

# HOME CARE SERVICE (AMENDMENT) ACT 1990 No. 76

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Home Care Service Act 1988 No. 6
4. Amendment of Government Guarantees Act 1934 No. 57
5. Amendment of Public Authorities (Financial Arrangements) Act 1987 No. 33
6. Saving

SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE ACT 1988

SCHEDULE 2 - AMENDMENT OF GOVERNMENT GUARANTEES ACT  
1934

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**HOME CARE SERVICE (AMENDMENT) ACT 1990 No. 76**

**NEW SOUTH WALES**



**Act No. 76, 1990**

An Act to amend the Home Care Service Act 1988 to provide for the establishment, promotion and management of the Hostel and Care Program; and to make related amendments to other Acts. [Assented to 4 December 1990]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Home Care Service (Amendment) Act 1990.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Home Care Service Act 1988 No. 6**

3. The Home Care Service Act 1988 is amended as set out in Schedule 1.

**Amendment of Government Guarantees Act 1934 No. 57**

4. The Government Guarantees Act 1934 is amended as set out in Schedule 2.

**Amendment of Public Authorities (Financial Arrangements) Act 1987 No. 33**

5. The Public Authorities (Financial Arrangements) Act 1987 is amended by inserting in Schedule 1 in alphabetical order the words "Home Care Service of New South Wales."

**Saving**

6. A part-time member of the Home Care Service Advisory Board holding office under section 5 of the Home Care Service Act 1988 immediately before the commencement of Schedule 1 (2) is taken to have been appointed under that section (as amended by this Act) for the remainder of his or her term of office.

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**SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE  
ACT 1988**

(Sec. 3)

(1) Section 3 (**Definitions**):

Insert in section 3 (1) in alphabetical order:

**"Hostel and Care Program"** means the Hostel and Care Program referred to in section 7A (1);

(2) Section 5 (**The Board**):

(a) From section 5 (1) (c), omit "7", insert instead "9".

(b) After section 5 (1), insert:

(1A) Two of the part-time members are to be persons nominated by the Minister. Those persons are to have such qualifications or experience relating to project management, housing development or the provision or management of housing for the aged as the Minister considers necessary to assist the Service in carrying out its functions relating to the Hostel and Care Program.

(c) At the end of section 5 (2) (b), insert:

; and

(c) advise the Service on such matters relating to the Hostel and Care Program as are referred to it by the Director-General.

(3) Section 6 (**Objects of the Service**):

(a) After "Service", insert "in relation to home care services".

(b) At the end of section 6, insert:

(2) In addition to the objects set out in subsection (1), it is also an object of the Service to facilitate the provision of accommodation designed and constructed to meet the housing and care needs of older people, in particular those on low or modest incomes.



SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE  
ACT 1988 - *continued*

(4) Part 3A:

After Part 3, insert:

**PART 3A - HOSTEL AND CARE PROGRAM**

**Functions relating to Hostel and Care Program**

7A. (1) The Service:

- (a) is to establish, promote and manage a Hostel and Care Program in accordance with its object under section 6 (2); and
- (b) may do all things necessary for, or incidental to, the achievement of those functions.

(2) In particular, for the purpose of attaining its object under section 6 (2), the Service may:

- (a) with the approval of the Treasurer and in accordance with guidelines (if any) set by the Minister, provide financial assistance to any other person for the provision of accommodation designed to meet the housing and care needs of older people, particularly those on low or modest incomes; and
- (b) provide advice concerning the design and construction of such accommodation, including advice on property development and project management; and
- (c) make and enter into contracts, agreements or arrangements for the provision of buildings, equipment and services (whether or not by way of public tender) with or on behalf of any other person, Government department, administrative office or public or local authority; and
- (d) obtain funds (whether by grant or otherwise) from any source and administer those funds.

(3) This section does not limit any powers that the Service has apart from this section.

**SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE  
ACT 1988 - *continued***

**Partnerships, joint ventures etc. may be entered**

7B. The Service may exercise any function under this Part by itself or in partnership, joint venture or other association with other persons or bodies.

**(5) Schedule 1 (Provisions relating to the constitution and procedure of the Board):**

(a) From clause 8, omit "5", insert instead "6".

(b) At the end of clause 8, insert:

(2) A part-time member of the Board referred to in section 5 (1A) is to be present at any Board meeting concerning matters relating to the Hostel and Care Program.

