

CHILD WELFARE (AMENDMENT) ACT.

Act No. 15, 1961.

An Act to make further provision with respect to the admission of certain children to State control; for this purpose to amend the Child Welfare Act, 1939-1960; and for purposes connected therewith. [Assented to, 27th March, 1961.]

Elizabeth II,
No. 15, 1961

BE it enacted by the Queen'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. (1) This Act may be cited as the "Child Welfare (Amendment) Act, 1961".

Short title
and citation.

(2)

Child Welfare (Amendment) Act.

No. 15, 1961 (2) The Child Welfare Act, 1939, as amended by subsequent Acts and by this Act, may be cited as the Child Welfare Act, 1939-1961.

Amendment of Act No. 17, 1939. 2. The Child Welfare Act, 1939, as amended by subsequent Acts, is amended—

Sec. 23.
(Authority of Minister.)

(a) by inserting next after subsection one of section twenty-three the following new subsection :—

(1A) (a) Where the Minister is satisfied that the person who is responsible for the payment of maintenance in respect of a child (not being a ward) who is an inmate of a charitable depot, home or hostel has not paid maintenance in respect of such child—

- (i) in the case of a child who is such an inmate by reason of an order of the court under paragraph (c) of section eighty-two or paragraph (b) of subsections one and two of section eighty-three of this Act for a period of at least one month; or
- (ii) in any other case for a period of at least six months,

the Minister may, upon application in writing made by the person in charge of such charitable depot, home or hostel admit the child to State control.

(b) Upon receipt of any such application the Minister shall—

- (i) cause enquiry to be made respecting such application and a report to be furnished by an officer thereon;
- (ii) notify the parents of the child in respect of whom such application is made and where the parents were not responsible for placing such child in the care of the charitable depot, home or hostel the persons who were so responsible if the whereabouts of such parents and persons are known or can be ascertained
by

by reasonable enquiry, of his intention to admit the child to State control unless they or any of them show, within such time as is specified in the notification, good cause why he should not do so;

(iii) consider such representations, if any, as such parents or persons make as to why he should not admit the child to State control.

(c) Where a child has been admitted to State control under this subsection the person for the time being in charge of the charitable depot, home or hostel of which such child is an inmate shall be deemed to be the foster parent of such child for the purposes of this Act.

(d) The provisions of paragraph (d) of subsection two of this section shall, mutatis mutandis, apply to and in respect of the Minister and the person for the time being in charge of such charitable depot, home or hostel where payment is made to the foster parent of a child admitted to State control under this section.

(e) Nothing in this section shall affect or limit the provisions of Part I of the Infants' Custody and Settlements Act of 1899, as amended by subsequent Acts, in their application to a child admitted to State control under this subsection.

(f) In this subsection "charitable depot, home or hostel" has the meaning ascribed thereto in paragraph (e) of subsection two of this section.

(b) by inserting in subsection three of the same section after the words "subsection one" where firstly occurring the word and symbols "or (1A)".