

HOME CARE SERVICE (AMENDMENT) ACT 1990 No. 76

NEW SOUTH WALES



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HOME CARE SERVICE (AMENDMENT) ACT 1990 No. 76

NEW SOUTH WALES



Act No. 76,1990

An Act to amend the Home Care Service Act 1988 to provide for the establishment, promotion and management of the Hostel and Care Program; and to make related amendments to other Acts. [Assented to 4 December 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Home Care Service (Amendment) Act 1990.

Commencement

2 This Act commences on a day or days to be appointed by proclamation.

Amendment of Home Care Service Act 1988 No. 6

3. The Home Care Service Act 1988 is amended as set out in Schedule 1.

Amendment of Government Guarantees Act 1934 No. 57

4 The Government Guarantees Act 1934 is amended as set out in Schedule 2.

Amendment of Public Authorities (Financial Arrangements) Act 1987 No. 33

5. The Public Authorities (Financial Arrangements) Act 1987 is amended by inserting in Schedule 1 in alphabetical order the words "Home Care Service of New South Wales".

Saving

6. A part-time member of the Home Care Service Advisory Board holding office under section 5 of the Home Care Service Act 1988 immediately before the commencement of Schedule 1 (2) is taken to have been appointed under that section (as amended by this Act) for the remainder of his or her term of office.

**SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE
ACT 1988**

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert in section 3 (1) in alphabetical order:

"Hostel and Care Program" means the Hostel and Care Program referred to in section 7A (1);

(2) Section 5 (**The Board**):

(a) From section 5 (1) (c), omit "7", insert instead "9".

(b) After section 5 (1), insert:

(1A) Two of the part-time members are to be persons nominated by the Minister. Those persons are to have such qualifications or experience relating to project management, housing development or the provision or management of housing for the aged as the Minister considers necessary to assist the Service in carrying out its functions relating to the Hostel and Care Program.

(c) At the end of section 5 (2) (b), insert:

; and

(c) advise the Service on such matters relating to the Hostel and Care Program as are referred to it by the Director-General.

(3) Section 6 (**Objects of the Service**):

(a) After "Service", insert "in relation to home care services".

(b) At the end of section 6, insert:

(2) In addition to the objects set out in subsection (1), it is also an object of the Service to facilitate the provision of accommodation designed and constructed to meet the housing and care needs of older people, in particular those on low or modest incomes.

SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE
ACT 1988 - *continued*

(4) Part 3A:

After Part 3, insert:

PART 3A - HOSTEL AND CARE PROGRAM

Functions relating to Hostel and Care Program

7A. (1) The Service:

- (a) is to establish, promote and manage a Hostel and Care Program in accordance with its object under section 6 (2); and
- (b) may do all things necessary for, or incidental to, the achievement of those functions.

(2) In particular, for the purpose of attaining its object under section 6 (2), the Service may

- (a) with the approval of the Treasurer and in accordance with guidelines (if any) set by the Minister, provide financial assistance to any other person for the provision of accommodation designed to meet the housing and care needs of older people, particularly those on low or modest incomes; and
- (b) provide advice concerning the design and construction of such accommodation, including advice on property development and project management; and
- (c) make and enter into contracts, agreements or arrangements for the provision of buildings, equipment and services (whether or not by way of public tender) with or on behalf of any other person, Government department, administrative office or public or local authority, and
- (d) obtain funds (whether by grant or otherwise) from any source and administer those funds.

(3) This section does not limit any powers that the Service has apart from this section.

**SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE
ACT 1988 - *continued***

Partnerships, joint ventures etc. may be entered

7B. The Service may exercise any function under this Part by itself or in partnership, joint venture or other association with other persons or bodies.

(5) Schedule 1 (Provisions relating to the constitution and procedure of the Board):

(a) From clause 8, omit "5", insert instead "6".

(b) At the end of clause 8, insert:

(2) A part-time member of the Board referred to in section 5 (1A) is to be present at any Board meeting concerning matters relating to the Hostel and Care Program.

**SCHEDULE 2 - AMENDMENT OF GOVERNMENT GUARANTEES
ACT 1934**

(Sec. 4)

Section 3 (Authority for Treasurer to execute certain guarantees):

After section 3 (5J), insert:

(5K) It is lawful for the Treasurer, on the recommendation of the Minister administering the Home Care Service Act 1988 and with the approval of the Governor, to execute a guarantee in favour of any bank or other body of persons, corporate or unincorporate, approved by the Treasurer (in this Act referred to as "approved body") for the repayment of any advance made under the Home Care Service Act 1988 in connection with the Hostel and Care Program.

*[Minister's second reading speech made in -
Legislative Assembly on 14 November 1990
Legislative Council on 26 November 1990]*