

## VICTORIA



ANNO VICESIMO SEPTIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 9248

An Act to amend the *Social Welfare Act 1970*, the *Education Act 1958*, the *Children's Court Act 1973* and the *Public Service Act 1974*, to alter the Title of the first-mentioned Act, to establish a Department of Community Welfare Services and for other purposes.

[19th December, 1978.]

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 *Community Welfare Services Act 1978*. Short title.

(2) The *Social Welfare Act 1970* is in this Act referred to as the Principal Act.

Principal Act  
No. 8089,  
Reprinted to  
No. 8821 and  
subsequently  
amended by  
No. 9018.

Commence-  
ment.

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

2. (1) In

Amendment of  
No. 8089.  
Long title.

2. (1) In the long title of the Principal Act for the words "Social Welfare Department" there shall be substituted the words "Department of Community Welfare Services".

Short title.

(2) In section 1 of the Principal Act for the expression "*Social Welfare Act 1970*" there shall be substituted the expression "*Community Welfare Services Act 1970*".

Amendment of  
No. 8089 s. 1.  
Division Table.

3. In the Table in section 1 of the Principal Act—

(a) in the item relating to Part I. for the words "Social Welfare Department" there shall be substituted the words "Department of Community Welfare Services";

(b) for the expression "Part II.—Family Welfare Services ss. 12–84." there shall be substituted the expression—  
"Part II.—Advisory Councils ss. 12–12B.

Part III.—Family Welfare Services ss. 13–84.";

(c) in the portion of the Table relating to Part II. in the item relating to Division 3 for the words "Reception Centres and Homes" there shall be substituted the words "Residential Facilities";

(d) for the expression "Part III.—Youth Welfare Services ss. 85–110." there shall be substituted the expression "Part IV.—Adolescent Services ss. 86–110.";

(e) for the expression "Part IV." there shall be substituted the expression "Part V.";

(f) for the expression "Part V." there shall be substituted the expression "Part VI.";

(g) for the expression "Part VI." there shall be substituted the expression "Part VII.";

(h) for the expression "Part VII." there shall be substituted the expression "Part VIII."; and

(i) for the expression "Part VIII." there shall be substituted the expression "Part IX."

Amendment of  
No. 8089, s. 3.  
Interpretation.

4. In section 3 of the Principal Act—

(a) in the interpretation of "Department" for the words "Social Welfare Department" there shall be substituted the words "Department of Community Welfare Services";

(b) in the interpretation of "Director-General" for the words "Social Welfare" there shall be substituted the words "Community Welfare Services";

(c) after the interpretation of "Governor" there shall be inserted the following interpretation:—

"Guardian" in relation to a child, means a parent of the child and any person (other than the

the Director-General) who is a legal guardian of the child or who has the custody and control of the child.';

(d) in the interpretation of "Minister" for the words "Social Welfare" there shall be substituted the words "Community Welfare Services";

(e) after the interpretation of "Minister" there shall be inserted the following interpretation:—

"Parent" includes father mother step-father and step-mother and any person against whom an order has been made under Part II. of the *Maintenance Act* 1965 as the father of a child to whose mother he was not married at the time of its birth or at or after the time of its conception and also includes mother and step-mother notwithstanding that a father or step-father of the child is alive and also the father of a child to whose mother he was not married at the time of its birth or at or after the time of its conception whom he has recognized as his although no such order has been made against him and the husband of the mother of a child to whom he was not married at the time of its birth or at or after the time of its conception of whose existence he was aware prior to his marriage to the mother.';

(f) in the interpretation of "Superintendent"—

(i) after the words "in relation to" there shall be inserted the expression "a prison under Part V."; and

(ii) for the expression "Part III." there shall be substituted the expression "Part IV.";

(g) in the interpretation of "Ward of the Social Welfare Department" for the words "Social Welfare Department" there shall be substituted the words "Department of Community Welfare Services".

#### 5. In section 4 of the Principal Act—

(a) in paragraph (b) after the expression "Director of Children's Welfare" there shall be inserted the expression "or the Director-General of Social Welfare";

(b) after paragraph (c) there shall be inserted the following paragraph:—

'(ca) to the "Minister for Social Welfare" shall be deemed and taken to refer to and mean the "Minister for Community Welfare Services"; and

(c) in

Amendment of  
No. 8089 s. 4.  
Construction of  
references.

(c) in paragraph (e)—

- (i) after the expression “Social Welfare Branch” there shall be inserted the expression “or the Social Welfare Department”; and
- (ii) for the words “Social Welfare Department” there shall be substituted the words “Department of Community Welfare Services”.

New section  
inserted.  
Change of  
name of  
Department.

6. After section 4 of the Principal Act there shall be inserted the following section :—

“4A. (1) The Social Welfare Department established and constituted under the *Social Welfare Act 1970* shall after the commencement of section 6 of the *Community Welfare Services Act 1978* be known as the Department of Community Welfare Services.

(2) The Department of Community Welfare Services shall be deemed to be the same body as the Social Welfare Department established and constituted under the *Social Welfare Act 1970* and no act matter or thing shall be in any way abated or affected by reason of the alteration in the name thereof.

Minister.

(3) The person holding the office of Minister for Social Welfare immediately before the commencement of section 6 of the *Community Welfare Services Act 1978* shall become and be the Minister for Community Welfare Services for the purposes of this Act.

(4) The person holding the office of Director-General of Social Welfare immediately before the commencement of section 6 of the *Community Welfare Services Act 1978* shall become and be the Director-General of Community Welfare Services for the purposes of this Act.

Judicial notice.

(5) All courts, judges, and persons acting judicially shall take judicial notice of the signature of the Minister and the Director-General to every document authorized or required to be signed for the purposes of this Act.”

Amendment of  
No. 8089 s. 5.

7. (1) In the heading preceding section 5 of the Principal Act for the words “SOCIAL WELFARE DEPARTMENT.” there shall be substituted the words “DEPARTMENT OF COMMUNITY WELFARE SERVICES.”

Constitution of  
Department.

(2) In section 5 (1) of the Principal Act—

- (a) for the expression “Social Welfare Department” there shall be substituted the expression “Department of Community Welfare Services”;

(b) in

(b) in paragraph (a) for the words "Social Welfare" there shall be substituted the words "Community Welfare Services"; and

(c) in paragraph (b) for the words "Social Welfare" there shall be substituted the words "Community Welfare Services".

(3) After section 5 (2) of the Principal Act there shall be inserted the following sub-sections :—

"(3) The functions of the Department with respect to community welfare and development and welfare services shall be—

(a) to facilitate the development of welfare services and the administration of welfare programmes at the regional and local level in co-operation and conjunction with government departments voluntary organizations and community groups ;

(b) to ensure that welfare services are fully accessible to all persons and that information concerning all services is readily available by co-operating with government departments municipalities voluntary organizations and community groups ;

(c) to promote co-ordination of welfare services planning and delivery through co-operating with providers and consumers of welfare services and to encourage voluntary participation, self-help and consumer involvement in the planning development and carrying out of welfare services ;

(d) to assist communities to identify and to meet the continuing and emerging needs of families and individuals within their communities.

