

VICTORIA.



ANNO NONO

ELIZABETHÆ SECUNDÆ REGINÆ.

No. 6651.

An Act to establish a Social Welfare Branch of the Chief Secretary's Department and to make Provision with respect to the Functions of that Branch and for other purposes.

[15th June, 1960.]

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 *Social Welfare Act 1960*. Short title.

(2) The several provisions of this Act shall come into operation on a day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*. Commencement.

(3) This Act is divided into Parts and Divisions as follows:— Division into Parts.

Part I.—Social Welfare Branch.

Division 1.—Family Welfare Division.

Division 2.—Youth Welfare Division.

Division 3.—Prisons Division.

Division 4.—Research and Statistics Division.

Division

Division 5.—Training Division.

Division 6.—Probation and Parole Division.

Division 7.—Miscellaneous provisions.

Part II.—Supplementary.

Interpretations.	2. In this Act unless inconsistent with the context or subject matter :—
" Branch. "	" Branch " means the Social Welfare Branch of the Chief Secretary's Department ;
" Child. "	" Child " means a person under the age of fourteen years ;
" Director-General. "	" Director-General " means the Director-General of Social Welfare ;
" Part. "	" Part " means Part of this Act ;
" Prescribed. "	" Prescribed " means prescribed by the regulations ;
" Regulations. "	" Regulations " means regulations made under this Act ;
" Young person. "	" Young person " means a person of or over the age of fourteen years and under the age of twenty-one years.

PART I.—ADMINISTRATION.

Social Welfare Branch established. 3. For the better promotion and development of services organizations and institutions relating to the social welfare of the community and in particular of children and young persons there shall be a Branch of the Chief Secretary's Department to be known as the Social Welfare Branch.

Director-General. 4. (1) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the " Director-General of Social Welfare ".

(2) The Director-General shall subject to this Act have the control and direction of the Branch.

(3) The person holding the office of Director of Penal Services immediately before the commencement of this Act shall be the first Director-General of Social Welfare.

(4) (a) The Director-General may with the approval of the Minister assign in writing to any Director or senior officer of the Branch any of the statutory functions and duties of the Director-General either generally or in any particular case and may in writing revoke any such assignment.

(b) All acts matters and things done or performed by any Director or officer pursuant to any such assignment shall for all purposes have the same force and effect as if done or performed by the Director-General.

(c) Notwithstanding

(c) Notwithstanding the making of any such assignment the Director-General may himself exercise or perform any functions or duties so assigned.

5. (1) It shall be the duty of the Director-General on or before the thirtieth day of September in each year to submit to the Minister a report as to proceedings under this Act during the preceding financial year and such other particulars as the Minister directs to be included therein.

Annual Report
by Director-
General.

(2) The Minister shall cause such report to be laid before both Houses of Parliament within three weeks after receiving the same if Parliament is then sitting or if Parliament is not then sitting then within three weeks after the next assembling of Parliament.

DIVISION 1.—FAMILY WELFARE DIVISION.

6. (1) There shall be a Division of the Branch to be known as the "Family Welfare Division".

Family Welfare
Division.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the "Director of Family Welfare".

Director of
Family Welfare

(3) The Director of Family Welfare shall administer the Family Welfare Division subject to the control and direction of the Director-General.

7. (1) The functions of the Family Welfare Division shall be :—

Functions of
Family Welfare
Division.

- (a) To promote family welfare in the community, to prevent its disruption and to mitigate the effects thereof ;
- (b) To promote co-operation with and between voluntary organizations, Government departments and persons concerned with the welfare care and protection of persons in distress or in need of assistance ;
- (c) To control and supervise children and young persons in need of care and protection within the meaning of the *Children's Welfare Act* 1958 ;
- (d) To manage and control all institutions wholly maintained by the State for the reception and treatment of children and young persons in need of care and protection within the meaning of the *Children's Welfare Act* 1958 ;
- (e) To provide after-care for children and young persons under the control of the Branch.

(2) The

- (2) The Family Welfare Division may—
- (a) encourage the formation development and co-ordination of any organizations in the community whose objects include the preservation of family life ;
 - (b) advise and assist Government departments, public authorities and voluntary organizations in methods of attaining those objects ;
 - (c) establish counselling services for the benefit of persons with family problems ; and
 - (d) disseminate information to the public with regard to social welfare.
- (3) With the approval of the Minister the Director-General may—
- (a) establish and maintain such institutions and buildings for the reception accommodation and housing of families and children in need of assistance or care and protection as he thinks proper and may abolish any such institutions ; and
 - (b) provide such services for and assistance to voluntary organizations, persons or bodies of persons engaged in activities within the objects of this Act (including the services of trained officers) as he thinks fit.

DIVISION 2.—YOUTH WELFARE DIVISION.

Youth Welfare Division.

