

# HOME CARE SERVICE 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 reconstitute the Home Care Service of New South Wales. The Service is to be a corporate body managed by the Director-General of the Department of Family and Community Services, who will be assisted by an advisory board.

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### PART 1—PRELIMINARY

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

**Clause 3** defines “Board”, “Service” and other expressions used in the proposed Act.

### PART 2—CONSTITUTION OF THE SERVICE

**Clause 4** constitutes the Service as a statutory corporation whose affairs are to be managed by the Director-General of the Department of Family and Community Services. The Service, as so constituted, is a continuation of the Home Care Service previously constituted under the Community Welfare Act 1987, which was a statutory corporation whose affairs were managed by a board of management.

**Clause 5** establishes the Home Care Service Advisory Board, consisting of the Director-General, a General Manager and 7 part-time members appointed by the Governor-in-Council.

### PART 3—OBJECTS AND FUNCTIONS OF THE SERVICE

**Clause 6** sets out the objects of the Service. Broadly speaking, the Service is to provide home care services to those who, from infirmity or other cause, have difficulty in managing their homes. These services are to be provided in a manner that does not detract from the independence of the persons served and so that disadvantaged members of the community are not precluded from obtaining them.

*Home Care Service 1988*

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**Clause 7** describes the principal function of the Service as being the provision of home care services in accordance with its objects. The clause specifies other functions as well, including the provision of home care training programs, and empowers the charging of fees for its services.

**PART 4—MISCELLANEOUS**

**Clause 8** provides for the appointment of a General Manager and other Service staff. The staff are employees of the Service, not public servants.

**Clause 9** provides for service of documents on the Service.

**Clause 10** allows the Service to delegate its functions.

**Clause 11** enables the Service to accept gifts, whether conditional or unconditional, and makes provision to facilitate acceptance of gifts.

**Clause 12** requires certain bank accounts to be maintained in the name of the Service.

**Clause 13** provides for investment by the Service of its funds.

**Clause 14** provides for the financial year of the Service.

**Clause 15** prohibits the disclosure (except in certain specified circumstances) by any person of information obtained in connection with the administration or execution of the proposed Act.

**Clause 16** protects Service employees, Board members and other persons acting under the direction of the Service from personal liability in respect of acts done in good faith and with reasonable care in carrying out the functions of the Service.

**Clause 17** provides for summary prosecution of offences under the proposed Act or the regulations.

**Clause 18** enables the Governor-in-Council to make regulations in aid of the proposed Act.

**Clause 19** repeals Part 3 of the Community Welfare Act 1987 and makes other amendments consequent on that repeal. The provisions of that Part are superseded by the proposed Act.

**Clause 20** abolishes the board of management of the Home Care Service constituted under the Community Welfare Act 1987.

**Clause 21** enacts certain transitional provisions, as a consequence of the dissolution of the old Service and the abolition of its board of management, in relation to the staff of that Service, the members of that board and other matters.

**SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND  
PROCEDURE OF THE BOARD**

**Schedule 1** contains provisions relating to the membership and operations of the Board constituted by the proposed Act.

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# HOME CARE SERVICE BILL 1988

