

[Act 1995 No 24]



New South Wales

Disability Services Amendment (Residents Amenities Accounts) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Disability Services Act 1993* so as:

- (a) to provide for the use of money held since 1989 on behalf of residents of certain Government residential centres who have disabilities, and
- (b) to validate the actions in good faith of persons who have held money on behalf of residents of those centres.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on the date on which the Governor assents to it.

Clause 3 gives effect to the Schedule of amendments to the *Disability Services Act 1993*.

Schedule 1 Amendments

Schedule 1 (1) inserts in the *Disability Services Act 1993* proposed section 26A which will give effect to proposed Schedule 3 to that Act.

Schedule 1 (2) inserts in the *Disability Services Act 1993* proposed Schedule 3. That Schedule contains the following provisions:

- Clause 1, which defines relevant expressions for the purposes of the Schedule.
- Clause 2, which will allow money held in residents' amenities accounts at Government residential centres that are still operating to be used to provide amenities for the benefit of the residents of those centres. However, the use must be in accordance with a scheme approved by the Minister from time to time. The Minister will be able to give approval only after consulting persons who are residents of the centre concerned or who appear to the Minister to be representatives of those residents.
- Clause 3, which will allow the Minister to deal with money held in residents' amenities accounts in relation to Government residential centres that have ceased to operate. The Minister will be able to pay money held in such an account to the person in charge of an existing Government residential centre to be used to provide amenities for the benefit of the residents of the centre. Alternatively, the Minister will be able to pay some or all of that money to the person in charge of premises under the Minister's control that are used for providing accommodation, support or other services to persons who have disabilities for the benefit of the residents of those premises.
- Clause 4, which will make it clear that money held in a residents' amenities account may be invested pending its use for the purpose of providing amenities for the benefit of residents of existing Government residential centres or premises of the kind referred to in proposed clause 3.

- Clause 5, which will validate acts or omissions of certain persons relating to the holding, investment or other dealing with money held in custody or safe-keeping on behalf of residents of Government residential centres before the commencement of proposed Schedule 3 so long as those acts or omissions were done or committed in good faith. The clause also provides that no claim will be sustainable with respect to such acts or omissions unless it is proved that they were not done or committed in good faith and extinguishes any entitlements that persons may have had in respect of that money.