8. (1) There shall be a Division of the Branch to be known as the " Youth Welfare Division ".

Director of Youth Welfare.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the " Director of Youth Welfare ".

(3) The Director of Youth Welfare shall administer the Youth Welfare Division subject to the control and direction of the Director-General.

Functions of Youth Welfare Division.

9. (1) The functions of the Youth Welfare Division shall be :—
- (a) To deal with the social welfare problems of young persons ;
 - (b) To promote co-operation with and between voluntary organizations, Government departments and persons concerned with the welfare of young persons ; and
 - (c) To maintain and control State institutions to be called " Youth Training Centres " and " Remand Centres " for the reception detention and treatment of young persons convicted of any offence punishable by imprisonment or awaiting trial or sentence for any such offence.

(2) The

(2) The Youth Welfare Division may—

- (a) promote and encourage the work of the Youth Advisory Council in the establishment, development and assistance of youth clubs and organizations concerned with the moral, intellectual and physical welfare and development of young persons and assist in the co-ordination of their activities ;
- (b) provide officers for the Youth Advisory Council to assist and guide youth clubs and voluntary organizations concerned with the welfare of young persons ; and
- (c) provide facilities required by the Youth Advisory Council for the discharge of its functions pursuant to the *Youth Organizations Assistance Act 1958*.

10. (1) For the purposes of this Act the Governor in Council may from time to time by notice published in the *Government Gazette* appoint places, establishments or institutions in Victoria to be—

Governor in Council may appoint youth training centres and remand centres.

- (a) youth training centres for the care and welfare of—
 - (i) offenders committed to youth training centres pursuant to the *Crimes Act 1958* or to the care of the Branch pursuant to the *Children's Welfare Act 1958* ; and
 - (ii) young persons admitted to the care of the Branch who in the opinion of the Director-General are in need of special supervision, social adjustment and training ;
- (b) remand centres for the detention of young persons awaiting trial or sentence or in transit to or from a youth training centre—

and may in the like manner revoke or alter any such appointment but no such appointment of any place, establishment or institution not wholly maintained by the State shall be revoked or altered unless the persons having the care and management thereof have first had an opportunity of being heard in relation to such revocation or alteration.

(2) Every approved juvenile school declared by the Minister pursuant to section fourteen of the *Children's Welfare Act 1958* and the declaration of which has not been revoked before the commencement of this Act shall on and from the said commencement become and be a youth training centre as if appointed pursuant to the provisions of sub-section (1) of this section.

Juvenile schools to become youth training centres.

(3) (a) Every remand centre shall be so constructed and shall provide such facilities that any persons or class of persons detained therein may be segregated from other persons or classes of persons.

Segregation of persons in remand centres.

(b) The

- (b) The Director-General may, as he thinks fit—
- (i) determine what persons or classes of persons shall be segregated from other persons or classes of persons in any remand centre ;
 - (ii) set aside appropriate portions of any remand centre for the accommodation of any class of persons ;
 - (iii) cause any person remanded to a remand centre to be detained in that portion of the centre which is appropriate for a person of his antecedents behaviour and history and be kept apart from persons of any other class.

(4) The Minister shall from time to time determine the rates to be paid in respect of young persons placed in any youth training centre not wholly maintained by the State.

Persons
in remand
centres &c., in
legal custody of
the Director-
General.

11. Every person who is detained in any remand centre or in any youth training centre shall be deemed to be in the legal custody of the Director-General whilst he is so detained.

Warrant for
removal of
persons
from remand
centres, custody,
&c.

12. (1) The Director-General may as he thinks fit by warrant under his hand cause—

- (a) the removal of any person—
 - (i) from any remand centre to any other remand centre or to any youth training centre ;
 - (ii) from any youth training centre to any other youth training centre or to any remand centre ;
 - (iii) from any gaol or lock-up to any remand centre or youth training centre ; and
- (b) the return of any such person to the remand centre or youth training centre from which he was originally removed.

(2) Upon every such removal every such person shall be subject to be kept at the remand centre or youth training centre aforesaid for the residue of the period of his detention in custody or until removed by legal authority.

(3) Every person to whom this section applies—

- (a) while being removed from or to any gaol lock-up remand centre or youth training centre ; and
- (b) while returning to the remand centre or youth training centre from which he was originally removed—

shall be deemed to be in the legal custody of any member of the police force or other officer having the custody of such person and acting under the warrant who shall in due course deliver or

return

return such person into the custody of the officer in charge of the remand centre or youth training centre in accordance with the terms of the warrant.

13. (1) Any person in any youth training centre or remand centre may with writ of *habeas corpus* or other writ for that purpose be removed to and from any court at which he is required to appear for any offence with which he is charged when and so often as may be necessary in order that he may be sentenced tried or otherwise dealt with according to law and such removal shall not be deemed to be an escape.

