

(2) The Minister may at any time order any child or young person so admitted or committed to be discharged from the Department and thereupon the guardianship of the Director shall be terminated.

Discharge and termination of guardianship.
Comp. No. 3654 s. 29.

(3) Subject to this Act the Director shall have as guardian the same rights powers duties obligations and liabilities as a natural guardian of the child or young person would have.

22. Without affecting the generality of the provisions of the last preceding section the Director—

Powers of Director as guardian.

- (a) shall have the sole right to the custody of such child or young person ;
- (b) may demand sue for and recover any wages earnings or other moneys due to such child or young person ;
- (c) in the name and on behalf of such child or young person may commence and prosecute any actions suits claims or proceedings touching any property or rights of such child or young person or touching any matter in which such property or rights may be affected.

Comp. No. 3654 ss. 25, 35.

23. (1) Except as otherwise provided in this Part all moneys which come into the hands of the Director as guardian of the estate of any child or young person shall be placed to the credit of the account of such child or young person in a fund kept in the Treasury and called "The State Wards Fund".

Moneys received by the Director as guardian of the estate of any child or young person.
Comp. No. 3654 ss. 36-40.

(2) There shall be payable out of the moneys standing to the credit of any such account—

- (a) to Her Majesty—
 - (i) such weekly sum for the maintenance of such child or young person as the Minister directs ;
 - (ii) all expenses lawfully incurred by the Director as guardian of the estate of such child or young person ;
- (b) all lawful claims against the estate of such child or young person.

(3) On the discharge of a ward from the Department the Director shall notify the ward of the state of his account in The State Wards Fund.

24. No

Warrant not necessary for detention of child or young person admitted or committed to the Department.

Comp. No. 3654 s. 28.

Dealing with children and young persons admitted or committed to the Department.

Comp. No. 3654 s. 30.

24. No warrant shall be necessary to authorize the detention of any child or young person admitted or committed to the care of the Children's Welfare Department.

25. Subject to the regulations the Director may from time to time deal with any child or young person admitted or committed to the care of the Children's Welfare Department in one or other of the following ways:—

- (a) Place him in a reception centre or children's home or other establishment conducted and managed by the Department;
- (b) Place him in an approved children's home;
- (c) Place him in a juvenile school conducted and managed by the Department or an approved juvenile school but no child shall be placed in a juvenile school without the approval of the Minister;
- (d) Place him in a juvenile hostel;
- (e) Board him out with some suitable person in a private home;
- (f) Place him in employment, but no child shall be so placed in employment;
- (g) Place him in the custody of some person who is willing to take charge of him.

Young persons placed in employment.

26. (1) A young person shall not be so placed by the Director in employment of a nature requiring residence on the employer's premises unless an agreement between the Director and the employer is entered into in the form and subject to the conditions prescribed.

(2) The Director may require the employer of any young person so placed in employment to remit to him at regular intervals a specified portion of the weekly earnings of such young person and any amounts so received shall be placed by the Director to the credit of such young person in a State Savings Bank account in the name of the Department.

(3) While any young person is under the guardianship of the Director the whole or portion of the amount so standing to his credit may be applied to his benefit as the Director thinks fit.

War pensions and allowances payable for children or young persons to be placed in State Savings Bank account.

27. Where the Director is appointed pursuant to the Commonwealth Act known as the *Repatriation Act 1920-1953* or any amendment thereof to act as trustee for the purpose

of

of receiving war pensions or educational allowances payable in respect of any child or young person of whom he is guardian such pensions or allowances shall be placed by the Director to the credit of such child or young person in a State Savings Bank account in the name of the Department and shall be applied by him as he thinks proper for the maintenance education and welfare of the child or young person.

28. All moneys held by, or standing to the credit of any State Savings Bank account in the name of, the Department on behalf of any child or young person shall be paid to him on discharge from the Department but if such discharge takes place before such child or young person attains his majority the Minister may if he thinks that it is in the interests of the child or young person so to do direct that such money or part thereof be retained for a further period during minority.

Moneys held on behalf of children or young persons to be paid over on discharge.

29. The Minister shall from time to time after consideration of any report in that behalf by the Children's Welfare Advisory Council (which that Council is hereby authorized to make) determine the rates to be paid for children and young persons boarded out in private homes and for those placed out in approved children's homes and approved juvenile schools

Power to Minister to determine rates for children and young persons boarded out, &c.

