

COMMUNITY WELFARE BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

- Children's Court Bill 1987;
- Children (Care and Protection) Bill 1987;
- Children (Criminal Proceedings) Bill 1987;
- Children (Community Service Orders) Bill 1987;
- Children (Detention Centres) Bill 1987;
- Miscellaneous Acts (Community Welfare) Repeal and Amendment Bill 1987.

The Community Welfare Act 1982 and its cognate Acts ("the 1982 Community Welfare legislation") were enacted to provide a legislative framework for the provision of community welfare. Those Acts were intended to replace the Government Relief Administration Act 1930, the Child Welfare Act 1939 and the Youth and Community Services Act 1973 but, apart from a few provisions, have not yet commenced. This Bill and its cognate Bills are intended to replace the 1982 Community Welfare legislation.

The object of this Bill is to re-enact, with modifications, the provisions of Parts III-VI of the Community Welfare Act 1982.

PART I—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

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Clause 2 provides that the proposed Act (sections 14, 15 and 16 excepted) will commence on the date of assent to the proposed Act and that sections 14, 15 and 16 will commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 defines certain expressions for the purposes of the proposed Act.

Clause 4 specifies the objects of the proposed community welfare legislation.

Clause 5 provides that the Minister administering the proposed Act ("the Minister") and the Director-General of the Department of Youth and Community Services ("the Director-General") may each delegate the functions conferred on them by or under the proposed community welfare legislation.

PART 2—COMMUNITY WELFARE AND SOCIAL DEVELOPMENT

DIVISION 1—*Functions of the Minister and Director-General*

Clause 6 enables the Minister to conduct research into community welfare and social development, to review, monitor and evaluate community welfare and social development programmes carried out or financed by the Government and to develop and carry out community welfare and social development programmes.

Clause 7 enables the Minister to finance the development and carrying out of community welfare and social development programmes that are developed or carried out otherwise than by the Minister.

Clause 8 enables the Minister to appoint honorary welfare officers who are to carry out such functions as may be prescribed by the regulations under the proposed Act.

Clause 9 requires the Director-General, when directed by the Minister to do so, to prepare statements of proposed policies with respect to community welfare and social development and proposed programmes for the implementation of those policies.

Clause 10 requires the Director-General, when directed by the Minister to do so, to review community welfare and social development programmes carried out or financed by the Government and to report to the Minister as to the results of the review.

Clause 11 enables the services of persons and organisations outside the Department to be used to assist the Minister and the Director-General to exercise their functions, but does not enable the Minister or Director-General to employ persons on a permanent full-time basis and allows the employment of persons only on a temporary or part-time basis in accordance with conditions approved by the Public Service Board.

Clause 12 requires there to be established in the Special Deposits Account in the Treasury a Community Welfare Fund that will consist of money provided by Parliament together with any private donations made to the Minister or the Director-General for the purpose of providing community welfare services.

Clause 13 specifies the purposes for which the money in the Community Welfare Fund may be applied.

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DIVISION 2—*Councils and committees*

Clause 14 and Schedules 1 and 2 provide for the establishment, constitution and procedure of a Community Services Training Council whose functions are to include advising the Minister on matters relating to courses of instruction and training for persons employed in the provision of community welfare services.

Clause 15 and Schedules 1 and 2 provide for the establishment, constitution and procedure of a Community Welfare Advisory Council whose functions are to include advising the Minister on matters relating to community welfare and social development.

Clause 16 and Schedules 1 and 2 provide for the establishment, constitution and procedure of a Disability Council of New South Wales whose functions are to include advising the Government on matters relating to disabled persons and their families.

Clause 17 and Schedule 2 provide for the establishment, constitution and procedure of advisory committees whose functions will be to advise the Minister on such matters as may be referred to them by the Minister.

Clause 18 enables the Minister to provide assistance (including financial assistance) to any council (that is, a council referred to in clause 14, 15 or 16) or any committee (that is, a committee referred to in clause 17) to enable the council or committee to function properly.

Clause 19 requires councils and committees to furnish reports to the Minister on their respective activities.

PART 3—HOME CARE SERVICE OF NEW SOUTH WALES

Clause 20 defines certain expressions for the purposes of the proposed Part, in particular, the expression "constituent instrument".

