

COMMUNITY WELFARE (AMENDMENT) BILL 1988

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 allow the Minister and the Director-General of the Department of Family and Community Services to delegate their functions under the Children (Criminal Proceedings) Act 1987; and
- (b) to clarify the stated objects of Part 4 of the Act under which general welfare assistance may be provided; and
- (c) to remove limitations on the power to provide financial or other assistance to disaster victims; and
- (d) to make other minor changes with respect to disaster welfare assistance.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision which gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Delegations

Schedule 1 (1) amends section 5 to allow the Minister and the Director-General to delegate their functions under the Children (Criminal Proceedings) Act 1987. At present those functions cannot be delegated under section 5 because the Children (Criminal Proceedings) Act 1987 does not form part of the community welfare legislation administered by the Minister for Family and Community Services. The opportunity has been taken to delete machinery provisions that are now dealt with in the Interpretation Act 1987.

Objectives of general welfare assistance

Schedule 1 (2) substitutes section 35 to make it clear that the provision of general welfare assistance to persons in need or distress is not limited to those cases in which the aim is to prevent the breakdown of the family as a social unit. That aim continues to be an objective whenever relevant.

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Disaster welfare assistance

Schedule 1 (3) makes a consequential amendment to the heading to Part 5 in order to reflect the principal purpose of the Part.

Schedule 1 (4) amends section 37 (Definitions: Part 5). The definition of "disaster" has been amended so that financial and other assistance to disaster victims may be provided from Government grants or from private donations credited to the Community Disaster Relief Fund without the necessity for making an order declaring the disaster concerned to be a disaster for the purposes of Part 5. The definition of "disaster victim" has been amended so that any such assistance may be provided to a person whose property is lost or damaged by a disaster whether or not the person is in need or distress as a result of the disaster.

Schedule 1 (5) inserts proposed section 37A to replace the provisions of section 37 relating to the declaration by the Minister of disasters. The need to declare a disaster will be limited to the existing power, conferred by section 38, of enabling the Director-General to co-ordinate (under the Minister's direction) the provision of community welfare services to disaster victims.

Schedule 1 (6) makes a consequential amendment to section 38.

Schedule 1 (7) inserts proposed section 38A to confer a separate power on the Director-General to provide (under the Minister's direction) financial and other assistance to disaster victims. At present the power to provide assistance under Part 4 (General welfare assistance) is limited to persons in need or distress.