Removal of persons to court for trial sentence &c.

(2) Every person so being removed and every person ordered to be removed to or committed to any youth training centre shall for and during the time of his being removed from or through any youth training centre or remand centre be deemed to be in the legal custody of the member of the police force or other officer having the custody of such person.

(3) No proceeding either criminal or civil shall be maintained by any such person or any other person against any member of the police force or against any other person by reason of any such removal.

14. Any person lawfully detained in any remand centre or youth training centre who escapes or attempts to escape from such remand centre or youth training centre or from the custody of any member of the police force or other officer in whose custody he may be shall be guilty of an offence and upon conviction therefor shall be liable to imprisonment for a term of not more than six months or to detention in a youth training centre for a period of not more than six months. Any such person so escaping or attempting to escape may be arrested by any member of the police force and placed in a gaol or lock-up until he is removed to a remand centre or youth training centre.

Abscon: guilty of offence.

DIVISION 3.—PRISONS DIVISION.

15. (1) There shall be a Division of the Branch to be known as the "Prisons Division".

Prisons Division.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the "Director of Prisons".

Director of Prisons.

(3) The Director of Prisons shall administer the Prisons Division subject to the control and direction of the Director-General.

16. The

Functions of
Prisons
Division.

16. The functions of the Prisons Division shall be :—

- (a) To control and supervise all persons imprisoned or detained in any gaol ; and
- (b) To assist in the rehabilitation into the community of all persons released or discharged from any gaol.

DIVISION 4.—RESEARCH AND STATISTICS DIVISION.

Research and
Statistics
Division.

17. There shall be a Division of the Branch to be known as the “ Research and Statistics Division ”.

Functions of
Research and
Statistics
Division.

18. The functions of the Research and Statistics Division shall be :—

- (a) To direct the compilation of statistics and information in all Divisions of the Branch ;
- (b) To collate and compile information relating to such other matters persons and things as the Minister directs ;
- (c) To co-operate with any persons or bodies of persons concerned with the compilation of the like statistics and to co-ordinate within Victoria the activities of such persons or bodies of persons ; and
- (d) To encourage research by qualified persons into problems of social welfare.

DIVISION 5.—TRAINING DIVISION.

Training
Division.

19. (1) There shall be a Division of the Branch to be known as the “ Training Division ”.

Superintendent
of Training.

(2) Subject to the *Public Service Act* 1958 there shall be appointed an officer to be called the “ Superintendent of Training ”.

(3) The Superintendent of Training shall administer the Training Division subject to the control and direction of the Director-General.

Functions of
Training
Division.

20. The functions of the Training Division shall be :—

- (a) To advise the Director-General on matters of general policy relating to the training of persons in matters pertaining to social welfare ;

(b) To

- (b) To plan supervise and co-ordinate the administration and development of the training of persons for the purposes of this Act ;
- (c) To promote foster and encourage public interest in social welfare ;
- (d) To carry out such duties in relation to training officers of the Branch as are imposed upon it by or under this Part ; and
- (e) To supervise the training of all children young persons and adults in any institution controlled by the Branch.

21. (1) The Director-General may—

- (a) organize and conduct, either by himself or in collaboration with any other body or bodies, such lectures classes courses schools examinations and other activities as he thinks necessary or desirable for the purposes of or in connexion with the promotion and encouragement of studies in social welfare ;
- (b) charge and receive such fees and payments as are prescribed in respect of any services supplied by the Division and in respect of the admission of persons to or the enrolment of persons for the purposes of any lectures classes courses schools examinations or other activities organized and conducted under this Division.

Powers of Training Division.

(2) The Minister may authorize payments to be made out of moneys available to the Branch to persons or bodies of persons conducting training in social welfare and to students as bursaries.

Minister may authorize payments for training purposes.

22. (1) For the purposes of this Division the Minister shall constitute a Social Welfare Training Council consisting of not more than twelve members including the Superintendent of Training, the Director of Family Welfare, the Director of Youth Welfare, and the Director of Prisons.

Constitution and functions of Social Welfare Training Council.

(2) The members of the Training Council shall subject to this Act hold office for such respective terms (not exceeding in any case three years) as the Minister appoints and shall be eligible for re-appointment.

(3) The Minister may annually appoint one of such members to be chairman of the Training Council and such member shall hold office as chairman for a term of twelve months and shall be eligible for re-appointment as chairman.

(4) A

Quorum, &c. (4) A quorum of the Training Council shall consist of not less than half the whole number of members for the time being in office and subject to there being a quorum the Council may act notwithstanding any vacancy in its membership.

Chairman at meetings. (5) At any meeting of the Training Council the chairman or in his absence a member elected by the members present to be chairman of the meeting shall preside.

