



ANNO TRICESIMO

ELIZABETHAE II REGINAE**A.D. 1981**

No. 67 of 1981**An Act to amend the Community Welfare Act, 1972-1979.***[Assented to 15 October 1981]*

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, 1981".

(2) The Community Welfare Act, 1972-1979, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Community Welfare Act, 1972-1981".

**Commence-
ment.** 2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation made for the purposes of subsection (1), suspend the operation of any specified provisions of this Act until a day fixed by the proclamation, or a day to be fixed by subsequent proclamation.

**Amendment of
s. 4—
Arrangement.**

3. Section 4 of the principal Act is amended—

(a) by striking out all the items from "Division I—Objectives" to "PART V—ABORIGINAL RESERVES" (inclusive) and substituting the following items:

DIVISION I—ADMINISTRATION

**DIVISION II—OBJECTIVES AND POWERS OF THE MINISTER
AND THE DEPARTMENT**

**DIVISION III—COMMUNITY WELFARE ADVISORY COMMITTEES
AND PROGRAMME ADVISORY PANELS**

DIVISION IV—COMMUNITY AIDES

DIVISION V—COMMUNITY WELFARE CONSUMER FORUMS

**PART III—THE PROVISION OF COMMUNITY
WELFARE SERVICES**

DIVISION I—PROVISION OF LOCAL SERVICES

DIVISION II—COMMUNITY WELFARE GRANTS

DIVISION III—CONTRACTS FOR COMMUNITY WELFARE SERVICES

PART IV—SUPPORT SERVICES FOR CHILDREN

DIVISION I—PRINCIPLES TO BE OBSERVED

DIVISION II—THE CARE OF CHILDREN

Subdivision 1—Placing a Child under the Guardianship of the Minister

Subdivision 2—Establishment by the Minister and the Director-General of Certain Facilities for Children

Subdivision 3—Foster Care and Licensed Foster Care Agencies

Subdivision 4—Licensed Children's Homes

Subdivision 5—Licensed Child Care Centres

Subdivision 6—Licensed Baby-Sitting Agencies

Subdivision 7—Approved Family Day-Care and Licensed Family Day-Care Agencies

Subdivision 8—Miscellaneous

DIVISION III—THE PROTECTION OF CHILDREN

Subdivision 1—Establishment of Regional and Local Child Protection Panels

Subdivision 2—Notification of Maltreatment

Subdivision 3—Offences Against Children

Subdivision 4—Medical Examination and Treatment and Temporary Custody of Children;

(b) by striking out the items—

DIVISION I—THE MAINTENANCE OF PERSONS IN NEED

Subdivision 1—Orders Generally

and substituting the items—

DIVISION I—MAINTENANCE ORDERS

Subdivision 1—Orders with respect to Children;

(c) by striking out from the item commencing "*Subdivision 4—Orders for*" the word "*Funeral*";
and

(d) by striking out the item—

DIVISION II—THE SUMMARY PROTECTION OF WOMEN.

4. The following section is inserted after section 5 of the principal Act:

5a. (1) An executive act in force under the repealed provisions immediately before the commencement of the Amending Act shall, if it is such as could be done in pursuance of the substituted provisions, remain in force for the purposes of, and subject to, the substituted provisions.

Insertion of new S. 5a.

Transitional provision relating to the Community Welfare Act Amendment Act, 1980.

(2) In this section—

“the Amending Act” means the Community Welfare Act Amendment Act, 1981”:

“executive act” means an appointment, licence, approval, order, direction, notice, placement or other administrative act or decision, and an includes a judgment or order of a court:

“the repealed provisions” means the provisions repealed by the Amending Act:

“the substituted provisions” means the provisions substituted for the repealed provisions by the Amending Act.

Amendment of
s. 6—
Interpretation.

5. Section 6 of the principal Act is amended—

(a) by striking out from subsection (1) the definitions of “Aboriginal” and “Aboriginal Reserve”;

(b) by striking out from subsection (1) from the definition of “baby-sitting agency” the passage “parents or” wherever it occurs;

(c) by striking out from subsection (1) the definition of “child care centre” and substituting the following definition:

“child care centre” means any premises or place in which more than three children who under the age of six years are, for monetary or other consideration, cared for on a non-residential basis apart from their guardians and relatives;;

(d) by striking out from subsection (1) the definition of “children’s home” and substituting the following definition:

“children’s home” means any premises or place in which more than three children are, for monetary or other consideration, maintained and cared for on a residential basis apart from their guardians and relatives;;

(e) by striking out from subsection (1) from the definition of “Deputy Director-General” the passage “under this Act”;

(f) by striking out from subsection (1) from the definition of “Director-General” the passage “under this Act”;

(g) by inserting in subsection (1) after the definition of “Director-General” the following definitions:

“family day-care agency” means the business of introducing to the guardians of children persons who are prepared to care for the children on a non-residential basis in a family environment away from their own homes and apart from their guardians and relatives:

“foster care agency” means the business of placing children in the care and control of foster parents;;

(h) by striking out from subsection (1) from the definition of “foster-parent” the word “near” and substituting the passage “parent or”;

- (i) by striking out from subsection (1) the definition of "near relative" and substituting the following definition:

"near relative" in relation to a child means a parent or step-parent of the child;;

- (j) by striking out from subsection (1) the definition of "relative" and substituting the following definition:

"relative" in relation to a child, means a step-parent, brother, sister, uncle, aunt, grandfather or grandmother of the child;;

and

- (k) by striking out from subsection (1) the definitions of "step-father" and "step-mother" and substituting the following definition:

"step-parent" in relation to a child means a person (not being a parent of the child)—

(a) who—

(i) is married to a parent of the child;

or

(ii) was married to a deceased parent of the child at the date of death of the parent;

and

(b) who at any time during that marriage accepted the child as a member of a household formed with the parent:.

6. Parts II, III and IV of the principal Act are repealed and the following Parts are substituted:

Repeal of
Parts II, III
and IV and
substitution
of new Parts.

PART II

THE PROMOTION OF COMMUNITY WELFARE

DIVISION I—ADMINISTRATION

7. (1) The Minister of Community Welfare and his successors in office shall continue to be a corporation sole.

Incorporation
of the Minister.

(2) The Minister shall, in his corporate name and capacity, be capable of—

(a) suing and being sued;

(b) acquiring, holding, dealing with and disposing of real and personal property of any kind;

and

(c) acquiring or incurring any other rights or liabilities.

(3) In any legal proceedings, where a document purports to bear the signature or the common seal of the Minister, the document shall, in the absence of evidence to the contrary, be deemed to have been duly executed by the Minister.

8. (1) The Minister may, from time to time, by instrument in writing, delegate to the Director-General such of his powers, duties, responsibilities and functions under this Act as the Minister thinks fit, and may at any time revoke any such delegation.

Delegation.

(2) The Director-General may delegate to the Deputy Director-General, or to any officer of the Department, any of the powers, duties, responsibilities and functions vested in, or delegated to, the Director-General under this Act.

(3) A delegation under this section shall be revocable at will, and shall not prevent the exercise or performance of any power, duty, responsibility or function by the Minister or Director-General.

(4) Any power, duty, responsibility or function vested in, or delegated to, the Director-General may, if the Director-General is absent or otherwise unable to perform the duties of his office, be exercised or discharged by the Deputy Director-General.

Report.

9. (1) The Director-General shall, on or before the thirty-first day of October in each year, submit to the Minister a report on the administration of this Act and of the work of the Department during the year ending on the preceding thirtieth day of June and information upon such other matters as the Minister may direct.

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under subsection (1), cause a copy of the report to be laid before each House of Parliament.

DIVISION II—OBJECTIVES AND POWERS OF THE MINISTER AND THE DEPARTMENT

**Objectives of
the Minister
and the
Department.**

10. (1) The objectives of the Minister and the Department under this Act are—

(a) to promote the welfare of the community generally and of individuals, families and groups within the community;
and

(b) to promote the dignity of the individual and the welfare of the family as the bases of the welfare of the community,

in the following manner:

(c) by providing, assisting in the provision of or promoting services designed to assist individuals or groups to overcome the personal or social problems with which they are confronted;

(d) by providing, assisting in the provision of or promoting services designed to reduce the incidence of disruption of family relationships, to mitigate the adverse effects of such disruption, to support and assist families under stress and to enhance the quality of family life;

(e) by providing, assisting in the provision of or promoting services designed to assist migrants, members of ethnic communities, aboriginals, children, youth, aged persons, unemployed persons, women, mentally or physically handicapped persons, single parents, persons who live in isolated areas or any other section of the community to overcome the disadvantages suffered by them, and to participate to the greatest possible extent in the life of the community;

- (f) by providing individuals or families in need or distress with assistance by way of grants or loans of money or commodities, accommodation, financial counselling or any other form of assistance;
 - (g) by providing, assisting in the provision of or promoting services designed to assist people to enrich their lives, or to develop their personalities and capabilities;
 - (h) by encouraging or assisting in the provision of welfare services by volunteers and non-government groups or organizations;
 - (i) by encouraging or assisting any section of the community to develop its own welfare services;
 - (j) by providing, or assisting in the provision of, training or instruction for persons working, or proposing to work, in the field of community welfare services;
 - (k) by keeping the public informed as to all the community welfare services, whether government or non-government, that are available and how they may be obtained;
 - (l) by promoting a better understanding throughout the community of the problems or disadvantages faced by various sections of the community;
 - (m) by instituting, assisting in or promoting research in the field of community welfare;
 - (n) by collecting, or assisting in the collection of, data and statistics in relation to the problems and disadvantages faced by the various sections of the community and to the provision of community welfare services;
 - (o) by promoting the co-ordination of all community welfare services, whether government or non-government, and the efficient use of resources for the provision of those services;
 - (p) by collaborating and consulting with other government departments of this State, with non-government organizations that provide, or support or promote the provision of, community welfare services, and with those government departments of the Commonwealth and the other States and Territories of the Commonwealth that are involved in the provision of community welfare services;
 - (q) by keeping the services provided by the Department and the policies of the Department under constant review and evaluation;
 - (r) by doing such other things as may be necessary or desirable for the purposes of achieving those objectives.
- (2) The Minister and the Department, in providing any service, shall endeavour to preserve and foster the dignity, self-respect and independence of the persons to whom the service is being provided.

