

he receives it, if Parliament is then in session, but if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

DIVISION III—COMMUNITY WELFARE ADVISORY COMMITTEES**DIVISION III**

13. (1) The Minister may, at any time, appoint community welfare advisory committees to advise him upon any matters pertaining to community welfare.

Appointment
of advisory
committee.

(2) A committee so appointed shall consist of a chairman and not more than five other members.

(3) A community welfare advisory committee must consist of persons with special knowledge or experience of 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.

14. (1) A member of a community welfare advisory committee shall, subject to subsection (2) of this section, hold office at the pleasure of the Minister.

Terms of office.

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

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

15. (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) At the conclusion of the deliberations of a committee the chairman shall report to the Minister on the conclusions reached by the committee as soon as practicable.

DIVISION IV—COMMUNITY AIDES**DIVISION IV**

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) 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 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.

PART II
DIVISION IV
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 education, training and supervision as he 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

DIVISION V—EDUCATION AND TRAINING IN RELATION TO COMMUNITY WELFARE

Programmes of education and training in matters of community welfare.

21. (1) The Director-General may institute, and provide for the conduct of programmes of education and training for those who are engaged, or propose to engage, in the provision of services designed to overcome or ameliorate social disabilities or problems.

(2) The Director-General may arrange with any other person or body for the conduct of such educational or practical courses, lectures or seminars as he thinks necessary or desirable for the purposes of this Act or generally for the promotion of the welfare of the community.

DIVISION VI

DIVISION VI—RESEARCH INTO MATTERS OF COMMUNITY WELFARE

Department to carry out research.

22. The Director-General shall make provision within the Department for the conduct of research into problems affecting the welfare of the community, and the adequacy and efficacy of measures taken under this Act, or any other Act administered by the Minister, that are designed to overcome or ameliorate any such problems or to promote any aspect of community welfare.

23. The Director-General may co-operate with any person or body of persons in carrying out research that is, in his opinion, of value to the Department, or generally to the welfare of the community, and may, in his discretion, make available to any person, or body of persons, the results of research undertaken under this Division.

PART II
DIVISION VI
Director-General may co-operate with other persons or bodies in the conduct of research.

PART III

PART III

THE PROVISION OF COMMUNITY WELFARE SERVICES

DIVISION I—COMMUNITY WELFARE CENTRES AND CONSULTATIVE COUNCILS

DIVISION I

24. (1) The Minister may establish community welfare centres in such localities throughout the State as he thinks fit.

Community welfare centres.

(2) A community welfare centre may be used by the department, or, 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.

25. The Minister may establish community welfare consultative councils in such localities throughout the State as the Minister thinks fit.

Consultative councils.

26. The functions of a consultative council shall be:—

Functions of the consultative council.

- (a) to inquire into any matters affecting the welfare of the local community and to report to the Minister upon any matters that justify, in the opinion of the council, his consideration;
- (b) to give advice and guidance in the rationalization and co-ordination of services designed to promote the welfare of the local community so as to achieve the most effective utilization of those services;
- (c) to report upon any matter affecting the welfare of the local community referred to the consultative council for consideration and report by the Minister or the Director-General.

27. (1) A consultative council shall consist of not less than eight nor more than twelve persons appointed by the Minister.

Membership of consultative council.

(2) The members of a consultative council must be persons interested in the furtherance of community welfare within the local community.

(3) The Minister shall, wherever possible, appoint to a consultative council at least two representatives of municipal or district councils whose areas comprise, or are included in, the locality for which the consultative council is established.

(4) At least one member of a consultative council must be an officer of the Department.

(5) The Minister shall, at the request of a member of the House of Assembly within whose electoral district a consultative council is established, appoint that member or his nominee as a member of the consultative council.

Conditions of membership.

28. (1) The term of office of a member of a consultative council shall be such term, not exceeding four years, as is specified in the instrument of his appointment.

(2) A member of a consultative council shall hold office upon such conditions as are specified in the instrument of his appointment.

Chairman of Consultative Council.

29. (1) A consultative council shall in each year appoint a chairman from amongst its members.

(2) The chairman shall preside at any meeting of the consultative council at which he is present and if he is not for any reason present at a meeting of the council the members present shall elect one of their own number to act as chairman for that meeting.

(3) The Director-General shall arrange for an officer of the Department to act as secretary to a consultative council.

Meetings of council.

30. (1) Subject to subsection (2) of this section, a consultative council shall meet at such times as may be determined by the council, and at such other times as the secretary may have convened a meeting of the council.

(2) A consultative council must meet at least six times in each year and at least once in any period of four months.

Quorum etc.