PART V.—ALLOWANCES FOR CHILDREN IN NECESSITOUS CIRCUMSTANCES.

30. Any parent or other individual person having the care and custody of any child who is without sufficient means of support for such child and is unable by any available legal means to obtain sufficient means of support for such child may in the prescribed form make an application in writing to the Director that a weekly sum be paid to him or her towards the maintenance of such child.

Application by parent or other person without sufficient means of support for a child.
Comp. No. 3722 s. 37.

31. (1) The Director shall on receipt of any such application make or cause to be made such investigations as appear to him desirable in order to ascertain—

Investigation by Director.
Comp. Nos. 3722 s. 38, 4497 s. 3.

- (a) the circumstances and character of the applicant ;
- (b) the ability or otherwise of the applicant to maintain the child the subject of the application without assistance as provided under this Part ; and
- (c) the truth of the statements in the application.

(2) The

(2) The Director may require any person whom he believes to be in a position to do so to furnish to him a confidential report as to the circumstances or the financial transactions of the applicant or of the spouse or children of the applicant or (where the applicant is not the parent) of any parent of the child; and every person who on being required to do so by the Director fails to furnish a report within a reasonable time or furnishes a report containing any statement which is wilfully untrue in any particular shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months.

Reference to
magistrate.
Comp. No. 3722
s. 39.

32. (1) Unless the Director considers such a course unnecessary he may refer the file containing the application to a stipendiary magistrate or a special magistrate appointed pursuant to this Act together with a full report of the result of his investigations.

(2) The magistrate shall—

- (a) notify the applicant of the time and place of hearing; and
- (b) investigate the matter of the application.

Report and
recom-
mendation of
magistrate.
No. 3722 s. 40.

33. On the completion of his investigation the magistrate shall forward to the Director the file together with a report upon the results of his investigation and a recommendation as to whether in his opinion assistance under this Part should or should not be granted to the applicant.

Submission of
report, &c., to
Minister.
No. 3722 s. 41

34. (1) The Director shall submit the application with his comments thereon and (where the application has been referred to a magistrate) the report and recommendation of the magistrate to the Minister who if he thinks fit may cause further inquiries to be made into the matter.

(2) The Minister after considering the application and—

- (a) the report and recommendation of the magistrate (if any);
- (b) the comments of the Director and any other matters furnished by him bearing on the application; and
- (c) the results of any further inquiries (if any) as aforesaid—

Power of
Minister to
grant or refuse
application.

may with such modifications and conditions (if any) as he thinks fit grant the application, or may refuse the same.

35. Any

35. Any sum paid to an applicant pursuant to this Part in respect of a child shall be payable as from the date of the receipt of the application by the Director or such later date as the Minister directs and shall cease to be paid on the child attaining the maximum age to which the child is required by law to attend school :

Payment to cease on child exceeding school age except in special circumstances.

Comp. Nos. 3722 s. 44 (2), 4497 s. 3, 4862 s. 3.

Provided that the Minister may, where the child is an invalid or otherwise incapacitated or where in his opinion the special circumstances of the case make it advisable, direct in writing that assistance be continued for any further period until the child attains the age of sixteen years.

36. (1) The payment of any sum to an applicant pursuant to this Part may subject to a direction in writing in any particular case by the Minister be discontinued or suspended by the Director and subject to this Part any sum so paid may subject to a like direction be increased or reduced at any time by the Director if the circumstances of any case warrant such increase or reduction.

Power to discontinue suspend and vary payments.
Comp. No. 3722 s. 45.

(2) The provisions of this Part relating to investigations shall with such adaptations as are necessary extend and apply for the purposes of this section.

37. When an applicant to whom payments are made towards the maintenance of a child pursuant to this Part becomes incapable whether from illness or any other cause not within his or her control of properly caring for and maintaining such child the Director—

Provision in case of illness, &c., of applicant.
Comp. No. 3722 s. 47 (1).

(a) may direct that during such incapacity some other fit person shall have the care and maintenance of the child ; and

(b) shall make such arrangements as he thinks proper as to the person who may during such incapacity receive the payments in respect of the maintenance of such child.

38. The Minister may from time to time determine the maximum rates of assistance to be paid for children under this Part.

Determination of maximum rates by Minister.

39. (1) The

Appointment of special magistrate to deal with certain applications.
Comp. No. 3722 s. 53

39. (1) The Governor in Council may by Order published in the *Government Gazette* appoint any officer of the public service in the Children's Welfare Department to be a special magistrate for the purposes of this Act.