## NEW SOUTH WALES



### TABLE OF PROVISIONS

#### PART 1—PRELIMINARY

1. Short title
2. Commencement
3. Definitions

#### PART 2—CONSTITUTION OF THE SERVICE

4. The Service
5. The Board

#### PART 3—OBJECTS AND FUNCTIONS OF THE SERVICE

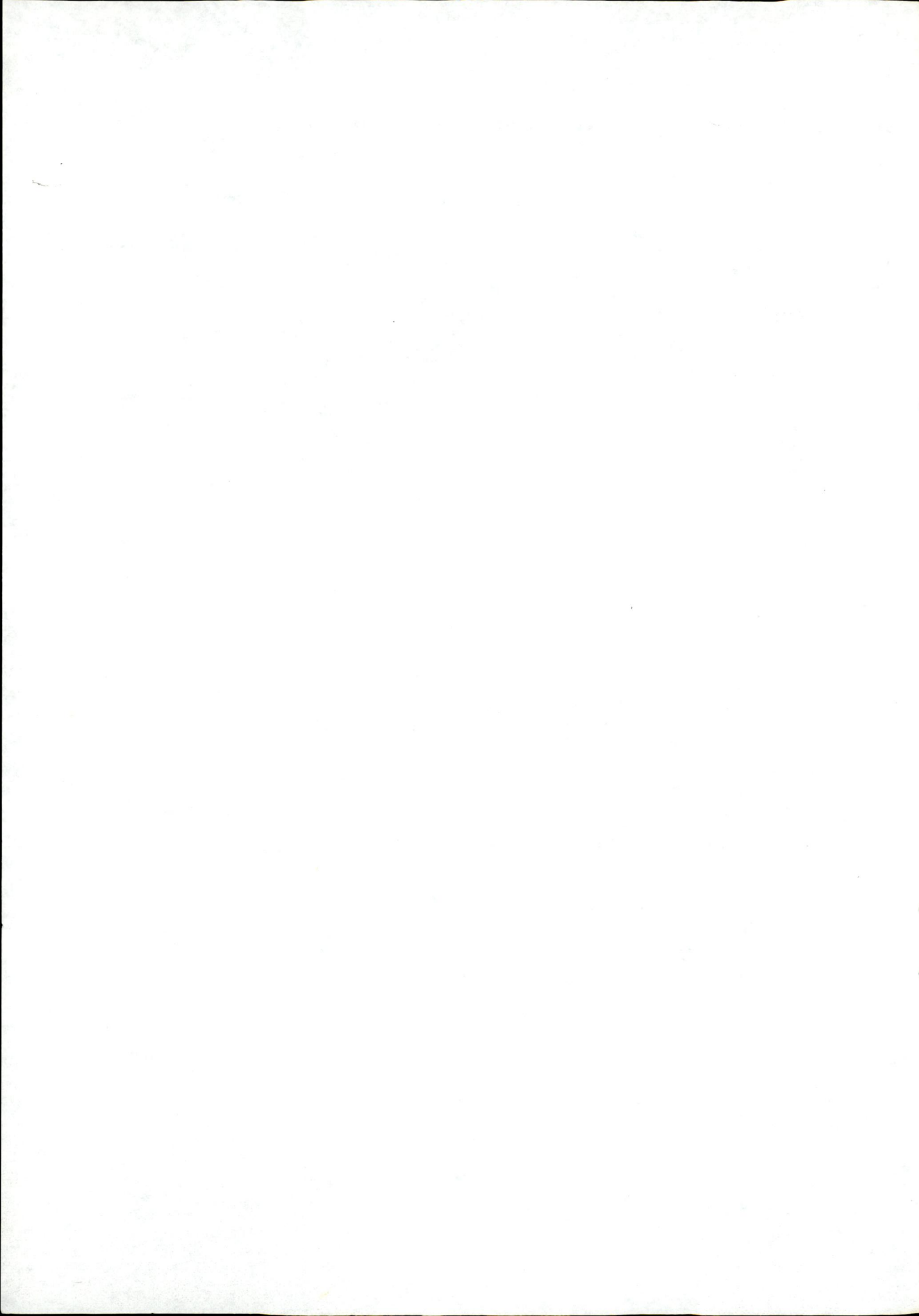
6. Objects of the Service
7. Functions of the Service

#### PART 4—MISCELLANEOUS

8. Staff of the Service
9. Service of documents
10. Delegation by Service
11. Power to accept gifts etc.
12. Banking accounts
13. Investment of money
14. Financial year
15. Disclosure of information
16. Limitation of personal liability
17. Proceedings for offences
18. Regulations
19. Amendment of Community Welfare Act 1987 No. 52
20. Abolition of previous board of management
21. Transitional provisions

#### SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE BOARD

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# HOME CARE SERVICE BILL 1988

NEW SOUTH WALES



No. , 1988

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## A BILL FOR

An Act relating to the constitution of the Home Care Service of New South Wales.