(4) The functions of the Department with respect to social planning shall be—

(a) to establish, maintain and develop consultative and co-operative arrangements which promote the co-ordination of social resources in Victoria in conjunction with government agencies, municipalities, voluntary organizations and community groups ;

(b) to integrate social planning with economic and physical planning in conjunction with other government agencies ; and

(c) to promote, assist and encourage community consultation in social resource planning."

8. Section 8 of the Principal Act is hereby repealed.

Repeal of  
transitory  
provisions as  
to transfer of  
officers.

9. In

Amendment of  
No. 8089 s. 9.  
Transitory  
provisions.

9. In section 9 of the Principal Act—

(a) in sub-section (1)—

- (i) for the words “this Act” there shall be substituted the expression “section 6 of the *Community Welfare Services Act 1978*”; and
- (ii) for the words “Social Welfare” there shall be substituted the words “Community Welfare Services”;

(b) in sub-section (2)—

- (i) for the words “Chief Secretary” there shall be substituted the words “Minister for Social Welfare”; and
- (ii) for the words “Social Welfare” there shall be substituted the words “Community Welfare Services”; and

(c) sub-section (3) is repealed.

Amendment of  
No. 8089 s. 10.  
Assignment by  
Director-General  
of functions and  
duties.

10. For section 10 (2) of the Principal Act there shall be substituted the following sub-section :—

“(2) With the approval of the Minister the Director-General may assign in writing to any officer of the Department any of the functions and duties of the Director-General either generally or in any particular case and may at any time in writing revoke any such assignment.”.

New Part  
inserted.

11. (1) After section 11 of the Principal Act there shall be inserted the following heading and sections :—

‘PART II.—ADVISORY COUNCILS.

Child  
Development  
and Family  
Services  
Council.

12. (1) For the purposes of this Act there shall be a Child Development and Family Services Council consisting of not more than 27 members appointed by the Minister in conjunction with the Minister responsible for the administration of the Health Commission of Victoria with respect to early childhood development and such other Ministers as the Governor in Council determines (all of which Ministers are hereafter in this section referred to as the “Ministers”).

(2) Of such members—

- (a) one shall be appointed to be chairman ;
- (b) one shall be the chairman of the Consultative Council on Maternal and Child Health ;
- (c) two shall be officers of the Department of Community Welfare Services nominated by the Minister ;
- (d) one shall be an officer of the Health Commission of Victoria nominated by the Minister of Health ;

(e) one

- (e) one shall be an officer of the Health Commission of Victoria nominated by the Minister responsible for the administration of the Health Commission of Victoria with respect to early childhood development ;
- (f) one shall be an officer of the Education Department nominated by the Minister of Education ;
- (g) one shall be an officer of the Housing Commission nominated by the Minister of Housing ;
- (h) one shall be a member of the Victoria Police nominated by the Chief Secretary ;
- (i) one shall be an officer of the Department of Social Security of the Commonwealth nominated by the Minister after consultation with the Minister for Social Security ;
- (j) one shall be a person skilled in Aboriginal affairs appointed by the Minister after consultation with the Minister for Aboriginal Affairs of the Commonwealth ;
- (k) one shall be nominated by the Minister responsible for the administration of the Health Commission of Victoria with respect to early childhood development from a panel of not less than four names submitted by the Australian Pre-School Association ;
- (l) one shall be a councillor of a municipality and one shall be a municipal officer nominated by the Minister for Local Government ;
- (m) one shall be nominated by the Minister for Local Government from a panel of not less than four names submitted by the Victorian Municipal Welfare Officers Association ;
- (n) one shall be a person nominated by the Minister for Immigration and Ethnic Affairs ;
- (o) one shall be an officer of the Family Court of Australia appointed by the Minister after consultation with the Attorney-General for the Commonwealth ;
- (p) one shall be a person selected from a panel of not less than four names submitted by the Institute of Early Childhood of the State College of Victoria ;
- (q) one shall be a person nominated by the Minister for Youth, Sport and Recreation ;
- (r) two shall be nominated by the Minister from a panel of not less than four names submitted by the Victorian Council of Social Services ;

(s) two

- (s) two shall be nominated by the Minister from a panel of not less than four names submitted by the Children's Welfare Association of Victoria ;
- (t) one shall be an infant welfare sister of the Health Commission of Victoria nominated by the Minister of Health ;
- (u) one shall be a person with a particular interest in child and family legislation nominated by the Attorney-General ;
- (v) one shall be a person skilled in finance relating to community welfare ; and
- (w) two persons shall be appointed on the nomination of any body or bodies which the Ministers consider represent the interests of welfare recipients or the community at large.

Procedure in  
default of  
submission of  
panel.

(3) In default of the submission of any panel within 30 days after a request in writing in that behalf by the Minister the Ministers may appoint any persons to be members notwithstanding that the panel has not been submitted.

(4) The Ministers may at any time remove any member of the Council from office and may appoint an eligible person to fill any casual vacancy in the membership of the Council.

Term of office.

(5) Subject to this Act the members of the Council shall be entitled to hold office for such respective terms (not exceeding in any case three years) for which they are appointed and shall be eligible for re-appointment.

Secretary to  
Council.

(6) There shall be appointed a secretary to the Council and such other officers as are necessary for carrying out its functions.

Meetings.

(7) Meetings of the Council shall be convened and conducted as prescribed but the regulations shall require that not less than ten meetings shall be convened in each year.

(8) The members of the Council shall not by virtue only of their office as such be subject to the *Public Service Act 1974*.

Fees.

(9) Each member of the Council shall be paid such salary (if any) and such fees and travelling and other expenses and allowances as are prescribed.

Functions of  
Council.

(10) The functions of the Council shall be—

- (a) at the request of any of the Ministers to advise on policy and programme matters relating to community, family, youth, child care and development and in particular the policies to be adopted and programme requirements and practices, but not including any

matters



matters otherwise referred to the Consultative Council on Maternal and Child Health established pursuant to the provisions of the *Health Commission Act 1977* ;

- (b) subject to the approval of any of the Ministers to initiate, promote or carry out investigations relating to community, family, youth, child care and development and welfare matters and to make recommendations thereon ;
- (c) to invite and receive information from State and Federal bodies, municipalities, non-government organizations and community groups and others in the community, family, youth, child care, and development fields and generally keep informed of developments the Council considers relevant to the work of the Council ;
- (d) subject to the approval of any of the Ministers to initiate meetings, seminars and discussion documents in relation to child development and family services ;
- (e) to advise the Minister on principles relating to licensing contracts and registration ; and
- (f) at the request of any of the Ministers to establish, convene or co-ordinate sub-committees, working parties or task forces which facilitate the carrying out of the functions of the Council.

(11) Before the 1st day of November in each year the Council shall prepare and present to the Minister a report concerning the activities of the Council in the year ending on the 30th day of June then last past. Annual report.

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

(13) The Child Development and Family Services Council established under this section shall be deemed to be a body appointed under section 29 (1) (b) of the *Health Commission Act 1977* to be a consultative council for the purposes of that Act.

12A. (1) For the purposes of this Act there shall be a Correctional Services Council consisting of not more than eighteen members appointed by the Minister in conjunction with the Attorney-General and such other Ministers as the Governor in Council determines (all of which Ministers are hereafter in this section referred to as the "Ministers"). Correctional Services Council.

(2) Of the members so appointed—

- (a) one, who shall be chairman, shall be a judge of the County Court of Victoria ;

Constitution of Council.

(b) three

- (b) three shall be officers of the Department nominated by the Minister ;
- (c) one shall be a barrister and solicitor nominated by the Attorney-General ;
- (d) one shall be a psychiatrist nominated by the Minister of Health ;
- (e) one shall be a member of the Victoria Police nominated by the Chief Secretary ;
- (f) one shall be an officer of the Education Department nominated by the Minister of Education ;
- (g) one shall be a correctional officer appointed from a panel of not less than four names submitted by the Victorian Public Service Association ;
- (h) one shall be a criminologist appointed from a panel of not less than four names submitted by the Australian and New Zealand Society of Criminology ;
- (i) one shall be appointed from a panel of not less than four names submitted by the Victorian Employers Federation ;
- (j) one shall be appointed from a panel of not less than four names submitted by the Victorian Trades Hall Council ;
- (k) two shall be appointed from panels of not less than four names submitted by community organizations concerned with correctional services ;
- (l) one shall be appointed from a panel of not less than four names submitted by the Municipal Association of Victoria ;
- (m) three shall be appointed to represent the views of the community.

(3) In default of the submission of any panel within 30 days after request in writing in that behalf by the Minister the Ministers may appoint any suitable person to be a member without submission of a panel.

**Removal.**

(4) The Ministers may at any time remove any member of the Council and may fill any casual vacancy in the membership of the Council.

**Term of office.**

(5) Subject to this Act the members of the Council shall be entitled to hold office for such respective terms (not exceeding in any case three years) as the Ministers appoint and shall be eligible for re-appointment.

**Secretary.**

(6) There shall be appointed a secretary to the Council and such other officers as are necessary for carrying out its functions.

(7) Meetings

(7) Meetings of the Council shall be convened and conducted as prescribed but the regulations shall require that not less than ten meetings be convened in each year. Meetings.

(8) The members of the Council shall not by virtue only of their office as such be subject to the *Public Service Act* 1974.

(9) The functions of the Council shall be— Functions of Council.

- (a) to advise the Ministers concerning the policies to be adopted and the programmes to be undertaken from time to time in relation to the custody, care, education, discipline, training, and treatment of persons held on remand or sentenced to imprisonment or to detention in a youth training centre by the Supreme Court, the County Court or a Magistrates' Court ;
- (b) to advise the Ministers concerning the policies to be adopted and programmes to be undertaken from time to time in relation to community correctional programmes ;
- (c) to consult with government and non-government organizations and community groups on policies relating to correctional services in the community ;
- (d) to seek and acquire information from government and non-government organizations and community groups on correctional services in the community ;
- (e) at the request of any of the Ministers to initiate meetings, seminars and discussion documents in relation to correctional services.

(10) Before the 1st day of November in each year the Council shall prepare and present to the Minister a report concerning the activities of the Council in the year ending on the 30th day of June then last past. Annual report.

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

(12) Prisoners may send sealed letters to the chairman of the Council without restriction for consideration by the Council and the Council shall advise the Minister thereon.

(13) Each member of the Council shall be paid such fees and travelling and other expenses and allowances as are prescribed. Fees.

12B. (1) The Minister may by Order under his hand—

- (a) establish such consultative or advisory councils as he thinks fit in respect of such matters as he determines and specifies in the Order ; and

Consultative  
and Advisory  
Councils.

(b) in

- (b) in any case where he thinks it necessary appoint a board or commission or other body established by or under any Act or a committee thereof to be a consultative or advisory council under this section.

(2) A consultative council or advisory council established under sub-section (1) shall consist of a chairman and such other number of members the majority of whom shall be persons with special knowledge in matters referred to the Council as is specified in the Order.

(3) The Minister may by the like Order revoke or vary any Order made under sub-section (1).

(4) A member of a consultative or advisory council shall be paid such travelling and other expenses and allowances as are prescribed.”.

Repeal of  
provision as to  
former Councils

(2) Sections 14 and 112A of the Principal Act are hereby repealed.

Amendment of  
No. 8089 s. 12.

12. (1) For the heading preceding section 13 of the Principal Act there shall be substituted the heading “PART III.—FAMILY WELFARE SERVICES.”

Family  
Welfare  
Services.

(2) For section 13 of the Principal Act there shall be substituted the following section :—

“ 13. The functions of the Department with respect to family welfare services shall be—

- (a) to promote family welfare in the community and to support, protect and enhance family life through the provisions of family welfare services and through promoting, assisting and co-ordinating services provided by government departments, municipalities, voluntary organizations and community groups ;
- (b) to promote co-operation with and between government departments, municipalities, voluntary organizations, community groups and persons concerned with the welfare, care and protection of individuals and families ;
- (c) to encourage the formation and development of organizations concerned with the enhancement of family life ;
- (d) to provide, support and supervise or license all residential facilities, foster care and other family welfare services established within the meaning of this Act ;
- (e) to ensure that information is disseminated to the public with regard to family welfare.”.

13. In section 17 (2) of the Principal Act the expression "and may, on behalf of such child, take proceedings under Part I. of the *Maintenance Act 1965* against any person liable to contribute to the support of such child" is repealed.

Repeal of provisions as to maintenance.

14. In section 25 (d) of the Principal Act for the expression "*Justices Act 1958*" there shall be substituted the expression "*Magistrates (Summary Proceedings) Act 1975*".

Amendment of No. 8089 s. 25.

15. In the heading preceding section 27 of the Principal Act for the words "RECEPTION CENTRES AND HOMES." there shall be substituted the words "RESIDENTIAL FACILITIES."

Amendment of No. 8089.

16. After section 27 (a) (iii) of the Principal Act there shall be inserted the following sub-paragraph :—

Amendment of No. 8089 s. 27. Reception centres.

"(iv) who, on the recommendation of the Director-General, require temporary accommodation ;".

17. In section 28 (1) of the Principal Act after the words "children's home" there shall be inserted the words "or foster care agency".

Amendment of No. 8089 s. 28. Children's Residential Facilities.

18. (1) In section 29 (1) of the Principal Act after paragraph (b) there shall be inserted the following paragraph :—

Amendment of No. 8089 s. 29.

"(c) declare as an approved foster care agency any existing or proposed agency for children or like facility or establishment (not being an institution or establishment conducted wholly as a hospital or convalescent home) 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."

(2) In section 29 (2) and section 30 (1) of the Principal Act for the words "Family Welfare Advisory Council" there shall be substituted the words "Child Development and Family Services Council".

19. For section 31 of the Principal Act there shall be substituted the following section :—

Amendment of No. 8089 s. 31.