(3) The Minister and the Department, in providing any service, shall not discriminate against or in favour of any person on the ground of his sex, marital status, mental or physical impairment, religion, race or nationality, except so far as it is necessary to do so for the purpose of assisting a person to overcome any social or other disadvantage arising out of his sex, marital status, mental or physical impairment, religion, race or nationality.

(4) In recognition of the fact that this State has a multi-cultural community, the Minister and the Department shall, in administering this Act, take into consideration the different customs, attitudes and religious beliefs of the ethnic groups within the community.

(5) The Minister, for the purpose of giving effect to the provisions and objects of this Act, may—

- (a) employ the resources of the Department in such manner as he thinks fit;
- (b) establish any facility;
- (c) acquire land in accordance with the provisions of the Land Acquisition Act, 1969-1972;
- and
- (d) perform any other action that may be necessary or expedient for that purpose.

DIVISION III—COMMUNITY WELFARE ADVISORY COMMITTEES AND PROGRAMME ADVISORY PANELS

Appointment of advisory committees.

11. (1) The Minister may appoint community welfare advisory committees to advise him upon matters pertaining to community welfare.

(2) A committee so appointed shall consist of a chairman and such other members as the Minister thinks fit.

(3) A community welfare advisory committee must consist of persons with special knowledge of or experience in the matters to be referred to the committee for advice.

(4) At least one of the members of a community welfare advisory committee must be an officer of the Department.

(5) The Director-General shall provide such secretarial and other services and facilities as may be reasonably required for the purposes of the committee.

Terms of office of members of advisory committees.

12. (1) A member of a community welfare advisory committee shall, subject to subsection (2), hold office upon terms and conditions fixed by the Minister.

(2) The term of office of any such member shall not exceed two years.

(3) Upon the expiration of his first term of office, a member shall be eligible for re-appointment for one further term.

(4) The Minister may pay to the members of such a committee such allowances and expenses as he thinks fit.

13. (1) Subject to this Act, and any direction of the Minister, the procedure of a community welfare advisory committee shall be such as is determined by the committee. Procedure, etc.

(2) The chairman shall make such reports to the Minister on the deliberations of and conclusions reached by the committee as the Minister may require.

14. (1) The Director-General may appoint programme advisory panels to advise him on matters pertaining to the services provided by the Department. Programme advisory panels.

(2) The Director-General shall, upon appointing a programme advisory panel, advise the Minister of the appointment and the purposes for which he has appointed the panel.

(3) A panel so appointed shall consist of a chairman and such other members as the Director-General thinks fit.

(4) At least one of the members of a programme advisory panel must be a client of the Department.

(5) A member of a programme advisory panel shall hold office on such terms and conditions as the Director-General thinks fit.

(6) The Director-General may re-imburse a member of a programme advisory panel such of the expenses incurred by the member in carrying out his duties of office as the Director-General thinks fit.

(7) The Director-General shall provide such secretarial and other services and facilities as may be reasonably required by a programme advisory panel.

15. (1) Subject to any direction of the Director-General, the procedure of a programme advisory panel shall be such as is determined by the panel. Procedure of programme advisory panels.

(2) The chairman shall make such reports to the Director-General on the deliberations of and conclusions reached by the panel as the Director-General may require.

(3) The Director-General shall forward to the Minister a copy of any report he receives from a programme advisory panel.

DIVISION IV—COMMUNITY AIDES

16. (1) The Director-General may appoint such persons as he thinks fit to act in a voluntary capacity as community aides. Appointment of community aides.

(2) Subject to subsection (3), a community aide shall be appointed upon such terms and conditions as the Director-General thinks fit and specifies in the instrument of his appointment.

(3) The term of office for which a person may be appointed as a community aide shall not exceed one year in respect of his first term of office, and two years in respect of subsequent terms of office.

(4) Upon the expiration of his term of office, a community aide shall be eligible for re-appointment.

(5) The Director-General may, at any time, by instrument in writing addressed to a person appointed as a community aide under this section, remove him from his position as a community aide.

Duties and functions.

17. A community aide shall have the following duties and functions:

(a) to act subject to the direction and supervision of an officer of the Department in the establishment and furtherance of programmes designed to promote any aspect of community welfare;

and

(b) any other duties and functions that the Director-General may determine to be appropriate to a community aide.

Allowances in respect of expenses.

18. The Director-General may, with the approval of the Minister, pay to a community aide such allowances to reimburse the community aide for expenses incurred or to be incurred in the course of his duties as the Director-General thinks fit.

Training of community aides.

19. The Director-General shall arrange for a community aide to receive such orientation, education, training, support and supervision as the Director-General thinks fit.

Register.

20. (1) The Director-General shall cause a register of community aides to be kept.

(2) The name of any person who has ceased to be a community aide by reason of the expiration of the term for which he was appointed to act as such, the resignation or removal of the community aide from his position as such, or any other reason, shall be removed from the register.

DIVISION V—COMMUNITY WELFARE CONSUMER FORUMS

The Minister shall cause community welfare forums to be held.

21. (1) The Minister shall, at such intervals as he thinks fit, cause a community welfare consumer forum to be held in each locality served by a community welfare centre of the Department.

(2) The Minister shall invite to a forum held under this section the residents of the locality in respect of which the forum is to be held to whom services have been, or are being, provided by the Department or who have applied for the provision of a service by the Department.

(3) The Minister may invite to a forum held under this section representatives from any government department or instrumentality, any non-government organization that provides community welfare services within the locality and from any other appropriate organization.

(4) The function of a forum held under this section is to provide the persons invited to the forum with an opportunity to make known to the Department—

(a) any comments relating to the services provided by the Department, or the manner in which those services are provided;

(b) any areas of unmet needs;

(c) any recommendations for the withdrawal, improvement, extension, variation or rationalization of any service provided by the Department;
and

(d) any other matters relevant to the provision of community welfare services by the Department.

(5) The Minister shall cause a record to be kept of the proceedings of a forum held under this section, and a copy of that record to be made available for perusal by any person who attended the forum.

(6) The Minister shall ensure that due consideration is given by the appropriate officers of the Department to any views expressed or recommendations made by a forum held under this section.

PART III

THE PROVISION OF COMMUNITY WELFARE SERVICES

DIVISION I—PROVISION OF LOCAL SERVICES

22. (1) The Minister shall endeavour, as far as is practicable, to make the services provided by the Department available to members of the public within the localities in which they live, and at or near to places where people congregate, whether for the purposes of employment, recreation, education, medical treatment or any other purpose.

Provision of services from community welfare centres and other places.

(2) A community welfare centre established by the Minister may be used, with the approval of the Minister, by any other department, person, agency or organization, for the furtherance of community welfare within the locality in which the centre is established.

DIVISION II—COMMUNITY WELFARE GRANTS

23. (1) The Minister—

(a) shall continue to maintain the fund entitled the “Community Welfare Grants Fund”;
and

Community Welfare Grants.

(b) shall establish a fund entitled the “Community Welfare Residential Care and Support Grants Fund”.

(2) Each fund shall consist of such moneys as are, from time to time, provided by Parliament for the purpose of the fund and moneys appropriated to the fund by the Minister from any other sources.

(3) The Minister may apply any portion of the Community Welfare Grants Fund towards the costs incurred, or to be incurred, by any person or group of persons in establishing, operating, maintaining, promoting or extending any service, project or facility that will advance the welfare of children, youth or any other section of the community.

(4) The Minister may apply any portion of the Community Welfare Residential Care and Support Grants Fund towards the costs incurred, or to be incurred, by any person or group of persons in establishing, operating, maintaining, extending or advancing—

(a) any children’s home licensed, or to be licensed, under this Act;

or

- (b) any service, project or facility designed for the purposes of reducing the occurrence, or mitigating the adverse effects, of the placement of children in children's homes.

(5) An application for a grant of moneys under this section shall be made to the Minister in a manner and form determined by the Minister.

(6) A grant of moneys under this section may be made by the Minister subject to such conditions as he thinks fit.

DIVISION III—CONTRACTS FOR COMMUNITY WELFARE SERVICES

The Minister may enter into agreements for services.

24. (1) The Minister may enter into agreements for the provision or promotion of community welfare services or other related services.

(2) Subject to subsection (3), the Minister may enter into such an agreement with—

(a) a person or group of persons with appropriate experience, qualifications or expertise in the provision or promotion of the relevant services;

(b) an organization, established for the purpose of providing or promoting community welfare services, or other related services, that employs staff with appropriate experience, qualifications or expertise in the provision or promotion of the relevant services;

or

(c) a local government authority.

(3) The Minister should avoid, so far as practicable, entering into agreements providing for long-term care of persons in need of such care unless he is satisfied that the other parties to the agreement do not enter into those agreements with the object of making a profit.