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**The Legislature of New South Wales enacts:****PART 1—PRELIMINARY****Short title**

1. This Act may be cited as the Home Care Service Act 1988.

**5 Commencement**

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

**Definitions**

3. (1) In this Act—

10 “Board” means the Home Care Service Advisory Board established by this Act;

“Department” means the Department of Family and Community Services;

“Director-General” means the Director-General of the Department;

15 “Service” means the Home Care Service of New South Wales constituted by this Act.

- (2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

20 (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

**PART 2—CONSTITUTION OF THE SERVICE****The Service**

4. (1) There is constituted by this Act a corporation under the corporate name of the Home Care Service of New South Wales.

25 (2) The affairs of the Service shall be managed by the Director-General.

(3) Any act, matter or thing done in the name of, or on behalf of, the Service by the Director-General, or with the authority of the Director-General, shall be deemed to have been done by the Service.

30 (4) In the exercise of its functions, the Service is subject to the control and direction of the Minister.

**The Board**

5. (1) There shall be a Home Care Service Advisory Board, consisting of—

(a) the Director-General; and

35 (b) the General Manager of the Service; and

*Home Care Service 1988*

- (c) 7 part-time members appointed by the Governor.
- (2) The Board shall—
- (a) furnish to the Service reports on matters relating to home care services; and
- 5 (b) advise the Service on such matters relating to home care services as are referred to it by the Director-General.
- (3) Schedule 1 has effect with respect to the constitution and procedure of the Board.

**PART 3—OBJECTS AND FUNCTIONS OF THE SERVICE****10 Objects of the Service**

6. The objects of the Service are as follows:
- (a) to provide home care services to persons—
- (i) who are ill, disabled or otherwise incapacitated or who are affected by personal or family problems; and
- 15 (ii) who, as a result, are incapable of carrying out work of a domestic or home maintenance nature without assistance or are otherwise in need of assistance to manage their homes;
- (b) to ensure that, as far as possible, those services are provided so that—
- 20 (i) the independence of the person being assisted is maintained; and
- (ii) institutional care is avoided wherever appropriate; and
- (iii) adequate standards are achieved and maintained; and
- (iv) the rights of persons to make their own decisions about their
- 25 affairs are respected; and
- (v) priority is given to those most in need; and
- (vi) fees are based on the assessed capacity of the individual client to pay; and
- (vii) disadvantaged people, such as those referred to in section 4 (1)
- 30 (c) of the Community Welfare Act 1987, have access to services; and
- (viii) available resources are used efficiently and effectively; and
- (ix) there is adequate planning to enable these objects to be achieved.

**35 Functions of the Service**

7. (1) The principal function of the Service is to provide home care services in accordance with its objects.

(2) In addition, the Service—

*Home Care Service 1988*

- (a) shall research, monitor and evaluate all aspects of its work and of the need for home support services; and
- (b) shall work in co-operation with programs and activities conducted by officers or bodies operating under the direction and control of the Minister; and
- (c) shall develop and administer training programs and liaise with other training institutions; and
- (d) may charge fees for any services it provides; and
- (e) may do all things necessary for, or incidental to, the achievement of its principal function; and
- (f) has and may exercise any function conferred or imposed on it by or under this or any other Act.

**PART 4—MISCELLANEOUS****Staff of the Service**

8. (1) The Service may employ a General Manager and such other staff as may be necessary to enable the exercise by the Service of its functions.

(2) The Service may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a Government department, administrative office or public or local authority.

(3) Except in so far as provision is otherwise made by law, the conditions of employment (including salary, wages or other remuneration) of persons employed by the Service shall be such as are from time to time determined by the Service.

(4) The Public Service Act 1979 does not apply to the employment of staff under this section and a person is not, as a member of the staff of the Service, subject to that Act.

**Service of documents**

9. (1) A document may be served on the Service by leaving it at, or by sending it by post to, the office of the Service.

(2) This section does not affect the validity of any other method of service authorised by the rules of any court or otherwise provided by law.

**Delegation by Service**

10. The Service may delegate any of its functions (other than this power of delegation) to any officer of the Department of Family and Community Services or any person employed by the Service.

