

ACTS AMENDMENT
(DEPARTMENT
OF COMMUNITY SERVICES).

No. 121 of 1984.

AN ACT to amend the Community Welfare Act 1972 with respect to certain offices in the Department for Community Welfare and the name of that Department and to amend certain other Acts consequentially.

[Assented to 19 December 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Department for Community Services) Act 1984*. Short title.

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Commence-
ment.

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

PART II—COMMUNITY WELFARE ACT 1972.

Principal
Act.
Act No. 31
of 1972 as
amended by
Act No. 5
of 1978.

3. In this Part the Community Welfare Act 1972 is referred to as the principal Act.

Long title
amended.

4. The long title of the principal Act is amended by deleting “*Welfare*” and substituting the following—

“ *Services* ”.

Short title
amended.

5. The short title of the principal Act is amended by deleting “*Welfare*” and substituting the following—

“ *Services* ”.

Section 3
amended.

6. Section 3 of the principal Act is amended—

(a) in the definition of “delegate” by deleting “Director” and substituting the following—

“ Director-General ”;

(b) in the definition of “Department” by deleting “Welfare” and substituting the following—

“ *Services* ”; and

(c) by deleting the definition of “the Director” and substituting the following definition—

“ “Director-General” means the Director-General of the Department for Community Services. ”.

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7. Section 4 of the principal Act is amended by deleting "Welfare" and substituting the following— Section 4 amended.

" Services ".

8. The principal Act is amended by deleting "Director" wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following— References to Director amended.

" Director-General ".

SCHEDULE.

Provision.

Section 5 (2)	Section 16
Section 7 (2)	Section 18
Section 11 (1)	Section 19
Section 13	Section 20
Section 14	Section 22.
Section 15	

9. Section 5 of the principal Act is amended in subsection (2) by deleting ", 1904" and substituting the following— Section 5 amended.

" 1978 ".

10. Section 7 of the principal Act is amended— Section 7 amended.

(a) by repealing subsection (1) and substituting the following subsection—

" (1) Subject to subsection (2), a person shall be appointed under and subject to the Public Service Act 1978 to the office of Director-General. ";

and

(b) in subsection (2), by inserting after "behavioural" the following—

" or social ".

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Section 8
amended.

11. Section 8 of the principal Act is amended—

(a) by repealing subsections (1) and (2) and substituting the following subsections—

“ (1) Subject to subsection (2), a person shall be appointed under and subject to the Public Service Act 1978 to the office of Assistant Director-General and that person when so appointed is authorized to exercise any power and perform any duty that the Director-General may exercise or is required to perform under this Act, whether the Director-General is absent or not; but the appointment of an Assistant Director-General does not affect the exercise or discharge by the Director-General himself of any power or duty.

(2) The person who is to be appointed the Assistant Director-General shall be chosen from amongst persons who would be eligible for appointment to the office of Director-General. ”; and

(b) in subsection (3) by deleting “, 1904” and substituting the following—

“ 1978 ”.

Section 9
repealed.

12. Section 9 of the principal Act is repealed.

Section 23
amended.

13. Section 23 of the principal Act is amended by deleting “The Director, the deputy of the Director,” and substituting the following—

“ The Director-General, the Assistant Director-General, ”,

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14. Section 24 of the principal Act is amended by deleting “the Director, the deputy of the Director,” and substituting the following—

Section 24
amended.

“ the Director-General, the Assistant Director-General, ”.

15. (1) In respect of the year ending on 30 June 1985, section 11 (1) of the principal Act shall be taken to have been complied with if the Director-General prepares and furnishes to the Minister a report in writing of the operations of the Department during the period from the date of his appointment as Director-General to 30 June 1985.

Transitional.

(2) A delegation made by the Director of the Department for Community Welfare under section 20 of the principal Act and in force immediately before the coming into operation of this Act shall, upon the coming into operation of this Act, be deemed to have been made by the Director-General and shall continue to have effect in all respects and subject to the same terms and conditions as if it were made by the Director-General; and the Director-General may, with the approval of the Minister, vary or revoke any such delegation.