PART IV

SUPPORT SERVICES FOR CHILDREN

DIVISION I—PRINCIPLES TO BE OBSERVED

Persons dealing with children must observe certain principles.

25. A person dealing with a child under or by virtue of any of the provisions of this Part—

(a) shall regard the interests of the child as the paramount consideration;

(b) shall seek to secure for the child care, guidance and support within a healthy and balanced family environment;

(c) shall deal with the child in a caring and sensitive manner;

(d) shall have regard to the rights of the child, and to the needs and wishes expressed by him;

and

(e) shall promote, where practicable, a satisfactory relationship between the child and other members of, or persons within, his family or domestic environment.

The Children's Interests Bureau.

26. (1) The Minister shall establish a body entitled the "Children's Interests Bureau".

(2) The Bureau shall be comprised of such persons, appointed upon such terms and conditions, as the Minister thinks fit.

(3) The functions of the Bureau shall be—

(a) to increase public awareness of the rights of children, and of matters relating to the welfare of children, by the dissemination of information, or by any other means the Bureau thinks appropriate;

(b) to carry out research or conduct inquiries into such matters affecting the welfare of children as the Bureau thinks fit or the Minister directs;

(c) to develop within the Department such services for the promotion of the welfare of children as the Minister directs;

(d) to monitor, review and evaluate the policies of the Department in relation to children;

(e) to carry out such other functions as the Minister may assign to the Bureau;

and

(f) to report in writing to the Minister, in accordance with his directions, on the work carried out by the Bureau.

(4) The Minister shall establish a community welfare advisory committee for the purposes of providing the Bureau with consultative, supportive and advisory services.

DIVISION II—THE CARE OF CHILDREN

Subdivision 1—Placing a Child under the Guardianship of the Minister

27. (1) A guardian of a child may apply in the prescribed form to the Minister for an order that the child be placed under the guardianship of the Minister.

*Application
for child to be
placed under
guardianship
of the Minister.*

(2) A child of or above the age of fifteen years may apply to the Minister in the prescribed form for an order that he be placed under the guardianship of the Minister.

(3) Where the Minister is satisfied that the child the subject of an application is in need of care by reason that—

(a) a guardian of the child has maltreated or neglected the child to the extent that the child has suffered, or is likely to suffer, physical or mental injury, or to the extent that his physical, mental or emotional development is in jeopardy;

(b) the guardians of the child are unable or unwilling to exercise adequate supervision and control over the child;

or

(c) the guardians of the child are unable or unwilling to maintain the child,

the Minister may, by order in writing, place the child under his guardianship for such period of time as the Minister thinks fit, but not extending beyond the time at which the child attains the age of eighteen years nor, in the case of an application by a child, exceeding a period of one year.

(4) Except as provided in subsection (5), no such order shall be made in respect of a child under the age of fifteen years unless the parents of the child have consented to the making of the order.

(5) If the whereabouts of a parent whose consent is required under subsection (4) cannot after reasonable inquiry by the Minister be ascertained, an order may be made under subsection (3) without the consent of that parent.

(6) The Minister shall not place a child of or above the age of fifteen years under his guardianship under this section pursuant to an application by a guardian unless the child consents to the making of the order.

(7) Subject to subsection (8), the Minister shall not place a child under his guardianship pursuant to an application by the child unless the Minister has consulted with the guardians of the child.

(8) If the whereabouts of any guardian of the child cannot after reasonable inquiry by the Minister be ascertained, an order under subsection (2) may be made without consulting that guardian.

Temporary
guardianship
of a child.

28. (1) The Minister, upon receipt of a request by a guardian of a child, or by a child of or above the age of fifteen years, may place the child under his guardianship for such period of time, not exceeding four weeks, as the Minister thinks fit, where the Minister is of the opinion that it is in the interests of the child to do so.

(2) The Minister shall not place a child of or above the age of fifteen years under his guardianship under this section pursuant to a request of a guardian unless the child consents to the placement.

(3) Where the Minister has placed a child under his guardianship under this section pursuant to a request of the child, the Minister shall give written notice of the placement to the guardians of the child, personally or by post, at their addresses last known to him.

Guardianship
of children
from other
States.

29. (1) The Minister may, on request by or on behalf of an authority having the guardianship in any other State or Territory of the Commonwealth of a child who has entered or is about to enter this State, by order in writing, place the child under his guardianship for so long as the child remains in this State.

(2) The Minister may make financial or other arrangements with an authority in any other State or Territory of the Commonwealth for the guardianship of a child while in this State and may, subject to those arrangements, cause the child at any time while he remains under the guardianship of the Minister to be removed from this State and returned to the guardianship of the authority in that other State or Territory.

(3) The child shall not remain under the guardianship of the Minister for a period in excess of that for which he would, if he had not been placed under the guardianship of the Minister, have remained subject to the guardianship of the authority from which he was received.

Minister may
place child in
the custody of
an interstate
authority.

30. (1) The Minister may request the appropriate authority in any other State or Territory of the Commonwealth to have the guardianship of a child who is under the guardianship of the Minister for so long as the child is in that State or Territory.

(2) The Minister may make financial or other arrangements with the appropriate authority in any other State or Territory of the Commonwealth for the return to this State of any child who has been in the guardianship of that authority pursuant to a request under subsection (1).

31. While a child is under the guardianship of the Minister, the Minister shall be entitled to the custody and guardianship of the child to the exclusion of the rights of any other person. Minister is lawful guardian.

32. (1) Subject to this Act, the Director-General may from time to time make provision for the care of a child who is under the guardianship of the Minister pursuant to this Act in any of the following ways: Powers of Director-General.

- (a) he may place the child, or permit the child to remain, in the care of any guardian or relative of the child;
 - (b) he may place the child in the care of an approved foster parent, or any other suitable person;
 - (c) he may place the child in any home established or licensed under this Act (not being a training centre or any other home used for the detention of children charged with, or convicted of, offences), or in any other suitable place, and give such directions as to the care and keeping of the child in that home as he thinks fit;
 - (d) he may, if he is of the opinion that the behaviour of the child is such that he is likely to cause serious injury to himself, to others or to property, and that he cannot properly be controlled in any other manner, place the child in a training centre, or any other home used for the detention of children charged with, or convicted of, offences, for such period of time, not exceeding seven days, as may be necessary or desirable for the purpose of preventing the child from causing such injury;
 - (e) he may, if it is necessary or desirable for the sake of the physical or mental health of the child, place him in a hospital;
- or
- (f) he may make such other provision for the care of the child as the circumstances of the case may require.

(2) Whenever a child is dealt with by the Director-General pursuant to subsection (1), the Director-General shall advise the guardians of the child, in writing, at their last address known to him, of the manner in which the child has been dealt with under that subsection.

(3) Where a child under the guardianship of the Minister has been placed in the care of any person or in any home or hospital under subsection (1), the child may be removed from the custody of that person, or from that home or hospital, by any officer of the Department authorized for the purpose by the Minister.

(4) For the purpose of removing a child under subsection (3), the authorized officer may, without any warrant, enter or break into any place or premises in which he knows or reasonably suspects the child to be and use such force as is reasonably necessary.

(5) A person who hinders an authorized officer in the exercise of his powers under this section shall be guilty of an offence.

Removal of
child from any
place.

33. (1) Where the Director-General has directed that any child under the guardianship of the Minister be placed in a home, any member of the police force, or an officer of the Department authorized in writing by the Minister, may, without any warrant, remove the child from any place and bring him to the home specified in the direction, and for the purposes of removing the child, may enter or break into any place or premises in which he knows or reasonably suspects the child to be and use such force as may be reasonably necessary.

(2) A person who hinders a member of the police force or an officer of the Department in the exercise of his powers under this section shall be guilty of an offence.

Review of
guardianship
of child.

34. Where a child is under the guardianship of the Minister pursuant to this Act, the Minister shall cause a review to be made of the progress and circumstances of the child at least once in each year that the child is under the guardianship of the Minister.

Discharge of
child from
guardianship
of Minister
and appeals.

35. (1) The Minister may order that a child who has been placed under the guardianship of the Minister pursuant to this Act be discharged from guardianship.

(2) A guardian of a child who has been placed under the guardianship of the Minister pursuant to this Act may apply to the Minister in the prescribed manner for an order that the child be discharged from guardianship.

(3) A child of or above the age of fifteen years may apply to the Minister in the prescribed manner for an order that he be discharged from guardianship.

(4) Where the Minister refuses an application that has been duly made under this section, the applicant may appeal to a Judge of the Children's Court against that refusal.

(5) In any appeal under this section the Children's Court shall not be bound by the rules of evidence, but may inform itself upon any matter in such manner as the Court thinks fit.

(6) Where an appeal has been instituted under this section, the Director-General shall furnish the Court with a report on the personal circumstances and social background of the child.

(7) Where on any appeal the Court is not fully satisfied as to whether the child should or should not be discharged from the guardianship of the Minister, the Court may adjourn the proceedings for a period of time not exceeding six months.

(8) The Court shall not exercise its powers under subsection (7) more than once in respect of the one appeal.

(9) Upon the hearing of an appeal under this section, the Court may order—

(a) that the appeal be dismissed;

(b) that the child be discharged from guardianship;

or

- (c) that the child remain under the guardianship of the Minister but subject to, for the period specified in the order, such conditions relating to his care or control as the Court may specify in the order.

(10) Where the Court has made an order under subsection (9) (c), the Minister, a guardian of the child or, where the child is of or above the age of fifteen years, the child may apply to the Court for the termination or variation of any of the conditions specified in the order.

