

## COMMUNITY WELFARE (AMENDMENT) BILL 1989

### NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to amend the Community Welfare Act 1987:

- (a) to create various offences relating to the administration and execution of the Act; and
- (b) to enable certain regulations to be made relating to the employment and discipline of persons employed by the Community Welfare Employment Corporation; and
- (c) to enable the regulations to create offences.

The Bill also amends the Act by way of statute law revision in relation to appeals to the Community Welfare Appeals Tribunal.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence, with minor exceptions, on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedules of amendments.

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

Schedule 1 (1) inserts proposed section 13C which:

- (a) makes it clear that regulations may be made relating to the employment and discipline of persons employed by the Community Welfare Employment Corporation; and
- (b) describes the punishments which may be specified for offences against discipline under those regulations.

*Community Welfare (Amendment) 1989*

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**Schedule 1 (2)** inserts proposed sections 76A - 76C which:

- (a) prohibit the obstruction of officers who are exercising functions under the Act; and
- (b) prohibit persons from falsely representing themselves as officers of the Department of Family and Community Services; and
- (c) prohibit the making of false or misleading statements in or in connection with any application made under the Act.

**Schedule 1 (3)** amends section 78 to enable regulations to create offences punishable by a penalty not exceeding 5 penalty units.

**SCHEDULE 2 - AMENDMENT RELATING TO APPEALS**

**Schedule 2** inserts proposed section 53A which will complement provisions relating to appeals in the Act and other community welfare legislation by specifying the time in which, and making special provision concerning the parties by whom, appeals may be made to the Community Welfare Appeals Tribunal. The provision is based on former section 105 of the Children (Care and Protection) Act 1987 which was repealed when certain provisions of that Act relating to the Tribunal were transferred to the Act by the Community Welfare (Disability Services and Guardianship) Amendment Act 1987.

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