This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 11 December, 1973

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. , 1973.

An Act to change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith.

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:—

1. This Act may be cited as the "Youth and Community Short title. Services Act, 1973".

2. The provisions—

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Commencement.

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
 - (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
 - (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
 - 3. In this Act, except in so far as the context or subject-Interpretamatter otherwise indicates or requires—
- 25 "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
- "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

- 4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.
- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
- (a) to the Department of Child Welfare and Social
 Welfare or to the Child Welfare Department shall
 be read and construed as a reference to the
 Department;
- (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
- (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
 - 6. (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or 25 performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—

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(a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

	2 out and community services.
(b)	without limiting the generality of paragraph (a)-
5	 (i) to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
	 (ii) to promote the well-being of the community by assisting individuals, families and group of persons to cope more effectively with social problems confronting them;
10	(iii) to encourage the establishment of welfard and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
15	(iv) to assist and encourage collaboration amony organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community
20	 (v) to promote and encourage research education and training in matters of youth and community welfare;
25	(vi) to promote and facilitate the provision by any Government Department, statutor; authority or other body or person, of othe services necessary or desirable to comple ment any youth service or community welfare service; and
30	(vii) to encourage the making of donations fo the provision of youth and community services.

(3) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, 35 authority, duty or function conferred or imposed on the

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- 10 (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this 15 section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service,20 be paid such fees and allowances as may, from time to time, be determined by the Minister.
 - (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- 8. (1) As soon as practicable after the thirtieth day of Annual 25 June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable 30 after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
 - 9. The Governor may make regulations, not inconsistent Regulations. with this Act, for or with respect to—
- 10 (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
- (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
 - 10. Each Act specified in Column 1 of the Schedule is Amendment amended in the manner set forth opposite that Act in Column of certain Acts.

 2 of the Schedule.

SCHEDULE.

Sec. 10.

AMENDMENT OF ACTS.

Part 1.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1916, No. 51	Public Instruction (Amendment) Act, 1916	Section 3A— After section 3 insert the following new section and heading thereto:— Delegation.
15			Delega- tion. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or
20			performance of such of the powers, authorities, duties or functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 or the regulations made under this
25			Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part.
30			(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains
35			unrevoked, be exercised or per- formed from time to time in accordance with the terms of the delegation. (3) A delegation under
40			this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or
45			functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

	Colu	mn 1.	.3.1460	Column 2.
5	Year and number of Act.	Short title of Act.	1.11	Amendment.
10	1916, No. 51—continued	Public Instruc- tion (Amend- ment) Act, 1916—con- tinued		(4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.
15				(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or
20		A por napra and a part of the control of the contro	i i	effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.
25	1930, No. 24	Government Relief Administra- tion Act, 1930	Section 2— Omit the s section Director	section, insert instead the following
30			Govern- ment Relief.	Community Services shall be the Director of Government Relief for the purposes of this Act. (2) The Director of Government Relief shall, sub-
35				ject to the control of the Minister, exercise and discharge the powers, authorities, duties and functions conferred or imposed on him by or under this
40	signing and and			Act or the regulations made under this Act. (3) Subject to, and in accordance with the terms and conditions of, an agreement between the Minister for Youth
45				and Community Services and the Minister for the time being administering another Govern- ment Department or an Act constituting a statutory

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment,
10 15	1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued	authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory authority; and (b) the services of the officers or employees of that Department or statutory authority,
20 25			as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act.
23			Section 3A— After section 3 insert the following new section:—
30			Delegation, 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or
35			performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made
40			this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such dele-
45			gation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may while the delegation re-
50			may, while the delegation re- mains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1930, No. 24— continued	Government Relief Administra- tion Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or
15	arts evolved to the	authoriivi and be services of differs or easy if that Decarton tatutory eather	functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any
20	official and the analysis of the organization to the	ase may be, a or discinage o atherities, dulf collered or ma y or under this	delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.
25	yyan :	Hons brue mak Tugʻlotlawm	(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or
30	digital di liberaria di liberar	Uns Mindstert til Uns Willing slo Sedlåed officen Ut of Youth and	effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.
35	odi osmo estre estre	o done lo ca edu nada edu edu nada edu eros docinas	Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a
40	made y, be nt of lite	neitsluger eds a om rg. 12A - om-odeni ade ni ni rear bac doue ras cel de	regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
45	1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule—Omit "Child Welfare Department" wherever occurring, insert instead "Department"
50	s in the sen	iges with the ter dien.	ment of Youth and Community Services".

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	Section 4 (1)— (a) After the definition of "Court" insert the following new definition:— "Court of review" means a court proclaimed by the Governor as a court of review for the purposes of sections 84 and 87.
15		adi al male	(b) Omit the definition of "Director", insert instead the following defini- tion:—
20			"Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department.
25		in encirculation of the community of the	(c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or
30		the sale of the sa	young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.
35			Section 10a— After section 10 insert the following new section:— Delega- 10a. (1) The Minister may
40			tion. delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power
45			of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instru-
50		the second of th	ment of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a
15			power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation.
20		1) 20 but 1	(3) A delegation under this section shall be by instru- ment in writing and may be made subject to such conditions
25			or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may
30			be specified in the instrument of delegation. (4) A power, authority, duty or function, the exercise or performance of which has
35			been delegated under this section may, while the delegation re- mains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.
40			(5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be,
45			may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (6) Any act or thing done
50			or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered

	Colu	mn 1.	Column 2.
	Year and number of Act.	Short title of Act.	Amendment.
5	1939, No. 17— continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the Director may by instrument in writing revoke either wholly or
,		The second second	in part any delegation made by him under this section. Section 23 (3)— Omit the subsection.
0		in a street first	Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:— ; or
5			(d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand, to attend a youth project centre
0			under such terms and conditions and over such period of time not exceeding two years or the remaining portion of the period of committal to an institution,
5			whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new subsection:—
0			(3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the
5			terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth and Community Services or any
0			constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10		Child Welfare Act, 1939— continued	Section 84— (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney"; insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a children's court at such other centre as may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court"
20	(9) -g	(1) northeadus pg wa bas t	where firstly occurring insert "of review". Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review".
25	80 90 90 ,b	t thiid or you from an insured at third or you wer under his has all posiest cos	Section 139— After subsection (5) insert the following new subsection:— (5A) Any ward who has been granted leave from an institution on the term
30	els els els els els els els els els els	ress and condition of the period of the period of the period of the period and the period and the lessen, as the lessen are th	and condition that he attend a youth project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have absconded from his proper custody.
35	94 10	decide. he following to dinister is of the ears	Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or threatens with violence".
40	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ned tonve iven the first ton fitte the fitte ton the fitte	Section 161 (3)— Omit the subsection, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed
45	70 10 10 10 10	Services of a cheed the child convey not to effected and a conveying them	after the commencement of the Interpretation (Amendment) Act, 1969. Second Schedule— Omit "Education Building, Bridge-street,".

Colu	mn 1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
100 mg	rest rest stockers that ment door	Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert
5	Y stolegarous Y	instead "permanent head"; (b) After the definition of "Overseas order" insert the following new definition: "Permanent head" means the permanent head of the Depart-
0	production designates of the contract of the c	ment of Youth and Community Services or any person acting as permanent head of that Department.
5	real and a control of the control of	(c) Omit the definition of "Under Secretary". Section 68—
logical policy of the second p		Omit "Department of Child Welfare and Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services".
0		Section 69A— After section 69 insert the following new
5	s di menuni	Delega- tion. 69A. (1) For the purposes of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and
0	the test	Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or
5		imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of
0	90 (- 91.0)	delegation and may in like manner revoke any such delega- tion either wholly or in part.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1964, No. 74— continued	Maintenance Act, 1964— continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised
15	History Park		or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made
20	1001 1001 1001 1001 1001		subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances,
25	ish u		as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the permanent head
30	24-0		may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing
35	9790 20 108		done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing
40			done had been done or suffered by the permanent head and shall be deemed to have been done or suffered by the per- manent head.
45	21d3		Sections 80 (1); 81 (5); 82; 83 (1), (2), (3), (4); 84 (1), (2); 87— Omit "Under Secretary" wherever occurring, insert instead "permanent head".