PART III—CHILD WELFARE ACT 1947.

16. In this Part the Child Welfare Act 1947 is referred to as the principal Act.

Principal
Act.
Reprinted
as approved
30 August
1984 and
amended by
Act No. 52
of 1984.

17. Section 4 of the principal Act is amended in subsection (1) by deleting the definitions of “Department” and “Director” and substituting the following definitions—

Section 4
amended.

“ “Department” means the Department for Community Services established under section 4 of the Community Services Act 1972;

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“Director-General” means the Director-General of the Department for Community Services appointed under section 7 of the Community Services Act 1972; ”.

References to Director amended.

18. The principal Act is amended by deleting “Director” wherever it occurs in the principal Act, other than in sections 4 (1), 6 (1a) and (2) and 9A (1), and substituting in each case the following—

“ Director-General ”.

Section 6 amended.

19. Section 6 of the principal Act is amended—

(a) in subsection (1a)—

(i) by deleting “Director” where it first occurs and substituting the following—

“ Director-General ”; and

(ii) by deleting “Welfare Act 1972 to be the deputy of the Director” and substituting the following—

“ Services Act 1972 to be the Assistant Director-General ”;

and

(b) in subsection (2)—

(i) by deleting “Director” in the first and third places where it occurs and substituting in each of those places the following—

“ Director-General ”; and

(ii) by deleting “person appointed under section 8 of the Community Welfare Act 1972 to be the deputy of the Director” and substituting the following—

“ Assistant Director-General of the Department ”.

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20. Section 9A of the principal Act is amended in subsection (1)— Section 9A amended.

(a) by deleting “Director” where it first occurs and substituting the following—

“ Director-General ”; and

(b) by deleting “person appointed under section 8 of the Community Welfare Act 1972 to be the deputy of the Director” and substituting the following—

“ Assistant Director-General of the Department ”.

PART IV—WELFARE AND ASSISTANCE ACT 1961.

21. In this Part the Welfare and Assistance Act 1961 is referred to as the principal Act. Principal Act, Act No. 22 of 1961.

22. Section 4 of the principal Act is amended— Section 4 amended.

(a) by deleting the definitions of “Department” and “Director” and substituting the following definitions—

“ “Department” means the Department for Community Services established under section 4 of the Community Services Act 1972;

“Director-General” means the Director-General of the Department for Community Services appointed under section 7 of the Community Services Act 1972 and includes the Assistant Director-General of that Department appointed under section 8 of that Act; ”; and

(b) by deleting the definition of “Minister”.

References
to Director
amended.

23. The principal Act is amended by deleting "Director" wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following—

“ Director-General ”.

SCHEDULE.

Provision.

Section 7 (1)	Section 29
Section 9 (1)	Section 30 (1)
Section 15	Section 31
Section 18	Section 32
Section 26 (1)	Section 33 (1).
Section 27	

PART V—ADOPTION OF CHILDREN ACT 1896.

Principal
Act.
Reprinted
as approved
24 January
1984.

24. In this Part the Adoption of Children Act 1896 is referred to as the principal Act.

Section 2
amended.

25. Section 2 of the principal Act is amended—

- (a) in the definition of "the Department" by deleting "Welfare" and substituting the following—

“ Services ”; and

- (b) by deleting the definition of "the Director" and substituting the following definition—

“ “the Director-General” means the Director-General of the Department for Community Services appointed under section 7 of the Community Services Act 1972; ”.

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26. The principal Act is amended by deleting “Director” wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following—

References
to Director
amended.

“ Director-General ”.

SCHEDULE.

Provision.

Section 4C	Section 16A
Section 4D	Section 18 (2)
Section 4E	Section 19 (2)
Section 4G	Section 20 (2)
Section 4H	Section 22
Section 5	Section 23 (1)
Section 5B	Section 23A
Section 9 (1)	Section 24A (1)
Section 13	Section 24B.

27. The principal Act is amended by deleting “Department for Community Welfare” wherever it occurs in the provisions referred to in the Schedule to this section and substituting in each case the following—

References
to “Depart-
ment for
Community
Welfare”
amended.

