

COMMUNITY WELFARE (AMENDMENT) ACT 1988 No. 8

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Community Welfare Act 1987 No. 52

SCHEDULE 1—AMENDMENTS

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

5720 S. UNIVERSITY AVE.

CHICAGO, ILL. 60637

TEL: 773-936-3700

FAX: 773-936-3700

WWW.PHYSICS.UCHICAGO.EDU

ADMISSIONS OFFICE

PHYSICS DEPARTMENT

5720 S. UNIVERSITY AVE.

CHICAGO, ILL. 60637

TEL: 773-936-3700

FAX: 773-936-3700

WWW.PHYSICS.UCHICAGO.EDU

COMMUNITY WELFARE (AMENDMENT) ACT 1988 No. 8

NEW SOUTH WALES



Act No. 8, 1988

An Act to amend the Community Welfare Act 1987 in relation to the provision of assistance and services under that Act and for other purposes.
[Assented to 16 June 1988]

Community Welfare (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Community Welfare (Amendment) Act 1988.

Amendment of Community Welfare Act 1987 No. 52

2. The Community Welfare Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Section 5 (**Delegation**)—

Section 5 (3)–(7)—

Omit the subsections, insert instead:

(3) In this section, a reference to the community welfare legislation includes a reference to the Children (Criminal Proceedings) Act 1987 (and to any instrument under that Act) even though that Act may not be administered by the Minister within the Department.

(2) Section 35—

Omit the section, insert instead:

Objects of Part

35. The objects of this Part are as follows:

- (a) to ensure, to the maximum extent possible, that assistance and supportive services are provided to persons in need or distress;
- (b) to ensure that, whenever relevant, assistance and supportive services are aimed at preventing the breakdown of the family as a social unit.

(3) Part 5, heading—

Omit “SERVICES”, insert instead “ASSISTANCE”.

(4) Section 37 (**Definitions**)—

(a) Section 37 (1), definitions of “disaster”, “disaster victim”—

Omit the definitions, insert instead:

“disaster” means an occurrence, whether or not due to natural causes, that causes loss of life, injury, distress or danger to persons or loss of, or damage to, property;

“disaster victim” means a person who is in need or distress, or whose property is lost or damaged, as a result of a disaster;

SCHEDULE 1—AMENDMENTS—*continued*

- (b) Section 37 (3)—
Omit the subsection.
- (5) Section 37A—
After section 37, insert:
Declaration of disasters
37A. (1) The Minister may, by order in writing, declare a disaster to be a disaster to which section 38 applies.
(2) The Minister shall not make such an order unless satisfied that the disaster is of such a nature as to warrant its being treated as a disaster to which section 38 applies.
(3) The Minister shall, as soon as practicable after making such an order, cause a copy of the order to be published in the Gazette.
- (6) Section 38 (**Co-ordination of welfare services for victims of declared disasters**)—
Section 38 (1)—
After “victims”, insert “of a disaster declared under section 37A”.
- (7) Section 38A—
After section 38, insert—
Financial and other assistance to disaster victims
38A. (1) The Director-General may, in accordance with any directions given by the Minister, provide assistance (including financial assistance out of money to be provided by Parliament) to—
(a) disaster victims; and
(b) approved non-Government organisations whose objects are or include the provision of assistance to disaster victims.
(2) Nothing in this section limits the operation of Part 4.

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COMMUNITY WELFARE (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Community Welfare Act 1987—

- (a) to allow the Minister and the Director-General of the Department of Family and Community Services to delegate their functions under the Children (Criminal Proceedings) Act 1987; and
- (b) to clarify the stated objects of Part 4 of the Act under which general welfare assistance may be provided; and
- (c) to remove limitations on the power to provide financial or other assistance to disaster victims; and
- (d) to make other minor changes with respect to disaster welfare assistance.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision which gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Delegations

Schedule 1 (1) amends section 5 to allow the Minister and the Director-General to delegate their functions under the Children (Criminal Proceedings) Act 1987. At present those functions cannot be delegated under section 5 because the Children (Criminal Proceedings) Act 1987 does not form part of the community welfare legislation administered by the Minister for Family and Community Services. The opportunity has been taken to delete machinery provisions that are now dealt with in the Interpretation Act 1987.