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1964, No. 74—continued	Maintenance Act, 1964— continued	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
20	1965, No. 23	Adoption of Children Act, 1965	Section 6— Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department.	
			Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".	
0		100	Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation	
5		i boning	Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
0	1967, No. 27	Child Welfare (Amendment) Act, 1967	Section 3 (e)— (a) Omit "Child Welfare Department" from section 48D (1) to be inserted in the Child Welfare Act, 1939, insert instead "Department of Youth and Community Services"; (b) Omit section 48L to be inserted in the	
15			Child Welfare Act, 1939.	

SCHEDULE—continued.

Part 2.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1939, No. 17	Child Welfare Act, 1939	After subsection (4) insert the following new subsection:— (4A) For the purposes of this section,	
15			where two or more children of the same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to have been made for the maintenance of	
20			the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be	
25			deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.	

BY AUTHORITY
V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973
[15c]

No. , 1973.

A BILL

To change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith.

[MR HEALEY—5 December, 1973.]

BE

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:—

1. This Act may be cited as the "Youth and Community Short title. Services Act, 1973".

2. The provisions—

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Commencement.

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
- (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- 3. In this Act, except in so far as the context or subject-Interpretamatter otherwise indicates or requires—
- "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
- "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

- 4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.
- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
- (a) to the Department of Child Welfare and Social
 Welfare or to the Child Welfare Department shall
 be read and construed as a reference to the
 Department;

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- (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
- (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
- **6.** (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or 25 performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—
- (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

10	(b) with	out limiting the generality of paragraph (a)—
5	(i	to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
nte savelik Europe el sove	(ii	 to promote the well-being of the community by assisting individuals, families and groups of persons to cope more effectively with social problems confronting them;
10	(iii	to encourage the establishment of welfare and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
15	(iv	to assist and encourage collaboration among organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community;
20	(v) to promote and encourage research, education and training in matters of youth and community welfare;
25	(vi	o) to promote and facilitate the provision by any Government Department, statutory authority or other body or person, of other services necessary or desirable to comple- ment any youth service or community welfare service; and
30	(vii) to encourage the making of donations for the provision of youth and community services.

(3) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, 35 authority, duty or function conferred or imposed on the

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- 10 (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this 15 section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service,20 be paid such fees and allowances as may, from time to time, be determined by the Minister.
 - (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- 8. (1) As soon as practicable after the thirtieth day of Annual 25 June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable 30 after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a 5 report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
 - 9. The Governor may make regulations, not inconsistent Regulations. with this Act, for or with respect to—
- 10 (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
 - (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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10. Each Act specified in Column 1 of the Schedule is Amendment amended in the manner set forth opposite that Act in Column of certain Acts.

2 of the Schedule.

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Youth and Community Services.

SCHEDULE.

Sec. 10.

AMENDMENT OF ACTS.

Part 1.

	Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1916, No. 51	Public Instruction (Amendment) Act, 1916	Section 3A— After section 3 insert the following new section and heading thereto: Delegation. Delega- 3A. (1) The Minister may by	
15		te to such me I I I liade has some to such mod s	tion. instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the	
20	gallworth oil	Lastellasti.a	powers, authorities, duties or functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 or	
25	Tyle-disco Non-diment Aradibanes Staffian m	(1) The penns Demarancial of State of Control	the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or	
30	DAYALI To valvest Andk anti To ter antisali te		in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains	
35	mies dienes authorisch or nous attale	one lead of the le	unrevoked, be exercised or per- formed from time to time in accordance with the terms of the delegation.	
40	the factor of the state of the	o danse velocite disconsiste of disconsiste velocite veconsiste velocite Comparis de	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the	
45	pared salid emperatives project em agent is	The task of the second of the	powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.	

	Colu	ımn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1916, No. 51— continued	Public Instruc- tion (Amend- ment) Act, 1916—con- tinued	delegation made under this	
15			(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or	
20	Wi Villa		effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.	
25	1930, No. 24	Government Relief Administra- tion Act, 1930	Section 2— Omit the section, insert instead the following section:— Director 2. (1) The permanent head of of the Department of Youth and Govern- Community Services shall be the	
30	Aut.		ment Director of Government Relief for the purposes of this Act. (2) The Director of Government Relief shall, sub-	
35			ject to the control of the Minister, exercise and discharge the powers, authorities, duties and functions conferred or imposed on him by or under this	
40			Act or the regulations made under this Act. (3) Subject to, and in accordance with the terms and conditions of, an agreement	
45			between the Minister for Youth and Community Services and the Minister for the time being administering another Govern- ment Department or an Act constituting a statutory	

	Colu	ımn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.		Amendment.
10 15 20	1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued		authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory authority; and (b) the services of the officers or employees of that Department or statutory authority, as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or
25	e vej e vej e sakro e en		Section 3A-After section	ction 3 insert the following new
30			Dele- gation.	3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or
35				performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made
40	15 %			under this Act as may be specified in the instrument of delegation and may in like manner revoke any such dele-
45				gation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section
50				may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

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Youth and Community Services.

			Column 2.	
	Colu	mn 1.		
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1930, No. 24— continued	Government Relief Administra- tion Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or	
15			functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any	
20	insort	et see gesteerde 14 eegele eest ook aa mil voe tegenoloog	delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.	
25		ologi ab arva d ala designati alt	(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or	
30			effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.	
35			Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a	
40		to pay the second of the secon	regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
45	1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule—Omit "Child Welfare Department" wherever occurring, insert instead "Department"	
50	chiefe Strait	an expert of the second	ment of Youth and Community Services".	

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	(a) After the definition of "Court" insert the following new definition: "Court of review" means a court proclaimed by the Governor as a court of review for the purposes
15			of sections 84 and 87. (b) Omit the definition of "Director", insert instead the following definition: (C)
20		for in it is a little to the control of the control	"Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Depart- ment.
25	one vo chapte catter	an complication of the state of	(c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or
30		en s y ni beli ende A verse de la constant A verse de la constant a verse de la constant	young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.
35			Section 10a— After section 10 insert the following new section:— Dela (1) The Ministry Transit
40	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		tion. 10A. (1) The Minister may delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power
45	e ji Meya Mi talah		of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instru-
50			ment of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the

	Cole	umn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a power, authority, duty or
15			function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act or the regulations as may be specified
20		control of the contro	in the instrument of delegation. (3) A delegation under this section shall be by instrument in writing and may be made subject to such conditions
25		munt of the least of the same	or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may
30			be specified in the instrument of delegation. (4) A power, authority, duty or function, the exercise or performance of which has
35			been delegated under this section may, while the delegation re- mains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.
40			(5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be,
45		A the experience of the control of t	may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (6) Any act or thing done
50	17	A Company of the Comp	or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the
15			Director may by instrument in writing revoke either wholly or in part any delegation made by him under this section.
20			Section 23 (3)— Omit the subsection. Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:—
25			; or (d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand,
30			to attend a youth project centre under such terms and conditions and over such period of time not exceeding two years or the
35			remaining portion of the period of committal to an institution, whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new
40			subsection:— (3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the
45			terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth
50			and Community Services or any constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.

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Youth and Community Services.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	Section 84— (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney", insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a	
15	0.1	Thursday, did	children's court at such other centre as may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court" where firstly occurring insert "of review".	
20			Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review".	
25	110 110 110 110		Section 139— After subsection (5) insert the following new subsection:— (5A) Any ward who has been granted leave from an institution on the term and condition that he attend a youth	
30			project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have absconded from his proper custody.	
35	3/ 3/	ing and the later of the later	Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or threatens with violence".	
40	20 20 20 30 30 30 30 30 30 30 30 30 30 30 30 30		Section 161 (3)— Omit the subsection, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the	
45		Se tust man	Interpretation (Amendment) Act, 1969. Second Schedule— Omit "Education Building, Bridge-street,".	

