

Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Bill 2001 (No 2)

Explanatory note

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

Overview of Bill

The *Community Services (Complaints, Reviews and Monitoring) Act 1993* provides principally for the resolution of complaints about community services provided by certain service providers. The object of this Bill is to amend that Act:

- (a) to extend the definition of **community services** to include functions exercised under the community welfare legislation and functions exercised by persons or organisations under certain governmental arrangements, and
- (b) to extend the definition of **service provider** to include the Children's Guardian, an acting Children's Guardian, or an authorised carer or designated agency, within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*, and
- (c) to enable the Commissioner for Community Services to require a service provider to provide information or produce relevant records to the Community Services Commission in connection with the exercise of the Commission's functions to inquire into matters affecting service providers and persons to whom community services are provided and to deal with complaints.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Community Services (Complaints, Reviews and Monitoring) Act 1993* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] extends the definition of **community services** in the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to include functions exercised under the community welfare legislation and functions exercised by a person or organisation that is covered by certain arrangements made between the Minister for Community Services and a Minister of another State or the Commonwealth. The community welfare legislation is defined as:

- (a) the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, and
- (b) the *Home Care Service Act 1988*, and
- (c) any other Act administered by the Minister for Community Services within the Department of Community Services, and
- (d) any other Act administered by the Minister for Aged Services, or the Minister for Disability Services, within the Ageing and Disability Department, and
- (e) any instrument in force under any of those Acts.

Schedule 1 [2] extends the definition of **service provider** in the *Community Services (Complaints, Reviews and Monitoring) Act 1993* so as to include the Children's Guardian, an acting Children's Guardian, or an authorised carer or designated agency, within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.

Schedule 1 [3] makes a consequential amendment.

Schedule 1 [4] enables the Commissioner for Community Services to serve a written notice on a service provider requiring the service provider to provide information or produce relevant

records to the Community Services Commission in connection with the Commission's functions to inquire into matters affecting service providers and persons receiving community services and to deal with complaints.