"31. (1) Every child or young person under 17 years of age who is in need of care by reason of any of the following shall be admitted to the care of the Department, namely :—

Child or young person in need of care, &c.

(a) The child or young person has been ill-treated or is likely to be ill-treated or his physical, mental or emotional development is in jeopardy ;

(b) The guardians of or persons having the custody or responsibility for the child or young person are unable or unwilling to exercise adequate supervision and control over the child or young person ;

(c) The

- (c) The guardians of the child or young person are dead or incapacitated and no other appropriate persons are available to care for the child or young person ;
- (d) The child or young person has been abandoned and his guardians or persons having the custody of or responsibility for him cannot, after reasonable inquiries, be found.

(2) A child shall not be admitted to the care of the Department under the provisions of this section unless the Director-General is first satisfied that all reasonable steps have been taken by the Department to provide such services as are necessary to enable the child to remain in the care of his family and that admission to the care of the Department is in the best interests of the child in the circumstances.

Voluntary  
notification  
that child is  
in need of  
care &c.

(3) Any person who believes on reasonable grounds that a child or young person is in need of care for any of the reasons specified in sub-section (1) may notify the circumstances of the child or young person to a member of the police force or to any person who or children's protection agency which is authorized in that behalf by the Minister (whether generally or in any particular case).

(4) Where a notification is made pursuant to the provisions of sub-section (1)—

- (a) the notification shall not in any proceedings before any court or tribunal be held to constitute a breach of professional etiquette or ethics or to be a departure from accepted standards of professional conduct ;
- (b) where a person acts in good faith and in accordance with the provisions of sub-section (1) he shall not in any way be liable to any action for damages or any other legal proceedings in respect of the notification ;
- (c) the notification shall not be admissible in evidence in any proceedings before any court or tribunal except in the cases specified in sub-section (5) or where the person making the notification has authorized in writing the admission thereof in evidence and no evidence of the contents thereof or the name of the maker thereof shall be otherwise admissible in evidence ;
- (d) a person shall not, except in the case specified in sub-section (5) (b), be compelled in any proceedings before any court or tribunal to produce the notification or any copy of or extract from the notification or to disclose or give any evidence of any of the contents of the notification or to disclose the name of the maker thereof ; and

(e) the

(e) the member of the police force, authorized person or authorized agency to whom a notification is made shall not disclose the name of the person making the notification to any other person—

(i) without the permission in writing of the person by whom the notification was made ; or

(ii) unless the proceedings are proceedings specified in sub-section (5) (b) and the court or tribunal hearing the proceedings is satisfied that the name of the person making the notification is properly relevant in the proceedings.

(5) The cases referred to in sub-section (4) (c) and sub-section

(4) (d) are as follows :—

(a) Where the notification is tendered in evidence by the person by whom it was made in answer to a charge or allegation made against him in the proceedings or that person gives evidence of the notification in answer to any such charge or allegation ;

(b) In support of or in answer to a charge or allegation made in the proceedings against any person in relation to the exercise of his powers or duties under this Act.”.

20. (1) In section 32 of the Principal Act—

Amendment of  
No. 8089 s. 32.

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

“(1A) A general authority given by the Minister under sub-section (1) to any person who is not a member of the police force—

(a) shall remain in force for a period of not more than three years ;

(b) may be renewed by the Minister from time to time ; and

(c) may at any time be revoked by the Minister.” ;

(b) in sub-section (4)—

(i) for the expression “ section 25 ” (where twice occurring) there shall be substituted the expression “ section 22 ” ; and

(ii) for the expression “ *Children's Court Act 1958* ” there shall be substituted the expression “ *Children's Court Act 1973* ” ; and

(c) in sub-section (6) for the expression “ *Justices Act 1958* ” there shall be substituted the expression “ *Magistrates (Summary Proceedings) Act 1975* ”.

(2) In

Placement during adjournment, &c.

(2) In section 32 (4) of the Principal Act after the word "centre" (where first and second occurring) there shall be inserted the words "or other accommodation considered appropriate by the Director-General pursuant to the provisions of this Act".

Amendment of No. 8089 s. 33. Admission order to have effect for not more than twelve months.

21. In section 33 of the Principal Act after sub-section (2) there shall be inserted the following sub-sections :—

"(3) Subject to the provisions of sub-section (2) and of section 36 an order under sub-section (1) shall have effect for a period of not more than twelve months and shall expire at the end of that period unless the Director-General by order under his hand extends his guardianship of the child or young person for a period of not more than twelve months or further extends his guardianship of the child or young person for successive periods of not more than twelve months.

Director-General to review cases each year.

(4) Once in every year in which a child or young person is under the guardianship of the Director-General the Director-General shall review the case of that child or young person and shall not extend his guardianship of the child or young person unless he is satisfied that it would be in the best interests of the child or young person so to do."

Amendment of No. 8089 s. 34. Application by parent, &c. for order admitting child to Department.

22. (1) For section 34 (1) of the Principal Act there shall be substituted the following sub-section :—

"34. (1) Any person having the care and custody of a child who believes that there is a substantial and presently irreconcilable difference between himself and the child to such an extent that his care and custody of the child are likely to be seriously disrupted and any child who believes that there is such a difference between himself and any person having his care and custody may apply to a Children's Court for an order under sub-section (3)."

Repeal of certain provisions as to disposal of child apprehended.

(2) In section 34 (2) of the Principal Act the expression commencing with the words "and he may upon being apprehended" and ending at the end of the sub-section is repealed.

(3) In section 34 (3) of the Principal Act for the words "that the child is uncontrolled" there shall be substituted the words "that there is a substantial and irreconcilable difference between the person having the care and custody of the child and the child to such an extent that the care and custody of the child are likely to be seriously disrupted".

New section inserted. Application for admission of child or young person to care of the Department.

23. (1) In section 35 of the Principal Act for sub-sections (1) to (6) there shall be substituted the following sub-sections :—

"35. (1) Any parent, guardian or person having the care and custody of a child or young person under the age of seventeen years may apply in the prescribed form to the Director-General that



that the child or young person be admitted to the care of the Department for such period of time not exceeding twelve months as is specified in the application.

(2) (a) Before entering into an agreement under this section the Director-General shall make or cause to be made such inquiries as he thinks proper in respect of the child or young person and ascertain the wishes of the child or young person wherever it is practicable to do so having regard to the age and understanding of the child or young person and, if only one parent has applied under sub-section (1), shall ascertain the wishes of the other parent so far as is practicable and give due consideration to all such matters.

(b) With the consent of any applicant the Director-General may require any person who he believes to be in a position to do so to furnish to him a confidential report on any matter which the Director-General considers to be relevant to the application and every person who on being required to do so by the Director-General fails to furnish a report within a reasonable time or furnishes a report containing any statement which is wilfully untrue in a material particular shall be guilty of an offence against this Act.

Requirement  
to furnish  
information.

Penalty : \$250 or imprisonment for three months.

(c) Where it appears to a stipendiary magistrate in chambers that an applicant in unreasonably withholding his consent to a requirement to furnish a report under paragraph (b) the stipendiary magistrate may make an order dispensing with the applicant's consent.