31. (1) A quorum at a meeting of a consultative council shall be constituted of not less than one-half of the total number of members of the council and no business shall be transacted by the council unless a quorum is present.

(2) Any matter arising for decision at a meeting of a consultative council shall be decided by a majority of the votes cast by the members present at that meeting.

(3) Each member present at a meeting of a consultative council shall be entitled to one vote on any matter arising for decision at that meeting and the chairman shall have, in addition to that vote, a second or casting vote in the event of an equality of votes.

DIVISION II—ASSISTANCE TO FAMILIES AND PERSONS IN NEED

DIVISION II

32. (1) The Director-General may, subject to any directions of the Minister, provide assistance for such families or persons in need or distress as he may determine.

Power of Director-General to provide assistance.

(2) The assistance may be provided in any of the following ways—

(a) the Director-General may provide a family or person in need of assistance with money or commodities for maintenance and may provide services that may conduce to the welfare of that family or person;

(b) the Director-General may provide, or arrange for a person in need of assistance to receive such care or treatment as he may require;

or

(c) the Director-General may receive a person in need of assistance into a suitable home.

(3) In determining an application for assistance under this Act, account shall not be taken of any gift of food, or any gift or loan of household goods or commodities to the applicant by any person or agency.

33. (1) In any case where—

(a) assistance has been provided for any person pursuant to this Division or the corresponding provisions of the repealed Social Welfare Act;

and

(b) that person, or a near relative of that person, is at any time within six years after the provision of that assistance, able to repay the whole or any part of the cost of that assistance,

a court of summary jurisdiction may, upon complaint by an officer of the Department, inquire into the matter.

(2) If the court is of the opinion that the person who received the assistance, or the near relative, is able to repay any amount towards the cost of the assistance provided, and that in the circumstances repayment is desirable, it may order him to pay that amount to the Director-General, either in one sum, or by instalments.

(3) An order under this section may be enforced in the same manner as a maintenance order under this Act.

(4) Where two or more persons of whom the defendant is a near relative have received assistance under this Division, a single complaint may be laid under this section in respect of that assistance.

Recovery of cost of assistance.

PART III
DIVISION II

Evidentiary
provision.

34. An allegation in a complaint for the recovery of any amount towards the cost of assistance under this Division—

- (a) that assistance has been provided for any person named in the complaint under this Division;
 - (b) that an amount specified in the complaint was the cost of that assistance;
 - (c) that the person against whom the complaint is laid is able to repay the cost of that assistance;
- or
- (d) that the defendant is a near relative of the person for whom assistance has been provided,

shall be deemed to be proved in the absence of proof to the contrary.

Deduction from
maintenance
payments.

35. (1) The Director-General shall not deduct from moneys in his hands received as payments of maintenance for or on behalf of any person any amount towards the repayment of the cost of assistance granted under this Division except upon the written authority of that person, or upon the order of a court of summary jurisdiction.

(2) A court of summary jurisdiction may, on complaint of the Director-General, or an officer of the department, alleging that the means of the defendant are sufficient to permit deductions under this section without causing hardship, order that such deductions be made of an amount, or amounts, specified in the order of the court.

DIVISION III

DIVISION III—COMMUNITY GRANTS SCHEME

Community
Grants Scheme.

36. (1) The Minister shall establish a fund entitled the "Community Welfare Grants Fund".

(2) The 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 fund—

- (a) towards the cost of establishing, adding to, improving, or providing equipment for, any home or centre for the care, treatment, training or rehabilitation of children;
- (b) towards the cost of providing training in leadership and youth work for those who are engaged, or propose to engage, in work designed to assist, or promote the development of, young persons;

or

- (c) towards the cost of promoting, advancing or establishing any service, project, home or facility that will conduce to the welfare of any section of the community.

(4) 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.

PART IV

PART IV

FAMILY CARE

DIVISION I—FAMILY CARE SERVICES

DIVISION I

37. The administration of this Part by the Minister and the Department shall be founded upon the principle that the welfare of the family is the basis of the welfare of the community, and should be protected and promoted as far as may be possible.

Foundation of the administration of this Part.

38. Without limiting in any way the operation of any provision of this Act, the Minister and the Department may, in seeking to promote family welfare, provide such substitute and supportive care and guidance as may protect, or conduce to, healthy family relationships, and, in particular, may—

General powers of Minister and Department.