Subdivision 2—Establishment by the Minister and the Director-General of Certain Facilities for Children

36. (1) The Minister shall establish such homes as are necessary for the care, correction, detention, training or treatment of children who are charged with offences, or who have committed offences for which they are sentenced to detention.

Establishment of facilities for young offenders and children in need of care.

(2) The Director-General shall constitute such assessment panels as are necessary for the examination of children who are alleged to have committed offences or to be in need of care, the evaluation of their personal circumstances and social background, and the assessment of the most appropriate form of care, treatment or rehabilitative correction or education for each child.

(3) The Minister shall establish such youth project centres as he thinks fit in which children who have committed offences may, without going into residence, receive training and treatment.

(4) The Minister shall establish a programme whereby families are approved by the Director-General for the purpose of placing within those families children who—

(a) are declared by the Children's Court to be in need of care and are directed by the Court to reside with a member of such a family;

(b) are under the guardianship of the Minister and are to be placed by the Director-General in the care of a member of such a family;

(c) are charged with an offence and are released by a court into the custody of a member of such a family;

or

(d) are found guilty of an offence and are required by a condition of a recognizance to reside with a member of such a family.

37. (1) The Minister may establish such homes as he thinks necessary or desirable for the residential care of children.

Establishment of children's homes and child care centres.

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

38. A home, youth project centre or child care centre established under this Subdivision shall be under the control of the Minister, and the Director-General shall, subject to any instructions of the Minister, manage every such home, youth project centre or child care centre, and shall ensure that proper standards of administration are observed.

Management and control of home and centres.

Ex officio
visitors
to homes.

39. All members of the Executive Council and members of the Legislature, any Judge, and any person authorized in writing for the purpose by the Minister shall be entitled to visit every home established under this Subdivision and the persons detained or resident in such homes.

Subdivision 3—Foster Care and Licensed Foster Care Agencies

The purpose
of foster care.

40. The purpose of foster care is to provide a means by which children whose parents or relatives are for any period unable or unwilling to care for them may receive care, support and guidance within another family.

Foster parents
to be approved.

41. A person shall not, for any monetary or other consideration, be a foster parent to any child unless he is approved as a foster parent under this Subdivision.

Application for
approval as
foster parents.

42. In considering any application for approval as a foster parent the Director-General shall attempt to assess the capacity and willingness of the applicant to care for a child according to adequate principles and standards of child care, and shall, in such manner as he thinks fit, satisfy himself as far as reasonably possible—

- (a) that the applicant will have adequate interest in, and affection and respect for, a child, placed in his care;
 - (b) that the applicant will treat the child in a consistent manner and will provide a stable family environment for the child;
 - (c) that the applicant will understand adequately the developing personality of the child, and will provide opportunities to develop the abilities of the child;
 - (d) that the applicant will provide adequate accommodation for the child and any other material provision necessary for the welfare of the child;
 - (e) that, where appropriate, the applicant will provide opportunities for the child to maintain or recover his identity as a member of his own family and will allow the child reasonable access to his own family;
 - (f) that, where appropriate, the applicant will assist the child to return to his own family;
 - (g) that the applicant is in sound health and is able to withstand the demands of providing foster care;
- and
- (h) on any other matters that the Director-General may consider relevant.

Approval of
foster parents.

43. (1) A person is an approved foster parent for the purposes of this Part, if he is so approved in writing under the hand of the Director-General.

(2) The written approval of a person as a foster parent must state the number of foster children that the foster parent is permitted to have in his custody.

(3) A foster parent shall not be permitted to have more than three foster children in his custody unless the children are all of the same family, or unless the Director-General is of the opinion that special reasons exist for permitting a greater number.

(4) A foster parent shall not have in his custody more foster children than the number permitted under the approval.

(5) The Director-General may give approval under this section subject to such conditions as he thinks fit and specifies in the approval.

(6) A foster parent shall not fail to comply with the conditions to which his approval is subject.

44. (1) It shall be the duty of the Director-General to satisfy himself as to the welfare of all foster children in the custody of approved foster parents, and, subject to any directions given by the Minister in a particular case, to review at regular intervals the circumstances of each foster child and the possibility of the child being returned to his own family.

Duty of the Director-General in relation to foster children.

(2) In determining whether a child is to be placed in the custody of a foster parent, and, if so, the foster parent in whose custody the child is to be placed, the Director-General shall consider the views of the guardians of the child so far as they are known to, or readily ascertainable by, the Director-General.

45. (1) The Director-General, or any person authorized in writing by the Director-General, may, at any reasonable time, enter any place or premises for the purpose of providing an approved foster parent with support and guidance in relation to the care of a foster child and of ascertaining whether a foster child is being adequately cared for, and whether the provisions of this Part are being complied with.

The powers of entry.

(2) A person shall not hinder the Director-General, or any such authorized person, in the exercise of his powers under this section.

46. (1) Where, in the opinion of the Director-General, a foster child is not being adequately cared for, or the provisions of this Part are not being complied with by the foster parent, the Director-General may cancel the approval of the foster parent.

Cancellation of approval.

(2) Where the Director-General exercises his powers under this section to cancel the approval of a foster parent, the person in respect of whom the approval was given shall thereupon cease to be an approved foster parent.

(3) The Director-General shall give the foster parent notice in writing of his intention to cancel the approval under this section at least twenty-eight days before he does so.

47. An approved foster parent—

Information to be furnished.

(a) shall advise the Director-General as soon as practicable of any change in his address;

and

(b) shall furnish the Director-General with such information in relation to the foster child as he may require.

Licensing of
foster care
agencies.

48. (1) On and after a day to be fixed by proclamation for the purposes of this section, no person shall—

(a) carry on the business of a foster care agency;

or

(b) hold himself out to the public as a foster care agency,
unless he is licensed as a foster care agency under this section.

(2) The Director-General shall grant a licence under this section to any person who applies in the prescribed manner, if he is satisfied—

(a) that the person is a fit and proper person to hold such a licence;

or

(b) that the person was carrying on business as a foster care agency immediately prior to the commencement of the Community Welfare Act Amendment Act, 1981.

(3) In determining whether or not a person is a fit and proper person to hold a licence under this section the Director-General shall have regard to—

(a) the qualifications and experience in the field of foster care, or any other related field, of the person, or persons, who will be carrying on or managing the business, and of any employees, or proposed employees, of the agency;

(b) the system of management within the agency;

(c) the procedures proposed by the agency for the selection, approval, training and support of foster parents;

(d) the procedures proposed by the agency for the placement and supervision of foster children;

and

(e) such other matters as may be relevant.

(4) The Director-General may grant a licence under this section subject to such conditions as he thinks fit and specifies in the licence.

(5) A licence shall, subject to this Subdivision, remain in force for a period of twelve months from the day on which it was issued, and may be renewed for successive periods of twelve months.

(6) A person shall not contravene any condition upon which a licence is granted under this section.

Cancellation
of licence.

49. (1) Where the Director-General is satisfied that proper cause for cancellation of a licence under section 48 exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence pursuant to this section unless, at least twenty-eight days before he does so, he has informed the licensee by notice in writing served personally or by post upon him, of his intention to cancel the licence.

Records.

50. (1) A licensed foster care agency shall maintain such records as may be prescribed.

(2) A licensed foster care agency shall, if so required by the Director-General, produce for inspection the records the agency is required to maintain under this section and shall furnish the Director-General with such other information relating to the activities of the agency as he may require.

Subdivision 4—Licensed Children's Homes

51. (1) No person shall have the conduct or control of any children's home unless that person is the holder of a valid licence granted under this section in respect of the children's home. Licensed children's homes.

(2) In determining whether or not to grant a licence under this section to a person, the Director-General shall have regard to—

- (a) the qualifications and experience of the person, or persons, who will be conducting or managing the home and of any persons who will be employed in the home;
- (b) the system of management within the home;
- (c) the suitability of the premises proposed to be used as the home;

and

- (d) such other matters as may be relevant.

(3) The Director-General may grant a licence under this section subject to such terms and conditions (which shall include terms and conditions as to the standards to be observed in the management and operation of the children's home) as the Director-General thinks fit and specifies in the licence.

(4) A licence granted under this section shall, subject to this Subdivision, have effect for a term of twelve months from the day on which it was granted and may be renewed from time to time for successive periods of twelve months.

(5) A person who contravenes subsection (1), or any term or condition upon which a licence under this section was granted, shall be guilty of an offence and liable, for a first offence, to a penalty not exceeding five hundred dollars, and for a subsequent offence, to a penalty not exceeding one thousand dollars or imprisonment for twelve months.

(6) This section does not apply in respect of—

- (a) a home established by the Minister under this Act;
- (b) any premises or place in which foster children are cared for by an approved foster parent;

or

- (c) residential premises that are attached to a school or a tertiary education institution, or that are used solely for the purposes of caring for tertiary students.

52. (1) Where the Director-General is satisfied that proper cause for the cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

Cancellation of licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless he has given notice in writing to the licensee of his intention to cancel the licence at least twenty-eight days before he does so.

Register.

53. A person licensed under this Subdivision to have the conduct or control of a children's home shall keep a register containing the following particulars with respect to every child received by him, so far as those particulars are reasonably ascertainable by him—

- (a) the name, age, place of birth and religion (if any) of the child;
- (b) the names and addresses of the guardians of the child;
- (c) the names and addresses of any persons other than the guardians from whom the child was received and their relationship to the child;
- (d) the date on which the child was received, and the date on which the child left the children's home;

and

- (e) such other particulars as may be prescribed.