(3) An agreement under this section shall be for a period of not more than twelve months but the parties to the agreement may from time to time agree to extend the agreement, subject to sub-section (4), for a further period or periods not exceeding twelve months in the aggregate.

Agreement to  
be for limited  
time.

(4) Any party to an agreement made under this section may at any time during the currency of the agreement or any extension thereof terminate the agreement upon giving not less than twenty-one days notice in writing to the other party or parties.

Termination  
of agreement.

(5) Upon receiving any notice given under sub-section (4) the Director-General may within fourteen days thereafter and, after making such further inquiries as he thinks proper in the circumstances, either—

- (a) return the child or young person to the parent or other person in whose care or custody the child or young person was at the time the agreement was made ; or
- (b) make an application in the prescribed form to a Children's Court that the child or young person named in the application should be deemed to be a child or young person in need of care and protection.

(6) (a)

Appeal against refusal.

(6) (a) Where the Director-General refuses an application under sub-section (1) the applicant may within one month, after notice to the Director-General, appeal to a Children's Court against the refusal.

(b) Every appeal under sub-section (6) shall be by way of re-hearing and the Court may allow or dismiss the appeal as the Court thinks fit.

(c) An appeal under sub-section (6) shall be final and without appeal."

Amendment of No. 8089 s. 35. Grant of application deemed order.

(2) For section 35 (8) of the Principal Act there shall be substituted the following sub-section :—

"(8) The granting of an application under this section by the Director-General or by a Children's Court on appeal from the Director-General shall for all purposes be deemed to be an order admitting the child to the care of the Department."

Consequential repeal of provisions as to admission of young persons.

(3) Sections 100, 101, 102, and 103 of the Principal Act are hereby repealed.

Amendment of No. 8089 s. 36. Guardianship.

24. In section 36 (1) of the Principal Act the expression "of admitted or committed to the care of the Children's Welfare Department prior to the commencement of the *Social Welfare Act 1960*" is repealed.

Amendment of No. 8089 ss. 36, 37.

25. (1) After section 36 (1) of the Principal Act there shall be inserted the following sub-section :—

Liability for maintenance of child or young person in care of Department.

"(1A) Whilst a child or young person is under the guardianship of the Director-General under this Act any person who is a parent of the child or young person within the meaning of this Act may be required by order under the *Maintenance Act 1965* as in force at the commencement of section 25 of the *Community Welfare Services Act 1978* to pay for or towards the maintenance of the child or young person in the care of the Department."

Director-General may bring proceedings for maintenance.

(2) In section 37 of the Principal Act after paragraph (c) there shall be inserted the following paragraph :—

"(d) in the name and on behalf of such child or young person may make complaint and take any other proceedings under the *Maintenance Act 1965* against any person who is a parent of the child or young person within the meaning of this Act for the maintenance of the child or young person in the care of the Department."

Amendment of No. 8089 s. 40. Warrants, &c. by Director-General.

26. In section 40 of the Principal Act—

(a) after the words "from time to time" there shall be inserted the words "by order, warrant or other

authority

authority signed by him and addressed to a member of the police force, officer of the Department or other person” ;

- (b) at the end of paragraph (d) there shall be inserted the words “ or with an approved foster care agency ”.

27. (1) Division 7 of Part II. of the Principal Act is hereby repealed.

Repeal of provisions as to liability of parents for maintenance. Repeal not to affect liability under existing orders.

(2) The repeal of Division 7 of Part II. of the Principal Act shall not in any way affect the operation of any order made thereunder before the commencement of this section and any such order may after the said commencement be enforced in all respects as if the said Division had not been repealed.

28. (1) After section 74 of the Principal Act there shall be inserted the following heading and sections :—

**DIVISION 8A—ATTENDANCE AT SCHOOL.**

74A. In this Division unless inconsistent with the context or subject-matter—

Interpretation.

“ Head teacher ” means the person for the time being in charge of a school howsoever he is designated.

“ Head teacher.”

“ Parent ” includes guardian and every person who is liable to maintain or has the actual custody of a child and any person with whom a child resides or who is the occupier of a house in which a child resides.

“ Parent.”

“ State school ” means a school conducted under the *Education Act 1958*.

“ State school.”

74B. (1) The Minister may by order published in the *Government Gazette* appoint as summoning officers persons authorized by him to summon parents, and may by order so published remove such persons.

Summoning officers.

(2) The production of a copy of the *Government Gazette* purporting to contain such order of appointment shall be conclusive evidence that the person to whom such order relates has been so appointed.

Proof of appointment.

(3) Every summoning officer shall without further or other authority than this Division take all such proceedings as may be necessary to enforce the attendance of children at school in accordance with the requirements of this Division.

Summoning officer to enforce attendance at school.

(4) For the purpose of obtaining the name and address of any child who apparently does not attend school during school hours on school days, any summoning officer may during school hours without further or other authority than this Division accost and detain such child in any street or other public place.

Power to summoning officer to accost and detain children.

(5) Every

## Penalty.

(5) Every person who wilfully obstructs hinders or interferes with any summoning officer in the performance of exercise of his duties shall be liable to a penalty of not more than \$250.

## Parents to cause child to attend school.

74c. (1) The parents of every child of school age shall, unless there is a reasonable excuse for the child's non-attendance, cause such child to attend a State school on every school half-day in each week.

(2) Attendance at a school on any school day for two hours before noon or for two hours after noon shall in each case be attendance on a school half-day.

## Excuses.

(3) It shall be a reasonable excuse as regards any child that—

(a) the child is under efficient and regular instruction in some other manner and is complying with the like conditions of attendance as are required under this section with regard to attendance at State schools ;

(b) the child has been prevented from attending school by sickness, reasonable fear of infection, temporary or permanent infirmity or any unavoidable cause ;

(c) there is no State school which the child can attend within a distance (measured according to the nearest practicable route) from the residence of the child—

(i) of 3 kilometres if the child is under 9 years of age ; or

(ii) of 5 kilometres if the child is at least 9 years of age—

and that the child is being educated by correspondence tuition ; or

(d) the child has been exempted from school attendance in accordance with the provisions of section 74G or has been excused from school attendance in accordance with the provisions of section 53 of the *Education Act 1958*.

(4) In the event of any child being unable for any reason to attend school on a school half-day the parent if so required by the teacher of the school shall within five days by himself or an authorized agent inform the teacher of the reason of the child's non-attendance ; and all such information shall be reduced to writing and filed by such teacher for inspection by any authorized officer.

(5) If a parent omits to inform a teacher of the reason of the child's non-attendance and fails to show reasonable grounds for such omission the child shall be deemed to be absent without a reasonable excuse.

(6) For

(6) For the purposes of this section the expression "being educated by correspondence tuition" means—

- (a) that the child is receiving tuition by correspondence from a Correspondence School of the Education Department pursuant to registration of the child for enrolment thereat effected by the parent of the child by notification as prescribed to the head teacher of the State school nearest the child's place of residence ;  
or
- (b) that the child is receiving efficient and regular tuition by correspondence in manner approved by the Minister.

