



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 43 of 1975

An Act to amend the Community Welfare Act, 1972-1973.

[Assented to 10th April, 1975]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Community Welfare Act Amendment Act, 1975".

(2) The Community Welfare Act, 1972-1973, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Community Welfare Act, 1972-1975".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
principal Act,
s. 4—
Arrangement.

3. Section 4 of the principal Act is amended—

(a) by striking out the item:

DIVISION I—COMMUNITY WELFARE CENTRES AND CONSULTATIVE
COUNCILS.

and inserting in lieu thereof the item:

DIVISION I—COMMUNITY WELFARE CENTRES AND COMMUNITY
COUNCILS FOR SOCIAL DEVELOPMENT;

(b) by striking out the passage "*and Youth Project Centres*" and inserting in lieu thereof the passage "*Youth Project Centres and Child Care Centres*";

and

(c) by inserting before the passage "*Child Care Centres*" the word "*Licensed*".

Amendment of
principal Act,
s. 6—
Interpretation.

4. Section 6 of the principal Act is amended by inserting after the definition of "children's home" the following definition:—

"community council" means a community council for social development established under Division I of Part III of this Act:.

5. The heading immediately preceding section 24 of the principal Act is amended by striking out the passage—

Amendment of heading of principal Act.

DIVISION I—COMMUNITY WELFARE CENTRES AND CONSULTATIVE COUNCILS

and inserting in lieu thereof the passage—

DIVISION I—COMMUNITY WELFARE CENTRES AND COMMUNITY COUNCILS FOR SOCIAL DEVELOPMENT.

6. Section 25 of the principal Act is amended—

Amendment of principal Act, s. 25—
Community councils of social development.

(a) by striking out the passage “community welfare consultative councils” and inserting in lieu thereof the passage “community councils for social development”;

and

(b) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) A council established under this section before the commencement of the Community Welfare Act Amendment Act, 1975, shall, upon the commencement of that amending Act, become a community council.

7. Section 26 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 26 of principal Act and enactment of section in its place—

26. The functions of a community council shall be:—

Functions of community council for social development.

- (a) to co-operate with authorities established under the law of the Commonwealth or of the State in planning the provision of welfare services, the development of welfare programmes and the evaluation of social policies;
- (b) to co-operate, and maintain a close relationship, with regional and local bodies concerned with the development of services promoting community welfare in the area with which the community council is concerned;
- (c) to inquire into any matters affecting the welfare of the local community, and to report to the Minister or any appropriate regional or local body upon matters that justify, in the opinion of the council, their consideration;
- (d) to give advice and guidance in the rationalization and co-ordination of services designed to promote the welfare of the local community so as to achieve the most effective utilization of those services;
- (e) to report upon any matters affecting the welfare of the local community referred to the council for consideration and report by the Minister or the Director-General;

and

- (f) to report in its discretion upon any matters referred to the council for consideration and report by any appropriate regional or local body.

Amendment of
principal Act,
s. 27—
Membership
of community
councils.

8. Section 27 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) A community council shall consist of sixteen persons appointed by the Minister.;

(b) by striking out from subsection (2) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

(c) by striking out from subsection (3) the passage “consultative council” wherever it occurs and inserting in lieu thereof in each case the passage “community council”;

(d) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) Two members of a community council must be officers of the Public Service of the State and at least one of those must be an officer of the Department.;

(e) by striking out from subsection (5) the passage “consultative council” wherever it occurs and inserting in lieu thereof in each case the passage “community council”;

and

(f) by inserting after subsection (5) the following subsections:—

(6) One member of a community council must be a representative of the Government of the Commonwealth nominated by the Minister for Social Security of the Commonwealth.

(7) A community council may act notwithstanding a vacancy or vacancies in its membership.

Amendment of
principal Act,
s. 28—
Conditions of
membership.

9. Section 28 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

and

(b) by striking out from subsection (2) the passage “consultative council” and inserting in lieu thereof the passage “community council”.

Amendment of
principal Act,
s. 29—
The chairman.

10. Section 29 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

(b) by striking out from subsection (2) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

and

(c) by striking out from subsection (3) the passage “consultative council” and inserting in lieu thereof the passage “community council”.

11. Section 30 of the principal Act is amended—

Amendment of
principal Act,
s. 30—
Meetings of
council.