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Youth and Community Services.

	Colu	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10	1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".	
15			Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert instead "permanent head"; (b) After the definition of "Overseas order"	
20		amiggi, all and a part of the control of the contro	insert the following new definition: "Permanent head" means the permanent head of the Depart- ment of Youth and Community Services or any person acting as permanent head of that	
25			Department. (c) Omit the definition of "Under Secretary". Section 68—	
30			Omit "Department of Child Welfare and Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services". Section 69A— After section 69 insert the following new	
35			Delega- tion. Delega- tion. 69A. (1) For the purposes of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and	
40	* /* 3	· ha	Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties	
45			or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like	
50			manner revoke any such delega- tion either wholly or in part.	

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1964, No. 74— continued	Maintenance Act, 1964— continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation
15			remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made
20		104000 - 100	subject to such conditions or such limitations as to the
20		of one to been	exercise or performance of any
		rigor are made and	of the powers, authorities, duties or functions delegated,
25	Jajii 1984	De hosi	or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any
30			delegation made under this section, the permanent head may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.
25	1-3		(5) Any act or thing
35			done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or
40	Silver of Control of C		effect as if the act or thing done had been done or suffered by the permanent head and shall be deemed to have been done or suffered by the per- manent head.
	700	eq alial and if the	manent nead.
45			Sections 80 (1); 81 (5); 82; 83 (1), (2), (3), (4); 84 (1), (2); 87—
	·	18 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Omit "Under Secretary" wherever occur- ring, insert instead "permanent head".

	Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1964, No. 74— continued	Maintenance Act, 1964— continued	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation
		abir oldikropka . Ordishol - od	(Amendment) Act, 1969.
20	1965, No. 23	Adoption of Children Act, 1965	Section 6— Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Depart-
25		.hovenes	ment.
			Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
30			Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation
35			Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
		NATT2-1615	
40	1967, No. 27	Child Welfare (Amendment) Act, 1967	(a) Omit "Child Welfare Department" from section 48D (1) to be inserted in the Child Welfare Act, 1939, insert instead "Department of Youth and Community Services":
45			(b) Omit section 48L to be inserted in the Child Welfare Act, 1939.

SCHEDULE—continued.

Part 2.

	Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17	Child Welfare Act, 1939	After subsection (4) insert the following new subsection:—
15		hi an isar ani reli ishir ozas hadi a ngashila	(4A) For the purposes of this section, where two or more children of the same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to
20		nesso ones onesal onesson s af	have been made for the maintenance of the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be
25		by residences and the relation of the thirty	deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.

BY AUTHORITY
V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973
[15c]

YOUTH AND COMMUNITY SERVICES BILL, 1973

EXPLANATORY NOTE

THE objects of this Bill are-

- (a) to change the title of the Department of Child Welfare and Social Welfare to the Department of Youth and Community Services;
- (b) to state the objects to which the powers, authorities, duties and functions of the Minister administering the Child Welfare Act, 1939, shall be exercised or performed;
- (c) to amend the Child Welfare Act, 1939-
 - (i) to enable certain persons to receive training at youth project centres; and
 - (ii) to clarify the provisions relating to the payment of maintenance to the children of one family in a charitable home;
- (d) to enable the Minister and permanent head to delegate their powers, authorities, duties and functions under various Acts; and
- (e) to make other provisions of a consequential or ancillary character.

YOUTH AND COMMUNITY SERVICES BILL, 1973

EXPLANATORY NOTE

- the Department of Youth and Community Services; (a) to change the title of the Department of Child Welfare and Social Welfare to
- the Minister administering the Child Welfare Act, 1939, shall be exercised or
- (c) to amend the Child Welfare Act, 1939-

- children of one family in a charitable home;
- authorities, duties and functions under various Acts; and (d) to enable the Minister and permanent head to delegate their powers,

No. , 1973.

A BILL

To change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith.

[MR HEALEY—5 December, 1973.]

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Youth and Community Services.

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:—

1. This Act may be cited as the "Youth and Community Short title. Services Act, 1973".

2. The provisions—

Commencement.

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
 - (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
 - (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- 3. In this Act, except in so far as the context or subject-Interpretamatter otherwise indicates or requires—
- 25 "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
- "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.

- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
- (a) to the Department of Child Welfare and Social
 Welfare or to the Child Welfare Department shall
 be read and construed as a reference to the
 Department;

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- (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
- (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
- 6. (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or 25 performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—
- (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

			· · · · · · · · · · · · · · · · · · ·
	(b)	withou	t limiting the generality of paragraph (a)—
5		(i)	to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
		(ii)	to promote the well-being of the community by assisting individuals, families and groups of persons to cope more effectively with social problems confronting them;
10		(iii)	to encourage the establishment of welfare and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
15		(iv)	to assist and encourage collaboration among organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community;
20		(v)	to promote and encourage research, education and training in matters of youth and community welfare;
25		(vi)	to promote and facilitate the provision by any Government Department, statutory authority or other body or person, of other services necessary or desirable to comple- ment any youth service or community welfare service; and
30			to encourage the making of donations for the provision of youth and community services.

(3) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, 35 authority, duty or function conferred or imposed on the

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- 10 (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this 15 section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service,20 be paid such fees and allowances as may, from time to time, be determined by the Minister.
 - (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- 8. (1) As soon as practicable after the thirtieth day of Annual 25 June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable 30 after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
 - 9. The Governor may make regulations, not inconsistent Regulations. with this Act, for or with respect to—
- 10 (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
- (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
 - 10. Each Act specified in Column 1 of the Schedule is Amendment amended in the manner set forth opposite that Act in Column of certain Acts.

 2 of the Schedule.

SCHEDULE.

Sec. 10.

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AMENDMENT OF ACTS.

Part 1.

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1916, No. 51	Public Instruction (Amendment) Act, 1916	Section 3A— After section 3 insert the following new section and heading thereto:— Delegation.
15		and and the same a	Delegation. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the
20		i brota i trona tis	powers, authorities, duties or functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 or
25		inger et lagi.	the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or
30		the statement of the st	in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may,
35		material and constraint of the	while the delegation remains unrevoked, be exercised or per- formed from time to time in accordance with the terms of the delegation.
40	and has a contract of the first total to		(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the
45	hane being in or Cowers to de Acc		powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

SCHEDULE-continued.

	Col	umn 1.	La ruga	Column 2.
5	Year and number of Act.	Short title of Act.		Amendment.
10	1916, No. 51— continued	Public Instruc- tion (Amend- ment) Act, 1916—con- tinued		(4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.
15				(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or
20				effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.
25	1930, No. 24	Government Relief Administra- tion Act, 1930	Section 2— Omit the section, insert instead the follow section: Director 2. (1) The permanent head of the Department of Youth a	
30			Govern- ment Relief.	the Department of Youth and Community Services shall be the Director of Government Relief for the purposes of this Act. (2) The Director of Government Relief shall, sub-
35	Tatalite Comments			ject to the control of the Minister, exercise and discharge the powers, authorities, duties and functions conferred or imposed on him by or under this
40				Act or the regulations made under this Act. (3) Subject to, and in accordance with the terms and conditions of, an agreement
45				between the Minister for Youth and Community Services and the Minister for the time being administering another Govern- ment Department or an Act constituting a statutory

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued	authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory
15		To Destroy	authority; and (b) the services of the officers or employees of that Department or statutory authority,
20	To the	on to his Mon	as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this
25	in just		Act. Section 3A— After section 3 insert the following new
30	7		section: Dele- gation. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or
35	70.00 (i	r v r i i	performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under
40			this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such dele-
45			gation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section
50			may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

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Youth and Community Services.