Inspection of children's homes.

54. (1) The Director-General, or any person authorized in writing by him, may at any reasonable time enter and inspect any licensed children's home.

(2) The licensee of a children's home shall, if so required by the Director-General or any such authorized person, produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the authorized person, with such information in relation to any child as he may require.

(3) A person shall not hinder the Director-General or an authorized person in the exercise of powers conferred upon him under subsection (1) or fail to comply with a requirement made of him pursuant to subsection (2).

Agreement.

55. (1) A person licensed under this Subdivision shall not receive a child into a children's home to be cared for in the home unless—

- (a) in the case of a child under the age of fifteen years, a guardian of the child has signed an agreement in the prescribed form relating to the period for which the child will remain in the home and to the care and control of the child while he remains in the home;

or

- (b) in the case of a child of or above the age of fifteen years—

- (i) the licensee has, where it is reasonably practicable to do so, consulted with the guardians of the child;

and

- (ii) the child has consented to be cared for in the home.

(2) The licensee shall, at the request of the Director-General, or an officer of the Department, produce any such agreement for inspection.

56. (1) A child being cared for in a licensed children's home or a guardian of any such child may request the Director-General to investigate any complaint the child or the guardian may have with respect to the care or control the child is receiving in the home.

Duty of Director-General to hear complaints of child in a home.

(2) The Director-General shall investigate any complaint made under this section.

Subdivision 5—Licensed Child Care Centres

57. (1) No person shall have the conduct or control of a child care centre unless that person is the holder of a valid licence granted under this section in respect of the child care centre.

Business of child care not to be carried on without licence.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

(3) A licence shall, subject to this Subdivision, remain in operation for a period of twelve months after the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person shall not contravene any condition upon which a licence is granted under this Subdivision.

(5) This section does not apply in respect of—

(a) a child care centre established by the Minister under this Act;

or

(b) any premises or place in which foster children are cared for by an approved foster parent.

(6) This section does not apply where the children who are cared for apart from their guardians and relatives are all of the same family.

58. (1) Where the Director-General is satisfied that proper cause for the cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

Cancellation of licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless he has given notice in writing to the licensee of his intention to cancel the licence at least twenty-eight days before he does so.

59. (1) A person shall not leave a child under the age of six years to be cared for in a licensed child care centre for more than a prescribed number of consecutive hours over a prescribed period.

Period for which child may be left in child care centre.

Penalty: Fifty dollars.

(2) The licensee of a child care centre shall notify the Director-General in writing of any breach of subsection (1).

Register.

60. The licensee of a child care centre shall keep a register containing the following particulars with respect to every child received by him so far as those particulars are reasonably ascertainable by him—

- (a) the name and date of birth of the child;
- (b) the name and address of the person from whom the child was received;
- (c) the name and address of the person who will collect the child;
- (d) the address and telephone number of the place or places where the guardians of the child may be contacted in the event of an emergency;
- (e) the time of arrival and departure of the child each day;
- and
- (f) such other particulars as may be prescribed.

Powers of entry and inspection.

61. (1) The Director-General, or any person authorized in writing by him, may at any reasonable time enter and inspect a licensed child care centre.

(2) The licensee of a child care centre shall, if so required by the Director-General or any such authorized person produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the authorized person, with such information in relation to any child as the Minister may require.

(3) A person shall not hinder the Director-General or any such authorized person in the exercise of powers conferred on him under subsection (1), or fail to comply with a requirement made of him pursuant to subsection (2).

Subdivision 6—Licensed Baby-Sitting Agencies

Licensing of baby-sitting agencies.

62. (1) No person shall—

- (a) carry on the business of a baby-sitting agency;

or

- (b) hold himself out to the public as a baby-sitting agency,

unless he is licensed as a baby-sitting agency under this section.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

(3) A licence shall, subject to this Subdivision, remain in force for a period of twelve months from the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person shall not contravene any condition upon which a licence is granted under this section.

Cancellation of licence.

63. (1) Where the Director-General is satisfied that proper cause for cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless, at least twenty-eight days before he does so, he has informed the licensee by notice in writing served personally or by post upon him, of his intention to cancel the licence.

64. (1) A licensed baby-sitting agency shall maintain a register of baby-sitters and such other records as may be prescribed. Records, etc.

(2) A licensed baby-sitting agency shall, if so required by the Director-General, or an officer of the Department authorized in writing by him, produce for inspection the records that the agency is required to maintain under this section and shall furnish the Director-General or authorized officer with such other information relating to the activities of the agency as he may require.

Subdivision 7—Approved Family Day-Care and Licensed Family Day-Care Agencies

65. (1) A person—

(a) who proposes for monetary or other consideration to care for not more than three children under the age of six years on a non-residential basis in a family environment away from their own homes and apart from their guardians and relatives;

and

(b) who is not required to hold a licence under this Act,

may apply to the Director-General for approval—

(c) of the applicant as a family day-care provider;

and

(d) of the premises in which care is to be provided as family day-care premises.

Application
for approval of
of family
day-care.

(2) The Director-General may give an approval in writing under this section subject to such conditions as he thinks fit and specifies in the approval.

(3) An approval shall, subject to this Subdivision, remain in force for a period of twelve months after the day on which it was given, and may be renewed for successive periods of twelve months.

(4) An approved family day-care provider may care for more than three children under the age of six years where the children are all of the same family.

66. (1) Where the Director-General is satisfied that proper cause for the revocation of an approval under this Subdivision exists, he may, by notice in writing served personally or by post upon the approved family day-care provider, revoke the approval.

Revocation of
approval.

(2) The Director-General shall not revoke an approval pursuant to this section unless he has given notice in writing to the approved family day-care provider of his intention to revoke the approval at least twenty-eight days before he does so.

Register.

67. An approved family day-care provider shall keep a register containing the following particulars with respect to every child received by him so far as those particulars are reasonably ascertainable by him—

- (a) the name and date of birth of the child;
- (b) the name and address of the person from whom the child was received;
- (c) the name and address of the person who will collect the child;
- (d) the address and telephone number of the place or places at which the guardians of the child may be contacted in the event of an emergency;
- and
- (e) such other particulars as may be prescribed.

Powers of entry and inspection.

68. (1) The Director-General, or any person authorized in writing by him, may at any reasonable time enter and inspect any approved family day-care premises.

(2) An approved family day-care provider shall, if so required by the Director-General or any such authorized person, produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the authorized person, with such information in relation to any child as the Director-General may require.

(3) A person shall not hinder the Director-General or any authorized person in the exercise of powers conferred on him under subsection (1), or fail to comply with a requirement made of him pursuant to subsection (2).

False representation as to approval.

69. A person shall not falsely represent that he or any premises have been approved under this Subdivision, nor make any representation that might reasonably be expected to cause or induce any other person falsely to believe that he or the premises have been so approved.

Licensing of family day-care agencies.

70. (1) No person shall—

- (a) carry on the business of a family day-care agency;

or

(b) hold himself out to the public as a family day-care agency, unless he is licensed as a family day-care agency under this section.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

(3) A licence shall, subject to this Subdivision, remain in force for a period of twelve months from the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person shall not contravene any condition upon which a licence is granted under this section.

71. (1) Where the Director-General is satisfied that proper cause for cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

Cancellation
of licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless, at least twenty-eight days before he does so, he has informed the licensee by notice in writing served personally or by post upon him, of his intention to cancel the licence.

72. (1) A licensed family day-care agency shall maintain such records as may be perscribed.

Records, etc.

(2) A licensed family day-care agency shall, if so required by the Director-General, or an officer of the Department authorized in writing by him, produce for inspection the records that the agency is required to maintain under this section and shall furnish the Director-General or authorized officer with such other information relating to the activities of the agency as he may require.

Subdivision 8—Miscellaneous

73. In this Subdivision—

Interpretation.

“child to whom this section applies” means—

(a) a child who is under the guardianship of the Minister pursuant to this Act or to Part III of the Children’s Protection and Young Offenders Act, 1979-1980;

or

(b) a person who is detained in any place pursuant to the Children’s Protection and Young Offenders Act, 1979-1980.

74. (1) The Director-General may grant to the foster parent, or any other person in charge, of—

Assistance to
persons caring
for children.

(a) a child to whom this section applies;

(b) a child who has been placed in the care or custody of a member of an approved family or any other person pursuant to an order or direction of the Children’s Court;

or

(c) a child who is under the guardianship of the Director-General pursuant to the Adoption of Children Act, 1966-1978,

such financial or other assistance in relation to the care and maintenance of the child as may be determined by the Minister.

(2) For the purposes of this section, the governing authority or person in charge of any home or place in which any such child is cared for shall be deemed to be the person in charge of the child.

75. Where a child to whom this section applies is absent without lawful excuse from any place in which he is being detained, or has been placed by the Director-General, an officer of the Department authorized

Unlawful
absence from
training
centre, etc.

for the purpose or a member of the police force may, without any warrant, apprehend the child, and for that purpose may enter or break into any premises in which he knows or reasonably suspects the child to be and use such force as is reasonably necessary.

Unlawful
taking of
child.

76. A person who—

(a) induces a child to whom this section applies unlawfully to leave, or without lawful excuse takes such a child from, any place in which the child is being detained, or has been placed by the Director-General;

or

(b) harbours or conceals any such child,

shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for three months.

Unlawful
communication
with child, etc.

