

# AUSTRALIAN CAPITAL TERRITORY

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## Community Development Fund (Amendment) Ordinance 1984

No. 35 of 1984

I, THE GOVERNOR-GENERAL 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 16 July 1984.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

TOM UREN  
Minister of State for Territories and Local Government

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An Ordinance to amend the *Community Development Fund Ordinance 1981*

### Short title

1. This Ordinance may be cited as the *Community Development Fund (Amendment) Ordinance 1984*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Community Development Fund Ordinance 1981*.<sup>2</sup>

### Interpretation

3. Section 3 of the Principal Ordinance is amended—

(a) by inserting after paragraph (2) (d) the following paragraph:

- “(da) conducting conventions, jamborees and other events that are designed to attract participants to the Territory from places outside the Territory;” and
- (b) by omitting paragraph (2) (f) and substituting the following paragraph:
  - “(f) the preservation or protection of the national estate or the restoration, reconstruction or adaptation of the national estate for conservation purposes.”.

4. Section 7 of the Principal Ordinance is repealed and the following section substituted:

**Payments to prescribed bodies, &c.**

“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 sub-section (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 sub-section (1) in relation to that body or person for that purpose, have regard to that amount and shall specify the undertaking in the determination.

“(4) 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 pursuant to this sub-section, he shall, in making such a determination, have regard to that advice.

“(5) Subject to this section, where—

- (a) the Minister has made a determination under sub-section (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 sub-section (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 Commonwealth 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 sub-section (1) in relation to that amount;
- (b) the body or person refuses or fails, without reasonable excuse, to comply with a notice under sub-section (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 Commonwealth for the purpose of the fund.”.

5. The Principal Ordinance is amended by adding at the end thereof the following section:

### **Delegation**

“9. (1) The House of Assembly may by resolution, either generally or as otherwise provided by the resolution, delegate to a committee of the House of Assembly the function of advising the Minister for the purpose of sub-section 7 (4).

“(2) The House of Assembly may, at any time, by resolution revoke a delegation under this section.

“(3) A delegation under this section does not prevent the House of Assembly from advising the Minister for the purpose of sub-section 7 (4).

“(4) In this section, ‘House of Assembly’ means the Australian Capital Territory House of Assembly.”.

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### **NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 23 July 1984.
2. No. 10, 1981.