

CHILD WELFARE (AMENDMENT)
ACT.

Act No. 69, 1924.

An Act to amend the provisions of the Child Welfare Act, 1923, relating to the adoption of children; and for purposes connected therewith. [Assented to, 23rd December, 1924.]

George V,
No. 69.

BE it enacted by the King's Most Excellent Majesty, by 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 "Child Welfare (Amendment) Act, 1924." Short title.

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Amendment
of Act No. 21,
1923.
Sec. 124.

2. The Child Welfare Act, 1923, is amended as follows:—

(a) By inserting at the end of section one hundred and twenty-four the following new subsection:—

(2) Upon application made to the court by the Minister pursuant to an authority in writing given to him by—

(a) a husband and wife jointly; or

(b) a married woman with the written consent of her husband endorsed upon such authority; or

(c) a woman, whether married or unmarried, who, in the opinion of the court, is at least eighteen years older than the child; or

(d) a married man, who, in the opinion of the court, is at least thirty years older than the child,

an order of adoption of a female child in the form prescribed may be made in favour of the person or persons giving such authority.

Sec. 125

(b) By inserting at the end of section one hundred and twenty-five the following new subsection:—

(2) Upon application made to the court by the Minister pursuant to an authority in writing given to him by—

(a) a husband and wife jointly; or

(b) a married man alone, but with the written consent of his wife endorsed upon such authority; or

(c) a man, whether married or unmarried, who, in the opinion of the court, is at least eighteen years older than the child; or

(d) a woman, whether married or unmarried, who, in the opinion of the court, is at least thirty years older than the child,

an order of adoption of a male child in the form prescribed may be made in favour of the person or persons giving such authority.

(c)

- (c) By inserting after section one hundred and twenty-five the following new sections :—

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New ss. 125A,
125B.

125A. (1) Applications under this Part of this Act may be heard by the court in open court or in public or private chambers. Hearing of applications.

(2) At the hearing of any application under this Part of this Act, the court may order that any person other than the parties thereto and the persons representing them upon the application, shall be excluded from the courtroom or other place of hearing.

125B. (1) For all purposes connected with any application under subsection two of section one hundred and twenty-four or subsection two of section one hundred and twenty-five of this Act, the Minister may be represented by an officer of the Department for the time being administering this Act, who is authorised in that behalf by an instrument in writing in or to the effect of the form prescribed by rules of court. Minister may be represented by officer appointed therefor.

(2) The authority may authorise the person so appointed to represent the Minister either generally in applications under this Part of this Act or for the purposes of any particular application.

(3) The instrument shall be lodged in the office of the Master in Equity, and where the authority authorises the person to represent the Minister generally shall remain in force until revoked by another instrument under the hand of the Minister lodged in the said office.

(4) The court shall take judicial notice of the signature of the Minister to any such instrument as is mentioned in this section.

- (d) By omitting from paragraph (a) of section one hundred and twenty-six the words "applying for the order" and by inserting in lieu thereof the words "in whose favour it is proposed that the order should be made."

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- (e) By omitting the proviso to section one hundred and twenty-six, and by inserting the following proviso in lieu thereof:—

“ Provided that—

- (i) the court may dispense with the consent referred to in paragraph (c) of this section where in any special circumstances it deems it expedient so to do;
- (ii) the consent of any person whose consent is required to be given under paragraph (d) of this section may be dispensed with if the court is of opinion that such person has deserted or abandoned the child.”

Sec. 128.

- (f) By omitting from section one hundred and twenty-eight the words “in addition to his proper name” and by inserting in lieu thereof the words “in substitution for his own surname.”

New section
128A.Registrar-
General shall
register orders
of adoption.

- (g) By inserting after section one hundred and twenty-eight the following new section:—

128A. The Registrar-General shall register orders of adoption in the manner for the time being prescribed by rules of court.

Sec. 129 (1).

- (h) By inserting at the end of subsection one of section one hundred and twenty-nine the following words:—“and for regulating the costs chargeable by solicitors in connection with applications under this Part, and for preventing the publication of the names of the child and the applicant or either of them in cases in which such publication would be inexpedient.”