74D. (1) Every person who being the parent of a child fails to cause such child to attend a State school as required by this Division shall unless there is a reasonable excuse for such failure be liable for a first offence to a penalty of not more than \$20 and in default of payment may be imprisoned for a term of not more than seven days, and for a second or any subsequent offence in respect of the same or any other child to a penalty of not less than \$20 nor more than \$40 and in default of payment to imprisonment for a term of not more than fourteen days.

Parent failing  
to send child  
to school.

(2) In any proceeding under this section—

- (a) the court may, with the consent of the parent, be held within closed doors ; or
- (b) the justices may attend at any State school and there take evidence and adjudicate as effectually as if such school was a magistrates' court ; and
- (c) in either event the justices may hear and determine the summons without requiring the presence at the court or the school of the parents or the child in respect of whom the proceeding is taken.

74E. A certificate purporting to be under the hand of the head teacher of a State school or of a school registered under the provisions of Part III. of the *Education Act* 1958 stating that a child is or is not attending such school or stating the particulars of attendance of a child at such school shall be evidence of the facts stated in such certificate.

Certificate to  
be evidence as  
to attendance  
of child.

74F. In any proceeding in relation to the non-attendance at school of any child—

- (a) the burden of proving the grounds of excuse for non-attendance shall lie on the defendant ;
- (b) a statement on oath by a witness of his belief as to the age or parentage of the child shall be admissible and shall be *prima facie* evidence of such age or parentage ;

Oath of proof.

(c) a certificate

- (c) a certificate purporting to be under the hand of the head teacher of the State school nearest to the residence of the child stating his belief as to the age or parentage of the child shall be *prima facie* evidence as to such age or parentage ;
- (d) a certificate purporting to be under the hand of the head teacher of the State school nearest to the residence of the child stating with respect to any period mentioned in such certificate the number of school half-days on which that school was open or the number of school half-days on which the child attended that school shall be *prima facie* evidence of the facts stated in such certificate ; and if from such certificate it appears that the number of school half-days on which the school was open is greater than the number of school half-days on which the child attended, such certificate shall be *prima facie* evidence that the child during such period did not attend any State school on that number of school half-days which is represented by such excess ;
- (e) the fact that any such statement on oath or certificate refers to a child of the same or a similar name shall be *prima facie* evidence that it refers to the child for or in relation to the non-attendance of whom the proceedings are taken.

Employment  
during school  
hours of  
children of  
school age.

74G. (1) No person (including a parent) shall within school hours on any school day employ or permit to be employed any child of school age in any trade business work or occupation carried on for the purpose of gain unless such child has been exempted by the Minister from attendance at school—

- (a) on the grounds of illness of or severe hardship to the child's parents ; or
- (b) on the ground that the child being of or over the age of 12 years has been recommended by the school medical officer for special treatment at a child psychiatric clinic approved by the Minister ; or
- (c) on the ground that it is in the interest of the child to be exempted from attendance at school.

(2) No person (including a parent) shall employ any child or permit any child to be employed on any such trade business work or occupation carried on for the purposes of gain if the nature and extent of the employment is such as to prevent the child from profitably taking part in school lessons.

(3) Before any child apparently under 16 years of age is employed or permitted to be employed in any factory within the meaning of the *Labour and Industry Act 1958* the occupier of such

factory

factory shall obtain from such child a certificate of birth or a certificate under the hand of the head teacher of the school which such child last attended stating that the school records show that such child is of the age required under the said Act to permit of such employment ; and every such certificate shall be filed by the occupier of the factory and shall be open to inspection of any person authorized by the Minister.

(4) Every person (including a parent) who in contravention of this section employs or permits to be employed any child in any trade business work or occupation carried on for purposes of gain and every occupier of a factory who in contravention of this section employs or permits to be employed therein any child from whom such a certificate has not been obtained, or does not file or does not permit the inspection of any such certificate shall be liable to a penalty of not more than \$200.

(2) In Schedule Two to the Principal Act the item relating to the *Education Act 1958* is repealed.

Consequential amendments.

(3) In the *Education Act 1958*—

(a) sections 5, 53 (4), 53 (5), 57, 58, 59 and 60 are repealed ; and

(b) for section 53 (3) there shall be substituted the following sub-section :—

“(3) It shall be a reasonable excuse as regards any child that the child has been excused by a general or particular order of the Minister.”

29. After section 81 (1) of the Principal Act there shall be inserted the following sub-section :—

“(1A) Proceedings shall not be taken by any person for any offence against the provisions of sub-section (1) without prior consultation by that person with the Director-General.”

Amendment of No. 8089 s. 81. Director-General to be consulted with respect to proceedings for maltreatment of child &c.

30. (1) For the heading following section 84 of the Principal Act there shall be substituted the following heading :—

“PART IV.—ADOLESCENT WELFARE SERVICES.”

(2) For section 86 of the Principal Act there shall be substituted the following section :—

Amendment No. 8089.

“86. The functions of the Department with respect to adolescent welfare services shall be—

Adolescent Welfare Services.

(a) to promote the welfare of young persons through the provision of adolescent welfare services and through promoting, assisting and co-ordinating services provided by government departments, municipalities, voluntary organizations and community groups ;

(b) to

- (b) to promote co-operation with and between government departments, municipalities, voluntary organizations, community groups and persons concerned with the care and protection of young people and their families ;
- (c) to support, assist and supervise young persons and their families under the care and control of the Department ;
- (d) to provide, support, supervise or license all remand centres, youth training centres, youth hostels and youth welfare services or other residential facilities established under this Act ;
- (e) to ensure that information is disseminated to the public with regard to youth welfare services."

Amendment of  
No. 8089, Part  
III.

31. In section 92 (b) of the Principal Act for the expression "*Children's Court Act 1958*, or the *Justices Act 1958*" there shall be substituted the expression "*Children's Court Act 1973*, or the *Magistrates' Courts Act 1971*".

Amendment of  
No. 8089 s. 93.  
Children in  
remand  
centres, &c.

32. For section 93 of the Principal Act there shall be substituted the following section :—

" 93. The Director-General may determine the form of care, custody or treatment which he considers to be in the best interest of each child or young person detained in a remand centre, reception centre, youth training centre or other residential facility and, where appropriate, separate persons who have been convicted of offences from those who have not been so convicted by accommodating them separately in some part set aside for the purpose."

Amendment of  
No. 8089 s. 99.  
Detention in  
default of  
payment of  
fine.

33. In section 99 of the Principal Act—

- (a) in sub-section (2) after the words "youth training centre" there shall be inserted the words "or has been sentenced to detention in a youth training centre" ; and
- (b) in sub-section (4) after the words "youth training centre" (where first occurring) there shall be inserted the words "or has been sentenced to detention in a youth training centre".

Amendment of  
No. 8089 s. 104.  
Application by  
parent, &c. for  
order admitting  
young person to  
Department.

34. (1) For section 104 (1) of the Principal Act there shall be substituted the following sub-section :—

" 104. (1) Any person having the care and custody of a young person under the age of seventeen years who believes that there is a substantial and irreconcilable difference between himself and the young person to such an extent that his care and custody of the  
young



young person are likely to be seriously disrupted and any child or young person who believes that there is such a difference between himself and any person having his care and custody may apply to a Children's Court for an order under sub-section (3)."