77. A person who—

(a) having entered any home, or the grounds thereof, does not depart therefrom when required to do so by an officer of the Department;

or

(b) having been forbidden to do so by the Director-General, holds any communication with any child to whom this section applies,

shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Power of
Director-
General to
enter certain
places.

78. (1) The Director-General, or any person authorized by him in writing, may, where the Director-General suspects on reasonable grounds that a child is being cared for in any place in contravention of this Act, enter that place for the purpose of investigating the matter.

(2) A person shall not hinder the Director-General or any authorized person in the exercise of powers conferred on him under subsection (1).

Restriction
upon child-
minding
advertisements.

79. No person shall by public advertisement represent that he is prepared, for monetary or other consideration, to mind, look after or care for children under the age of six years away from their own homes unless he is the holder of a valid licence under this Act in respect of caring for such children or unless he is an approved family day-care provider.

Minister may
in certain
circumstances
grant greater
degree of
control
over child
under his
guardianship
to foster
parent.

80. (1) Where a child who is under the guardianship of the Minister pursuant to this Act or to Part III of the Children's Protection and Young Offenders Act, 1979-1980, has been placed by the Director-General in the care of an approved foster parent and has been in the care of that parent for a period of not less than three years, the Minister may, by instrument in writing, upon the application of the foster parent, delegate to him such of the powers, functions or duties vested in or imposed upon the Minister as guardian of the child as the Minister thinks fit.

(2) An application under subsection (1) may not be made in respect of a child who is of or above the age of fifteen years unless the child has consented to the making of the application.

(3) The Minister shall cause the guardians of the child the subject of an application under subsection (1) to be notified of the application, and shall consider any submissions made by a guardian in respect of the application.

(4) If the whereabouts of a guardian of the child cannot after reasonable inquiry by the Minister be ascertained, the Minister may determine the application without notifying that guardian.

(5) A delegation under this section—

(a) may be varied or revoked at any time by the Minister;

and

(b) does not prevent the exercise or performance by the Minister of any power, function or duty so delegated.

(6) Where the Minister exercises his powers under subsection 5 (a) or (b), he shall give written notice personally or by post of that exercise of powers—

(a) to the foster parent;

(b) where the child is of or above the age of fifteen years—to the child;

and

(c) to the guardians of the child,

at their addresses last known to him.

81. (1) The Minister shall establish such number of review panels as may be necessary for the following purposes: Review panels.

(a) reviewing the progress and circumstances of children under the guardianship of the Minister pursuant to this Act or any other Act;

(b) reviewing the progress and circumstances of children under the control of the Director-General pursuant to an order of the Children's Court;

(c) reviewing the progress and circumstances of persons found guilty of offences and discharged upon recognizance subject to the supervision of an officer of the Department or other person nominated by the Director-General;

and

(d) carrying out any other functions assigned by the Minister.

(2) A review panel shall consist of an officer of the Department and a person (not being an officer of the Department) who has experience in the field of community welfare.

(3) The Minister may pay to the members of a review panel such allowances and expenses as he thinks fit.

Power of entry.

82. (1) The Director-General, or any officer of the Department authorized in writing by the Director-General, may, where he suspects on reasonable grounds that there is a child in need of care in any place or premises, enter and remain in that place or premises for the purpose of inquiring into the circumstances of the child.

(2) A person shall not hinder the Director-General or any such officer in the exercise of powers under subsection (1).

Tobacco and other prescribed substances or articles not to be sold, etc., to child under sixteen years of age.

83. (1) Any person who sells, lends, or gives, or offers to sell, lend or give, to any child under the age of sixteen years any tobacco, cigar or cigarette shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

(2) Any person who sells, lends or gives, or offers to sell, lend or give, to any child under the age of sixteen years any prescribed substance or article shall be guilty of an offence and liable to the penalty prescribed, which shall not exceed two hundred dollars in any case, in relation to the substance or article involved in the offence.

Payment of moneys to the Director-General.

84. (1) The Director-General may receive moneys on behalf of a child.

(2) The Director-General shall cause any moneys received on behalf of a child to be deposited in the Treasury in the name of the Director-General on account of the child or in any banking account in the name of the child.

(3) All such moneys deposited in the Treasury shall bear interest at a rate determined by the Treasurer.

(4) The whole, or any portion of, moneys deposited in the Treasury, and any interest thereon, may be expended by the Director-General for the benefit of the child when, and in such manner, as the Director-General thinks fit.

(5) All moneys deposited in the Treasury, and not expended as provided by this section, shall be payable to the child upon his ceasing to be a child to whom this section applies and the Director-General shall notify the child accordingly, but if the moneys are not claimed by the child, or any person lawfully claiming under him, before the expiration of seven years after that date, they may be appropriated by the Director-General and shall not thereafter be recoverable unless the Minister directs otherwise in any particular case.

Director-General may in certain circumstances consent to medical or dental treatment of child in detention or placed under his control by order of the Children's Court.

85. (1) Where, pursuant to Part III of the Children's Protection and Young Offenders Act, 1979-1980, a child has been declared to be in need of care and placed under the control of the Director-General, or is detained in a training centre or other place pursuant to Part IV of that Act, and the Director-General believes on reasonable grounds that the child requires medical or dental treatment for which the consent of a guardian of the child must be obtained, the Director-General may give that consent if—

(a) the whereabouts of the guardians of the child has not, after reasonable inquiries, been ascertained;

or

(b) it would be detrimental to the health of the child to delay the treatment while the consent of a guardian is obtained.

(2) The consent of the Director-General given in accordance with subsection (1) shall be as valid and effectual as if it had been given by a guardian of the child.

DIVISION III—THE PROTECTION OF CHILDREN

Subdivision 1—Establishment of Regional and Local Child Protection Panels

86. (1) For the purposes of this Division the Minister may divide the State into such regions as he thinks expedient. Establishment of regional panels.

(2) In relation to each region, the Minister shall establish a regional child protection panel with a distinctive name.

(3) A regional panel shall consist of the following members:

- (a) one person nominated by the Director-General;
- (b) one person who is experienced in the field of early childhood health, nominated by the Chairman of the Health Commission;
- (c) one person who is a child psychiatrist or who is experienced in child psychology, nominated by the Chairman of the Health Commission;
- (d) one person nominated by the Commissioner of Police;
- (e) one person nominated by the Director-General of Education;
- and
- (f) one legally qualified medical practitioner.

(4) A member of a regional panel shall be appointed for a term of office not exceeding two years and, at the expiration of his term of office, shall be eligible for re-appointment.

(5) A member of a regional panel shall be appointed by the Minister to be chairman of the panel.

(6) A member of a regional panel shall be entitled to such allowances and expenses as may be determined by the Minister.

87. (1) A decision in which a majority of members of a regional panel concur shall be a decision of the panel. Procedure of the panel.

(2) Subject to any direction of the Minister, the procedure of a regional panel shall be as determined by the panel.

88. The functions of a regional panel are as follows:

Functions of regional panel.

- (a) to receive and consider notifications of maltreatment of children;
- (b) to make such recommendations as to remedial treatment or action to the persons involved in a case of maltreatment and to any appropriate health or welfare agency as the panel thinks appropriate, and to facilitate the carrying into effect of that remedial treatment or action;
- (c) to keep all cases under regular review;

- (d) to carry out, or assist in, research in relation to the maltreatment of children;
 - (e) to compile and maintain statistical data in relation to the maltreatment of children;
 - (f) to identify the services within its region that are involved in the prevention, treatment or management of cases of maltreatment of children, and to promote effective use of those services in appropriate cases;
 - (g) to promote the development of those services and such new services as the panel considers desirable;
 - (h) to disseminate information amongst the community relating to the maltreatment of children;
 - (i) to encourage persons who are maltreating a child, or who believe they are about to maltreat a child, to consult with the panel of their own volition;
 - (j) to assign to any local panel within the region such functions as may be necessary or incidental to the functions of the regional panel;
- and
- (k) such other functions as may be prescribed.

**Establishment
of local panels.**

89. (1) The Minister may establish such number of local child protection panels as he thinks fit within each region constituted under section 86.

(2) A local panel shall have a distinctive name and shall consist of three members of whom—

- (a) one shall be an officer of the Department;
- (b) one shall be a person nominated by the regional panel from the following:
 - (i) a legally qualified medical practitioner;
 - (ii) a registered or enrolled nurse;
 - (iii) a psychiatrist or a registered psychologist;

and

- (c) one shall be a person nominated by the regional panel from the following:
 - (i) a member of the police force;
 - (ii) a registered teacher;
 - (iii) a social worker employed in a hospital or a medical practice;
 - (iv) a person who is qualified, or has experience, in the field of child welfare.

(3) A member of a local panel shall hold office at the pleasure of the Minister.

(4) A member of a local panel shall be entitled to such allowances and expenses as may be determined by the Minister.

(5) Subject to any direction of the Minister, the procedure of a local panel shall be as determined by the panel.

90. The functions of a local panel are as follows:

Functions of
local panels.

- (a) to provide guidance, assistance and support to persons involved in the prevention, treatment or management of cases of maltreatment of children;
 - (b) to provide guidance, assistance and support to persons who seek help in relation to the maltreatment of children;
 - (c) to report at regular intervals of no more than six months to the regional panel for the region in relation to which the local panel was established, on the work being done by the local panel;
- and
- (d) such other functions as may be assigned to it by the regional panel.

Subdivision 2—Notification of Maltreatment

91. (1) Where a person suspects on reasonable grounds that an offence under this Division has been committed against a child, that person—

Notification of
maltreatment.

