

COMMUNITY WELFARE ACT 1987 No. 52

NEW SOUTH WALES



Act No. 52, 1987

An Act with respect to community welfare. [Assented to 29 May 1987]

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

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

PART I
PRELIMINARY

Short title

1. This Act may be cited as the "Community Welfare Act 1987".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

- (2) Sections 14, 15 and 16 shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Interpretation

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"approved non-Government organisation" means a corporation, society, association or other body of persons, not being the Crown, approved by the Minister for the purposes of this Act;

"committee" means an advisory committee referred to in section 17;

"Community Disaster Relief Fund" means the fund referred to in section 39;

"Community Services Training Council" means the council referred to in section 14;

"Community Welfare Advisory Council" means the council referred to in section 15;

"Community Welfare Fund" means the fund referred to in section 12;

"community welfare legislation" means—

- (a) this Act and any other Act administered by the Minister within the Department; and
- (b) any instrument under this Act or any other such Act;

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“council” means the Community Services Training Council, the Community Welfare Advisory Council or the Disability Council;

“Department” means the Department of Youth and Community Services;

“Director-General” means the person for the time being holding office or acting as the Director-General of the Department;

“Disability Council” means the council referred to in section 16;

“disabled person” means an intellectually disabled person or a physically disabled person;

“Home Care Service” means the corporation referred to in section 21;

“intellectual impairment”, in relation to a person, means any defect or disturbance in the normal structure and functioning of the person’s brain, whether arising from a condition subsisting at birth or from illness or injury;

“intellectually disabled person” includes a person who, as a result of disabilities arising from intellectual impairment, is substantially limited in one or more major life activities;

“officer” means an officer or temporary employee, within the meaning of the Public Service Act 1979, employed in the Department;

“physical impairment”, in relation to a person, means any defect or disturbance in the normal structure and functioning of the person’s body, whether arising from a condition subsisting at birth or from illness or injury, but does not include intellectual impairment;

“physically disabled person” includes a person who, as a result of having a physical impairment to his or her body, and having regard to any community attitudes relating to persons having the same physical impairment as that person and to the physical environment, is limited in his or her opportunities to enjoy a full and active life;

“regulation” means a regulation made under this Act.

(2) In this Act—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

*Community Welfare 1987***Objects of community welfare legislation**

- 4. (1)** The objects of the community welfare legislation are—
- (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible;
 - (b) to promote the welfare of the family as the basis of community well-being;
 - (c) to ensure the provision, to the maximum extent possible, of services for, and assistance to, persons disadvantaged because of—
 - (i) lack of adequate family or social support;
 - (ii) personal or family problems that inhibit adequate social functioning;
 - (iii) the breakdown of the family as a social unit;
 - (iv) lack of adequate food, shelter or other basic necessities;
 - (v) physical or intellectual impairment;
 - (vi) their being members of an ethnic group which has inadequate access to services or resources available in the community;
 - (vii) age, whether young, advanced or other;
 - (viii) lack of information about or access to services or resources available in the community; or
 - (ix) their residing in places which lack basic services essential to the proper functioning of those persons;
 - (d) to promote the welfare of Aborigines on the basis of a recognition of—
 - (i) Aboriginal culture and identity;
 - (ii) Aboriginal community structures;
 - (iii) Aboriginal community standards;
 - (iv) the rights of Aborigines to raise and protect their own children; and
 - (v) the rights of Aborigines to be involved in the decision-making processes that affect them and their children;
 - (e) to encourage the establishment of community welfare and other services necessary to promote, protect, develop, maintain and improve the well-being of persons;

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- (f) to assist and encourage collaboration among persons and organisations engaged in the promotion of community welfare or the provision of community welfare services;
- (g) to promote and encourage research, education, instruction and training in matters relating to community welfare;
- (h) to promote and facilitate the provision by persons and organisations of services to complement any community welfare service;
- (i) to promote the involvement of the community in the provision of community welfare services and in the social development of the community; and
- (j) to co-ordinate the allocation of funds for community welfare services.

(2) The provisions of any paragraph of subsection (1) shall not be construed as limiting or being limited by the operation of any other provision of the community welfare legislation.

(3) In making any appointment under the community welfare legislation, the Minister shall have regard to the objects specified in subsection (1).

Delegation

5. (1) The Minister may delegate to the Director-General, or to any other person, the exercise of any of the Minister's functions under the community welfare legislation, other than this power of delegation.

(2) The Director-General may delegate to any person the exercise of—

- (a) any of the functions delegated to the Director-General by the Minister; or
- (b) any of the other functions of the Director-General under the community welfare legislation, other than this power of delegation

(3) A delegation—

- (a) shall be in writing;
- (b) may be general or limited; and
- (c) may be revoked, wholly or partly, by the delegator.

(4) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

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(5) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the delegator.

(6) A delegation under this section does not prevent the exercise of a function by the delegator.

(7) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

PART 2

COMMUNITY WELFARE AND SOCIAL DEVELOPMENT

DIVISION 1—*Functions of Minister and Director-General***Power of Minister in relation to community welfare and social development**

6. (1) The Minister may—

- (a) conduct research into community welfare and social development and the adequacy and efficacy of the community welfare legislation, and of the administration of the community welfare legislation, and evaluate the information gained from any such research;
- (b) without limiting paragraph (a), conduct research to identify groups of persons who are or who are likely to become disadvantaged, as referred to in section 4 (1) (c);
- (c) review, monitor and evaluate programmes for the provision of community welfare services and social development programmes that are carried out under the community welfare legislation or that are financed, wholly or partly, out of funds provided by Parliament for the administration of the community welfare legislation;
- (d) grant to such persons or organisations concerned in community welfare or social development as the Minister thinks fit such access to publications and information in the possession of the Department (including the results of any research or evaluation) as the Minister thinks fit and in such manner as the Minister considers would preserve any necessary confidentiality and the privacy of persons;

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- (e) develop and carry out, or provide assistance and support for the development and carrying out by persons or organisations of, programmes for the provision of community welfare services and social development programmes the objectives of which are consistent with any of the objects of the community welfare legislation; and
- (f) with respect to any kind of assistance that may be granted under the community welfare legislation, cause to be published guidelines specifying the circumstances in which that assistance may be granted.

(2) Any assistance or support referred to in subsection (1) (e) may be provided on such conditions as are agreed upon by the Minister and the person or organisation to whom or to which the assistance or support is to be provided.

(3) In the exercise of any function under subsection (1) (e), the Minister shall have regard to the desirability of exercising that function with respect to programmes that—

- (a) develop and strengthen local neighbourhood and community interests;
- (b) are based on the principle of self-help or the transfer of skills and knowledge; or
- (c) take into consideration the multi-cultural nature of the community.

(4) The provisions of any paragraph of subsection (1) shall not be construed as limiting or being limited by the operation of any other provision of this Act.

Assistance funds for community welfare and social development programmes

7. (1) The Minister may establish and maintain funds (in this section referred to as “assistance funds”) for the purpose of providing assistance and support for any programmes, as referred to in section 6 (1) (e), being carried out or to be carried out by any persons, other than the Minister, or by any organisations.

(2) An assistance fund shall consist of—

- (a) such money as may be provided from time to time by Parliament for the purpose of the carrying out of the programmes for which the assistance fund is established and maintained; and
- (b) such other money as may be allocated to the assistance fund from time to time from the Community Welfare Fund.

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