



New South Wales

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*.

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Explanatory note

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.



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New South Wales

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

No , 2001

A Bill for

An Act to amend the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to extend the application of that Act to the exercise of functions under the community welfare legislation, to extend the category of service providers to which that Act applies and to extend the investigative powers of the Community Services Commission; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Community Services (Complaints, Reviews and Monitoring) Amendment (Application) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2	7 8
The <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i> is amended as set out in Schedule 1.	9 10

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 4 Definitions	3
	Omit the definition of <i>community service</i> . Insert instead:	4
	<i>community service</i> means:	5
	(a) a service provided, or a function exercised, under the community welfare legislation, or	6 7
	(b) a service provided, or a function exercised, by a person or organisation that is covered by an arrangement referred to in paragraph (f) of the definition of <i>service provider</i> in this section.	8 9 10 11
[2]	Section 4, definition of “service provider”	12
	Insert at the end of paragraph (f):	13
	, or	14
	(g) the Children’s Guardian, an acting Children’s Guardian, or an authorised carer or designated agency, within the meaning of the <i>Children and Young Persons (Care and Protection) Act 1998</i> .	15 16 17 18
[3]	Section 4 (2)	19
	Insert at the end of section 4:	20
	(2) A reference in this Act to the provision of a community service to a person (however expressed) includes, where the community service in question is the exercise of a function, a reference to the exercise of the function in respect of the person.	21 22 23 24 25 26

[4] Section 84A	1
Insert after section 84:	2
84A Commissioner may require information or production of documents	3 4
(1) In connection with the exercise of the Commission's functions under section 83 (1) (d) or (e), the Commissioner may, by notice in writing served on a service provider, require the service provider to do any or all of the following within the time and in the manner specified in the notice:	5 6 7 8 9
(a) to provide information to the Commission relating to a community service provided by the service provider,	10 11
(b) to produce to the Commission records or copies of records relating to a community service provided by the service provider.	12 13 14
(2) A service provider must comply with the requirements of a notice served on the service provider under this section.	15 16
Maximum penalty (subsection (2)): 20 penalty units.	17