

# Community Services Bill

## EXPLANATORY MEMORANDUM

*Clause 1* sets out the purpose of the Act.

*Clause 2* provides for the Act to come into operation on a day or days to be proclaimed.

*Clause 3* refers to the *Community Welfare Services Act 1970* as the Principal Act.

*Clause 4* changes the name of the Principal Act to *Community Services Act 1970*, it also amends the Acts listed in Schedule 1.

*Clause 5* identifies the new name of the Department and repeals old provisions relating to the name of the Department.

*Clause 6* substitutes a new section 5 in the Principal Act which provides a statement of principles and objectives as a guide for the Department's practice and the provision of community services.

*Clause 7* inserts the definition of "welfare services" in section 3 of the Principal Act and a new section 34A which enables the Director-General to approve an organisation as a welfare service. It also includes the necessary regulation-making powers.

*Clause 8* introduces a new section 35 dealing with child care agreements. The new section provides for a written agreement between a parent or guardian and a service provider to place a child or young person under 17 years in the care of that service provider. The agreement does not affect the legal custody or guardianship of the child or young person and must specify a period not exceeding 6 months. The agreement can be extended for a further period not exceeding 6 months following review of the agreement and consultation with the Director-General. The aggregate period cannot exceed 12 months without the written agreement of the Director-General. It also provides that the wishes of the child or young person must be taken into account in making or extending an agreement. An agreement under this section can also be terminated by either party giving notice in writing to the other party. It further provides that the Director-General may provide financial assistance to service providers who care for the child or young person under the agreement.

Provisions are included concerning regulation-making powers in respect to all matters relating to child care agreements.

*Clause 9* repeals obsolete provisions.

*Clause 10* abolishes the Child Development and Family Services Council.

*Clause 11* concerns consequential amendments.

*Clause 12* amends Acts listed in Schedule 2 provided.

*Clause 13* concerns transitional provisions dealing with the unproclaimed sections of the *Young Offenders (Interstate Transfer) Act 1986* and the *Penalties and Sentences (Youth Attendances) Project Act 1984*.

### SCHEDULES

Schedule 1 sets out amendments to other legislation consequential on the change in the name of the Principal Act.

Schedule 2 sets out miscellaneous consequential amendments to other legislation.