**Power to accept gifts etc.**

11. (1) The Service has power—



*Home Care Service 1988*

- (a) to acquire by gift, bequest or devise any property for any of the purposes of the Service; and
  - (b) to agree to any condition to which any such gift, bequest or devise is subject.
- 5 (2) The rule of law against remoteness of vesting does not apply to any condition to which the Service has agreed.
- (3) The Stamp Duties Act 1920 does not apply to any real or personal property comprised in a gift, bequest or devise made or to be made to the Service.

**10 Banking accounts**

12. For the purposes of its operations, the Service shall open and maintain banking accounts with the State Bank or such other bank as the Treasurer may approve.

**Investment of money**

- 15 13. The Service may invest any of its funds—
- (a) in such manner as may be authorised by the Public Authorities (Financial Arrangements) Act 1987 in respect of the Service; or
  - (b) if that Act does not confer power to invest those funds—
    - 20 (i) in such manner as is authorised by the Trustee Act 1925 for the investment of trust funds; and
    - (ii) in any other manner approved by the Minister with the concurrence of the Treasurer.

**Financial year**

14. (1) The financial year of the service is the year commencing on 1  
25 July.

(2) A different financial year may be determined by the Treasurer under section 4 (1A) of the Public Finance and Audit Act 1983.

**Disclosure of information**

15. A person shall not disclose any information obtained in connection  
30 with the administration or execution of this Act unless the disclosure is made—

- (a) with the consent of the person from whom the information was obtained; or
- (b) in connection with the administration or execution of this Act; or
- 35 (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
- (d) in accordance with a requirement imposed under the Ombudsman Act 1974; or

*Home Care Service 1988*

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(e) with other lawful excuse.

Maximum penalty: 10 penalty units or imprisonment for 12 months, or both.

**Limitation of personal liability**

5 16. No matter or thing done by the Service, by a member of the Board or by any employee or person acting under the direction of the Service shall, if the matter or thing was done in good faith and with reasonable care for the purpose of exercising the functions of the Service, subject such a member, employee or person so acting personally to any action, liability,  
10 claim or demand.

**Proceedings for offences**

17. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**15 Regulations**

18. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

20 (2) In particular, the regulations may make provision for or with respect to—

- (a) the functions of the Service (including the conferring on the Service of additional functions); and
- (b) the use and custody of the seal of the Service; and
- 25 (c) the fees to be charged by the Service.

(3) A regulation may create offences, in connection with—

- (a) the lodgement of applications for assistance from the Service; or
- (b) any prescribed matter,

and may provide that any such offence shall be punishable by a penalty not  
30 exceeding 5 penalty units.

**Amendment of Community Welfare Act 1987 No. 52**

19. The Community Welfare Act 1987 is amended—

- (a) by omitting the definition of "Home Care Service" from section 3 (1);
- 35 (b) by omitting Part 3;
- (c) by omitting section 78 (c).

*Home Care Service 1988***Abolition of previous board of management**

20. The board of management constituted by Part 3 of the Community Welfare Act 1987 is abolished.

**Transitional provisions**

- 5 21. (1) A person who, immediately before the commencement of this Act, held office as a member of the board of management referred to in section 20—
- (a) ceases to hold office as such on that commencement; and
- 10 (b) is not entitled to any remuneration or compensation because of the loss of that office.
- (2) This Act does not affect the continuity of employment of any person employed by the Service immediately before the commencement of this Act.
- (3) Subsection (2) does not affect any right of the Service to control, manage or dismiss its staff.
- 15 (4) The Service shall be taken for all purposes to be a continuation of, and to be the same legal entity as, the corporation constituted by Part 3 of the Community Welfare Act 1987, as in force immediately before the commencement of this Act.
- (5) The lodgement at the office of the Corporate Affairs Commission of
- 20 the constitution referred to in section 29 of the Community Welfare Act 1982, and any registration or other dealings or proceedings under any Act as a consequence of that lodgement, are of no continuing effect after the commencement of this Act.

25 **SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE BOARD**

(Sec. 5(3))

**Acting members**

1. (1) The Minister may, from time to time, appoint a person to act in the office of a member of the Board during the illness or absence of the member.
- 30 (2) A person while so acting has all the functions of a member of the Board and shall be taken to be a member.