	Colum	nn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1930, No. 24— continued	Government Relief Administra- tion Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or
15		ball desired	functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any
20	70	por actively one there is self-routed to the control of the control of the control of the contro	section, the Minister may con- tinue to exercise or perform all or any of the powers, authorities, duties or functions delegated.
25	V7.8	cate of all and a	(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or
30	9157 947 947	rright pikt 680 De eildig er bekr Serrig berliebr Dez Gana (120 a	effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.
35	orti	n office to a sale of the control of	Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a
40	shana pi u i u	entité de act l an en SA cal e era ser a les en cal	regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
45	1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule— Omit "Child Welfare Department" wherever occurring, insert instead "Department"
50)	deg.	ment of Youth and Community Services".

	Colum	mn 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	Amendment.	
10 15 20 25	1939, No. 17—continued	Child Welfare Act, 1939— continued	Section 4 (1)— (a) After the definition of "Court" insert the following new definition:— "Court of review" means a court proclaimed by the Governor as a court of review for the purposes of sections 84 and 87. (b) Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.	
35		egibb - elite ed bodi riss mir read bomad galighty egibb	Section 10A— After section 10 insert the following new section:—	
40		malington and market property of the control of the	Delegation. 10A. (1) The Minister may delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power	
45			of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instru-	
50		and the man and and an analysis of the second secon	ment of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the	

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment,
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a power, authority, duty or
15			function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act or the regulations as may be specified
20		record	in the instrument of delegation. (3) A delegation under this section shall be by instru- ment in writing and may be made subject to such conditions
25		According to the second states of the second	or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may
30		Company of the compan	be specified in the instrument of delegation. (4) A power, authority, duty or function, the exercise or performance of which has
35			been delegated under this section may, while the delegation re- mains unrevoked, be exercised or performed from time to time in accordance with the terms of
40			the delegation. (5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be,
45	roke		may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (6) Any act or thing done
50	ending angles		or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17— continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the
15			Director may by instrument in writing revoke either wholly or in part any delegation made by him under this section.
20			Section 23 (3)— Omit the subsection. Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:—
25			; or (d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand,
30			to attend a youth project centre under such terms and conditions and over such period of time not exceeding two years or the remaining portion of the period
35		,	of committal to an institution, whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new subsection:—
40	* 1		(3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the
45			terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth and Community Services or any
50			constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.

	Colu	mn 1.	name Column 2. Assume of
5	Year and number of Act.	Short title of Act.	Amendment.
10	continued	Child Welfare Act, 1939— continued	 (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney", insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a children's court at such other centre as
15		ko cither wholly y delegation m it this section.	may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court" where firstly occurring insert "of review".
20	(.) -17	eficación des la momenta de la	Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review".
25		a child or you from an institut or you mader his	and condition that he attend a youth
30	me the fod out, the	ig two years or orden of the or it to an institut	project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have absconded from his proper custody.
35		Minister is of id or young rea	Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or threatens with violence".
40		arra has beed an un applicable to may, by order us har uny officei appliment of V of Services or	following subsection:—
43	IOR	convey him to delivered into	Second Schedule— Omit "Education Building, Bridge-street,".

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
15		int math	Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert instead "permanent head"; (b) After the definition of "Overseas order"
20		a control of the cont	insert the following new definition:— "Permanent head" means the permanent head of the Depart- ment of Youth and Community Services or any person acting as permanent head of that Department.
25			(c) Omit the definition of "Under Secretary". Section 68— Omit "Department of Child Welfare and
30	and a		Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services". Section 69A— After section 69 insert the following new
35	e Teller man legende man legende man legende		Delega- tion. 69A. (1) For the purposes tion of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and
40	-099	55	Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or
45	5 - Maria	Ta , 13 T En . La regente el Leonon com	imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delega-
50			tion either wholly or in part.

	Colu	ımn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10	1964, No. 74—continued	Maintenance Act, 1964- continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation
15		men garana besi renetary to re- circleto von ga	remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made
20		cosar beside of sets o	subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated,
25		v politin	or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this
30			section, the permanent head may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.
35		consonet of co	(5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or
40	and the second s	Control (1) 122 Bodi en y e Coll en gratte Coll en en en el es la energia el es la energia el en en en en	effect as if the act or thing done had been done or suffered by the permanent head and shall be deemed to have been done or suffered by the permanent head.
	705		and the second
45	100 100 100 100 100 100 100 100 100 100	Emilya (j. 1866) Amalaluya (j. 1867) Briardeni (j. 1866) Briardeni (j. 1866) Briay (j. 1866) Briay (j. 1866)	Sections 80 (1); 81 (5); 82; 83 (1), (2), (3), (4); 84 (1), (2); 87— Omit "Under Secretary" wherever occurring, insert instead "permanent head".

	Colu	mn 1.	Column 2.
5	Year and number of Act.	Short title of Act.	Amendment.
10 15	1964, No. 74—continued	Maintenance Act, 1964— continued	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
20 25	1965, No. 23	Adoption of Children Act, 1965	Section 6— Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department.
			Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
30			Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation
35			Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
40	1967, No. 27	Child Welfare (Amendment) Act, 1967	Section 3 (e)— (a) Omit "Child Welfare Department" from section 48D (1) to be inserted in the Child Welfare Act, 1939, insert instead "Department of Youth and Community Services"; (b) Omit section 48L to be inserted in the
45			Child Welfare Act, 1939.

SCHEDULE—continued.

Part 2.

5	Column 1.		Column 2.
	Year and number of Act.	Short title of Act.	Amendment.
10	1939, No. 17	Child Welfare Act, 1939	After subsection (4) insert the following new subsection:— (4A) For the purposes of this section, where two or more children of the
15		1.26	same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to have been made for the maintenance of
20			the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be
25			deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.

BY AUTHORITY
V. C. N. BLIGHT, C.B.E., GOVERNMENT PRINTER, NEW SOUTH WALES—1973

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 90, 1973.

An Act to change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

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:—

Short title.

1. This Act may be cited as the "Youth and Community Services Act, 1973".

Commencement.

2. The provisions—

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
- (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpreta-

- 3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—
 - "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
 - "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

- 4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.
- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Department of Child Welfare and Social Welfare or to the Child Welfare Department shall be read and construed as a reference to the Department;
 - (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
 - (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
- **6.** (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—
 - (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

- (b) without limiting the generality of paragraph (a)—
 - (i) to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
 - (ii) to promote the well-being of the community by assisting individuals, families and groups of persons to cope more effectively with social problems confronting them;
 - (iii) to encourage the establishment of welfare and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
 - (iv) to assist and encourage collaboration among organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community;
 - (v) to promote and encourage research, education and training in matters of youth and community welfare;
 - (vi) to promote and facilitate the provision by any Government Department, statutory authority or other body or person, of other services necessary or desirable to complement any youth service or community welfare service; and
 - (vii) to encourage the making of donations for the provision of youth and community services.
- (?) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service, be paid such fees and allowances as may, from time to time, be determined by the Minister.
- (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- 8. (1) As soon as practicable after the thirtieth day of Annual June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
- Regulations. 9. The Governor may make regulations, not inconsistent with this Act, for or with respect to—
 - (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
 - (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Amendment of certain Acts.

10. Each Act specified in Column 1 of the Schedule is amended in the manner set forth opposite that Act in Column 2 of the Schedule.

SCHEDULE.

Sec. 10.

AMENDMENT OF ACTS.

Part 1.