“ Department for Community Services ”.

SCHEDULE.

Provision.

Section 4D (2)	Section 13 (1) (d).
Section 5B	

28. Section 4H of the principal Act is amended in paragraph (e) of subsection (15) by deleting “Director’s” and substituting the following—

Section 4H
amended.

“ Director-General’s ”.

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Section 13A
amended.

29. Section 13A of the principal Act is amended in subsection (1) by deleting “for Community Welfare” and substituting the following—

“ to whom the administration of this Act is committed ”.

PART VI—LEGAL REPRESENTATION OF
INFANTS ACT 1977.

Section 5
amended.
Act No.
43 of 1977.

30. Section 5 of the Legal Representation of Infants Act 1977 is amended in subsection (5)—

(a) by deleting “Director of the Department for Community Welfare” and substituting the following—

“ Director-General of the Department for Community Services ”; and

(b) by deleting “Director” in the second place where it occurs and substituting the following—

“ Director-General ”.

PART VII—HIRE-PURCHASE ACT 1959.

Section 18
amended.
Reprinted
as approved
27 October
1981.

31. Section 18 of the Hire-Purchase Act 1959 is amended—

(a) in subsection (9) by deleting “Director of the Department for Community Welfare appointed under the Community Welfare Act 1972” and substituting the following—

“ Director-General of the Department for Community Services ”; and

(b) in subsection (10) by deleting “Director of the Department for Community Welfare” in both places where it occurs and substituting in each case the following—

“ Director-General of the Department for Community Services ”.

PART VIII—ABORIGINAL AFFAIRS PLANNING
AUTHORITY ACT 1972.

Principal
Act,
Act No. 24
of 1972 as
amended by
Acts Nos. 100
of 1973 and
107 of 1982.
Section 19
amended.

32. In this Part the Aboriginal Affairs Planning Authority Act 1972 is referred to as the principal Act.

33. Section 19 of the principal Act is amended in subsection (1) by deleting “Welfare” in paragraph (c) and substituting the following—

“ Services ”.

34. Section 35 of the principal Act is amended— Section 35
amended

(a) in subsection (4) by deleting “Director of the Department for Community Welfare” and substituting the following—

“ Director-General of the Department for Community Services ”; and

(b) in subsection (5) by deleting “Director of the Department for Community Welfare” and substituting the following—

“ Director-General of the Department for Community Services ”.

35. Section 48 of the principal Act is amended by deleting “Welfare” and substituting the following— Section 48
amended.

“ Services ”.

PART IX—DEATH DUTY ASSESSMENT ACT 1973.

36. Section 7 of the Death Duty Assessment Act 1973 is amended by deleting paragraph (c) of subsection (2) and substituting the following paragraph— Section 7
amended.
Act No. 80
of 1973 as
amended by
Acts Nos.
79 of 1974,
144 of 1976,
2 of 1977,
60 of 1978
and
10 of 1982.

“ (c) the Director-General or the Assistant Director-General of the Department for Community Services, or to any person authorized in writing by such Director-General or Assistant Director-General; ”.

PART X—EDUCATION ACT 1928.

Principal Act.
Reprinted as approved
19 July 1984

37. In this Part the Education Act 1928 is referred to as the principal Act.

Section 17B amended.

38. Section 17B of the principal Act is amended in subsection (2) by deleting “Welfare” and substituting the following—

“ Services ”.

Section 18 amended.

39. Section 18 of the principal Act is amended by deleting “Welfare” in the second place where it occurs in subsection (1) and wherever it occurs in subsections (2) and (3) and substituting in each case the following—

“ Services ”.

PART XI—THE CRIMINAL CODE.

Interpretation
Reprinted as approved
13 December 1983 and
amended by Act No.
52 of 1984.

40. In this Part, “the Code” means The Criminal Code set out in the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Act Compilation Act 1913, as amended from time to time.

Section 19 amended.

41. Section 19 of the Code is amended by deleting “Child Welfare Department” in paragraph (6a) (b) and substituting the following—

“ Department for Community Services ”.