**Terms of office**

2. Subject to this Schedule, a part-time member of the Board shall hold office for such period not exceeding 3 years as may be specified in the member's instrument of
- 35 appointment, but is eligible (if otherwise qualified) for re-appointment.

**Remuneration**

3. A part-time member of the Board is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.



*Home Care Service 1988*


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 SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND  
 PROCEDURE OF THE BOARD—*continued*
**Vacancy in office of Board member**

4. (1) The office of a part-time member of the Board becomes vacant if the member—

- (a) dies; or
- 5 (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Governor under this clause.

(2) The Governor may remove a member of the Board from office at any time.

**Filling of vacancy in office of Board member**

10 5. If the office of any part-time member of the Board becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

**Effect of certain other Acts**

15 6. (1) The Public Service Act 1979 does not apply to the appointment of a part-time member of the Board and a part-time member is not, as a part-time member of the Board, subject to that Act.

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- 20 (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a part-time member of the Board or from accepting and retaining any remuneration payable to the person under this Act as such a member.

25 (3) The office of a member of the Board is not, for the purposes of any Act, an office or place of profit under the Crown.

**Presiding member**

7. (1) The Director-General shall preside at Board meetings.

(2) In the absence of the Director-General, the members present shall elect one of their number to preside at the meeting.

**30 Quorum**

8. The quorum for a meeting of the Board is 5 members.

**Voting**

9. (1) A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

35 (2) At any meeting, the person presiding has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**General procedure**

40 10. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Board.



# HOME CARE SERVICE ACT 1988 No. 6

NEW SOUTH WALES



## TABLE OF PROVISIONS

### PART 1—PRELIMINARY

1. Short title
2. Commencement
3. Definitions

### PART 2—CONSTITUTION OF THE SERVICE

4. The Service
5. The Board

### PART 3—OBJECTS AND FUNCTIONS OF THE SERVICE

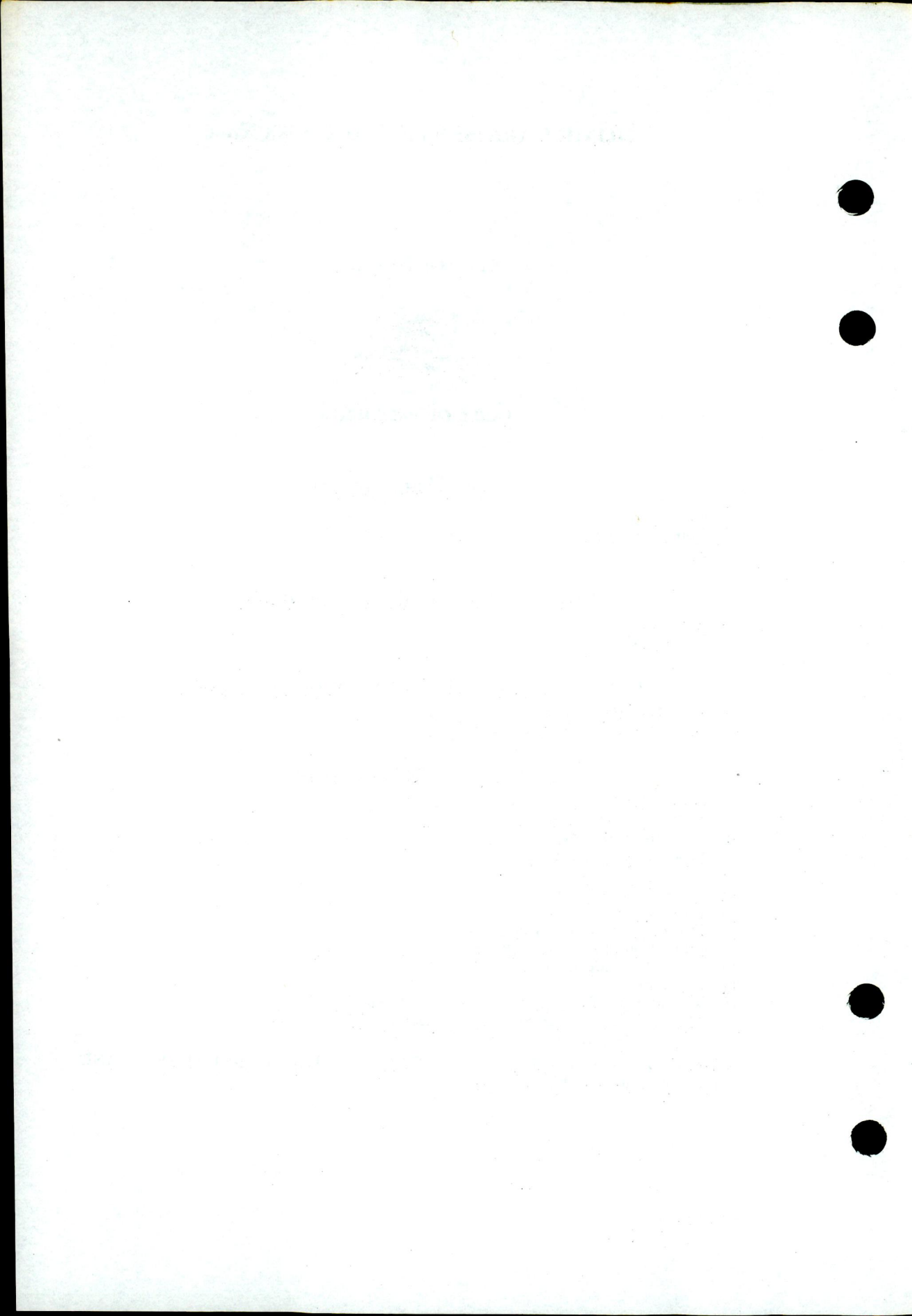
6. Objects of the Service
7. Functions of the Service

