

**COMMUNITY WELFARE (AMENDMENT) ACT 1989 No. 162**

**NEW SOUTH WALES**



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**COMMUNITY WELFARE (AMENDMENT) ACT 1989 No. 162**

**NEW SOUTH WALES**



**Act No. 162, 1989**

**An Act to amend the Community Welfare Act 1987 with respect to the employment and discipline of certain employees and offences relating to the administration and execution of the Act; and for other purposes.  
[Assented to 14 December 1989]**

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Community Welfare (Amendment) Act 1989.

**Commencement**

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by this section.

(2) The provisions of Schedule 2, and section 3 in its application to that Schedule, commence on the date of assent to this Act.

**Amendment of Community Welfare Act 1987 No. 52**

3. The Community Welfare Act 1987 is amended as set out in Schedules 1 and 2.

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**SCHEDULE 1 - AMENDMENTS RELATING TO OFFENCES  
AND DISCIPLINE**

(Sec. 3)

(1) Section 13C:

After section 13B, insert:

**Regulations concerning employees of Community Welfare  
Employment Corporation**

13C. (1) The regulations may make provision for or with respect to the employment of persons under section 13B, including the conditions of employment and the discipline of any such persons.

(2) The regulations may provide that one or more of the following punishments may be imposed for an offence against discipline:

(a) a caution;

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SCHEDULE 1 - AMENDMENTS RELATING TO OFFENCES  
AND DISCIPLINE - *continued*

- (b) a reprimand;
- (c) a fine in an amount not exceeding 5 penalty units;
- (d) reduction of salary;
- (e) demotion to a lower position;
- (f) a direction that the person resign, or be allowed to resign, within such period as may be specified in the direction;
- (g) in the case of a person employed on probation, annulment of the person's employment;
- (h) dismissal from employment.

(3) The regulations may provide that a fine imposed for an offence against discipline be deducted from the salary of the person concerned.

(4) The regulations may provide that if a person employed under section 13B:

- (a) is convicted in New South Wales of an offence that is punishable by penal servitude or imprisonment for 12 months or more; or
- (b) is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be an offence so punishable,

the person may be dealt with as if the offence was an offence against discipline and liable to one or more of the punishments referred to in subsection (2).

(2) Sections 76A - 76C:

After section 76, insert:

**Obstruction etc. of officers**

76A. A person who wilfully hinders, obstructs, delays, assaults or threatens with violence another person in the exercise of that other person's functions under this Act is guilty of an offence.

Maximum penalty: 10 penalty units or imprisonment for 12 months, or both.

SCHEDULE 1 - AMENDMENTS RELATING TO OFFENCES  
AND DISCIPLINE - *continued*

**Person falsely representing as an officer**

76B. A person, not being an officer, who:

- (a) assumes or uses the designation of officer or falsely represents himself or herself to be officially associated in any capacity with the Department; or
- (b) uses, for any fraudulent purpose, any designation which that person previously held in the Department,

is guilty of an offence.

Maximum penalty: 10 penalty units or imprisonment for 12 months, or both.

**False or misleading statements**

76C. A person must not, in any application under this Act or in connection with an inquiry made by an officer in relation to any such application:

- (a) make a statement; or
- (b) furnish information,

that the person knows to be false or misleading in a material particular.

Maximum penalty: 5 penalty units.

(3) Section 78 (**Regulations**):

At the end of section 78, insert:

- (2) A regulation may create an offence punishable by a penalty not exceeding 5 penalty units.

SCHEDULE 2 - AMENDMENT RELATING TO APPEALS

(Sec. 3)

Section 53A:

After section 53, insert:

**Parties to certain appeals**

53A. (1) An appeal to the Tribunal that may be made under the community welfare legislation against a decision of the Minister or the Director-General may be made by

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SCHEDULE 2 - AMENDMENT RELATING TO  
APPEALS - *continued*

any person who believes he or she has a genuine concern in the subject-matter of the decision.

(2) Without limiting the generality of subsection (1), an appeal against a decision concerning a child may be made by any person responsible for the child.

(3) An appeal must be made within 28 days after the making of the decision appealed against or within such longer period as the Tribunal may (whether before or after the expiration of that period) determine.

(4) The parties to an appeal to the Tribunal with respect to a decision of the Minister or the Director-General are:

- (a) the Minister or the Director-General, as the case requires; and
- (b) the person who appeals against the decision; and
- (c) any person who was entitled to, but did not, appeal against the decision, but only if that person applies to the Tribunal to be made such a party and the application is approved by the Tribunal; and
- (d) any person who would, if the decision of the Minister or the Director-General were reversed or varied, be entitled to appeal against the decision as so reversed or varied, but only if that person applies to the Tribunal to be made such a party and the application is approved by the Tribunal.

(5) The Tribunal is not required to hear or determine an appeal made by a person referred to in subsection (1) unless the Tribunal considers the person to have a genuine concern in the subject-matter of the decision to which the appeal relates.

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[*Minister's second reading speech made in -  
Legislative Council on 14 November 1989  
Legislative Assembly on 21 November 1989*]