



Australian Capital Territory

Community Development Fund Act 1981 (repealed)

A1981-10

Republication No 1

Effective: 2 January 1991

Republication date: 30 January 2008

As repealed by A1990-47 s 3

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Community Development Fund Act 1981* (repealed) effective 2 January 1991.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

COMMUNITY DEVELOPMENT FUND ACT 1981

Repealed by No. 47, 1990 (in force 1 January 1991)

TABLE OF PROVISIONS

Section

1. Short title
 2. Commencement
 3. Interpretation
 4. Payments for community projects
 5. Payments to statutory bodies etc.
 6. Approval of projects
 7. Payments to prescribed bodies etc.
 8. Limitation on payments
-

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

Short title

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

Commencement

2. This Act 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 Act, unless the contrary intention appears—

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

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

“fund” means the Australian Capital Territory Community Development Fund Trust Account;

“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 Act 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;
- (da) conducting conventions, jamborees and other events that are designed to attract participants to the Territory from places outside the Territory;
- (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 or the restoration, reconstruction or adaptation of the national estate for conservation purposes.

(3) A reference in this Act 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 subsection (1) shall be applied in such manner as the Minister directs.

Payments to statutory bodies etc.

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 subsection (1) is to be expended.

(3) Where an amount paid to an authority or body in pursuance of subsection (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 subsection (2) in relation to that amount, an amount equal to that amount is payable by that authority or body to the Territory for the purpose of the fund.

Approval of projects

6. The Minister may approve a project for the purposes of this Act 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 etc.

7. (1) Subject to section 8, the Minister may, from time to time, in writing, 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, subject to such conditions (if any) as are specified in the determination.

(2) The Minister may, in addition to any conditions specified in a determination made under subsection (1), specify in that determination—

- (a) the number of instalments (if any) in which the amount specified in the determination is to be paid and the amount of each instalment; and
- (b) the purpose for which, the manner in which and the time within which, the amount specified in the determination is to be expended.

(3) Where a prescribed body or a prescribed person undertakes to provide an amount to be expended for a particular purpose, the Minister shall, in making a determination under subsection (1) in relation to that body or person for that purpose, have regard to that amount and shall specify the undertaking in the determination.

(5) Subject to this section, where—

- (a) the Minister has made a determination under subsection (1); and
- (b) the prescribed body or person specified in the determination has complied with such conditions (if any) as are specified in the determination, being conditions that are required to be complied with before payment is made of the whole or part of the amount specified in the determination,

the Minister shall pay to the body or person the amount specified in the determination and may pay that amount in such instalments (if any) as are specified in the determination.

(6) Where—

- (a) the Minister has made a determination under subsection (1) in relation to a prescribed body or a prescribed person, having regard to an amount that the body or person has undertaken to provide; and
- (b) the body or person provides an amount that is less than the amount the body or person has undertaken to provide,

the Minister may—

- (c) pay to the body or person the amount specified in the determination or such lesser amount as the Minister determines; or
- (d) where the Minister has paid to the body or person the whole or part of the amount specified in the determination—by notice in writing given to the body or person, require the body or person to pay to the Territory for the purposes of the fund an amount equal to the amount so paid to the body or person or such lesser amount as is specified in the notice and that amount is payable by that body or person accordingly.

(7) Where an amount is paid to a prescribed body or a prescribed person pursuant to this section, the Minister may, by notice in writing given to the body or person, require the body or person to produce to the Minister, within such period as is specified in the notice, the documents or information specified in the notice, being documents or information relating to the expenditure by the body or person of that amount, or any part of that amount.

(8) Where an amount is paid to a prescribed body or a prescribed person pursuant to this section and—

- (a) the body or person fails to comply with a condition specified in the determination made under subsection (1) in relation to that amount;
- (b) the body or person refuses or fails, without reasonable excuse, to comply with a notice under subsection (7) within the period specified in the notice or within such further period as the Minister, on application made by the body or person whether before or after the expiration of the first-mentioned period, allows; or
- (c) the amount is not expended by the body or person for the purpose, in the manner or within the time (if any) specified in that determination,

an amount equal to the amount paid to the body or person is payable by that body or person to the Territory for the purpose of the fund.

Limitation on payments

8. A determination under subsection 7 (1) shall not specify an amount that exceeds, and a payment by the Minister in pursuance of any provision of this Act 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 into the fund an amount equal to the aggregate of the amounts so paid by the Minister.

NOTE

1. The *Community Development Fund Act 1981* as shown in this reprint comprises Act No. 10, 1981 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Community Development Fund Ordinance 1981</i>	10, 1981	20 May 1981	29 May 1981 (see <i>Gazette</i> 1981, No. S103)	
<i>Community Development Fund (Amendment) Ordinance 1984</i>	35, 1984	23 July 1984	23 July 1984	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—
as repealed by <i>Community Development Fund (Repeal) Act 1990</i>	47, 1990	10 December 1990 (Gaz 1990 No S87)	1 January 1991 (s 2 (2))	

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 35, 1984; No. 38, 1989
S. 5	am. No. 38, 1989
S. 7	rs. No. 35, 1984 am. No. 38, 1989
S. 8	am. No. 38, 1989
S. 9	ad. No. 35, 1984 rep. No. 38, 1989