### PART 4—MISCELLANEOUS

8. Staff of the Service
9. Service of documents
10. Delegation by Service
11. Power to accept gifts etc.
12. Banking accounts
13. Investment of money
14. Financial year
15. Disclosure of information
16. Limitation of personal liability
17. Proceedings for offences
18. Regulations
19. Amendment of Community Welfare Act 1987 No. 52
20. Abolition of previous board of management
21. Transitional provisions

### SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND PROCEDURE OF THE BOARD

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**HOME CARE SERVICE ACT 1988 No. 6**

NEW SOUTH WALES



**Act No. 6, 1988**

An Act relating to the constitution of the Home Care Service of New South Wales. [Assented to 16 June 1988]

*Home Care Service 1988*

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The Legislature of New South Wales enacts:

**PART 1—PRELIMINARY****Short title**

1. This Act may be cited as the Home Care Service Act 1988.

**Commencement**

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

**Definitions**

3. (1) In this Act—

“Board” means the Home Care Service Advisory Board established by this Act;

“Department” means the Department of Family and Community Services;

“Director-General” means the Director-General of the Department;

“Service” means the Home Care Service of New South Wales constituted by this Act.

- (2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

**PART 2—CONSTITUTION OF THE SERVICE****The Service**

4. (1) There is constituted by this Act a corporation under the corporate name of the Home Care Service of New South Wales.

- (2) The affairs of the Service shall be managed by the Director-General.

- (3) Any act, matter or thing done in the name of, or on behalf of, the Service by the Director-General, or with the authority of the Director-General, shall be deemed to have been done by the Service.

- (4) In the exercise of its functions, the Service is subject to the control and direction of the Minister.

**The Board**

5. (1) There shall be a Home Care Service Advisory Board, consisting of—

- (a) the Director-General; and

- (b) the General Manager of the Service; and



*Home Care Service 1988*

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- (c) 7 part-time members appointed by the Governor.
- (2) The Board shall—
  - (a) furnish to the Service reports on matters relating to home care services; and
  - (b) advise the Service on such matters relating to home care services as are referred to it by the Director-General.
- (3) Schedule 1 has effect with respect to the constitution and procedure of the Board.