Column 1.		Column 2.	
Year and number of Act,	Short title of Act.	Amendment.	
1916, No. 51	Public Instruction (Amendment) Act, 1916	After section 3 insert the following new section and heading thereto:— Delegation. Delegation. Delegation. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise of performance of such of the powers, authorities, duties of functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 on the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority duty or function, the exercise of performance of which has been delegated under this section may while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of performance of any of the powers, authorities, duties of functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1916, No. 51—continued	Public Instruction (Amendment) Act, 1916—continued Government Relief Administration Act, 1930	delegation made under the section, the Minister may continue to exercise or perform or any of the powers, authoritic duties or functions delegated. (5) Any act or thing do or suffered by a delegate when acting in the exercise of delegation under this section shall have the same force effect as if the act or thing do had been done or suffered by the Minister and shall be deemed have been done or suffered the Minister. Section 2— Omit the section, insert instead the following section:—	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1930, No. 24—continued	Government Relief Administration Act, 1930 —continued	authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory authority; and (b) the services of the officers or employees of that Department or statutory authority, as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act. Section 3A— After section 3 insert the following new section:— Dele- gation. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act. Amendment.	Amendment.	
1930, No. 24—continued	Government Relief Administration Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister. Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule— Omit "Child Welfare Department" wherever occurring, insert instead "Department of Youth and Community Services".	

Colu	mn 1.	Column 2	
Colu	1.	Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17— continued	Child Welfare Act, 1939— continued	Section 4 (1)— (a) After the definition of "Court" insert the following new definition:— "Court of review" means a court proclaimed by the Governor as a court of review for the purposes of sections 84 and 87. (b) Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.	
		Section 10A— After section 10 insert the following new section:— Delega- tion. Delega- tion. 10A. (1) The Minister may delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the	

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17—continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, dutie or functions (other than this power of delegation or the exercise or performance of power, authority, duty of function delegated to him under this section by the Minister conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation (3) A delegation under this section shall be by instrument in writing and may be made subject to such condition or such limitations as to the exercise or performance of an of the powers, authorities, dutie or functions delegated, or as to time or circumstances, as made specified in the instrument of delegation. (4) A power, authority duty or function, the exercise or performance of which had been delegated under this section may, while the delegation remains unrevoked, be exercise or performed from time to time in accordance with the terms of the delegation. (5) Notwithstanding and delegation made under this section, the Minister or the Director, as the case may be may continue to exercise of perform all or any of the powers authorities, duties or function delegated. (6) Any act or thing don or suffered by a delegate whill acting in the exercise of delegation under this section shall have the same force of effect as if the act or thin done had been done or suffered

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the Director may by instrument in writing revoke either wholly or in part any delegation made by him under this section. Section 23 (3)— Omit the subsection. Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:— ; or (d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand, to attend a youth project centre under such terms and conditions and over such period of time not exceeding two years or the remaining portion of the period of committal to an institution, whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new subsection:— (3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth and Community Services or any constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939—continued	Section 84— (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney", insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a children's court at such other centre as may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court" where firstly occurring insert "of review". Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review". Section 139— After subsection (5) insert the following new subsection:— (5A) Any ward who has been granted leave from an institution on the term and condition that he attend a youth project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have	
		absconded from his proper custody. Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or	
		threatens with violence". Section 161 (3)— Omit the subsection, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
		Second Schedule— Omit "Education Building, Bridge-street,".	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".	
		Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert instead "permanent head"; (b) After the definition of "Overseas order" insert the following new definition:— "Permanent head" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) Omit the definition of "Under Secretary".	
		Section 68— Omit "Department of Child Welfare and Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services".	
		Section 69A— After section 69 insert the following new section:— Delega- tion. Delega- tion. Of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74—continued	Maintenance Act, 1964— continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the permanent head may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the permanent head and	
		shall be deemed to have been done or suffered by the permanent head.	
		Sections 80 (1); 81 (5); 82; 83 (1), (2), (3), (4); 84 (1), (2); 87— Omit "Under Secretary" wherever occurring, insert instead "permanent head".	

Colu	mn 1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74— continued	and a state of	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
1965, No. 23	Adoption of Children Act, 1965	Youth and Community Services
	0.40440 30 30	Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
રેજા રહ્યા જ		Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
1967, No. 27	Child Welfare (Amendment) Act, 1967	

SCHEDULE—continued.

Part 2.

92 - 25 - 21			
Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17	Child Welfare Act, 1939	Section 27A— After subsection (4) insert the following new subsection:— (4A) For the purposes of this section, where two or more children of the same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to have been made for the maintenance of the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.	

I certify that this Public Bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 13 December, 1973.

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 90, 1973.

An Act to change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN, Chairman of Committees of the Legislative Assembly.

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:-

1. This Act may be cited as the "Youth and Community Short title. Services Act, 1973".

Commencement.

- The provisions—
 - (a) of section 1 and of this section shall commence upon the date of assent to this Act:
 - (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
 - (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation.

- In this Act, except in so far as the context or subjectmatter otherwise indicates or requires-
 - "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
 - "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

- 4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.
- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Department of Child Welfare and Social Welfare or to the Child Welfare Department shall be read and construed as a reference to the Department;
 - (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
 - (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
- **6.** (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—
 - (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

- (b) without limiting the generality of paragraph (a)—
 - (i) to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
 - (ii) to promote the well-being of the community by assisting individuals, families and groups of persons to cope more effectively with social problems confronting them;
 - (iii) to encourage the establishment of welfare and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
 - (iv) to assist and encourage collaboration among organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community;
 - (v) to promote and encourage research, education and training in matters of youth and community welfare;
 - (vi) to promote and facilitate the provision by any Government Department, statutory authority or other body or person, of other services necessary or desirable to complement any youth service or community welfare service; and
 - (vii) to encourage the making of donations for the provision of youth and community services.
- (3) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the

Minister

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service, be paid such fees and allowances as may, from time to time, be determined by the Minister.
- (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- **8.** (1) As soon as practicable after the thirtieth day of Annual June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
- Regulations. 9. The Governor may make regulations, not inconsistent with this Act, for or with respect to—
 - (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
 - (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Amendment of certain Acts.

10. Each Act specified in Column 1 of the Schedule is amended in the manner set forth opposite that Act in Column 2 of the Schedule.

SCHEDULE.

SCHEDULE.

Sec. 10.

AMENDMENT OF ACTS.