(2) Any such order may at any time be revoked by the Governor in Council by Order published in the *Government Gazette*.

Powers of magistrate in investigating applications under this Part.
Comp. No. 3722 s. 52

40. For the purposes of any investigation by a magistrate under this Part the following provisions shall have effect :—

- (a) Where the magistrate is satisfied that by reason of physical disability or other sufficient cause the applicant is unable to attend, the magistrate may dispense with the attendance of the applicant ;
- (b) The magistrate may call and examine such witnesses as he thinks fit ;
- (c) In investigating any application the magistrate shall not be bound by any rules of evidence but shall investigate the matter and make his recommendation according to equity good conscience and the substantial merits of the case without regard to legal forms and technicalities ;
- (d) The magistrate shall have in relation to witnesses and their examination and the production of documents similar powers to those vested in justices by the *Justices Act 1928* ;
- (e) The provisions of section sixteen of the *Children's Court Act 1928* shall with such adaptations as are necessary extend and apply to any investigation by a magistrate hereunder.

Penalty for untrue statements and false representation.
Comp. Nos. 3722 s. 55. 4497 s. 3.

41. (1) Every person who in or in relation to any application under this Part wilfully makes any statement, orally or in writing, which is untrue in any particular and every person who by false representation obtains under this Part any sum towards the maintenance of a child shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months.

(2) Any person convicted of an offence under this section may in addition to the penalty imposed for the offence be ordered to repay to the Director such amount

as

as the court considers has been paid towards maintenance under this Part in consequence of the untrue statement or false representation.

PART VI.—LIABILITY OF PARENTS FOR MAINTENANCE.

42. In this Part unless inconsistent with the context or subject-matter— Interpretation.

“Child” means a person under the age of seventeen years. “Child.”

“Parent” includes father mother step-father and step-mother and any person against whom an order under Part I. of the *Maintenance Act* 1928 has been made as the putative father of any illegitimate child, and also includes mother and step-mother notwithstanding a father or step-father of the child is alive and also the putative father of any illegitimate child whom he recognized as his though no such order has been made against him and the husband of the mother of an illegitimate child of whose existence he was aware prior to his marriage to the mother. “Parent”.
Comp. No. 3654
s. 58.

43. (1) Every parent of any child who is admitted or committed to the care of the Department shall be liable (notwithstanding any previous order for maintenance made under the Maintenance Acts) to pay to the Director towards the maintenance of such child a periodical sum fixed— Liability of
parent of child
admitted or
committed
to pay for
maintenance.
Comp. No. 3654
s. 45.

(a) by order of the judge or chairman of the court by which or the children's court by which such child is so admitted or committed made at the time of admission or committal; or

(b) by order of any two justices in or out of sessions.

(2) The judge chairman court or justices in fixing the sum to be paid shall have regard to the ability of the parent to maintain or contribute towards the maintenance of the child.

(3) A parent shall not be liable to pay anything towards the maintenance of any child in respect of any time during which the child is not chargeable to Her Majesty.

(4) The

(4) The provisions of this section shall extend and apply to every parent in respect of whose child weekly sums have been or are being paid pursuant to the provisions of Part V. of this Act to a person other than that parent as if such sums were moneys paid for the maintenance of a child admitted or committed as aforesaid.

Orders under
No. 3654
Part I. Div. 7
deemed made
under this Part.

(5) Any order under Division seven of Part I. of the *Children's Welfare Act* 1928 fixing or increasing any sum to be paid by any parent for the maintenance of any child shall be deemed to be an order made under this Part.

Power to
increase the
amount.
No. 3654 s. 46.

44. The amount of the sum payable by any parent under the provisions of this Part may be from time to time increased by any two justices in or out of sessions if they are satisfied that such parent is able to pay such greater amount.

Power to make
order
retrospective.
No. 3654 s. 47.

45. Any order fixing or increasing the sum payable by any parent may name any day not earlier than the day on which the child was admitted or committed to the care of the Department as from which the payment or increased payment is to take place, and such parent shall be liable to make such payment or increased payment accordingly.

Judge, &c.,
admitting or
committing
child to order
maintenance
in first instance
if the evidence
sufficient.
Comp. No. 3654
s. 48.

46. The judge or chairman of the court or the children's court admitting or committing any child to the care of the Children's Welfare Department shall by the same order fix the amount payable by the parent or parents for the maintenance of such child if the evidence before such judge chairman or court is sufficient and may adjourn the matter for further hearing.

Order may be
made at
any time.
No. 3654 s. 49.

47. An order fixing or increasing the sum payable by any parent may be made at any time.

Burden of
showing
inability to pay
to be on parent.
No. 3654 s. 50.

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 be presumed to be able to pay such weekly sum as is prescribed unless the contrary is shown.

By whom
applications
may be made.
No. 3654 s. 51.

49. Applications to fix or increase the sum payable by any parent, or to vary or revoke any order suspending or dispensing with payment or to sue for and recover
payment

payment of the same, may be made by or on behalf of any person authorized by any general or special order of the Minister.

50. Every such sum shall be a debt due to Her Majesty by such parent, and shall be paid by such parent at the several times appointed for paying the same to the Director.

Maintenance
money how
payable.
No. 3654 s. 52.

51. If any parent liable under the provisions of this Part to pay any such sum as aforesaid is so poor as to be unable to pay the said sum, any two justices in or out of sessions may upon the application of any such parent from time to time make an order suspending payment of the whole or any part of such sum for any time not exceeding six months, or reducing the amount payable or altogether dispensing with payment of the said sum, and any two such justices may from time to time upon the application of any person authorized as aforesaid vary or revoke any such order, and payment of such sum or any part thereof of which payment is suspended shall not be enforced while such suspension lasts, but no such parent shall be therefore discharged from liability to pay the same.

Relief of poor
persons from
payment.
No. 3654 s. 54.

52. In addition to any other remedy for the recovery thereof every such sum and every part thereof may be recovered before any court of petty sessions on the complaint of any person authorized as aforesaid to sue for the same; and if such parent does not—

Recovery
before justices.
Comp. No. 3654
s. 55.

- (a) pay the amount due forthwith or within any time not exceeding seven days that the court fixes; or
- (b) prove to the satisfaction of the court that he has not then and has not had since the order made against him sufficient means and ability to pay the amount due or any part thereof and that he does not intend to go away with intent to evade payment—

such parent shall be liable to imprisonment with or without hard labour if the amount due does not exceed Forty pounds for a term of not more than one month, and if the amount due exceeds Forty pounds for a term of not more than three months unless the amount due is sooner paid.

53. No

Imprisonment to be ordered only once for the same arrears.
No. 3654 s. 56.

53. No imprisonment as aforesaid shall discharge any parent from his liability to pay any sum he has not paid, but no parent shall be imprisoned twice for non-payment of the same arrears.

Issue of warrant in the first instance for arrest of parent.
No. 3654 s. 57.

54. If it is made to appear to any justice upon the complaint in writing of any person authorized as aforesaid to sue for the same that any parent has neglected to pay any such sum or any part thereof to the Director on any day on which the same is payable, such justice may issue his warrant for apprehending such parent and bringing him before a court of petty sessions to answer the said complaint and to be further dealt with according to law, but a summons may be issued in the first instance instead of a warrant if the justice thinks it more desirable.

Orders where several liable.
No. 3654 s. 58.

55. Where more persons than one are liable to contribute to the maintenance of any child under this Part one order may be made against all of them or separate orders may be made against each of them jointly and severally as to the judge chairman court or justices seems fit.

Constables and clerks of petty sessions to assist Director.
No. 3654 s. 59.

56. All clerks of petty sessions and members of the police force shall assist the Director in the recovery of moneys payable by the parents of children under this Part, and particularly by obtaining and furnishing information as to the residence occupation movements and means of every such parent who is in or leaves any district of which such clerk or member of the police force has charge or in which he is on duty.

PART VII.—INFANT LIFE PROTECTION.

Interpretation.

57. In this Part unless inconsistent with the context or subject-matter—

“Registered house.”

“Registered house” means a house registered under this Part.

“Registered person.”

“Registered person” means a person registered as the occupier of a registered house under this Part.

58. The

58. The provisions of this Part shall not apply to or in relation to— Non-application of this Part.

- (a) any hospital within the meaning of the *Hospitals and Charities Act* 1948 or any private hospital within the meaning of the *Health Act* 1928 ;
- (b) any institution or establishment conducted solely for educational purposes ;
- (c) any institution wholly maintained by the State ;
- (d) any house institution establishment or private home so far as relates to any ward of the Department placed or boarded out therein pursuant to this Act ;
- (e) any house occupied by a relative of an infant in whose charge the infant is received or retained in circumstances where the Minister is satisfied that it is unnecessary or undesirable that the provisions of this Part should apply ;
- (f) any house premises institution or establishment exempted for the time being by the Minister.

59. (1) No person shall in consideration of any payment or reward at any time made or given or to be made or given to such person or any other person on behalf of such person retain in or receive into her charge in any house any infant under the age of five years for the purpose of rearing nursing or maintaining such infant apart from its parents unless— Occupiers and houses where infants received to be registered.
Comp. No. 3654 s. 95.

- (a) such person is registered as the occupier of such house under this Part ; and
- (b) such house is registered under this Part.

(2) No male person shall be so registered.

60. (1) Application for such registration shall be made to the Director who upon being satisfied as to the character and fitness of the applicant and the suitability of her house for the purpose shall register the applicant and the house. Applications for registration.

(2) Every applicant for such registration shall afford the Director or any officer authorized by him for the purpose all reasonable facilities to inspect the house sought to be registered and to make such other inquiries as are considered by the Director to be necessary.

(3) Every

(3) Every such registration of a house shall be subject to the following conditions :—

- (a) That a greater number of children than a number specified by the Director shall not be accommodated in the house at any one time ;
- (b) That any consideration payment or reward for rearing nursing or maintaining any child shall not be made or given except by way of periodical instalments which shall not be paid for more than four weeks in advance ;
- (c) Such conditions as are prescribed.

(4) Every such registration shall unless cancelled as hereinafter provided remain in force until the thirty-first day of December next following the making thereof and may on application in that behalf be renewed by the Director as from the beginning of each year thereafter for a further period of twelve months.

Cancellation of
registrations.
Comp. No. 3654
s. 100.

61. (1) Where the Director is of opinion that the conditions of registration of a house have not been complied with or that a registered person has been guilty of neglecting or is incapable of adequately maintaining the child received into her house he shall submit a report of the circumstances to the Minister who if he is satisfied that it is in the public interest to do so may direct that the registrations be cancelled and the Director shall thereupon cancel the same.

(2) Upon such direction by the Minister the Director shall with respect to each child received into the house of such person and still in her care at the time of cancellation of the registrations—

- (a) restore the child to the custody of a parent ; or
- (b) transfer the child to the care of a registered person upon the parent entering into an agreement with such registered person for the payment of maintenance ; or
- (c) remove the child to a reception centre upon an application being made to a Children's Court to have the child admitted to the care of the Children's Welfare Department and the Court may grant or refuse such application and make an order accordingly.

62. (1) Every

62. (1) Every registered person shall keep a roll in the prescribed form in which she shall enter forthwith the names sex and date of birth of each child received into her care and such other particulars as are prescribed.

Registered person to keep roll of children received in her house.

Comp. No. 3654 s. 98.

(2) Within seven days after receiving any child into her care such registered person shall furnish the Director with such details from such roll in relation to the child as are prescribed.

(3) Forthwith after the removal of any child from a registered house whether before or after attaining the age of five years the registered person shall enter in such roll the time of removal the names addresses and occupations of the person or persons by whom such child was removed and, if any such person is a married woman, the address and occupation of her husband, and shall forthwith forward a notice in the prescribed form of such removal to the Director.

63. (1) Every registered person shall within twelve hours after the death in her house of any child received into her care give notice of such death to the member of the police force in charge of the nearest police station and to the Director and such member shall make inquiries and report to the coroner or deputy coroner of the district or some justice the fact and circumstances of such death.

Notices to be given on death of child in registered house.

Comp. No. 3654 s. 101.

(2) The coroner deputy coroner or (where empowered so to do) justice shall hold an inquest on the body of such child unless—

(a) a certificate under the hand of a legally qualified medical practitioner is produced to him certifying that such medical practitioner has personally attended such child during its lifetime and specifying the cause of death; and

(b) the coroner deputy coroner or justice is satisfied that there is no ground for holding such inquest.

(3) Where an inquest is held it shall be the duty of the coroner deputy coroner or justice to inquire not only into the immediate cause of death but into all the circumstances relating to the treatment and condition of the child at and subsequent to its reception into the registered house and to forward to the Director for transmission to the Minister a report stating the cause of death and making such remarks with respect to the matter as he thinks fit.

(4) An