**PART 3—OBJECTS AND FUNCTIONS OF THE SERVICE****Objects of the Service**

- 6. The objects of the Service are as follows:
  - (a) to provide home care services to persons—
    - (i) who are ill, disabled or otherwise incapacitated or who are affected by personal or family problems; and
    - (ii) who, as a result, are incapable of carrying out work of a domestic or home maintenance nature without assistance or are otherwise in need of assistance to manage their homes;
  - (b) to ensure that, as far as possible, those services are provided so that—
    - (i) the independence of the person being assisted is maintained; and
    - (ii) institutional care is avoided wherever appropriate; and
    - (iii) adequate standards are achieved and maintained; and
    - (iv) the rights of persons to make their own decisions about their affairs are respected; and
    - (v) priority is given to those most in need; and
    - (vi) fees are based on the assessed capacity of the individual client to pay; and
    - (vii) disadvantaged people, such as those referred to in section 4 (1) (c) of the Community Welfare Act 1987, have access to services; and
    - (viii) available resources are used efficiently and effectively; and
    - (ix) there is adequate planning to enable these objects to be achieved.

**Functions of the Service**

- 7. (1) The principal function of the Service is to provide home care services in accordance with its objects.
- (2) In addition, the Service—

*Home Care Service 1988*

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- (a) shall research, monitor and evaluate all aspects of its work and of the need for home support services; and
- (b) shall work in co-operation with programs and activities conducted by officers or bodies operating under the direction and control of the Minister; and
- (c) shall develop and administer training programs and liaise with other training institutions; and
- (d) may charge fees for any services it provides; and
- (e) may do all things necessary for, or incidental to, the achievement of its principal function; and
- (f) has and may exercise any function conferred or imposed on it by or under this or any other Act.

**PART 4—MISCELLANEOUS****Staff of the Service**

8. (1) The Service may employ a General Manager and such other staff as may be necessary to enable the exercise by the Service of its functions.

(2) The Service may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a Government department, administrative office or public or local authority.

(3) Except in so far as provision is otherwise made by law, the conditions of employment (including salary, wages or other remuneration) of persons employed by the Service shall be such as are from time to time determined by the Service.

(4) The Public Service Act 1979 does not apply to the employment of staff under this section and a person is not, as a member of the staff of the Service, subject to that Act.

**Service of documents**

9. (1) A document may be served on the Service by leaving it at, or by sending it by post to, the office of the Service.

(2) This section does not affect the validity of any other method of service authorised by the rules of any court or otherwise provided by law.

**Delegation by Service**

10. The Service may delegate any of its functions (other than this power of delegation) to any officer of the Department of Family and Community Services or any person employed by the Service.

**Power to accept gifts etc.**

11. (1) The Service has power—

*Home Care Service 1988*

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- (a) to acquire by gift, bequest or devise any property for any of the purposes of the Service; and
  - (b) to agree to any condition to which any such gift, bequest or devise is subject.
- (2) The rule of law against remoteness of vesting does not apply to any condition to which the Service has agreed.
- (3) The Stamp Duties Act 1920 does not apply to any real or personal property comprised in a gift, bequest or devise made or to be made to the Service.

**Banking accounts**

12. For the purposes of its operations, the Service shall open and maintain banking accounts with the State Bank or such other bank as the Treasurer may approve.

**Investment of money**

13. The Service may invest any of its funds—
- (a) in such manner as may be authorised by the Public Authorities (Financial Arrangements) Act 1987 in respect of the Service; or
  - (b) if that Act does not confer power to invest those funds—
    - (i) in such manner as is authorised by the Trustee Act 1925 for the investment of trust funds; and
    - (ii) in any other manner approved by the Minister with the concurrence of the Treasurer.

**Financial year**

14. (1) The financial year of the service is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (1A) of the Public Finance and Audit Act 1983.

**Disclosure of information**

15. A person shall not disclose any information obtained in connection with the administration or execution of this Act unless the disclosure is made—
- (a) with the consent of the person from whom the information was obtained; or
  - (b) in connection with the administration or execution of this Act; or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings; or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974; or



*Home Care Service 1988*

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(e) with other lawful excuse.

Maximum penalty: 10 penalty units or imprisonment for 12 months, or both.

**Limitation of personal liability**

16. No matter or thing done by the Service, by a member of the Board or by any employee or person acting under the direction of the Service shall, if the matter or thing was done in good faith and with reasonable care for the purpose of exercising the functions of the Service, subject such a member, employee or person so acting personally to any action, liability, claim or demand.