- (a) if he is not obliged to comply with this section—may notify an officer of the Department of his suspicion;
- or
- (b) if he is obliged to comply with this section—shall notify an officer of the Department of his suspicion,

as soon as practicable after he forms the suspicion.

(2) The following persons are obliged to comply with this section—

- (a) any legally qualified medical practitioner;
 - (b) any registered dentist;
 - (c) any registered or enrolled nurse;
 - (d) any registered psychologist;
 - (e) any pharmaceutical chemist;
 - (f) any registered teacher;
 - (g) any person employed in a school as a teacher aide;
 - (h) any person employed in a kindergarten;
 - (i) any member of the police force;
 - (j) any employee of an agency that provides health or welfare services to children;
 - (k) any social worker employed in a hospital, health centre or medical practice;
- or
- (l) any person of a class declared by regulation to be a class of persons to which this section applies.

(3) Any such notification must be accompanied by a statement of the observations and opinions upon which the suspicion is based.

(4) An officer of the Department who has received any such notification shall forthwith report the matter to the regional panel constituted for the region in which the offence is alleged to have been committed.

(5) Where a person acts in good faith and in compliance with the provisions of this section, he incurs no civil liability in respect of that action.

Subdivision 3—Offences against Children

Offences
against
children.

92. (1) Any person having the care, custody, control or charge of a child, who maltreats or neglects the child, or causes the child to be maltreated or neglected, in a manner likely to subject the child to physical or mental injury, shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars or imprisonment for a period not exceeding twelve months.

(2) Proceedings for an offence against this section shall not be commenced except upon the authorization of a regional panel.

(3) An apparently genuine document purporting to be under the hand of a member of a regional panel, and to certify that the commencement of specified proceedings has been authorized by the panel, shall be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the matter so certified.

Subdivision 4—Medical Examination and Treatment and Temporary Custody of Children

Medical
examination
and treatment
of children
suspected to be
victims of
maltreatment.

93. (1) Where an officer of the Department or a member of the police force suspects on reasonable grounds that an offence against this Division has been committed in relation to a child, he may, if the Director-General authorizes him to do so, cause the child to be taken to a hospital or legally qualified medical practitioner for medical examination, if—

(a) the whereabouts of the guardians of the child has not, after reasonable enquiries, been ascertained;

(b) it would be detrimental to the interests of the child to delay the medical examination while the consent of a guardian is obtained;

or

(c) the guardians of the child refuse or fail to take the child for such medical examination.

(2) Where a child is taken for medical examination under subsection (1), the person who carries out the examination may do so without the consent of a guardian of the child, and—

(a) shall report in writing as soon as reasonably practicable the results of the examination to the regional child protection panel for the region in which the offence is alleged to have been committed;

and

(b) may, without seeking the consent of any guardian of the child, or contrary to the wishes of any guardian of the child, admit the child to hospital, or give the child, or cause the child to be given, such medical treatment as he thinks necessary or desirable.

94. Where—

Temporary
custody of
children.

(a) a child has been admitted into a hospital;

and

(b) the person in charge of that hospital suspects upon reasonable grounds that an offence against this Division has been committed in relation to the child,

it shall be lawful for the child to be detained against the will of any guardian of the child in the hospital for a period not exceeding ninety-six hours and, while so detained, to receive such medical treatment as the person in charge thinks necessary or desirable.

7. Part V of the principal Act is repealed.

Repeal of
Part V.

8. The headings—

Repeal of
headings
preceding
s. 92 and
substitution of
new headings.

DIVISION I—THE MAINTENANCE OF PERSONS IN NEED

Subdivision 1—Orders Generally

preceding section 92 of the principal Act are repealed and the following headings are substituted:

DIVISION I—MAINTENANCE ORDERS

Subdivision 1—Orders with respect to Children.

9. Sections 92 to 98 (inclusive) of the principal Act are repealed and the following section is substituted:

Repeal of
ss. 92 to 98
and
substitution of
new section.

98. (1) The near relatives of any child (including a child under the guardianship of the Minister) shall be liable to pay for, or contribute towards, the cost of maintenance of the child according to their respective financial capacities.

Liability of
near relatives
for
maintenance of
child.

(2) The parents of a child shall be primarily liable under subsection (1) to pay for the maintenance of the child and any step-parent of the child shall be liable to pay for, or contribute towards, its maintenance only in the event of the death, disappearance (reasonable inquiries having been made) or financial incapacity of the parents or any combination of those circumstances applying in relation to the parents.

10. Section 100 of the principal Act is amended by striking out from subsection (1) the passage “, to the Director-General”.

Amendment of
s. 100—
Order for
payment of
maintenance.

11. Section 110 of the principal Act is amended by striking out from subsection (3) the passage “one or more” and substituting the passage “or without”.

Amendment of
s. 110—
Power to lay
complaint for
support of
child born
outside
marriage
against one or
more persons.

12. Section 112 of the principal Act is amended—

Amendment of
s. 112—
Provision for
blood tests.

(a) by striking out from subsection (3) the passage “A court of summary jurisdiction shall” and substituting the passage “A court of summary jurisdiction may”.

- (b) by inserting in subsection (3) after the passage "at the request of" the passage "the complainant or";
- (c) by inserting in subsection (3) after the passage "the mother of the child" the passage "(if the mother is alive)";
- (d) by striking out subsections (4) and (5) and substituting the following subsections:

(4) No direction shall be given unless the child is at least six months old.

(5) In any such direction, the court shall nominate a medical practitioner or an analyst to take such blood samples as may be necessary for the purpose of the blood tests, and to make the tests, and shall also fix a period within which the child, the mother and the defendant, or the child and the defendant, as the case may be, shall attend upon the medical practitioner or analyst so nominated to enable him to take the samples.;

- (e) by inserting in subsection (7) after the word "The" the passage "medical practitioner or";
- (f) by striking out from subsection (7) the passage "Director-General of Public Health" and substituting the passage "Chairman of the South Australian Health Commission";
- (g) by striking out from subsection (8) the passage "and the analyst" and substituting the passage "or the analyst";
- (h) by inserting in paragraph (b) of subsection (9) after the passage "or either of them does not," the passage "or, where the mother is dead, the child referred to in the direction does not,".
- (i) by inserting in paragraph (b) of subsection (9) after the passage "medical practitioner" the passage "or analyst";
- (j) by inserting in paragraph (c) of subsection (9) after the passage "medical practitioner" the passage "or analyst";
- (k) by inserting after subsection (9) the following subsection:

(9a) Where a direction has been given by a court pursuant to this section and the defendant refuses or without reasonable excuse fails to attend within the period or extended period fixed under subsection (5) or subsection (6) upon the medical practitioner or analyst nominated in the direction and to permit him to take the necessary blood samples for the purposes of the blood tests, the court may draw such inferences from that refusal or failure as it thinks fit.;

- (l) by striking out from subsection (10) the passage "and the analyst" and substituting the passage "or the analyst";
- (m) by inserting in subsection (10) after the passage "recovered by the Minister" the passage "by complaint to a court of summary jurisdiction";
- (n) by striking out subsection (11) and substituting the following subsection:

(11) The medical practitioner or analyst nominated in the direction shall, within such period as may be prescribed, carry

out the blood tests and embody the results of the tests in a certificate in the prescribed form signed by him.;

and

- (o) by inserting in subsection (12) after the word "The" the passage "medical practioner or".

13. The heading preceding section 114 of the principal Act is amended by striking out the word "*Funeral*".

Amendment of heading preceding s. 114.

14. Sections 114, 115 and 116 of the principal Act are repealed.

Repeal of ss. 114, 115 and 116.

15. Division II of Part VI of the principal Act and the heading thereto are repealed.

Repeal of Division II of Part VI and heading thereto.

16. Section 131 of the principal Act is amended—

Amendment of s. 131—
Orders directing payment of nominal sum only.

- (a) by striking out from subsection (1) the passage "or Division II";

and

- (b) by striking out paragraph (a) of subsection (1) and the word "or" immediately following that paragraph.

17. Section 132 of the principal Act is repealed.

Repeal of s. 132.

18. Section 133 of the principal Act is amended—

Amendment of s. 133—
Interim orders for payment of maintenance.

- (a) by striking out from subsection (1) the passage "or Division II";

and

- (b) by striking out from subsection (1) the passage "wife, husband or child" and substituting the word "person".

19. Section 134 of the principal Act is amended by inserting in paragraph (b) after the passage "eighteen years," the passage "marries,".

Amendment of s. 134—
Orders for maintenance of children, etc.

20. Section 135 of the principal Act is repealed and the following section is substituted:

Repeal of s. 135 and substitution of new section.

135. (1) Upon complaint or application to a court of summary jurisdiction made by or on behalf of a child (including a child who has attained the age of eighteen years), if the court is satisfied that it is necessary to make an order under this section—

Maintenance after child's eighteenth year.

- (a) for the purposes of enabling the child to undertake or complete a course of education or training that will fit him for a profession, trade or occupation in which to earn his livelihood;

or

- (b) if the child is unable to earn his livelihood by reason of physical or mental incapacity—for the purposes of maintaining him,

the court may make an order against a near relative for maintenance in respect of the child that will be in force, or vary an existing order for maintenance in respect of the child so that it will be in force, for an amount specified in the order and for a period specified in the order that commences after or continues beyond the date at which the child attained or will attain the age of eighteen years.

- (2) This section does not apply—

- (a) in respect of a course of education or training commenced after a child attains the age of twenty-one years;
or
(b) in respect of any physical or mental incapacity occurring after a child attains the age of eighteen years.