(2) In section 104 (2) of the Principal Act the expression commencing with the words "and he may upon apprehension" and ending at the end of the sub-section is repealed.

(3) In section 104 (3) of the Principal Act for the words "that the young person is uncontrolled" there shall be substituted the words "that there is a substantial and irreconcilable difference between the person having the care and custody of the young person and the young person to such an extent that the care and custody of the young person are likely to be seriously disrupted".

35. In section 105 of the Principal Act—

(a) after the words "from time to time" there shall be inserted the words "by order warrant or other authority signed by him and addressed to a member of the police force, officer of the Department or other"; and

(b) at the end of paragraph (c) there shall be inserted the words "or approved foster care agency".

Amendment of  
No. 8089 s. 105.  
Warrants, &c.  
by Director-  
General.

36. In section 114 (2) (a) and section 132 (2) of the Principal Act for the expression "section 179" (where respectively occurring) there shall be substituted the expression "section 200".

Amendment of  
No. 8089 ss. 114,  
132.

37. In section 124 (7) of the Principal Act for the expression "section 23 of the *Justices Act 1958*" there shall be substituted the expression "section 10 of the *Magistrates (Summary Proceedings) Act 1975*".

Amendment of  
No. 8089 s. 124.

38. In section 128 of the Principal Act for the expression "Division 2 of Part IV. of the *Crimes Act 1958*" there shall be substituted the expression "Part VIII".

Amendment of  
No. 8089 s. 128.

39. For section 149 of the Principal Act there shall be substituted the following section:—

Amendment of  
No. 8089 s. 149.  
Training.

"149. The functions of the Department with respect to training shall be—

(a) to promote, assist and undertake the development of policies and programmes on the training of persons in community welfare services;

(b) to promote, assist and undertake the identification of training needs in community welfare services;

(c) in

- (c) in co-operation with other government departments, community groups and voluntary organizations to provide information to the public on community welfare services ;
- (d) to provide information and library services to officers and clients of the Department.”.

Amendment of  
No. 8089 s. 150.  
Lectures,  
courses, &c.

40. For section 150 of the Principal Act there shall be substituted the following section :—

“ 150 (1) The Director-General may either himself or in collaboration with any other body or bodies—

- (a) conduct and organize such lectures, classes, courses of study, research projects, examinations and other activities as he thinks fit for the purpose of or in connexion with the promotion and encouragement of studies in the field of community welfare services ;
- (b) charge and receive such fees and payments as are prescribed in respect of any services supplied by the Department and in respect of the admission of persons to any lectures, classes, courses of study, projects, examinations or other activities organized and conducted by the Department.

Payments for  
training.

(2) The Minister may authorize payments to be made out of moneys available to the Department to educational or training institutions or to persons or bodies of persons with respect to training in the field of community welfare services and to students as bursaries.

Cadets.

(3) (a) The Minister may, upon such terms and conditions as are prescribed, employ in the Department such persons as he thinks fit as cadets for the purposes of undergoing courses of training in the field of community welfare services.

(b) Such cadets shall not during their courses of training be subject to the *Public Service Act* 1974.

(c) Any cadet who in the opinion of the Minister, has satisfactorily completed a course of training and fulfilled the prescribed conditions in relation to the course of training shall be eligible to be appointed to any position in the Department for which that person is qualified.”.

Repeal of  
transitory  
provisions.

41. Section 151 (13) of the Principal Act is repealed.

Repeal of  
transitory  
provisions.

42. Section 156 (4) of the Principal Act is repealed.

43. (1) After

43. (1) After section 160 (1) of the Principal Act there shall be inserted the following sub-sections :—

Amendment of No. 8089 s. 160. Secretary or member of Youth Parole Board may sign documents, &c.

“(1A) After any matter has been heard and determined by the Youth Parole Board the secretary or any member of the Board may sign and issue all necessary orders and other documents which shall be as valid and effectual for all purposes as if signed by all the persons who constituted the Board on that occasion.

(1B) For the purposes of this Division—

- (a) “member” includes any person for the time being acting in the place of a member ; and
- (b) “secretary” includes any person for the time being acting in the place of the secretary.”.

(2) In section 163 of the Principal Act—

Saving of members from liability.

- (a) after the word “Board” (where first occurring) there shall be inserted the words “or the secretary thereof” ; and
- (b) after the word “members” (where last occurring) there shall be inserted the words “or the secretary”.

44. After section 164 (2) of the Principal Act there shall be inserted the following sub-sections :—

Amendment of No. 8089 s. 164.

“(3) The Minister shall cause each report received by him under sub-section (1) to be laid before both Houses of Parliament within three weeks after receiving the report if Parliament is then sitting or if Parliament is not then sitting within three weeks after the next sitting of Parliament.

(4) The Minister may, at the request of the Attorney-General for the Commonwealth, authorize and empower the Youth Parole Board or any officer or employé of the Department—

Powers of Youth Parole Board with respect to persons detained for Commonwealth offences.

- (a) to make reports and recommendations with respect to a trainee under or pursuant to any law of the Commonwealth to the Attorney-General for the Commonwealth at such intervals or at such times as the Attorney-General for the Commonwealth from time to time requests ; and
- (b) to exercise any power or perform any function in relation to a person who is or has been detained in a youth training centre in Victoria under or pursuant to any law of the Commonwealth that the Attorney-General for the Commonwealth might exercise or perform or cause to be exercised or performed in relation to any such person.”.

45. (1) In section 171 (1) of the Principal Act after the words “parole period” there shall be inserted the words “vary the parole order or”.

Amendment of No. 8089 s. 171. Variation of parole order.

(2) After

Revival of  
order upon  
revocation of  
cancellation.

(2) After section 171 (1) of the Principal Act there shall be inserted the following sub-sections :—

“(1A) Where the Parole Board cancels a trainee’s parole under sub-section (1) the Board may at any time by further order revoke the cancellation and thereupon the parole order shall revive.

(1B) The Board shall not make a revocation order under sub-section (1A) in any case where a warrant has been issued under sub-section (2A) unless the Board is satisfied that the warrant will not be executed.”.

(3) In section 171 (2) of the Principal Act—

(a) after the word “imprisonment” there shall be inserted the words “for more than three months”; and

(b) after the words “youth training centre” there shall be inserted the words “for more than three months”.

(4) After section 171 (2) of the Principal Act there shall be inserted the following sub-section :—

“(2A) Where a trainee’s parole is cancelled, whether by order of the Youth Parole Board or by the operation of sub-section (2), the Youth Parole Board may, whenever necessary, authorize any member of the police force or other officer by warrant signed by the secretary or a member of the Board to apprehend the trainee and return him to a youth training centre to serve the unexpired portion of his sentence of detention and such warrant shall be sufficient authority for his apprehension and return to a youth training centre to serve the unexpired portion of his sentence of detention or for him to be otherwise dealt with by the Youth Parole Board.”