**Proceedings for offences**

17. Proceedings for an offence against this Act or the regulations shall be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Regulations**

18. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, the regulations may make provision for or with respect to—

- (a) the functions of the Service (including the conferring on the Service of additional functions); and
- (b) the use and custody of the seal of the Service; and
- (c) the fees to be charged by the Service.

(3) A regulation may create offences, in connection with—

- (a) the lodgement of applications for assistance from the Service; or
- (b) any prescribed matter,

and may provide that any such offence shall be punishable by a penalty not exceeding 5 penalty units.

**Amendment of Community Welfare Act 1987 No. 52**

19. The Community Welfare Act 1987 is amended—

- (a) by omitting the definition of "Home Care Service" from section 3 (1);
- (b) by omitting Part 3;
- (c) by omitting section 78 (c).



*Home Care Service 1988*

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**Abolition of previous board of management**

20. The board of management constituted by Part 3 of the Community Welfare Act 1987 is abolished.

**Transitional provisions**

21. (1) A person who, immediately before the commencement of this Act, held office as a member of the board of management referred to in section 20—

- (a) ceases to hold office as such on that commencement; and
- (b) is not entitled to any remuneration or compensation because of the loss of that office.

(2) This Act does not affect the continuity of employment of any person employed by the Service immediately before the commencement of this Act.

(3) Subsection (2) does not affect any right of the Service to control, manage or dismiss its staff.

(4) The Service shall be taken for all purposes to be a continuation of, and to be the same legal entity as, the corporation constituted by Part 3 of the Community Welfare Act 1987, as in force immediately before the commencement of this Act.

(5) The lodgement at the office of the Corporate Affairs Commission of the constitution referred to in section 29 of the Community Welfare Act 1982, and any registration or other dealings or proceedings under any Act as a consequence of that lodgement, are of no continuing effect after the commencement of this Act.

**SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND  
PROCEDURE OF THE BOARD**

(Sec. 5(3))

**Acting members**

1. (1) The Minister may, from time to time, appoint a person to act in the office of a member of the Board during the illness or absence of the member.

(2) A person while so acting has all the functions of a member of the Board and shall be taken to be a member.

**Terms of office**

2. Subject to this Schedule, a part-time member of the Board shall hold office for such period not exceeding 3 years as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

**Remuneration**

3. A part-time member of the Board is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

*Home Care Service 1988*

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**SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND  
PROCEDURE OF THE BOARD—*continued*****Vacancy in office of Board member**

4. (1) The office of a part-time member of the Board becomes vacant if the member—

- (a) dies; or
- (b) completes a term of office and is not re-appointed; or
- (c) resigns the office by instrument in writing addressed to the Minister; or
- (d) is removed from office by the Governor under this clause.

(2) The Governor may remove a member of the Board from office at any time.

**Filling of vacancy in office of Board member**

5. If the office of any part-time member of the Board becomes vacant, a person shall, subject to this Act, be appointed to fill the vacancy.

**Effect of certain other Acts**

6. (1) The Public Service Act 1979 does not apply to the appointment of a part-time member of the Board and a part-time member is not, as a part-time member of the Board, subject to that Act.

(2) If by or under any other Act provision is made—

- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of a part-time member of the Board or from accepting and retaining any remuneration payable to the person under this Act as such a member.

(3) The office of a member of the Board is not, for the purposes of any Act, an office or place of profit under the Crown.

**Presiding member**

7. (1) The Director-General shall preside at Board meetings.

(2) In the absence of the Director-General, the members present shall elect one of their number to preside at the meeting.

**Quorum**

8. The quorum for a meeting of the Board is 5 members.

**Voting**

9. (1) A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

(2) At any meeting, the person presiding has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

*Home Care Service 1988*

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**SCHEDULE 1—PROVISIONS RELATING TO THE CONSTITUTION AND  
PROCEDURE OF THE BOARD—*continued***

**General procedure**

10. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings shall, subject to this Act and the regulations, be as determined by the Board.