(a) by striking out from subsection (1) the passage “subsection (2) of this section, a consultative council” and inserting in lieu thereof the passage “this section, a community council”;

(b) by striking out from subsection (2) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

and

(c) by inserting after subsection (2) the following subsection:—

(3) A community council shall in each year hold a public meeting in the local community to report upon its activities and to elect a committee from amongst interested persons for the purpose of making nominations to the Minister for the filling of vacancies that may arise from time to time in the membership of the council.

12. Section 31 of the principal Act is amended—

Amendment of
principal Act,
s. 31—
Quorum, etc.

(a) by striking out from subsection (1) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

(b) by striking out from subsection (2) the passage “consultative council” and inserting in lieu thereof the passage “community council”;

and

(c) by striking out from subsection (3) the passage “consultative council” and inserting in lieu thereof the passage “community council”.

13. The heading immediately preceding section 58 of the principal Act is amended by striking out the passage “and Youth Project Centres” and inserting in lieu thereof the passage “Youth Project Centres and Child Care Centres”.

Amendment
of heading of
principal Act.

14. Section 58 of the principal Act is amended by inserting after subsection (3) the following subsection:—

Amendment of
principal Act,
s. 58—
Establishment
of homes and
centres.

(4) The Minister may establish such child care centres as he thinks necessary or desirable for the care of children on a non-residential basis.

15. Section 59 of the principal Act is amended—

Amendment of
principal Act,
s. 59—
Management
and control of
homes, etc.

(a) by inserting after the word “home” where it occurs for the first and second times, the passage “, assessment centre, youth project centre or child care centre”;

and

(b) by striking out the passage “of every home” and inserting in lieu thereof the word “thereof”.

16. The heading immediately preceding section 66 of the principal Act is amended by inserting the word “Licensed” before the passage “Child Care Centres”.

Amendment of
heading of
principal Act.

Amendment of principal Act, s. 84—
Establishment of aboriginal reserves.

17. Section 84 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(3) The Governor may, by proclamation, revoke a proclamation constituting an aboriginal reserve under this section.

Amendment of principal Act, s. 85—
Management of reserves, etc.

18. Section 85 of the principal Act is amended by inserting after subsection (3) the following subsections:—

(4) The Minister may, by instrument in writing, delegate to an aboriginal reserve council, or some other body representative of the aboriginals resident on the reserve any of his powers and discretions under this section.

(5) The Minister may revoke a delegation of power under this section.

Amendment of principal Act, s. 99—
Issue of summons for maintenance.

19. Section 99 of the principal Act is amended by striking out from subsection (3) the passage “with one or more sureties” and inserting in lieu thereof the passage “with or without sureties”.

Amendment of principal Act, s. 103—
Warrant may issue in lieu of summons.

20. Section 103 of the principal Act is amended by striking out the passage “with one or more sureties” and inserting in lieu thereof the passage “with or without sureties”.

Amendment of principal Act, s. 104—
Order for payment of preliminary expenses.

21. Section 104 of the principal Act is amended by inserting after subsection (3) the following subsection:—

(4) The adoption of a child does not prevent a court from making an order for preliminary expenses under this section nor does it affect the validity or operation of any order for preliminary expenses in respect of the child.

Amendment of principal Act, s. 161—
Warrant to enforce payments under orders.

22. Section 161 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) A person upon whom a warrant under this section is served shall pay any moneys to which the warrant relates to the Director-General or some other person named in the warrant and shall thereby be discharged from all liability to pay those moneys to the person against whom the maintenance order was made.

Amendment of principal Act, s. 169—
Power to commit defendant to prison for failure to pay maintenance.

23. Section 169 of the principal Act is amended by inserting after subsection (1) the following subsection:—

(1a) Upon the hearing of a complaint specifying a certain sum of money as arrears of maintenance, a court of summary jurisdiction shall, upon being satisfied by the complainant that a further sum of money has accrued under the order since the date of the complaint, amend the sum specified in the complaint as arrears of maintenance to include that further sum.

Amendment of principal Act, s. 170—
Warrant in first instance.

24. Section 170 of the principal Act is amended by striking out the passage “with one or more sureties” and inserting in lieu thereof the passage “with or without sureties”.

25. Section 239 of the principal Act is amended by inserting after subsection (1) the following subsection:—

Amendment of principal Act, s. 239—
Institution and conduct of proceedings.

(1a) Where proceedings are brought for the discharge, variation or suspension of a maintenance order, the Director-General may, upon the request of the person against whom the proceedings are brought, defend those proceedings.

26. Section 251 of the principal Act is amended by striking out from paragraph (b) the passage “consultative councils” and inserting in lieu thereof the passage “community councils”.

Amendment of principal Act, s. 251—
Regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor