

(iii) for sub-section (3) there shall be substituted the following sub-section :—

Where probation broken child may be brought before Court.

“(3) The chief probation officer may at any time in his own discretion and without warrant apprehend or cause to be apprehended any child under the supervision of any probation officer who appears to the chief probation officer to have broken any of the conditions of his probation or of his recognisance and bring him before the Court which made the order respecting the child for such further or other action as the Court may see fit to exercise.” ;

(j) In sub-section (2) of section thirty-seven for the words “fifteen years” (where twice occurring) there shall be substituted the words “fourteen years” ;

(k) For sub-section (1) of section forty-one there shall be substituted the following sub-section :—

Amendment of No. 6218 s. 41. Recovery of moneys ordered to be paid by children.

“(1) Where any child is ordered by a Children’s Court to pay any sum or sums of money by way of fine damages or compensation it may also order the child to pay the same either immediately or within such period as the Court thinks fit and in case the same is not paid at the time so appointed that the child shall be detained in a reception centre if he is under the age of fourteen years or detained in a remand centre if he is of or over the age of fourteen years for such a term not exceeding three months in any such case as in the opinion of the Court will satisfy the justice of the case.” ;

(l) In section forty-five—

(i) after the word “child” (where first occurring) there shall be inserted the words “under the age of fourteen years” ; and

Amendment of No. 6218 s. 45. Application of Police Offences Act 1958 to children.

(ii) after the word “child” (where occurring for the second time) there shall be inserted the words “of or over the age of fourteen years.”

56. The *Children’s Welfare Act* 1958 shall be amended as follows :—

Amendment of No. 6219 s. 3.

(a) In section one—

(i) the word “Juvenile” (where twice occurring) shall be repealed ; and

(ii) for

(ii) for the word "Department" (wherever occurring) there shall be substituted the word "Branch";

(b) In section three—

(i) in sub-section (1)—

(a) before the interpretation of "Child" there shall be inserted the following interpretation :—

' "Branch" means the Social Welfare Branch of the Chief Secretary's Department.' ;

(b) the interpretation of "Department" shall be repealed ;

(c) for the interpretation of "Director" there shall be substituted the following interpretation :—

' "Director-General" means Director-General of Social Welfare appointed pursuant to the *Social Welfare Act 1960.*' ; and

(d) for the interpretation of "Ward of the Children's Welfare Department" and "ward of the Department" there shall be substituted the following interpretation :—

' "Ward of the Social Welfare Branch" and "ward of the Branch" means one of whose person and estate the Director-General is guardian under the provisions of this Act or the *Social Welfare Act 1960.*' ;

(ii) sub-section (2) shall be repealed;

(c) In section four—

(i) for paragraph (a) there shall be substituted the following paragraph :—

' (a) to the "Children's Welfare Department" or any like expression shall be deemed and taken to refer to and mean the Social Welfare Branch of the Chief Secretary's Department ;' ; and

(ii) for

Repeal of
transitory
provisions.
Amendment of
No. 6219 s. 4.
Construction
and
references to
Children's
Welfare
Department or
Secretary or a
neglected
child in Acts,
documents, &c.

(ii) for paragraph (b) there shall be substituted the following paragraph :—

‘(b) to the “Director of Children’s Welfare” or any like expression shall be deemed and taken to refer to and mean the Director-General of Social Welfare under the *Social Welfare Act 1960*;’;

(d) Sections five, six, seven and eight shall be repealed ;

Repeal of administrative provisions.

(e) For paragraph (b) of section nine there shall be substituted the following paragraph :—

Amendment of No. 6219 s. 9.

“(b) persons (not being officers or employéés of the Branch) to be visitors to approved children’s homes and approved hostels.” ;

Visitors to approved homes and hostels.

(f) In section ten—

(i) for sub-section (1) there shall be substituted the following sub-section :—

Amendment of No. 6219 s. 10.

“(1) For the purposes of this Act the Minister shall constitute a Family Welfare Advisory Council consisting of not more than twelve members.” ;

Family Welfare Advisory Council.

(ii) in sub-section (6) for the words “Children’s Welfare Department” there shall be substituted the words “Family Welfare Division of the Social Welfare Branch of the Chief Secretary’s Department” ;

(g) In section twelve—

Amendment of No. 6219 s. 12

(i) in paragraphs (a) and (b) for the words “Children’s Welfare Department” there shall be substituted the words “Social Welfare Branch of the Chief Secretary’s Department” ;

(ii) for paragraph (c) there shall be substituted the following paragraph:—

“(c) schools for the care and welfare of children and young persons admitted to the care of the Social Welfare Branch of the Chief Secretary’s Department who in the opinion of the Director-General are in need of special supervision social adjustment and training ;” ; and

(iii) for

(iii) for paragraph (d) there shall be substituted the following paragraph:—

“(d) hostels for the accommodation and supervision of children or young persons who are wards of the Social Welfare Branch of the Chief Secretary’s Department or have been inmates of a youth training centre reception centre children’s home or school.”;

(h) In section thirteen—

(i) in sub-section (1) for the words “is a reception centre, children’s home or juvenile school” there shall be substituted the words “is a reception centre or children’s home or hostel”; and

(ii) in sub-section (2) after paragraph (d) there shall be inserted the following expression:—

“; and

(e) any institution wholly maintained by the State of Victoria.”;

(i) In section fourteen—

(i) for sub-section (1) there shall be substituted the following sub-section:—

“(1) Upon application in the prescribed form made by the person or organization conducting or proposing to conduct a home school or hostel hereinafter provided for, the Minister may for the purposes of this Act—

(a) declare as an approved children’s home, any existing or proposed orphanage home for children or like institution or establishment which is or is to be conducted by any person or organization for the purpose of caring, whether gratuitously or otherwise, for children or young persons apart from their parents or guardians:

Provided that the Minister shall not have power to declare as an approved children’s home any institution or

establishment

Amendment of
No. 6219 s. 13.

Approval of
houses, &c.,
where children
cared for
apart from
their parents.

Amendment of
No. 6219 s. 14.

Declaration by
Minister of
approved
children’s
homes and
approved
hostels.

establishment conducted wholly for educational purposes or as a hospital or convalescent home ;

(b) declare as an approved school any existing or proposed school or like institution or establishment which is or is to be conducted by any person or organization for the purpose of providing for and promoting the welfare and care of children or 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 ;

(c) declare as an approved hostel, any existing or proposed hostel or like institution which is or is to be conducted by any person or organization for the accommodation and supervision of children and young persons who are wards of the Branch or have been inmates of a children's home, an approved school, a reception centre, remand centre or youth training centre." ;

(ii) in sub-section (2) for the words " Children's Welfare Advisory Council " there shall be substituted the words " Family Welfare Advisory Council " ;

(iii) in sub-section (3)—

(a) for the word " Director " there shall be substituted the expression " Director-General " ; and

(b) for the words " Children's Welfare Department " (wherever occurring) there shall be substituted the word " Branch " ;

(j) In section fifteen—

(i) the word " juvenile " (where twice occurring) shall be repealed ;

Amendment of
No. 6219 s. 13.

(ii) for

(ii) for the word "Department" there shall be substituted the word "Branch" ;

(iii) for the word "Director" (wherever occurring) there shall be substituted the expression "Director-General" ; and

(iv) for the words "Children's Welfare Advisory Council" there shall be substituted the words "Family Welfare Advisory Council" ;

Amendment of
No. 6219 s. 16.

(k) In paragraph (i) of section sixteen the words "is living under such conditions as indicate that the child or young person" shall be repealed ;

Amendment of
No. 6219 s. 17.

(l) In section seventeen—

(i) after sub-section (1) there shall be inserted the following sub-section :—

Justice may
issue warrant
to search
for children,
&c., in need of
care and
protection.

"(1A) If it appears to any justice, on information made before him on oath by any person, that there is reasonable cause to suspect that a child or young person is in any place within the jurisdiction of such justice in any of the circumstances enumerated in the last preceding section he may issue a warrant authorizing any senior constable sergeant or other officer of police of higher rank named therein to enter (if need be, by force) any house building or other place specified in such warrant for the purpose of apprehending any such child or young person." ; and

(ii) for sub-section (3) there shall be substituted the following sub-section :—

Disposal of
children and
young persons
apprehended
under warrant.

"(3) Any child or young person who is apprehended under this section shall if he is under the age of fourteen years be taken to the nearest reception centre or if he is of or over the age of fourteen years but under the age of seventeen years to a remand centre or pursuant to the provisions of section twenty-five of the *Children's Court* 1958 admitted to bail, placed with some respectable person or persons or in the dwelling house of the member of the police force by whom such child or young person was apprehended or otherwise as provided by the said section twenty-five and as soon as practicable thereafter shall

be

be brought before the Court : Provided that the Director-General may, where he thinks it advisable so to do in the interests of a young person, transfer any such young person from a remand centre to a reception centre.” ;

(m) In section eighteen—

- (i) for the words “ Children’s Welfare Department ” (where twice occurring) there shall be substituted the word “ Branch ” ;
- (ii) for the word “ Director ” there shall be substituted the expression “ Director-General ” ; and
- (iii) for the word “ Department ” (where twice occurring) there shall be substituted the word “ Branch ” ;
- (iv) in sub-section (2) after the expression “ sub-section (1) of this section ” there shall be inserted the expression “ or pursuant to the provisions of the *Children’s Court Act 1958* ” ;

(n) In section nineteen—

- (i) in sub-section (1) the words “ and admitted to the care of the Children’s Welfare Department ” shall be repealed ;
- (ii) for sub-section (2) there shall be substituted the following sub-section :—

“ (2) If the child or young person does not appear before the Court for the hearing of the application at the time and place therein mentioned the Court may issue a warrant for the apprehension of such child or young person and such child or young person may upon apprehension be taken to the nearest reception centre or otherwise disposed of in accordance with the *Children’s Court Act 1958* and as soon as practicable thereafter shall be brought before the Court.” ; and
- (iii) after sub-section (2) there shall be inserted the following sub-section :—

“ (3) On the hearing of the application the Court may grant or refuse such application

Amendment of
No. 6219 s. 19.
Proceedings in
relation to
uncontrollable
children.

application and if satisfied by the evidence before it that the child or young person is uncontrollable may—

- (a) without convicting him order that he be admitted to the care of the Branch as a child or young person in need of care and protection ; or
- (b) without convicting him adjourn the proceedings for a period not exceeding two years on condition that he will during that period be of good behaviour and comply with such other conditions, if any, as the Court thinks proper to impose ; or
- (c) without convicting him release him on probation for a specified term not exceeding three years and not extending beyond his nineteenth birthday.” ;

Amendment of
No. 6219 s. 20.

(o) In section twenty—

- (i) in sub-section (1) for the words “ Children’s Welfare Department ” there shall be substituted the word “ Branch ” ;
- (ii) for sub-section (6) there shall be substituted the following sub-section :—

“ (6) (a) The Director-General shall consider the application and (where the application has been referred to a magistrate) the report and recommendation of the magistrate and may, if he thinks fit, by direction endorsed on the application and signed by him grant the application or refuse the same.

(b) In the case of any such refusal the applicant may within fourteen days from the day of such refusal appeal to the Minister against such refusal and the Minister may grant or refuse such application as he thinks fit.” ;

- (iii) for sub-section (7) there shall be substituted the following sub-section :—

“ (7) The granting of any application by the Director-General or by the Minister on appeal from the Director-General shall for all purposes be deemed to be an order admitting the child to the care of the Branch.” ;

(iv) in

Director-General
to consider
application for
admission of
child to
Department.

Granting of
application
deemed order
admitting
child to the care
of Social
Welfare Branch.

(iv) in sub-section (8)—

(i) for the word “ Department ” there shall be substituted the word “ Branch ”; and

(ii) the words “ by the Minister ” shall be repealed ;

(v) for sub-section (10) there shall be substituted the following sub-section :—

“ (10) Where a child (not being a ward of the State) is an inmate in a children’s home and any parent guardian or other person who has undertaken in writing to contribute to the maintenance of the child is in arrear of contributions of maintenance for a period of or periods aggregating not less than six months the person in charge of such home may make application in the prescribed form that the child be admitted to the care of the Branch and thereupon the provisions of this section except sub-section (1) shall apply as if the child were without sufficient means of support and no available legal proceedings could be taken to obtain sufficient means of support for such child.” ; and

Admission of child to care of Branch on application of person in charge of children’s home in cases where parent in arrear of maintenance.

(vi) in sub-sections (1) (2) (3) (4) (5) and (8) for the word “ Director ” there shall be substituted the expression “ Director-General ” ;

(p) In section twenty-one—

(i) for sub-section (1) there shall be substituted the following sub-section :—

“ (1) The Director-General shall to the exclusion of the father mother and every other guardian become and be the guardian of the person and estate of any child or young person admitted to the care of the Branch or admitted or committed to the care of the Children’s Welfare Department prior to the commencement of the *Social Welfare Act* 1960 and except where prior to the commencement of the *Social Welfare Act* 1960 the child or young person was

Amendment of No. 6219 s. 21.

Director-General to be guardian of persons of children and young persons admitted to the Branch.

committed

committed to the care of the Children's Welfare Department or to a juvenile school for a specified term or period in respect of an offence shall remain such guardian until the child or young person attains eighteen years of age or such greater age (not exceeding twenty-one years) as the Minister may direct unless such child or young person is sooner discharged."

