

## CHILD WELFARE.

1° Elizabeth II., No. XVI.

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No. 16 of 1952.

**AN ACT to amend the Child Welfare Act, 1947-1950.**

[Assented to 7th November, 1952.]

**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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Child Welfare Act Amendment Act, 1952.* Short title and citation.

(2) In this Act the Child Welfare Act, 1947-1950—  
Act No. 66 of 1947 as amended by Act No. 52 of 1950,  
is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act, 1947-1952.

2. Section four of the principal Act is amended Section 4 amended.  
by—

(a) adding after the word, "has" in line one of the definition, "destitute child" the letter "a" in brackets thus—(a);

(b) adding to the definition "destitute child" the following—

(b) been placed in a subsidised institution otherwise than in pursuance of an order of the Court and whose near relatives have not contributed regularly towards the maintenance of the child;

- (c) adding to the definition of "neglected child" after paragraph (9) the following—or
- (10) is living under such conditions as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy;
- (d) deleting the definition "ward" and substituting the following—

"ward" means a child who is committed under the provisions of this or any other Act, to an institution or to the care of the Department for a period which has not expired.

s. 30 repealed and re-enacted.

3. Section thirty of the principal Act is repealed and re-enacted as follows—

Powers of Court with respect to destitute or neglected children.  
No. 31 of 1907, s. 24.  
No. 21 of 1919, s. 10.

30. The Court upon the hearing of an application to declare a child a destitute or neglected child may on being satisfied that the application should be granted, declare the child to be a destitute or neglected child and may order the child until he attains the age of eighteen years, or during such shorter period as the Court may think sufficient to be—

- (a) committed to the care of the Department; or
- (b) sent to some institution to be specified in the order, there to be detained or otherwise dealt with under this Act; or
- (c) released on probation on such conditions, if any, as the Court may order, and in such case the child shall be subject to the supervision of the Department

New s. 30A added.

4. The principal Act is amended by adding after section thirty a section as follows—

Power of Court to declare a child placed in subsidised institution a destitute child.

30A. Where an application is made to the Court to declare a child a destitute child as defined in paragraph (b) of the interpretation "destitute child" in section four of this Act, if the Court is satisfied that—

- (a) the governing authority or the Department on behalf of a subsidised institution has taken all available proceedings

to obtain an order against the near relative of the child for regular contributions towards the maintenance of the child; and

- (b) the proceedings have failed to obtain from the near relative the maintenance; and
- (c) the application is made with the approval of the Secretary,

the Court shall declare the child to be a destitute child and shall commit him to the care of the Department in accordance with the provisions of the last preceding section.

5. The principal Act is amended by adding after section forty-four a section as follows—

New section 44A added.

44A. (1) The Secretary shall, in the absence of positive evidence as to the name of a destitute child, give the child a name, and for the purposes of this Act the name so given shall be regarded as the correct name of the child.

Secretary to give destitute child a name.

(2) If at any time thereafter the Secretary is satisfied by positive evidence that the child should be known by some other name the records of the Court and the Department shall be amended accordingly and thereafter the child shall be known by that other name.

6. Section sixty-eight of the principal Act is amended by adding a subsection as follows:—

s. 68 amended.

(3) Where after the expiration of three months from the date of the final order or decree absolute for dissolution of or nullity of marriage made under the provisions of the Matrimonial Causes and Personal Status Code, 1948, or the Supreme Court Act, 1935-1950, if there is no order in force in the Supreme Court in respect to the maintenance of a child, proceedings for such maintenance may be taken under subsection (1) of this section.

7. Section sixty-nine of the principal Act is amended by—

s. 69 amended.

- (a) substituting for the words "one pound" in line three of paragraph (b) of subsection (1) the words "two pounds ten shillings";

- (b) substituting for the words "one pound" in line six of subsection (2) the words "two pounds ten shillings";
- (c) adding a subsection as follows—

(5) Notwithstanding the provisions of sections nineteen and one hundred and forty-three of this Act and section fifty-one of the Justices Act, 1902-1948, the Court may make an order for payment of a sum for past maintenance of a child to cover such period as the Court thinks fit.

New s. 146A added.

8. The principal Act is amended by adding after section one hundred and forty-six a section as follows—

Officers of Department may enter and inspect premises where destitute or neglected child suspected of residing.

146A. (1) Where a Justice is satisfied by information on oath that there is reasonable ground for suspecting that a destitute or neglected child is residing on any premises or in any place he may grant an order in the prescribed form authorising the Secretary or other officer of the Department named therein, to enter at all reasonable times the premises or place named in the order and to inspect the premises or place.

(2) The person named in the order seeking to exercise his powers under it shall, if so required, produce the order.

(3) A person who refuses to permit the person named in the order to enter or inspect the premises or place in respect of which the order is issued or hinders or obstructs him in the execution of his duty under this Act, is guilty of an offence.

New s. 146B added.

9. The principal Act is amended by adding after section one hundred and forty-six A a section as follows—

Personation of officers of the Department.

146B. A person, not being an officer of the Department who takes the name, designation, or description of any officer of the Department or pretends or asserts that he is an officer of the Department, is guilty of an offence.

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