- (3) An application under this section to vary an existing maintenance order shall be heard by a court at the place where the maintenance order was made unless—

- (a) the parties to the application consent to the hearing of the application by a court sitting at another place;
or
(b) the hearing of the application is adjourned, upon application by any party, to a court sitting at another place.

- (4) The amount specified in an order under this section may include such allowance for or towards the expenses incurred or to be incurred in undertaking or completing a course of education or training as the court thinks proper.

Repeal of
s. 137

21. Section 137 of the principal Act is repealed.

Repeal of
s. 139.

22. Section 139 of the principal Act is repealed.

Amendment of
s. 140—
Evidence of
mother as to
paternity of
child born
outside
marriage, etc.,
not to be
accepted
without
corroboration
except in
certain cases.

23. Section 140 of the principal Act is amended—

- (a) by striking out the word “and” occurring between paragraph (a) and (b);
(b) by inserting after paragraph (b) the following paragraph:
(c) where a direction has been given by the court pursuant to section 112 of this Act and the defendant refuses or without reasonable excuse fails to attend within the period or extended period fixed under that section upon the medical practitioner or analyst nominated in the direction and to permit him to take the necessary blood samples for the purposes of the blood tests directed by the court,;

and

- (c) by striking out the passage "and in either case" and substituting the passage "and in any of those cases".

24. Section 154 of the principal Act is amended—

Amendment of
s. 154—
Court may
require
defendant to
state his
employer, etc.

- (a) by striking out subsection (2) and substituting the following subsections:

(2) If the defendant fails to comply with the direction, the court may upon proof that the direction was duly served upon the defendant, issue a warrant for the apprehension of the defendant.

(2a) A direction under this section may be served upon a person—

(a) by delivering it to him;

(b) by leaving it at his usual or last known place of residence or business with some person apparently over the age of sixteen years who apparently resides in that place of residence or is employed at that place of employment;

or

(c) by sending it by post to him at his usual or last known place of residence or business.;

and

- (b) by inserting in paragraph (a) of subsection (4) after the passage "applicable to him" the passage "and was duly served upon him".

25. Section 155 of the principal Act is amended—

Amendment of
s. 155—
Attachment of
property of
persons
against whom
order is sought.

- (a) by inserting between paragraphs (a) and (b) the word "or";

- (b) by striking out paragraph (c) and the word "or" preceding that paragraph;

- (c) by inserting in paragraph (d) after the passage "payable to" the passage ", or standing to the credit of, ";

and

- (d) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Money deposited by or on behalf of the person complained against in an account with a banker or other person shall, for the purposes of this section, be deemed to be standing to the credit of the person complained against, notwithstanding that any condition relating to the account or payment under the account is unsatisfied.

26. Section 168 of the principal Act is repealed and the following section is substituted:

Repeal of
s. 168 and
substitution of
new section.

168. (1) A court may—

Recognizance
or security for
compliance
with
maintenance
order.

- (a) upon making a maintenance order, if it thinks fit, by the same or a separate order;

or

- (b) upon complaint made by or on behalf of any person for whose benefit a maintenance order has been made, if it is satisfied that arrears of maintenance under the order are payable by the defendant or that the defendant intends to evade compliance with the order, by a subsequent order,

require the defendant to enter into a recognizance with or without sureties, in such sum as it thinks fit, or to give such security as it thinks fit, conditioned upon the defendant complying with the maintenance order and, where arrears of maintenance are payable, making such payments in respect of the arrears as are specified by the court.

(2) The court may, in default of a recognizance or security being entered into, or given, commit the defendant to gaol for any period not exceeding three months, but, in that event, a justice may at any time take such recognizance or security from the defendant as he thinks sufficient and order that the defendant be discharged from gaol.

(3) No order shall be made requiring the defendant to enter into or give a recognizance or security or forfeiting a recognizance or security if the court is satisfied that the defendant has not and has not had the means and ability and could not by reasonable effort have had the means and ability to comply with the maintenance order.

Amendment of
s. 169—
Power to
commit for
failure to pay
maintenance.

27. Section 169 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) Where a court of summary jurisdiction is satisfied, upon complaint made by or on behalf of any person for whose benefit a maintenance order has been made, that arrears of maintenance under the order are payable by the defendant, the court may order that the defendant be committed to gaol in default of payment of the arrears for such term, not exceeding six months, as the court thinks proper in the circumstances.;

- (b) by striking out subsection (4) and substituting the following subsection:

(4) Where—

- (a) the issue of a warrant of commitment has been suspended under this section;

and

- (b) a court of summary jurisdiction, upon complaint made by or on behalf of the person for whose benefit the maintenance order was made, is satisfied that payment by the defendant of the maintenance is in arrears in breach of the condition of the suspension,

the court may issue the warrant of commitment or may order that the issue of the warrant be further suspended upon the condition that the defendant make such payments in respect of the arrears of maintenance that have accrued up to the time of the hearing as are specified by the court, and duly pays all sums becoming payable under the maintenance order or the order for costs after the order for further suspension.;

(c) by striking out subsection (9) and substituting the following subsection:

(9) A court shall not make an order committing the defendant to gaol or issue a warrant of commitment if it is satisfied—

(a) that the defendant has not and has not had the means and ability and could not by reasonable effort have had the means and ability to pay the amount of the arrears of maintenance;

or

(b) that for any other reason payment of the arrears of maintenance should not be enforced by imprisonment.;

and

(d) by striking out from subsection (10) the passage “the court referred to in subsection (1) of this section is aware that a court has previously refused to commit the defendant to gaol” and substituting the passage “a court referred to in this section is aware that a court has previously refused to make an order committing the defendant to gaol or to issue a warrant of commitment”.

28. Section 170 of the principal Act is amended by striking out the passage “in respect of any alleged disobedience of, or neglect to comply with,” and substituting the passage “made in connection with the enforcement of”.

Amendment of s. 170—
Warrant may be issued upon complaint enforcing maintenance order.

29. Section 175 of the principal Act is amended by striking out from subsection (1) the definition of “net earnings” and substituting the following definition:

Amendment of s. 175—
Interpretation.

“net earnings”, in relation to a pay-day, means the amount of the earnings becoming payable by a particular employer on that pay-day, after deduction from those earnings of any sum deducted by that employer, being a deduction of a prescribed class:.

30. Section 196 of the principal Act is amended by striking out from the definition of “certified copy” in subsection (1) the passage “*Matrimonial Causes Act 1959*”, twice occurring, and substituting, in each case, the passage “*Family Law Act 1975*”.

Amendment of s. 196—
Interpretation.

31. The following section is inserted in Part VII before section 236 of the principal Act:

Insertion of new s. 235a.

235a. (1) A person shall not incur any civil liability for any act or omission done by him in good faith in the exercise or discharge of his powers, functions, duties or responsibilities under this Act.

Immunity from liability of persons acting under this Act.

(2) A liability that would, but for subsection (1), lie against a person shall lie against the Crown.

Amendment of
s. 236—
Limitation
upon tortious
liability for
acts of certain
children.

32. Section 236 of the principal Act is amended—

- (a) by striking out the passage “child who is being detained” and substituting the passage “person who is being detained”;
- (b) by striking out the passage “whether or not the child” and substituting the passage “whether or not the person”;
- and
- (c) by inserting after the passage “while the child” the passage “or person”.

Amendment of
s. 242—
The Director-
General may
require report.

33. Section 242 of the principal Act is amended by striking out paragraph (c) from subsection (1).

Insertion of
new ss. 250a
and 250b.

34. The following sections are inserted after section 250 of the principal Act:

Loans by the
Director-
General to
persons in need
or distress.

250a. The Director-General shall not lend any moneys to a person who is in need or distress unless—

- (a) he is of the opinion that the person will have the means to repay the amount of the loan within a reasonable period of time;
- and
- (b) he and the person enter into a written agreement for the repayment of the loan at such time or times and in such manner as may be specified in the agreement.

Appeals.

250b. (1) Any person who is aggrieved by a decision made in relation to him under this Act by the Minister, the Director-General or any other officer of the Department may appeal to the Minister in the prescribed manner against the decision.

(2) This section does not apply in relation to a decision made under any section of this Act that may be prescribed.

(3) The Minister shall establish such number of appeal boards as may be necessary for the purposes of investigating appeals under this section.

(4) The Minister may pay to the members of an appeal board such allowances and expenses as he thinks fit.

(5) Where an appeal under this section has been instituted against a decision, any action in relation to the decision shall be stayed until the appeal has been determined or withdrawn, unless the Minister directs otherwise.

(6) The Minister may, upon determining an appeal, revoke the decision appealed against and may substitute for that decision any other decision that could have been made in the first instance.

Amendment of
s. 251—
Regulations.

35. Section 251 of the principal Act is amended—

- (a) by striking out paragraph (b) and substituting the following paragraph:
- (b) the composition of any community welfare advisory committee, and the meetings and proceedings of any community welfare advisory committee;;

(b) by striking out paragraph (d);

(c) by striking out paragraph (k) and substituting the following paragraphs:

(k) the issue of licences and approvals under Part IV;

(k1) the fixing and collection of fees in relation to the issue and renewal of licences and approvals under Part IV;;

(d) by inserting in paragraph (o) after the passage "relating to" the passage "maintenance or";
and

(e) by striking out paragraph (p).

36. Section 252 of the principal Act is amended by striking out from subsection (2) the word "two" and substituting the word "five".

Amendment of
s. 252—
Offences.

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

K. D. SEAMAN, Governor