Clause 21 constitutes a corporation under the name of the Home Care Service of New South Wales and provides that the corporation so constituted shall be deemed to be a continuation of, and the same legal entity as, the corporation constituted under section 29 of the Community Welfare Act 1982.

Clause 22 provides that the Home Care Service shall be subject to the control and direction of the Minister.

Clause 23 provides that the affairs of the Home Care Service shall be managed by a board of management whose constitution and procedure shall be as prescribed by the constituent instrument of the Home Care Service.

Clause 24 provides that the Home Care Service shall have the functions conferred on it by its constituent instrument.

Clause 25 provides that an amendment of the constituent instrument of the Home Care Service takes effect when a copy of the amendment has been lodged in the office of the Corporate Affairs Commission.

Clause 26 confers the usual incidents of corporate status on the Home Care Service.

Clause 27 provides that a change in the registered address of the Home Care Service takes effect when notice of the change has been lodged in the office of the Corporate Affairs Commission.

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Clause 28 enables the Home Care Service (with the approval of the Minister and on conditions approved by the Public Service Board) to arrange for the use of the services of any staff of a Government Department, administrative office or public or local authority.

Clause 29 makes provision for the conditions of employment of persons employed by the Home Care Service.

Clause 30 ensures that members of the board of management of the Home Care Service and employees of the Service are not personally liable for things done by or on behalf of the Service.

Clause 31 enables the Home Care Service to be referred to in other Acts and instruments as the Home Care Service without the additional words "of New South Wales".

Clause 32 provides for the service of documents on the Home Care Service.

Clause 33 provides that documents requiring authentication by the Home Care Service may be sufficiently authenticated if signed by the chairperson, or by the person acting as the secretary, of the board of management of the Service.

Clause 34 enables the annual report of the Home Care Service to be included in the annual report of the Department.

PART 4—GENERAL WELFARE ASSISTANCE

Clause 35 specifies that the object of the proposed Part is to ensure the provision of assistance and supportive services to persons in need or distress and the provision of services aimed at preventing the breakdown of the family as a social unit.

Clause 36 enables the Minister—

- (a) to provide assistance (including financial assistance) for the relief of persons in need or distress;
- (b) to provide home support services (that is, assistance in the carrying out of work of a domestic or home-maintenance nature) to persons unable to carry out that work;
- (c) to provide homemaker services (that is, services to assist families in the management of their homes) with the object of preventing the breakdown of the family as a social unit;
- (d) to provide services designed to meet the needs of children;
- (e) to provide services designed to meet the needs of disadvantaged persons; and
- (f) to provide assistance (including financial assistance) to organisations whose objects include the provision of the kinds of assistance and services referred to in this clause.

PART 5—DISASTER WELFARE SERVICES

Clause 37 defines certain expressions for the purposes of the proposed Part.

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Clause 38 enables the Director-General to co-ordinate the provision of community welfare services for disaster victims, but prevents the provision of those services in a manner inconsistent with the provisions of the State Emergency Services and Civil Defence Act 1972.

Clause 39 requires the Director-General to establish a Community Disaster Relief Fund that will consist of private donations made to the Director-General for the relief of disaster victims together with money transferred to the Fund as referred to in clause 41.

Clause 40 specifies the purposes for which the money in the Community Disaster Relief Fund may be applied.

Clause 41 provides for the transfer to the Community Disaster Relief Fund of moneys contained in private disaster relief funds.

Clause 42 enables money in the Community Disaster Relief Fund to be invested in any securities authorised under section 14 of the Trustee Act 1925 for the investment of trust funds.

PART 6—MISCELLANEOUS

Clause 43 ensures that the Minister, the Director-General, an officer of the Department and any other person are not personally liable for things done in good faith and with reasonable care for the purposes of executing the proposed community welfare legislation.

Clause 44 provides that unauthorised disclosure of information obtained in connection with the administration or execution of the proposed Act constitutes an offence punishable by a fine of \$1,000 or imprisonment for 12 months, or both.

Clause 45 provides that proceedings for an offence against the proposed Act shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 46 empowers the Governor-in-Council to make regulations for the purposes of the proposed Act.