Part 1.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1916, No. 51	Public Instruction (Amendment) Act, 1916	After section 3 insert the following new section and heading thereto: Delegation. Delega- tion. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers, authorities, duties or functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1916, No. 51—continued	Public Instruc- tion (Amend- ment) Act, 1916—con- tinued	(4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.	
1930, No. 24	Government Relief Administra- tion Act, 1930	Section 2— Omit the section, insert instead the following section:— Director 2. (1) The permanent head of the Department of Youth and Government Community Services shall be the Director of Government Relief for the purposes of this Act. (2) The Director of Government Relief shall, subject to the control of the Minister, exercise and discharge the powers, authorities, duties and functions conferred or imposed on him by or under this Act or the regulations made under this Act. (3) Subject to, and in accordance with the terms and conditions of, an agreement between the Minister for Youth and Community Services and the Minister for the time being administering another Government Department or an Act constituting a statutory	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
delegate white exercise of a service of a tribing done or thing done or suffered by the or surfered by the located the located the tribin Act as if this Act as if the execution of the execution	any of the power of the committee of the	authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory authority; and (b) the services of the officers or employees of that Department or statutory authority, as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act. Section 3A— After section 3 insert the following new section:— Dele- 3A. (1) The Minister may by gation. instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister. Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule— Omit "Child Welfare Department" wherever occurring, insert instead "Department of Youth and Community Services".	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17— continued and	Act, 1939—continued	Section 4 (1)— (a) After the definition of "Court" insert the following new definition:— "Court of review" means a court proclaimed by the Governor as a court of review for the purposes of sections 84 and 87. (b) Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.	
	I state and a control over the state of the control	Section 10a— After section 10 insert the following new section:— Delega- tion. delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17— continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation. (3) A delegation under this section shall be by instrument in writing and may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) A power, authority, duty or function, the exercise	
	in trace I make an	or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be may continue to exercise or perform all or any of the powers authorities, duties or functions delegated. (6) Any act or thing done or suffered by a delegate while	
	and the second to the second t	acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the Director may by instrument in writing revoke either wholly or in part any delegation made by him under this section. Section 23 (3)— Omit the subsection. Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:— ; or (d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand to attend a youth project centre under such terms and conditions and over such period of time not exceeding two years or the remaining portion of the period	
		of committal to an institution whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new subsection:—	
		(3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the	
		terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth and Community Services or any constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939— continued	Section 84— (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney", insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a children's court at such other centre as may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court" where firstly occurring insert "of review".	
estable contra -ance were.	evigatio i en eta ema buoro gran	Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review".	
games of a company of the company of	the second of th	Section 139— After subsection (5) insert the following new subsection:— (5A) Any ward who has been granted leave from an institution on the term and condition that he attend a youth project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have absconded from his proper custody.	
and to disc	r al) hav bat famil's ed ore	Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or threatens with violence".	
ber un sel un se	trajusko na najara naja	Section 161 (3)— Omit the subsection, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
To Larry of		Second Schedule— Omit "Education Building, Bridge-street,".	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services". Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert instead "permanent head"; (b) After the definition of "Overseas order" insert the following new definition:— "Permanent head" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) Omit the definition of "Under Secretary". Section 68— Omit "Department of Child Welfare and Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services". Section 69A— After section 69 insert the following new section:— Delega— 69A. (1) For the purposes tion. of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment. bon res (
1964, No. 74— continued	Maintenance Act, 1964— continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to	
		time in accordance with the terms of the delegation. (3) A delegation under	
		this section may be made subject to such conditions or	
	The same of	such limitations as to the	
	Bron In akara	exercise or performance of any	
	a home of heart	of the powers, authorities,	
	gryna to appivise	duties or functions delegated,	
	ermenteid lid Separtment	or as to time or circumstances, as may be specified in the	
	moithead set	instrument of delegation. (4) Notwithstanding any delegation made under this section, the permanent head	
	Jan J. Son Helson and	may continue to exercise or	
	Control Control	perform all or any of the powers,	
	proceed to be about	authorities, duties or functions	
	South American	delegated. (5) Any act or thing	
		done or suffered by a delegate	
	0.11 T3600 (00 m	while acting in the exercise of a delegation under this section	
	701 1 J. J. P. 1	shall have the same force or effect as if the act or thing	
	estable of vari	done had been done or suffered	
	vani or stranje	by the permanent head and	
	amaren a esta	shall be deemed to have been	
	resk name name	done or suffered by the per- manent head.	
	is toolby, as we	manon nous.	
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	Doubling 252 1460	Sections 80 (1); 81 (5); 82; 83 (1), (2), (3),	
		(4); 84 (1), (2); 87—	
		Omit "Under Secretary" wherever occur-	
		ring, insert instead "permanent head".	

SCHEDULE—continued.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74— continued	Maintenance Act, 1964— continued	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
1965, No. 23	Adoption of Children Act, 1965	Section 6— Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department.	
		Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".	
	l mould to	Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969	
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1967, No. 27	Child Welfare (Amendment) Act, 1967		

SCHEDULE

SCHEDULE—continued.

Part 2.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17	Child Welfare Act, 1939	Section 27A— After subsection (4) insert the following new subsection:— (4A) For the purposes of this section, where two or more children of the same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to have been made for the maintenance of the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,

Governor.

Government House, Sydney, 20th December, 1973.

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 90, 1973.

An Act to change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

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:—

Short title.

1. This Act may be cited as the "Youth and Community Services Act, 1973".

Commencement.

2. The provisions—

- (a) of section 1 and of this section shall commence upon the date of assent to this Act;
- (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
- (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpreta-

- 3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—
 - "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
 - "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

- 4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.
- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Department of Child Welfare and Social Welfare or to the Child Welfare Department shall be read and construed as a reference to the Department;
 - (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
 - (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
- **6.** (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—
 - (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

- (b) without limiting the generality of paragraph (a)—
 - (i) to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
 - (ii) to promote the well-being of the community by assisting individuals, families and groups of persons to cope more effectively with social problems confronting them;
 - (iii) to encourage the establishment of welfare and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
 - (iv) to assist and encourage collaboration among organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community;
 - (v) to promote and encourage research, education and training in matters of youth and community welfare;
 - (vi) to promote and facilitate the provision by any Government Department, statutory authority or other body or person, of other services necessary or desirable to complement any youth service or community welfare service; and
 - (vii) to encourage the making of donations for the provision of youth and community services.
- (?) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service, be paid such fees and allowances as may, from time to time, be determined by the Minister.
- (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- 8. (1) As soon as practicable after the thirtieth day of Annual June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
- Regulations. 9. The Governor may make regulations, not inconsistent with this Act, for or with respect to—
 - (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
 - (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Amendment of certain Acts.

10. Each Act specified in Column 1 of the Schedule is amended in the manner set forth opposite that Act in Column 2 of the Schedule.

SCHEDULE.

Sec. 10.

AMENDMENT OF ACTS.

Part 1.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1916, No. 51	Public Instruction (Amendment) Act, 1916	After section 3 insert the following new section and heading thereto:— Delegation. Delegation. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise of performance of such of the powers, authorities, duties of functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 on the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority duty or function, the exercise of performance of which has been delegated under this section may while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise of performance of any of the powers, authorities, duties of functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.	

Colu	ımn 1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1916, No. 51—continued	Public Instruction (Amendment) Act, 1916—continued Government Relief Administration Act, 1930	delegation made under the section, the Minister may continue to exercise or perform or any of the powers, authoritic duties or functions delegated. (5) Any act or thing do or suffered by a delegate when acting in the exercise of delegation under this section shall have the same force effect as if the act or thing do had been done or suffered by the Minister and shall be deemed have been done or suffered the Minister. Section 2— Omit the section, insert instead the following section:—

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued	authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory authority; and (b) the services of the officers or employees of that Department or statutory authority, as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act. Section 3A— After section 3 insert the following new section:— Dele- gation. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister. Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule— Omit "Child Welfare Department" wherever occurring, insert instead "Department of Youth and Community Services".	

Colu	mn 1.	Column 2
Colu	1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17— continued	Child Welfare Act, 1939— continued	Section 4 (1)— (a) After the definition of "Court" insert the following new definition:— "Court of review" means a court proclaimed by the Governor as a court of review for the purposes of sections 84 and 87. (b) Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.
		Section 10A— After section 10 insert the following new section:— Delega- tion. Delega- tion. 10A. (1) The Minister may delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17—continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, dutie or functions (other than this power of delegation or the exercise or performance of power, authority, duty of function delegated to him under this section by the Minister conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation (3) A delegation under this section shall be by instrument in writing and may be made subject to such condition or such limitations as to the exercise or performance of an of the powers, authorities, duties or functions delegated, or as to time or circumstances, as made specified in the instrument of delegation. (4) A power, authority duty or function, the exercise or performance of which had been delegated under this section may, while the delegation remains unrevoked, be exercise or performed from time to time in accordance with the terms of the delegation. (5) Notwithstanding and delegation made under this section, the Minister or the Director, as the case may be may continue to exercise of perform all or any of the powers authorities, duties or function delegated. (6) Any act or thing don or suffered by a delegate whill acting in the exercise of delegation under this section shall have the same force of effect as if the act or thin done had been done or suffered

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the Director may by instrument in writing revoke either wholly or in part any delegation made by him under this section. Section 23 (3)— Omit the subsection. Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:— ; or (d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand, to attend a youth project centre under such terms and conditions and over such period of time not exceeding two years or the remaining portion of the period of committal to an institution, whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new subsection:— (3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth and Community Services or any constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939—continued	Section 84— (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney", insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a children's court at such other centre as may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court" where firstly occurring insert "of review". Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review". Section 139— After subsection (5) insert the following new subsection:— (5A) Any ward who has been granted leave from an institution on the term and condition that he attend a youth project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have	
		absconded from his proper custody. Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or	
		threatens with violence". Section 161 (3)— Omit the subsection, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
		Second Schedule— Omit "Education Building, Bridge-street,".	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".	
		Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert instead "permanent head"; (b) After the definition of "Overseas order" insert the following new definition:— "Permanent head" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) Omit the definition of "Under Secretary".	
		Section 68— Omit "Department of Child Welfare and Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services".	
		Section 69A— After section 69 insert the following new section:— Delega- tion. Delega- tion. Of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74—continued	Maintenance Act, 1964— continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the permanent head may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the permanent head and	
		shall be deemed to have been done or suffered by the permanent head.	
		Sections 80 (1); 81 (5); 82; 83 (1), (2), (3), (4); 84 (1), (2); 87— Omit "Under Secretary" wherever occurring, insert instead "permanent head".	