Decisions of Council. (6) The decision upon any matter of the majority of the members at any meeting shall be the decision of the Training Council on that matter and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote.

Proceedings. (7) Subject to this Act the Training Council may regulate its own proceedings in such manner as it thinks fit.

Filling of vacancies. (8) Any vacancy occurring on the Training Council from time to time may be filled by any person appointed by the Minister to such vacancy.

(9) Meetings of the Training Council shall be convened and conducted as prescribed but the regulations shall require that not less than six meetings shall be convened in any year.

(10) The members of the Training Council shall not as such be subject to the *Public Service Act* 1958.

(11) Each member of the Training Council shall be paid such fees and travelling allowances as are prescribed.

(12) The functions of the Training Council shall be :—

- (a) To exercise a general supervision over theoretical and practical training prescribed by the Council ;
- (b) To prescribe courses of instruction and training in social welfare ;
- (c) To conduct written practical or oral examinations ; and
- (d) To issue certificates of qualification to persons who have passed examinations at the prescribed standards of proficiency.

Training Council to have regard to results of other examinations.

23. For the purpose of determining the qualification of any person the Council shall have regard to the results of examinations including those conducted by any University in Victoria the Education Department and any technical school within the meaning of the *Education Act* 1958 in subjects approved by the Council.

DIVISION

DIVISION 6.—PROBATION AND PAROLE DIVISION.

24. In this Division unless inconsistent with the context or subject matter— Interpretations.

- “Adult Parole Board” means the Parole Board constituted under Part IV. of the *Crimes Act* 1958. “Adult Parole Board.”
- “Board” means the Youth Parole Board constituted under this Division. “Board.”
- “Gaol” means gaol within the meaning of the *Gaols Act* 1958. “Gaol.”
- “Period” in relation to detention includes the aggregate of two or more periods, whether cumulative or concurrent. “Period.”
- “Young person” includes any person of or over the age of twenty-one years undergoing a sentence of detention in a youth training centre or released on parole under this Division. “Young person.”

25. There shall be a Division of the Branch to be known as the “Probation and Parole Division”. Probation and Parole Division.

26. The functions of the Probation and Parole Division shall be :— Functions of Probation and Parole Division

- (a) To prepare and submit such reports upon and information with respect to any person found guilty (whether convicted or not) before any court of any offence as such court requires ;
- (b) To assist any child or young person released from the care of any institution at the request of the Director-General ;
- (c) To supervise all persons released on probation or parole under Part IV. of the *Crimes Act* 1958 or the *Children's Court Act* 1958 ;
- (d) To co-ordinate the activities of probation officers and of parole officers appointed under this or any other Act ;
- (e) To assist in the rehabilitation into the community of persons released or discharged from any gaol or youth training centre by the provision of such services as are prescribed or in the absence of any such prescription as the Director-General thinks fit.

27. (1) There shall be a Youth Parole Board constituted as hereinafter provided. Establishment of Youth Parole Board.

(2) The

(2) The Board shall consist of—

- (a) a chairman of general sessions nominated with his consent by the Attorney-General either generally or for a specified term ;
- (b) the Director-General ; and
- (c) (i) (where any general matter or any matter affecting any male person is to be dealt with) one man appointed by the Governor in Council ; and
- (ii) (where any matter affecting any female person is to be dealt with) one woman appointed by the Governor in Council.

(3) References in this Act to the Board shall be construed as references to the Board comprising the man or the woman so appointed (as the case requires) ; and references to the appointed members of the Board shall be construed as references to the man or the woman so appointed (as the case requires).

Death or resignation of judge and filling of vacancy.

28. (1) If the chairman of general sessions nominated by the Attorney-General dies or resigns, his office as a member of the Board shall become vacant and the Attorney-General may (with the consent of the chairman of general sessions to be nominated) nominate another chairman of general sessions as a member of the Board in his stead.

Temporary nomination of judge.

(2) The Attorney-General may (with the consent of the chairman of general sessions to be nominated) nominate a chairman of general sessions to act temporarily as a member of the Board during the absence through illness or other cause of the chairman of general sessions who is a member of the Board or during a vacancy in that office, and the chairman of general sessions so nominated shall whilst so acting have all the powers and functions of and for all purposes be deemed to be a member of the Board.

Term of office of appointed members.

(3) The persons appointed by the Governor in Council to be members of the Board (hereinafter called "the appointed members") shall hold office as such members for such period not exceeding three years as the Governor in Council determines prior to their appointments, but each such person shall upon the expiration of the period for which he or she was appointed be eligible for re-appointment.

Removal death or resignation of appointed members and filling of vacancies.

(4) The Governor in Council may at any time remove any appointed member of the Board from office, and upon any such removal or upon the death or resignation of an appointed member the Governor in Council may appoint a person to fill the vacancy arising from such removal death or resignation.

(5) The