

VICTORIA.



ANNO QUARTO

ELIZABETHÆ SECUNDÆ REGINÆ.

No. 5876.

An Act to amend the *Children's Welfare Act 1954*,
and for other purposes.

[2nd November, 1955.]

BE it enacted by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative
Council and the Legislative Assembly of Victoria in this
present Parliament assembled and by the authority of the
same as follows (that is to say):—

1. (1) This Act may be cited as the *Children's Welfare (Amendment) Act 1955* and shall be read and construed as one with the *Children's Welfare Act 1954* (hereinafter called the Principal Act) which Act and this Act may be cited together as the Children's Welfare Acts.

Short title
construction
and citation.
No. 5817.

(2) This Act shall be deemed to have come into operation on the first day of September One thousand nine hundred and fifty-five.

Retrospective
commencement.

2. (1) At the end of section seventy-three of the Principal Act there shall be inserted the following sub-section:—

Amendment of
No. 5817 s. 73.
Health services.

“(3) Arrangements may from time to time be made between the Minister and the Minister of Health

wherby

whereby necessary medical dental and pharmaceutical services will be provided for—

- (a) wards of the Department;
- (b) children receiving assistance under Part V.; and
- (c) infants under the age of five years to whom section sixty-six of this Act applies."

Consequential amendment of No. 4988 First Schedule.

(2) In Part B. of the First Schedule to the *Ministry of Health Act 1943*—

- (a) clause nine shall be repealed;
- (b) in clause ten the words "of wards of the department for reformatory schools or" shall be repealed.

Transitory.

(3) Any arrangement made under sub-section (3) of section seventy-three of the Principal Act as amended by this section may be made to have effect retrospectively to the first day of September One thousand nine hundred and fifty-five.

Section substituted for No. 5817 s. 48.

3. For section forty-eight of the Principal Act there shall be substituted the following section:—

"48. In any proceeding for fixing or increasing the sum payable by any parent for the maintenance of any child under the provisions of this Part such parent shall unless the contrary is shown be presumed to be able to pay—

- (a) where the child is a ward—maintenance at the rate determined by the Minister under section twenty-nine of this Act;
- (b) in the case of a child in respect of whom assistance is being or has been paid under Part V.—maintenance at a rate equal to the weekly sum so paid in respect of the child under Part V."

4. Where—

- (a) pursuant to a delegation under section five of the Commonwealth Act known as the *Immigration (Guardianship of Children) Act 1946–1952* or

Application of No. 5817 Pt. VI. to children in custody in Victoria pursuant to Cwlth. Act No. 45 of 1946.

any

any amendment thereof the Director is the guardian of the person and estate of an immigrant child;

(b) the child is in the custody of a custodian in Victoria within the meaning of that Commonwealth Act; and

(c) the State of Victoria is contributing or has contributed to the maintenance of the child by the payment of sums to the custodian—

the provisions of Part VI. of the Principal Act shall extend and apply to the child and parent as if the child had been admitted to the care of and were a ward of the Department and were boarded out in an approved children's home, but the liability of the parent under that Part for the maintenance of such child shall not exceed the amount paid or payable by the State of Victoria by way of contribution as aforesaid.