Colu	mn 1.	Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74— continued	and a state of	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
1965, No. 23	Adoption of Children Act, 1965	Youth and Community Services
	0.40440 30 30	Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
રેજા રહ્યા જ		Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
1967, No. 27	Child Welfare (Amendment) Act, 1967	

SCHEDULE—continued.

Part 2.

92 - 25 - 21			
Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17	Child Welfare Act, 1939	Section 27A— After subsection (4) insert the following new subsection:— (4A) For the purposes of this section, where two or more children of the same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to have been made for the maintenance of the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.	

I certify that this Public Bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

I. P. K. VIDLER, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 13 December, 1973.

New South Wales



ANNO VICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 90, 1973.

An Act to change the title of the Department of Child Welfare and Social Welfare; to state the objects to which the powers, authorities, duties and functions of the Minister shall be exercised or performed; to amend the Child Welfare Act, 1939, and certain other Acts; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN, Chairman of Committees of the Legislative Assembly.

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:-

1. This Act may be cited as the "Youth and Community Short title. Services Act, 1973".

Commencement.

- The provisions—
 - (a) of section 1 and of this section shall commence upon the date of assent to this Act:
 - (b) of sections 3 to 10, other than the provisions referred to in paragraph (c), shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette; and
 - (c) of section 10, in so far as they effect the amendment specified in Part 2 of the Schedule, and of Part 2 of the Schedule, shall commence upon such day, not being earlier than the day appointed and notified under paragraph (b), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation.

- In this Act, except in so far as the context or subjectmatter otherwise indicates or requires-
 - "appointed day" means the day appointed and notified under section 2 (b);
 - "Department" means the Department of Youth and Community Services;
 - "permanent head" means the permanent head of the Department;
 - "regulations" means regulations made under this Act.

- 4. On and from the appointed day the Department known Change of as the Department of Child Welfare and Social Welfare or title. as the Child Welfare Department shall be known as the Department of Youth and Community Services.
- 5. On and from the appointed day, a reference in any Reference in other Act or in any regulation, by-law or other statutory other Acts, instrument or in any other document, whether of the same or of a different kind—
 - (a) to the Department of Child Welfare and Social Welfare or to the Child Welfare Department shall be read and construed as a reference to the Department;
 - (b) to the Director of the Department of Child Welfare and Social Welfare or to the Director of the Child Welfare Department shall be read and construed as a reference to the permanent head; or
 - (c) to the Under Secretary of the Department of Child Welfare and Social Welfare or to the Under Secretary of the Child Welfare Department shall be read and construed as a reference to the permanent head.
- **6.** (1) This section shall be administered by the Minister Objects. administering the Child Welfare Act, 1939.
- (2) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under any Act, shall be—
 - (a) to promote, protect, develop, maintain and improve the well-being of the people of New South Wales to the maximum extent possible having regard to the needs of and resources available to the State; and

- (b) without limiting the generality of paragraph (a)—
 - (i) to promote the welfare of the family as the basis of community well-being and to mitigate the effects of disruption of family relationships where disruption occurs;
 - (ii) to promote the well-being of the community by assisting individuals, families and groups of persons to cope more effectively with social problems confronting them;
 - (iii) to encourage the establishment of welfare and other services and facilities as may be required from time to time to advance the well-being of children, young persons and other persons in the community;
 - (iv) to assist and encourage collaboration among organisations and individuals engaged in such activities as are designed to promote the welfare of members of the community;
 - (v) to promote and encourage research, education and training in matters of youth and community welfare;
 - (vi) to promote and facilitate the provision by any Government Department, statutory authority or other body or person, of other services necessary or desirable to complement any youth service or community welfare service; and
 - (vii) to encourage the making of donations for the provision of youth and community services.
- (3) Nothing in subsection (2) affects the interpretation of a provision of any Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the

Minister

Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

- 7. (1) The Minister may from time to time constitute Constitution such councils, committees or other advisory bodies as he may of advisory consider appropriate to advise or otherwise assist him in the exercise of the powers, authorities, duties and functions under this Act or such matters relating to youth or community services as he may specify.
- (2) A body constituted under this section shall consist of such persons as may be appointed by the Minister after consultation with such persons, authorities, organisations and associations as he may consider appropriate.
- (3) The members of a body constituted under this section shall be appointed for such term, not exceeding four years, as the Minister may determine and may be dismissed or replaced by the Minister at any time.
- (4) A person appointed to a body constituted under this section shall, if he is not a member of the Public Service, be paid such fees and allowances as may, from time to time, be determined by the Minister.
- (5) Subject to the regulations, a body constituted under this section may regulate its own procedure.
- **8.** (1) As soon as practicable after the thirtieth day of Annual June in each year, the permanent head shall prepare and report to submit a report to the Minister of the work and activities of the Department for the twelve months preceding that date.
- (2) The Minister shall lay the report or cause it to be laid before both Houses of Parliament as soon as practicable after it is received by him.

- (3) A report under this section may include a report required to be furnished annually by the Minister under any other Act administered by him.
- (4) Where a report under this section includes a report required to be furnished annually by the Minister under any other Act administered by him, the Minister is not required to furnish a report under that other Act.
- Regulations. 9. The Governor may make regulations, not inconsistent with this Act, for or with respect to—
 - (a) the procedures to be observed by councils, committees and other advisory bodies constituted by the Minister under this Act; and
 - (b) any matter which by this Act is required or permitted to be prescribed and which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Amendment of certain Acts.

10. Each Act specified in Column 1 of the Schedule is amended in the manner set forth opposite that Act in Column 2 of the Schedule.

SCHEDULE.

SCHEDULE.

Sec. 10.

AMENDMENT OF ACTS.

Part 1.