**SCHEDULE 2 - AMENDMENT OF GOVERNMENT GUARANTEES  
ACT 1934**

(Sec. 4)

**Section 3 (Authority for Treasurer to execute certain guarantees):**

After section 3 (5J), insert:

(5K) It is lawful for the Treasurer, on the recommendation of the Minister administering the Home Care Service Act 1988 and with the approval of the Governor, to execute a guarantee in favour of any bank or other body of persons, corporate or unincorporate, approved by the Treasurer (in this Act referred to as "approved body") for the repayment of any advance made under the Home Care Service Act 1988 in connection with the Hostel and Care Program.

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[*Minister's second reading speech made in -  
Legislative Assembly on 14 November 1990  
Legislative Council on 26 November 1990*]





FIRST PRINT

## HOME CARE SERVICE (AMENDMENT) BILL 1990

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The object of this Bill is to provide for the establishment, promotion and management by the Home Care Service of New South Wales of a Hostel and Care Program ("the Program"). The purpose of the Program is to facilitate the provision of accommodation designed and constructed to meet the housing and care needs of older people (particularly those on low or modest incomes) through the provision of financial and other assistance.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Home Care Service Act 1988.

Clause 4 is a formal provision that gives effect to the Schedule containing an amendment to the Government Guarantees Act 1934.

Clause 5 amends the Public Authorities (Financial Arrangements) Act 1987 so that the Service will be brought within the regulatory framework for borrowing authorised by that Act.

Clause 6 is a savings provision that will ensure that amendments made by the Act concerning the composition of the Home Care Service Advisory Board will not affect the term of office of present part-time members of the Board.

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*Home Care Service (Amendment) 1990*

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**SCHEDULE 1 - AMENDMENT OF HOME CARE  
SERVICE ACT 1988**

**Membership of Home Care Service Advisory Board**

The proposed Act will increase the number of part-time members of the Board appointed by the Governor from 7 to 9 (Schedule 1 (2) (a)). The additional members are to be nominated by the Minister and to have appropriate qualifications or experience to assist the Service in carrying out its functions relating to the Hostel and Care Program (proposed section 5 (1A) - Schedule 1 (2) (b)).

At least one of the additional part-time members is to be present at any meeting of the Board relating to the Program (Schedule 1 (5)(b)).

**Objects of the Service**

Proposed section 6 (2) will provide that an object of the Service is to facilitate the provision of accommodation designed and constructed to meet the housing and care needs of older people, particularly those on low or modest incomes (Schedule 1 (3)).

**Hostel and Care Program**

Proposed Part 3A confers on the Service the functions of establishing, promoting and managing the Program in accordance with the object referred to above. The Part will make it clear that the Service may exercise a range of powers relating to the provision of financial and other assistance to achieve that object. The functions enumerated are intended to be supplementary to or descriptive of those the Service already has as a corporation or under the Act. They include the power to enter into a partnership or a joint venture with any person and to obtain grants or make other arrangements (proposed section 7B - Schedule 1 (4)).

Under the provisions the Service might, for example, enter into a joint agreement to provide accommodation for older persons under which a local government authority provides the land for the project on lease and the Service provides part of the finance. Alternatively, it might enter into an agreement with a charitable organisation which is eligible for funding under the Aged or Disabled Persons Homes Act 1954 of the Commonwealth to assist the organisation in providing such accommodation.

**SCHEDULE 2 - AMENDMENT OF GOVERNMENT  
GUARANTEES ACT 1934**

Proposed section 3 (5K) authorises the Treasurer to execute a guarantee for the repayment of money expended in relation to the Program.

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FIRST PRINT

**HOME CARE SERVICE (AMENDMENT) BILL 1990**

NEW SOUTH WALES



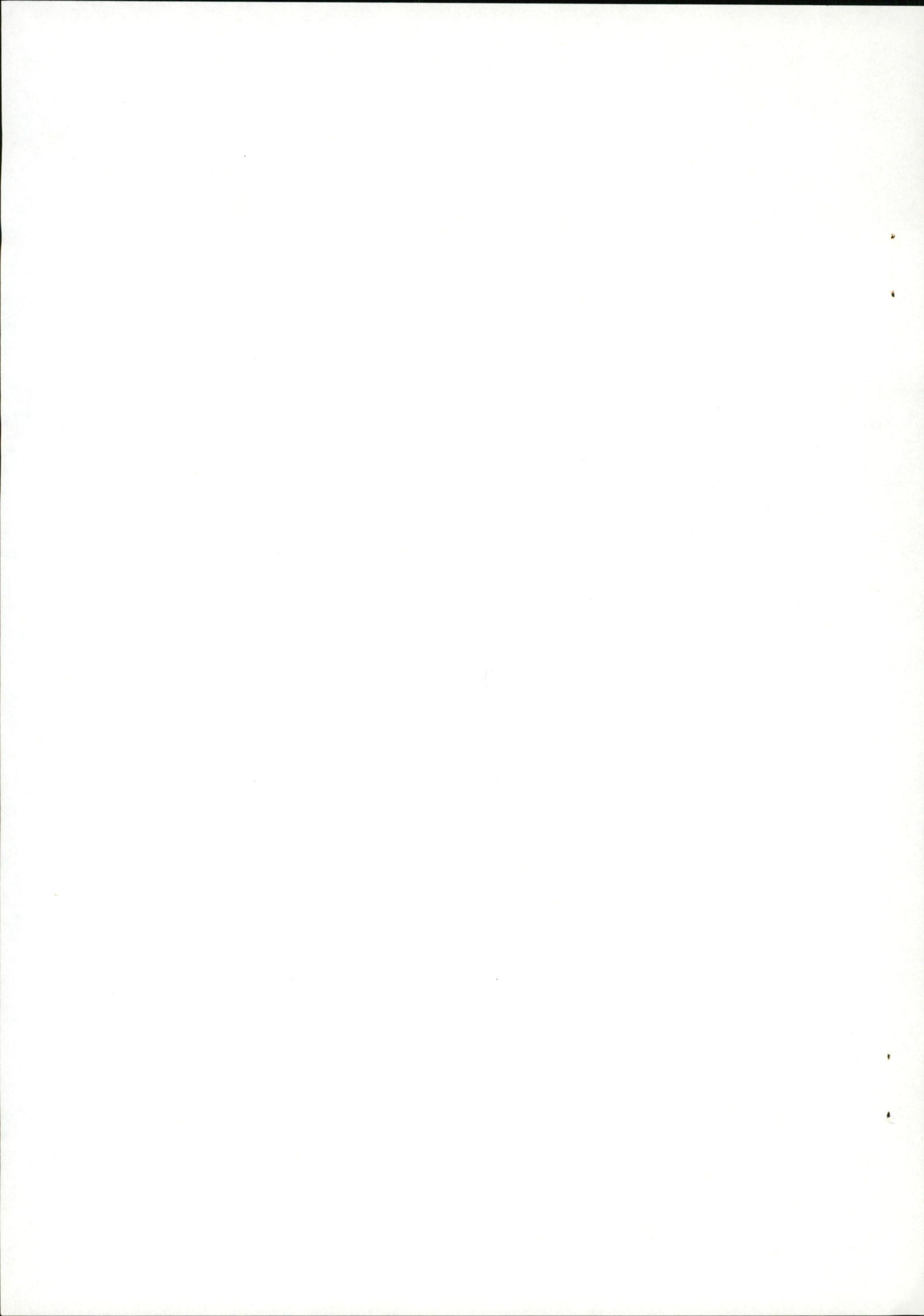
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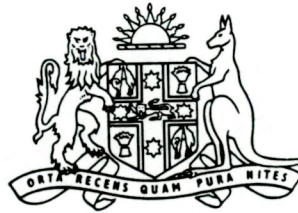
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**HOME CARE SERVICE (AMENDMENT) BILL 1990**

NEW SOUTH WALES



No. , 1990

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**A BILL FOR**

An Act to amend the Home Care Service Act 1988 to provide for the establishment, promotion and management of the Hostel and Care Program; and to make related amendments to other Acts.

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*Home Care Service (Amendment) 1990*

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(c) At the end of section 5 (2) (b), insert:

; and

(c) advise the Service on such matters relating to the Hostel and Care Program as are referred to it by the Director-General.

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ACT 1988 - *continued*

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  - (b) provide advice concerning the design and construction of such accommodation, including advice on property development and project management; and
  - (c) make and enter into contracts, agreements or arrangements for the provision of buildings, equipment and services (whether or not by way of public tender) with or on behalf of any other person, Government department, administrative office or public or local authority; and
  - (d) obtain funds (whether by grant or otherwise) from any source and administer those funds.
- (3) This section does not limit any powers that the Service has apart from this section.



**SCHEDULE 1 - AMENDMENT OF HOME CARE SERVICE  
ACT 1988 - *continued***

**Partnerships, joint ventures etc. may be entered**

7B. The Service may exercise any function under this Part by itself or in partnership, joint venture or other association with other persons or bodies.

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