as for the present community in the Territory.

(2) A reference in this Ordinance to a prescribed body shall be read as a reference to a society, association or other body, whether incorporated or not, which is not carried on for the pecuniary profit or gain of its members and which is engaged in the Territory in any of the following activities:

- (a) providing assistance in connection with the social welfare needs of the community;
- (b) the carrying out of projects, or the provision of services, for the benefit of the community or a section of the community;
- (c) the promotion of, the provision of facilities for, or the encouragement of participation in, any sport or recreational pursuit;
- (d) the promotion, or the encouragement of the practice, appreciation, understanding or enjoyment, of any of the arts;
- (e) the study of, research into, or the fostering of interest in, history or matters of historic significance;
- (f) the preservation or protection of the national estate.

(3) A reference in this Ordinance to a prescribed person shall be read as a reference to an individual who, in the Territory—

- (a) is engaged in any of the activities referred to in paragraphs (2) (a) to (f) (inclusive); or
- (b) is pursuing a course of study, or is engaged in research—
 - (i) in any of the arts; or
 - (ii) in connection with any of the activities referred to in those paragraphs.

Payments for community projects

4. (1) Subject to section 8, the Minister may, from time to time, make payments for the purpose of approved community projects in the Territory.

(2) A payment made in pursuance of sub-section (1) shall be applied in such manner as the Minister directs.

Payments to statutory bodies, &c.

5. (1) Subject to section 8, the Minister may, from time to time, make a payment to an authority or body established under a law of the Commonwealth or of the Territory for the purpose of an approved community project in the Territory.

(2) The Minister may, by instrument in writing, specify the manner in which, and the time within which, an amount paid in pursuance of sub-section (1) is to be expended.

(3) Where an amount paid to an authority or body in pursuance of sub-section (1) is not expended by the authority or body for the purpose for which it was paid or in the manner or within the time (if any) specified in an instrument under sub-section (2) in relation to that amount, an amount equal to that amount is payable by that authority or body to the Commonwealth for the purpose of the fund.

Approval of projects

6. The Minister may approve a project for the purposes of this Ordinance only if he is satisfied that the project is, or will be, for the benefit of the community or a section of the community.

Payments to prescribed bodies, &c.

7. (1) Subject to section 8, the Minister may, from time to time, make a determination that a prescribed body or a prescribed person specified in the determination is eligible to receive under this section an amount specified in the determination, and he may specify in the determination the purpose for which, the manner in which and the time within which, that amount is to be expended.

(2) The Minister may, if he thinks fit, request the Australian Capital Territory House of Assembly or any other body or person to advise him in writing with respect to the prescribed bodies or prescribed persons that might be specified in determinations made under sub-section (1), and where the Minister receives advice in pursuance of this sub-section, he shall, in making such a determination, have regard to that advice.

(3) Where the Minister has made a determination under sub-section (1), the Minister shall pay to the prescribed body or prescribed person specified in the determination the amount specified in the determination.

(4) Where an amount paid to a prescribed body or a prescribed person in pursuance of sub-section (3) is not expended by that body or person for the purpose, in the manner or within the time (if any) specified in the determination made under sub-section (1) in relation to that amount, an amount equal to that amount is payable by that body or person to the Commonwealth for the purpose of the fund.

Limitation on payments

8. A determination under sub-section 7 (1) shall not specify an amount that exceeds, and a payment by the Minister in pursuance of any provision of this Ordinance shall not exceed, an amount ascertained by deducting from an amount equal to the aggregate of the amounts paid under a law of the Territory to the Commonwealth for the purpose of the fund an amount equal to the aggregate of the amounts so paid by the Minister.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 20 May 1981.