



New South Wales

# Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014

## Explanatory note

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

## Overview of Bill

The objects of this Bill are as follows:

- (a) to authorise the Ombudsman to review the systems of service providers of community services and to make reports and recommendations in relation to them,
- (b) to make it clear that persons advocating on behalf of persons provided with community services are included in the complaints resolution process,
- (c) to extend the objects of the *Community Services (Complaints, Reviews and Monitoring) Act 1993 (the Act)*,
- (d) to make further provision for the functions of the Ombudsman in respect of the prevention or reduction of reviewable deaths,
- (e) to make other minor amendments to the Act.

## 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 to the proposed Act.

## **Schedule 1      Amendment of Community Services (Complaints, Reviews and Monitoring) Act 1993 No 2**

**Schedule 1 [1]** makes it clear that the object of the Act to encourage compliance with, and facilitate awareness of, community welfare legislation may be achieved by education.

**Schedule 1 [2], [5]–[8], [11], [13], [17], [19], [20], [23] and [24]** update references to Departments and Ministers to reflect changes to Government administrative arrangements and make consequential amendments. Some functions currently conferred on the relevant Department head are now conferred on the Chief Executive of Ageing, Disability and Home Care (as a consequence of the abolition of the Department of Ageing, Disability and Home Care).

**Schedule 1 [3]** corrects a reference to the *Children and Young Persons (Care and Protection) Act 1998* in the definition of *child in care*. **Schedule 1 [4]** repeals a redundant provision in the definition of *child in care*.

**Schedule 1 [9]** authorises the Ombudsman to report on and make recommendations to the Minister and others about any systemic issues relating to the provision of community services by service providers.

**Schedule 1 [10]** re-enacts a provision that empowers certain persons to make a community services complaint on behalf of others to make it clear that an advocate for a person to whom a community service is provided can make a complaint on the person's behalf.

**Schedule 1 [12]** enables the Child Death Review Team to include representatives not only from the Ministry of Health, but also from other bodies or organisations that are part of a broader group known as NSW Health (such as the Health Administration Corporation).

**Schedule 1 [14]** makes it clear that certain persons under a duty to provide records to the Child Death Review Team are also required to provide any document that assists to explain those records. **Schedule 1 [15] and [16]** are consequential amendments.

**Schedule 1 [18]** extends the Ombudsman's functions to include undertaking research or other projects in partnership with other persons or bodies for the purpose of formulating strategies to reduce or remove risk factors associated with reviewable deaths that are preventable.

**Schedule 1 [21]** imposes a duty on certain doctors and other health care professionals to provide the Ombudsman with access to records relating to reviewable deaths, in so far as they are relevant to the Ombudsman's functions, and copies of such records. The duty extends to records that the doctors and other health care professionals concerned may require other persons to produce.

**Schedule 1 [22]** authorises the Ombudsman to provide information obtained under Part 6 of the Act to persons in connection with research that is undertaken to prevent or reduce the likelihood of reviewable deaths in New South Wales. If the personal information is provided to a person who is not a public sector agency, the Ombudsman must ensure that the person agrees to deal with the information in accordance with the relevant information protection principles that would apply if the person were a public sector agency.

**Schedule 1 [25]** enables savings and transitional regulations to be made as a consequence of amendments to the Act. **Schedule 1 [26]** contains a specific transitional provision.