Objectives of general welfare assistance

Schedule 1 (2) substitutes section 35 to make it clear that the provision of general welfare assistance to persons in need or distress is not limited to those cases in which the aim is to prevent the breakdown of the family as a social unit. That aim continues to be an objective whenever relevant.

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Disaster welfare assistance

Schedule 1 (3) makes a consequential amendment to the heading to Part 5 in order to reflect the principal purpose of the Part.

Schedule 1 (4) amends section 37 (Definitions: Part 5). The definition of "disaster" has been amended so that financial and other assistance to disaster victims may be provided from Government grants or from private donations credited to the Community Disaster Relief Fund without the necessity for making an order declaring the disaster concerned to be a disaster for the purposes of Part 5. The definition of "disaster victim" has been amended so that any such assistance may be provided to a person whose property is lost or damaged by a disaster whether or not the person is in need or distress as a result of the disaster.

Schedule 1 (5) inserts proposed section 37A to replace the provisions of section 37 relating to the declaration by the Minister of disasters. The need to declare a disaster will be limited to the existing power, conferred by section 38, of enabling the Director-General to co-ordinate (under the Minister's direction) the provision of community welfare services to disaster victims.

Schedule 1 (6) makes a consequential amendment to section 38.

Schedule 1 (7) inserts proposed section 38A to confer a separate power on the Director-General to provide (under the Minister's direction) financial and other assistance to disaster victims. At present the power to provide assistance under Part 4 (General welfare assistance) is limited to persons in need or distress.

COMMUNITY WELFARE (AMENDMENT) BILL 1988

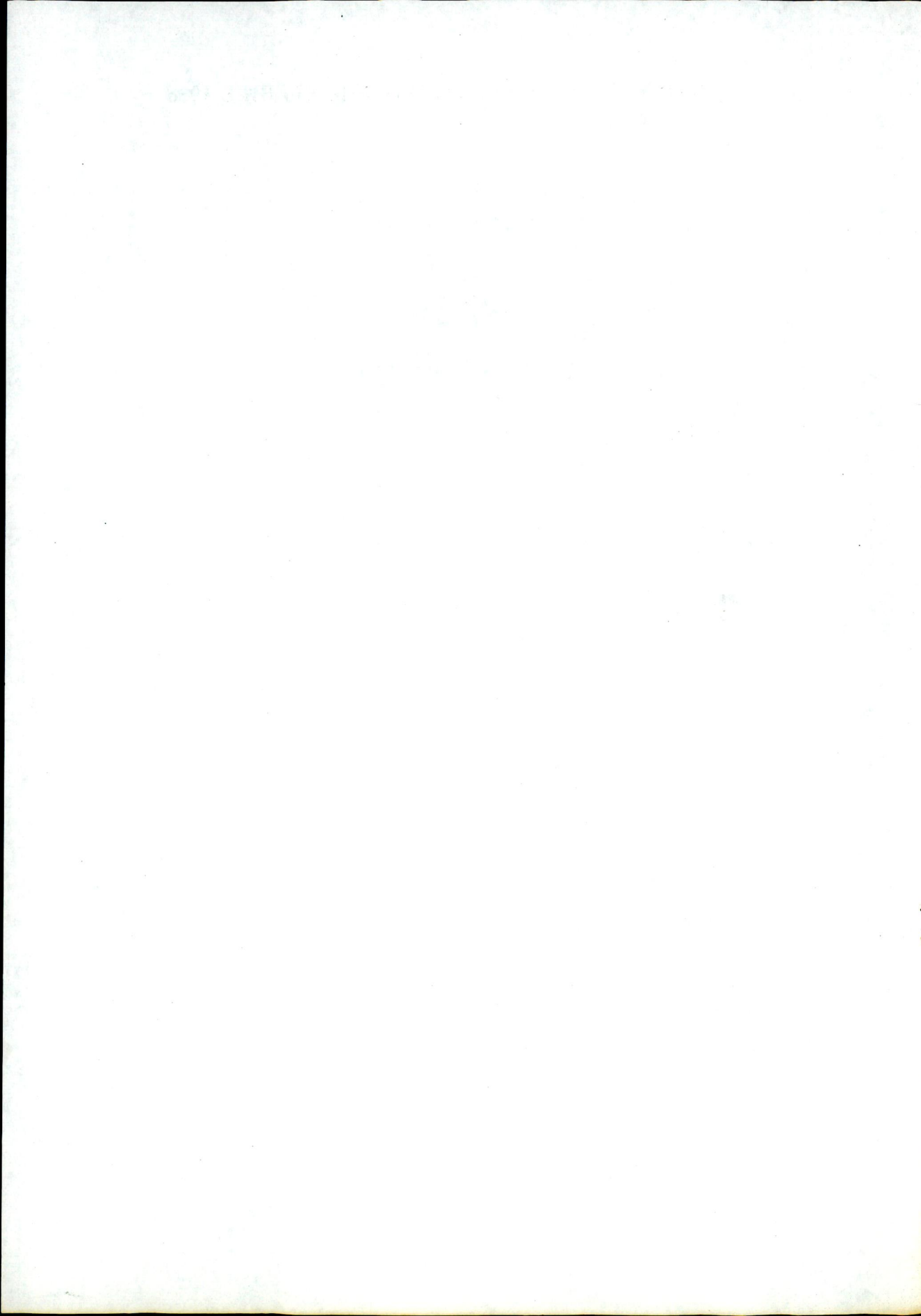
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Community Welfare Act 1987 No. 52