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1916, No. 51	Public Instruction (Amendment) Act, 1916	After section 3 insert the following new section and heading thereto: Delegation. Delega- tion. 3A. (1) The Minister may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers, authorities, duties or functions conferred or imposed on him by or under sections 4 to 9, section 16 and section 20 or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1916, No. 51—continued	Public Instruc- tion (Amend- ment) Act, 1916—con- tinued	(4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister.	
1930, No. 24	Government Relief Administra- tion Act, 1930	Section 2— Omit the section, insert instead the following section:— Director 2. (1) The permanent head of the Department of Youth and Government Community Services shall be the Director of Government Relief for the purposes of this Act. (2) The Director of Government Relief shall, subject to the control of the Minister, exercise and discharge the powers, authorities, duties and functions conferred or imposed on him by or under this Act or the regulations made under this Act. (3) Subject to, and in accordance with the terms and conditions of, an agreement between the Minister for Youth and Community Services and the Minister for the time being administering another Government Department or an Act constituting a statutory	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
delegate white exercise of a service of a tribing done or thing done or suffered by the or surfered by the located the located the tribin Act as if this Act as if the execution of the execution	any of the power of the committee of the	authority, the Director of Government Relief may make use of— (a) the facilities of that Government Department or statutory authority; and (b) the services of the officers or employees of that Department or statutory authority, as the case may be, in the exercise or discharge of the powers, authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act. Section 3A— After section 3 insert the following new section:— Dele- 3A. (1) The Minister may by gation. instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part. (2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1930, No. 24—continued	Government Relief Administra- tion Act, 1930 —continued	(3) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) Notwithstanding any delegation made under this section, the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated. (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered by the Minister and shall be deemed to have been done or suffered by the Minister. Section 8 (2)— Omit the subsection, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
1939, No. 17	Child Welfare Act, 1939	Sections 4 (1) (except in the definition of "Director"); 5 (1); 6; 8 (3); 23 (2) (c) (i); 47 (3); 55; 89 (3); 92 (2); 133 (4); 134 (2); 152 (1), (3); 154; 158 (1); 161 (1) (g), (o); Second Schedule— Omit "Child Welfare Department" wherever occurring, insert instead "Department of Youth and Community Services".	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17— continued and	Act, 1939—continued	Section 4 (1)— (a) After the definition of "Court" insert the following new definition:— "Court of review" means a court proclaimed by the Governor as a court of review for the purposes of sections 84 and 87. (b) Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) After the definition of "Young person" insert the following new definition:— "Youth project centre" means a centre established by the Minister in which a child or young person may, whether or not he goes into residence and whether or not he is subject to an order of committal to an institution, receive training and treatment.	
	I state and a control over the state of a control of a co	Section 10a— After section 10 insert the following new section:— Delega- tion. delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation. (2) The Director may delegate to any specified officer of the Department of Youth and Community Services the	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17— continued	Child Welfare Act, 1939— continued	exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act or the regulations as may be specified in the instrument of delegation. (3) A delegation under this section shall be by instrument in writing and may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation. (4) A power, authority, duty or function, the exercise	
	in trace I make an	or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation. (5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be may continue to exercise or perform all or any of the powers authorities, duties or functions delegated. (6) Any act or thing done or suffered by a delegate while	
	and the second to the second t	acting in the exercise of a delegation under this section shall have the same force or effect as if the act or thing done had been done or suffered	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939— continued	by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be. (7) The Minister or the Director may by instrument in writing revoke either wholly or in part any delegation made by him under this section. Section 23 (3)— Omit the subsection. Section 53— (a) Insert at the end of subsection (1) (c) the following word and new paragraph:— ; or (d) may grant a child or young person leave from an institution and direct that child or young person, by order under his hand to attend a youth project centre under such terms and conditions and over such period of time not exceeding two years or the remaining portion of the period	
		of committal to an institution whichever is the lesser, as the Minister may decide. (b) Insert at the end the following new subsection:—	
		(3) Where the Minister is of the opinion that a child or young person who has been granted leave from an institution on condition that he attend a youth project centre has broken the	
		terms and conditions applicable to his leave, the Minister may, by order under his hand, direct that any officer or employee of the Department of Youth and Community Services or any constable may apprehend the child or young person and convey him to an institution to be delivered into the custody of the superintendent thereof until the expiration of the period of committal to an institution.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1939, No. 17—continued	Child Welfare Act, 1939— continued	Section 84— (a) Omit from subsection (1) "the Metropolitan Children's Court at Sydney", insert instead "a court of review"; (b) Omit from subsection (2) "the Metropolitan Children's Court or before a children's court at such other centre as may be prescribed", insert instead "a court of review"; (c) In subsection (3) after "the court" where firstly occurring insert "of review".	
estable contra -ance were.	evigatio Len da ama basaro yan	Section 87 (2) (a)— Omit "the Metropolitan Children's Court", insert instead "a court of review".	
games of a company of the company of	the second of th	Section 139— After subsection (5) insert the following new subsection:— (5A) Any ward who has been granted leave from an institution on the term and condition that he attend a youth project centre and who leaves the care of the person to whom he was released without the prior permission of the Minister shall be deemed to have absconded from his proper custody.	
and to disc	r al) hav bat famil's ed ore	Section 152 (3)— Omit "hinders or obstructs", insert instead "hinders, obstructs, assaults or threatens with violence".	
ber un sel un se	trajusko na najara naja	Section 161 (3)— Omit the subsection, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.	
To Larry of		Second Schedule— Omit "Education Building, Bridge-street,".	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment.	
1964, No. 74	Maintenance Act, 1964	Section 35 (6)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services". Section 66 (1)— (a) Omit "Under Secretary" from the definition of "Certified copy", insert instead "permanent head"; (b) After the definition of "Overseas order" insert the following new definition:— "Permanent head" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department. (c) Omit the definition of "Under Secretary". Section 68— Omit "Department of Child Welfare and Social Welfare" wherever occurring, insert instead "Department of Youth and Community Services". Section 69A— After section 69 insert the following new section:— Delega— 69A. (1) For the purposes tion. of this Part, the permanent head may by instrument in writing delegate to any specified officer of the Department of Youth and Community Services the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act or the regulations made under this Act as may be specified in the instrument of delegation and may in like manner revoke any such delegation either wholly or in part.	

Column 1.		Column 2.	
Year and number of Act.	Short title of Act.	Amendment. bon res (
1964, No. 74— continued	Maintenance Act, 1964— continued	(2) A power, authority, duty or function, the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to	
		time in accordance with the terms of the delegation. (3) A delegation under	
		this section may be made subject to such conditions or	
	The same	such limitations as to the	
	bron In akara	exercise or performance of any	
	a home T haven	of the powers, authorities,	
	gryna to appivise	duties or functions delegated,	
	ermenteid lid Separtment	or as to time or circumstances, as may be specified in the	
	moithead set	instrument of delegation. (4) Notwithstanding any delegation made under this section, the permanent head	
	Jan J. San Harrison	may continue to exercise or	
	The Control of the Co	perform all or any of the powers,	
	mercal foot	authorities, duties or functions	
	South American	delegated. (5) Any act or thing	
		done or suffered by a delegate	
	0.11 T3600 (00 m	while acting in the exercise of a delegation under this section	
	701 1 J. J. P. 1	shall have the same force or effect as if the act or thing	
	estable of vari	done had been done or suffered	
	vani or stranje	by the permanent head and	
	am nero G est in	shall be deemed to have been	
	resk name name	done or suffered by the per- manent head.	
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	Doubling 252 1460	Sections 80 (1); 81 (5); 82; 83 (1), (2), (3),	
		(4); 84 (1), (2); 87—	
		Omit "Under Secretary" wherever occur-	
		ring, insert instead "permanent head".	

SCHEDULE—continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74— continued	Maintenance Act, 1964— continued	Section 120 (3), (4)— Omit the subsections, insert instead the following subsection:— (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
1965, No. 23	Adoption of Children Act, 1965	Section 6— Omit the definition of "Director", insert instead the following definition:— "Director" means the permanent head of the Department of Youth and Community Services or any person acting as permanent head of that Department.
		Section 69 (1), (3)— Omit "Child Welfare Department", insert instead "Department of Youth and Community Services".
	l mould o	Section 73 (2), (3)— Omit the subsections, insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969
	ALR. CUT	
1967, No. 27	Child Welfare (Amendment) Act, 1967	

SCHEDULE

SCHEDULE—continued.

Part 2.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17	Child Welfare Act, 1939	Section 27A— After subsection (4) insert the following new subsection:— (4A) For the purposes of this section, where two or more children of the same family are inmates of a charitable depot, home or hostel, any payment made by the person responsible for their maintenance shall be deemed to have been made for the maintenance of the eldest child in the first instance and, if the payment exceeds an amount which may be determined by the Minister from time to time, the balance in excess of that amount shall be deemed to have been paid to the same extent for the maintenance of each successive child in order of age until the balance has been exhausted.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,

Governor.

Government House, Sydney, 20th December, 1973.