

**YOUTH AND COMMUNITY SERVICES ACT.**

**New South Wales**



ANNO VICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**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**

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**B**E it enacted by the Queen's Most Excellent Majesty, by No. 90, 1973 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 Services Act, 1973". Short title.

2. The provisions—

- Commence-  
ment.
- (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-matter otherwise indicates or requires— Interpreta-  
tion.

"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.

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**No. 90, 1973** **4.** On and from the appointed day the Department known as the Department of Child Welfare and Social Welfare or as the Child Welfare Department shall be known as the Department of Youth and Community Services.

Change of title.

**Reference in other Acts, etc.** **5.** On and from the appointed day, a reference in any other Act or in any regulation, by-law or other statutory 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.

**Objects.** **6.** (1) This section shall be administered by the Minister 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)

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(b) without limiting the generality of paragraph (a)— No. 90, 1973

- (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

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**No. 90, 1973** Minister by or under any such Act shall not be called into question in any court by reason of the provisions of subsection (2).

Constitution  
of advisory  
bodies.

**7.** (1) The Minister may from time to time constitute such councils, committees or other advisory bodies as he may 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.

Annual  
report to  
Parliament.

**8.** (1) As soon as practicable after the thirtieth day of June in each year, the permanent head shall prepare and 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)

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(3) A report under this section may include a report <sup>No. 90, 1973</sup> 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 <sup>Regulations.</sup> 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.

10. Each Act specified in Column 1 of the Schedule is <sup>Amendment</sup> amended in the manner set forth opposite that Act in Column <sup>of certain</sup> **2 of the Schedule.** <sup>Acts.</sup>

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SCHEDULE.

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Sec. 10.

## SCHEDULE.

## 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	<p>Section 3A— After section 3 insert the following new section and heading thereto:— <i>Delegation.</i></p> <p>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 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.</p> <p>(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.</p> <p>(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.</p>

SCHEDULE

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## SCHEDULE—continued.

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1916, No. 51— <i>continued</i>	Public Instruction (Amendment) Act, 1916— <i>continued</i>	<p>(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.</p> <p>(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.</p>
1930, No. 24	Government Relief Administration Act, 1930	<p>Section 2— Omit the section, insert instead the following section:—</p> <p>Director of Government Relief.</p> <p>2. (1) The permanent head of the Department of Youth and Community Services shall be the Director of Government Relief for the purposes of this Act.</p> <p>(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.</p> <p>(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</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1930, No. 24— <i>continued</i>	Government Relief Administration Act, 1930— <i>continued</i>	<p>authority, the Director of Government Relief may make use of—</p> <p>(a) the facilities of that Government Department or statutory authority; and</p> <p>(b) the services of the officers or employees of that Department or statutory authority,</p> <p>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.</p> <p>Section 3A— After section 3 insert the following new section:—</p> <p>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 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.</p> <p>(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.</p>

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SCHEDULE—*continued.*

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1930, No. 24 <i>continued</i>	Government Relief Administration Act, 1930 <i>—continued</i>	<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>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.</p>
1939, No. 17..	Child Welfare Act, 1939	<p>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".</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17— <i>continued</i>	Child Welfare Act, 1939— <i>continued</i>	<p>Section 4 (1)—</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Section 10A— After section 10 insert the following new section:—</p> <p>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 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.</p> <p>(2) The Director may delegate to any specified officer of the Department of Youth and Community Services the</p>

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17— <i>continued</i>	Child Welfare Act, 1939— <i>continued</i>	<p>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.</p> <p>(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.</p> <p>(4) 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.</p> <p>(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.</p> <p>(6) 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</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17— <i>continued</i>	Child Welfare Act, 1939— <i>continued</i>	<p>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.</p> <p>(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.</p> <p>Section 23 (3)— Omit the subsection.</p> <p>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.</p> <p>(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.</p>

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17— <i>continued</i>	Child Welfare Act, 1939— <i>continued</i>	<p>Section 84—</p> <p>(a) Omit from subsection (1) “the Metropolitan Children’s Court at Sydney”, insert instead “a court of review”;</p> <p>(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”;</p> <p>(c) In subsection (3) after “the court” where firstly occurring insert “of review”.</p> <p>Section 87 (2) (a)— Omit “the Metropolitan Children’s Court”, insert instead “a court of review”.</p> <p>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.</p> <p>Section 152 (3)— Omit “hinders or obstructs”, insert instead “hinders, obstructs, assaults or threatens with violence”.</p> <p>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.</p> <p>Second Schedule— Omit “Education Building, Bridge-street”.</p>

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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74..	Maintenance Act, 1964	<p>Section 35 (6)— Omit “Child Welfare Department”, insert instead “Department of Youth and Community Services”.</p> <p>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”.</p> <p>Section 68— Omit “Department of Child Welfare and Social Welfare” wherever occurring, insert instead “Department of Youth and Community Services”.</p> <p>Section 69A— After section 69 insert the following new section:— Delegation. 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 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.</p>

SCHEDULE

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Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74— <i>continued</i>	Maintenance Act, 1964— <i>continued</i>	<p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Sections 80 (1); 81 (5); 82; 83 (1), (2), (3), (4); 84 (1), (2); 87— Omit "Under Secretary" wherever occurring, insert instead "permanent head".</p>

## SCHEDULE



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SCHEDULE—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1964, No. 74— <i>continued</i>	Maintenance Act, 1964— <i>continued</i>	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".  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	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 Child Welfare Act, 1939.

SCHEDULE

*Youth and Community Services.*SCHEDULE—*continued.*

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*Part 2.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1939, No. 17.	Child Welfare Act, 1939	<p>Section 27A— After subsection (4) insert the following new subsection:—</p> <p>(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.</p>

MUNICIPALITY