SCHEDULE 1—AMENDMENTS



COMMUNITY WELFARE (AMENDMENT) BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Community Welfare Act 1987 in relation to the provision of assistance and services under that Act and for other purposes.

Community Welfare (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Community Welfare (Amendment) Act 1988.

5 Amendment of Community Welfare Act 1987 No. 52

2. The Community Welfare Act 1987 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

10 (1) Section 5 (**Delegation**)—

Section 5 (3)–(7)—

Omit the subsections, insert instead:

15 (3) In this section, a reference to the community welfare legislation includes a reference to the Children (Criminal Proceedings) Act 1987 (and to any instrument under that Act) even though that Act may not be administered by the Minister within the Department.

(2) Section 35—

Omit the section, insert instead:

20 **Objects of Part**

35. The objects of this Part are as follows:

(a) to ensure, to the maximum extent possible, that assistance and supportive services are provided to persons in need or distress;

25 (b) to ensure that, whenever relevant, assistance and supportive services are aimed at preventing the breakdown of the family as a social unit.

(3) Part 5, heading—

Omit “SERVICES”, insert instead “ASSISTANCE”.

30 (4) Section 37 (**Definitions**)—

(a) Section 37 (1), definitions of “disaster”, “disaster victim”—

Omit the definitions, insert instead:

35 “disaster” means an occurrence, whether or not due to natural causes, that causes loss of life, injury, distress or danger to persons or loss of, or damage to, property;

*Community Welfare (Amendment) 1988*SCHEDULE 1—AMENDMENTS—*continued*

“disaster victim” means a person who is in need or distress, or whose property is lost or damaged, as a result of a disaster;

(b) Section 37 (3)—

Omit the subsection.

5 (5) Section 37A—

After section 37, insert:

Declaration of disasters

37A. (1) The Minister may, by order in writing, declare a disaster to be a disaster to which section 38 applies.

10 (2) The Minister shall not make such an order unless satisfied that the disaster is of such a nature as to warrant its being treated as a disaster to which section 38 applies.

(3) The Minister shall, as soon as practicable after making such an order, cause a copy of the order to be published in the Gazette.

15 (6) Section 38 (**Co-ordination of welfare services for victims of declared disasters**)—

Section 38 (1)—

After “victims”, insert “of a disaster declared under section 37A”.

(7) Section 38A—

20 After section 38, insert—

Financial and other assistance to disaster victims

38A. (1) The Director-General may, in accordance with any directions given by the Minister, provide assistance (including financial assistance out of money to be provided by Parliament) to—

25

(a) disaster victims; and

(b) approved non-Government organisations whose objects are or include the provision of assistance to disaster victims.

(2) Nothing in this section limits the operation of Part 4.

