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(4) This section does not extend to authorising the Minister or the Director-General to enter into a contract of employment, other than a contract of employment on a temporary or casual basis.

(5) A contract of employment on a temporary or casual basis may be entered into only on such conditions as the Public Service Board may approve.

Community Welfare Fund

12. (1) There shall be established in the Special Deposits Account in the Treasury a fund to be called the "Community Welfare Fund".

(2) The Community Welfare Fund shall consist of such money as may be provided by Parliament for payment into that fund together with any money paid by any person to the Minister or the Director-General for the purpose of providing community welfare services generally or of a specified kind.

Application of Community Welfare Fund

13. (1) The Community Welfare Fund may be applied by the Director-General, with the written approval of the Minister, for the purpose of—

- (a) except as provided by paragraph (b)—providing community welfare services generally; or
- (b) to the extent to which the fund represents money paid for the purpose of providing community welfare services of a kind specified by the person who made the payment—providing community welfare services of that kind.

(2) Any payments from the Community Welfare Fund may be made directly to persons in need of community welfare services or to approved non-Government organisations for the relief of those persons.

DIVISION 2—*Councils and committees*

Community Services Training Council

14. (1) There shall be a Community Services Training Council.

(2) The function of the Community Services Training Council is to make reports and recommendations to the Minister with respect to—

- (a) the provision of courses of instruction and training for persons employed in, or considering employment in, the provision of community welfare services, either in a voluntary or a paid capacity;

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- (b) the status of courses of instruction and training of the kind referred to in paragraph (a) that are conducted within or outside New South Wales;
 - (c) such other matters connected with instruction and training of the kind referred to in paragraph (a) as may be referred to it by the Minister; and
 - (d) any other matter connected with instruction and training of the kind referred to in paragraph (a).
- (3) Further functions of the Community Services Training Council are—
- (a) to recommend courses of instruction and training of the kind referred to in subsection (2) (a) for approval by the Minister; and
 - (b) to encourage the conduct and undertaking of courses of the kind referred to in subsection (2) (a) that have been approved by the Minister.
- (4) The Minister may approve courses of instruction and training of the kind referred to in subsection (2) (a), but only where those courses are not required to be approved or prescribed under any other Act.
- (5) Schedules 1 and 2 apply to the Community Services Training Council.

Community Welfare Advisory Council

15. (1) There shall be a Community Welfare Advisory Council.
- (2) The functions of the Community Welfare Advisory Council are—
- (a) to advise the Minister on such matters relating to community welfare or social development as are referred to it by the Minister;
 - (b) to furnish to the Minister reports on such matters relating to community welfare or social development as it considers should be brought to the notice of the Minister;
 - (c) with the approval of the Minister, to conduct public inquiries into matters relating to community welfare or social development; and
 - (d) with the approval of the Minister, to conduct seminars on or investigations into matters relating to community welfare or social development.
- (3) Schedules 1 and 2 apply to the Community Welfare Advisory Council.

PART 3

HOME CARE SERVICE OF NEW SOUTH WALES

Interpretation**20. In this Part—**

“constituent instrument” means the instrument lodged with respect to the Home Care Service pursuant to section 29 (1) of the repealed Act or, where that instrument has been amended pursuant to that Act or this Act, that instrument as so amended;

“registered address” means the address of the office of the Home Care Service as specified in the instrument lodged with respect to the Service pursuant to section 33 (1) of the repealed Act or, where notice of change of address has been lodged in the office of the Corporate Affairs Commission pursuant to that Act or this Act, the address specified in the notice;

“the repealed Act” means the Community Welfare Act 1982.

Incorporation of the Home Care Service

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

(2) The corporation constituted by this Act shall, for all purposes, be deemed to be a continuation of, and to be the same legal entity as, the corporation constituted pursuant to section 29 of the repealed Act.

Home Care Service subject to Minister’s control and direction

22. The Home Care Service shall be subject to the control and direction of the Minister.

Board of management

23. (1) The affairs of the Home Care Service shall be managed by a board of management.

(2) Any act, matter or thing done by the board of management shall be deemed to have been done by the Home Care Service.

(3) The constitution and procedure of the board of management shall be as prescribed by the constituent instrument.

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Functions of the Home Care Service

24. The Home Care Service has the functions conferred or imposed on it by the constituent instrument.

Amendment of constitution of the Home Care Service

25. An amendment of the constituent instrument takes effect when an instrument certified under the seal of the Home Care Service to be a true copy of the resolution effecting the amendment has been lodged in the office of the Corporate Affairs Commission.

Provisions relating to the Home Care Service

26. (1) The Home Care Service—

- (a) has perpetual succession;
- (b) shall have an official seal;
- (c) may take proceedings, and be proceeded against, in its corporate name;
- (d) may, for the purpose of enabling it to exercise its functions, purchase, exchange, take on lease, hold, dispose of and otherwise deal with property; and
- (e) may do and suffer all other things that a body corporate may, by law, do and suffer and that are necessary for or incidental to the exercise of its functions.

(2) Except to the extent to which the regulations otherwise provide—

- (a) the custody and use of the seal of the Home Care Service; and
- (b) the keeping of records concerning the acts, decisions and proceedings of the Home Care Service,

shall be regulated by the constituent instrument.

(3) All courts and persons acting judicially—

- (a) shall take judicial notice of the seal of the Home Care Service that has been affixed to any instrument or document; and
- (b) shall, until the contrary is proved, presume that the seal was properly affixed.