(ii) in sub-section (2)—

(a) the words " or committed " shall be repealed ;

(b) for the word " Department " there shall be substituted the word " Branch " ; and

(c) for the word " Director " there shall be substituted the expression " Director-General " ; and

(iii) in sub-section (3) for the word " Director " there shall be substituted the expression " Director-General " ;

(g) In section twenty-four—

(i) for the words " Children's Welfare Department " there shall be substituted the word " Branch " ; and

(ii) the words " or committed " shall be repealed ;

(r) In section twenty-five—

(i) for the words " Children's Welfare Department " there shall be substituted the word " Branch " ;

(ii) for the word " Department " (where first occurring) there shall be substituted the word " Branch " ;

(iii) for paragraph (c) there shall be substituted the following paragraph :—

" (c) Place him with the approval of the Minister in any remand centre youth training centre or any institution wholly maintained by the State ; " ;

(iv) the word " juvenile " shall be repealed ;

(v) in paragraph (g) for the words " some person " there shall be substituted the words " some suitable person " ;

(vi) after

Amendment of
No. 6219 s. 25.

Placement of
children
admitted to
Department.

- (vi) after paragraph (g) there shall be inserted the following paragraph :—
- “(h) Place him in a registered house within the meaning of Part VII. of this Act.”;
- (vii) for the word “ Director ” there shall be substituted the expression “ Director-General ” ; and
- (viii) after paragraph (h) there shall be inserted the following words :—
- “ In placing any child or young person pursuant to the provisions of this section the welfare of the child shall be the first and paramount consideration and any provision made for the physical intellectual and spiritual development of any such child or young person or for his employment shall be such as a good parent would make for his child.”;
- (s) In sub-section (2) of section twenty-six for the word “ Department ” there shall be substituted the word “ Branch ” ;
- (t) In section twenty-seven for the word “ Department ” there shall be substituted the word “ Branch ” ; Amendment of No. 6219 s. 27.
- (u) In section twenty-eight for the word “ Department ” (where twice occurring) there shall be substituted the word “ Branch ” ;
- (v) In section twenty-nine— Amendment of No. 6219 s. 29.
- (i) for the words “ Children’s Welfare Advisory Council ” there shall be substituted the words “ Family Welfare Advisory Council ” ; and
- (ii) for the words “ juvenile schools ” there shall be substituted the words “ children’s or young persons’ hostels and registered houses within the meaning of Part VII. of this Act ” ;
- (w) For section thirty there shall be substituted the following section :— Amendment of No. 6219 s. 30.
- “ 30. Where any child is without sufficient means of support and no available legal proceedings can be taken to obtain sufficient means of support for such child any parent or other individual person who has the care and custody of any such

Application by parent or other person for allowance for child without sufficient means of support.

child

child may make an application in the prescribed form to the Director-General that a weekly sum be paid to him or her towards the maintenance of such child."

Amendment of
No. 6219 s. 31.

(x) In section thirty-one—

(i) for sub-section (1) there shall be substituted the following sub-section :—

Inquiries on
applications
for allowances.

"(1) The Director-General shall on receipt of any such application make or cause to be made such inquiries as he thinks proper." ;

(ii) in sub-section (2) for the word " Director " (where twice occurring) there shall be substituted the expression " Director-General " ;

Amendment of
No. 6219 s. 34.

(y) For section thirty-four there shall be substituted the following section :—

Applications
for allowances
for children in
necessitous
circumstances.

" 34. (1) The Director-General shall consider the application and (where the application has been referred to a magistrate) the report and recommendation of the magistrate and may, if he thinks fit, grant the application with such modifications and subject to such conditions (if any) as he thinks fit or may refuse the application.

(2) In any case where the Director-General considers that it would be in the best interests of any child so to do he may grant any such application but direct that all or any part of the weekly sum granted to the applicant towards the maintenance of such child be paid in any manner determined by the Director-General.

(3) Any applicant may within fourteen days from the determination of his application by the Director-General appeal to the Minister against such determination and the Minister may grant refuse or vary any such determination as he thinks fit." ;

(z) In sub-section (1) of section thirty-nine for the words " Children's Welfare Department " there shall be substituted the word " Branch " ;

Amendment of
No. 6219 s. 43.

(aa) In section forty-three—

(i) in sub-section (1)—

(a) the words " or committed " (wherever occurring) shall be repealed ;

(b) the words " or committal " shall be repealed ;

(c) for