

## HOME CARE SERVICE 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 reconstitute the Home Care Service of New South Wales. The Service is to be a corporate body managed by the Director-General of the Department of Family and Community Services, who will be assisted by an advisory board.

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#### PART 1—PRELIMINARY

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

**Clause 3** defines "Board", "Service" and other expressions used in the proposed Act.

#### PART 2—CONSTITUTION OF THE SERVICE

**Clause 4** constitutes the Service as a statutory corporation whose affairs are to be managed by the Director-General of the Department of Family and Community Services. The Service, as so constituted, is a continuation of the Home Care Service previously constituted under the Community Welfare Act 1987, which was a statutory corporation whose affairs were managed by a board of management.

**Clause 5** establishes the Home Care Service Advisory Board, consisting of the Director-General, a General Manager and 7 part-time members appointed by the Governor-in-Council.

#### PART 3—OBJECTS AND FUNCTIONS OF THE SERVICE

**Clause 6** sets out the objects of the Service. Broadly speaking, the Service is to provide home care services to those who, from infirmity or other cause, have difficulty in managing their homes. These services are to be provided in a manner that does not detract from the independence of the persons served and so that disadvantaged members of the community are not precluded from obtaining them.

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**Clause 7** describes the principal function of the Service as being the provision of home care services in accordance with its objects. The clause specifies other functions as well, including the provision of home care training programs, and empowers the charging of fees for its services.

**PART 4—MISCELLANEOUS**

**Clause 8** provides for the appointment of a General Manager and other Service staff. The staff are employees of the Service, not public servants.

**Clause 9** provides for service of documents on the Service.

**Clause 10** allows the Service to delegate its functions.

**Clause 11** enables the Service to accept gifts, whether conditional or unconditional, and makes provision to facilitate acceptance of gifts.

**Clause 12** requires certain bank accounts to be maintained in the name of the Service.

**Clause 13** provides for investment by the Service of its funds.

**Clause 14** provides for the financial year of the Service.

**Clause 15** prohibits the disclosure (except in certain specified circumstances) by any person of information obtained in connection with the administration or execution of the proposed Act.

**Clause 16** protects Service employees, Board members and other persons acting under the direction of the Service from personal liability in respect of acts done in good faith and with reasonable care in carrying out the functions of the Service.

**Clause 17** provides for summary prosecution of offences under the proposed Act or the regulations.

**Clause 18** enables the Governor-in-Council to make regulations in aid of the proposed Act.

**Clause 19** repeals Part 3 of the Community Welfare Act 1987 and makes other amendments consequent on that repeal. The provisions of that Part are superseded by the proposed Act.

**Clause 20** abolishes the board of management of the Home Care Service constituted under the Community Welfare Act 1987.

**Clause 21** enacts certain transitional provisions, as a consequence of the dissolution of the old Service and the abolition of its board of management, in relation to the staff of that Service, the members of that board and other matters.

**SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND  
PROCEDURE OF THE BOARD**

**Schedule 1** contains provisions relating to the membership and operations of the Board constituted by the proposed Act.

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