- (a) provide counselling services from which families, and members of families, may obtain the advice and guidance necessary to enable them to overcome domestic problems with which they are confronted;
- (b) provide supervision and counselling for children, either upon a voluntary basis, or in accordance with the Juvenile Courts Act;
- (c) provide psychological, psychiatric and medical services for children where they are under the care and control of the Minister, or in such other circumstances as the Minister may approve;

and

- (d) provide for adequate care and guidance of children who are, for any reason, separated from the care of their near relatives and ensure as far as possible that such children receive the advantage of a healthy and balanced family environment;

PART IV
DIVISION II

DIVISION II—THE CARE OF CHILDREN

Subdivision 1—Reception of a Child into the Care and Control of the Minister

Request the child be placed under the care and control of the Minister.

39. (1) A parent, guardian, or person having the custody, of a child may apply in the prescribed form to the Minister for an order that the child be placed under the care and control of the Minister.

(2) The Minister may, if satisfied that the child may otherwise become neglected or uncontrolled, by order in writing, place the child under the care and control of the Minister for any period expiring on or before the day on which the child attains the age of eighteen years.

(3) Except as provided in subsection (4) of this section, no such order shall be made—

(a) with respect to a legitimate child, except with the consent of both parents of the child;

or

(b) with respect to an illegitimate child, except with the consent of the mother of the child.

(4) If the whereabouts of a parent whose consent is required under subsection (3) of this section cannot after reasonable inquiry by the Minister be ascertained, an order may be made under subsection (2) of this section without the consent of that parent.

(5) An order shall not be made under subsection (2) of this section with respect to any child over the age of fifteen years, except with the consent of that child.

Temporary custody of the child.

40. (1) The Minister may, upon receipt of a request under this section, receive a child into his care and control where, in the opinion of the Minister, it would be in the interest of the child to do so.

(2) A request may be made under this section by a parent or guardian of the child or, where the child is of or above the age of fifteen years, by the child himself.

(3) Where a child is of or above the age of fifteen years, he shall not, unless he has consented thereto, be received into the care and control of the Minister under this section.

(4) A child shall not be received into the care and control of the Minister under this section for a period in excess of three months.

(5) A child received into the care and control of the Minister under this section shall not be detained in a home for any period in excess of three weeks except with the approval of the person upon whose application the child was received into that care and control.

(6) The child shall be discharged from the care and control of the Minister—

(a) at the expiration of the period for which he was received into the care and control of the Minister;

or

(b) at any time prior to the expiration of that period where a parent or guardian has applied for the return of the child, or the Director-General has directed that he be discharged from the care and control of the Minister, or the child, if he is over the age of fifteen years, has requested that he be so discharged.

41. (1) The Minister may, on request by or on behalf of an authority having the custody and control 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, receive the child into his care and control for so long as he remains in this State.

Orders with respect to children from other States.

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

(3) Where a child has been received into the care and control of the Minister under this section, the Minister shall have the custody and be the lawful guardian of the child to the exclusion of any other person or authority.

(4) The child shall not remain under the care and control of the Minister for a period in excess of that for which he would, if he had not been received into the care and control of the Minister, have remained subject to the custody or control of the authority from which he was received.

Subdivision 2—Provisions relating to Children under the Care and Control of the Minister

42. In exercising the powers conferred by this Division, the Minister and the Director-General shall treat the interests of the child in respect of whom the powers are to be exercised as the paramount consideration and shall adopt a course calculated to—

Principles upon which powers are to be exercised.

(a) secure for the child such care, guidance and (where necessary) correction, as will conduce to the welfare of the child and the public interest;

and

(b) conserve or promote as far as may be possible a satisfactory relationship between the child and other members of, or persons within, his family or domestic environment.

PART IV
DIVISION II

Rights of
custody of child
under care and
control of the
Minister.

43. While a child is under the care and control 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.

Manner in
which Director-
General may
deal with
the child.

44. (1) Subject to this Act, the Director-General may deal with the child under the care and control of the Minister in any of the following ways—

- (a) he may place the child, or permit the child to remain, in the care or custody of a parent, near relative, or guardian of the child;
- (b) he may place the child in the care or custody of an approved foster parent or other suitable person;
- (c) he may, subject to this Act, direct that the child be placed in any home established or licensed under this Act;
- (d) he may, if it is necessary for the sake of the physical or mental health of the child, place the child to any hospital, receiving house or mental hospital;

or

- (e) he may otherwise deal with the child as the circumstances of the case require.

(2) Whenever a child is dealt with by the Director-General pursuant to the provision of subsection (1) of this section (otherwise than by placing the child in the custody of his parents) the Director-General shall advise the parents, 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 care and control of the Minister has been placed in the custody of any person or in any home or hospital under subsection (1) of this section, 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 Director-General.

(4) For the purpose of removing a child under subsection (3) of this section, the authorized officer may enter upon any land or premises and any person who hinders his entry upon land or premises for the purpose of removing the child, or hinders the removal of the child, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.