Consequential  
amendment of  
No. 8089 s. 170.

(5) In section 170 of the Principal Act after the word “detention” (where first occurring) there shall be inserted the words “for more than three months”.

Amendment of  
No. 8089 s. 175.

46. After section 175 (3) of the Principal Act there shall be inserted the following sub-sections :—

“(4) Where a young person who is sentenced to detention in a youth training centre is at that time being held in custody in a prison, lock-up, police gaol or other place not a youth training centre he shall, subject to sub-section (2), be deemed to be serving that sentence of detention notwithstanding that he is being held in custody otherwise than in a youth training centre.

Imprisonment  
of young  
person for  
non-payment of  
fine.

(5) Where a young person is in a prison pursuant to the provisions of sub-section (1) serving the unexpired portion of a sentence of detention as imprisonment and a warrant for the committal of the young person to a youth training centre in default

of payment of a fine or sum of money is executed the Minister may further direct that the young person be imprisoned in default of payment of the fine or sum of money."

47. After section 177 (3) of the Principal Act there shall be inserted the following sub-section :—

"(4) Where a young person is transferred to a prison pursuant to the provisions of sub-section (1) and a warrant for the committal of the young person to a youth training centre in default of payment of a fine or sum of money is executed the Minister may further direct that the young person be imprisoned in default of payment of the fine or sum of money."

Amendment of  
No. 8089 s. 177.  
Imprisonment  
of young  
person for  
non-payment of  
fine.

48. In section 176 of the Principal Act—

(a) for the words "has been sentenced to imprisonment" there shall be substituted the words "is serving a sentence of imprisonment otherwise than by way of attendance at an attendance centre"; and

(b) at the end of the section there shall be inserted the words "and upon the expiration thereof the young person shall serve the term of the detention to which he was sentenced by way of imprisonment in a prison."

Amendment of  
No. 8089 s. 176.  
Suspension of  
detention by  
sentence of  
imprisonment.

49. In section 178 (2) (d) of the Principal Act for the word "three" there shall be substituted the word "two"

Amendment of  
No. 8089 s. 178.  
Reduction in  
members of  
Adult Parole  
Board  
appointed by  
Governor in  
Council.

50. In section 179 (7) (ii) of the Principal Act for the expression "section 63 of the *Public Service Act* 1958" there shall be substituted the expression "section 47 of the *Public Service Act* 1974".

Amendment of  
No. 8089 s. 179.

51. Section 184 of the Principal Act and Schedule Five thereto are hereby repealed.

Repeal of  
transitory  
provisions.

52. At the end of section 200 (5) of the Principal Act there shall be inserted the words "but no young person shall be liable to be detained or imprisoned for more than three months in respect of any such failure".

Amendment of  
No. 8089 s. 200.  
Breach of leave  
permits.

53. After section 200 of the Principal Act there shall be inserted the following sections :—

"200A. (1) For the purposes of this Act there shall be a Community Welfare Services Appeals Tribunal.

(2) The Community Welfare Services Appeals Tribunal (in this Act referred to as the Appeals Tribunal) shall consist of three persons appointed by the Minister of whom—

New section  
inserted.  
Appeals  
Tribunal.

(a) one, who shall be the chairman, shall be a barrister and solicitor ;

(b) one

(b) one shall be an officer of the Department ; and

(c) one shall be a person experienced in community welfare matters.

Term of office.

(3) Members of the Appeals Tribunal shall be entitled to hold office for a period of three years and shall be eligible for re-appointment.

Removal.

(4) The Minister may at any time remove any member of the Appeals Tribunal from office and appoint another person in his stead.

(5) The Minister may appoint any person to act temporarily as a member of the Appeals Tribunal during the absence through illness or other cause of any of the appointed members thereof or during a vacancy in the office of an appointed member and any person so acting shall have all the powers and functions of and for all purposes be deemed to be a member of the Appeals Tribunal.

Fees, &c.

(6) Members of the Appeals Tribunal shall be paid such fees and travelling and other allowances as are prescribed.

Proceedings.

(7) Subject to this Act and the regulations the Tribunal shall regulate its own proceedings.

Officers.

(8) Subject to the *Public Service Act 1974* there shall be appointed a secretary to the Appeals Tribunal and such other officers as are necessary for the administration of the business of the Tribunal.

Appeal.

(9) Any person who is aggrieved by a decision of the Director-General in any case-planning matter relating to a departmental responsibility with respect to a child, young person or may, where that person has no right of appeal to a court, appeal to the Appeals Tribunal against that decision and the decision of the Tribunal thereon shall be final and without appeal.

Use of departmental land, &c. for community purposes.

200B. (1) Notwithstanding anything to the contrary in any Act the Director-General may authorize any voluntary organization, government department, municipality, person or body, subject to such conditions as the Director-General imposes to use for any purpose relating to the achievement of the objects of this Act—

(a) any real or personal property vested in the Department and used for the purposes of the Department ; or

(b) any lands of the Crown reserved for any public purpose and used for the purposes of the Department (whether or not vested in trustees or jointly in the Minister of Lands and trustees).

(2) Without affecting the generality of the power to impose conditions conferred by sub-section (1) the Director-General may impose a condition requiring any suitable person specified by the

Director-General

Director-General to enter into an agreement with the Director-General for the expenditure of moneys towards the making of improvements renovations or repairs on any lands authorized by the Director-General to be used, the improvement or repair of any equipment authorized to be used or the provision of any equipment or materials to be used for departmental purposes.

(3) Any authority given under sub-section (1), and any agreement entered into in fulfilment of any condition subject to which the authority is given, shall be of full force and effect notwithstanding anything to the contrary in any Act or law relating to Crown lands.

(4) Any such authority shall be deemed to have been given by the Director-General, and any such agreement shall be deemed to have been entered into by the Director-General, for and on behalf of the Crown."

**54. In section 203 of the Principal Act—**

Amendment of  
No. 8089 s. 203.  
Regulations.

(a) after paragraph (n) there shall be inserted the following paragraph :—

"(na) all matters necessary or expedient for carrying out the provisions of Part III., Division 8A ;"

(b) in paragraph (q) after sub-paragraph (ii) there shall be inserted the following sub-paragraph :—

"(iii) to lecturers and tutors for services provided in carrying out the objects of this Act ;"

(c) in paragraph (u) for the words "the Family Welfare Advisory Council, the Prisons Advisory Council" there shall be substituted the words "consultative and advisory councils appointed under this Act and of the Child Development and Family Services Council, the Correctional Services Council, the Appeals Tribunal" ; and

(d) after paragraph (v) there shall be inserted the following paragraphs :—

"(va) the licensing of welfare agencies and services and prescribing standards to be observed in the conduct management and control thereof ;

(vb) the conduct management and control of children's protection agencies ;"

**55. In sections 27 (a) (ii), 29 (1) (a) (ii), 33 (2), and 155 (c) of the Principal Act for the expression "Children's Court Act 1958" there shall be substituted the expression "Children's Court Act 1973".**

Amendment of  
No. 8089.

**56. In**

Amendment of  
No. 8089.

56. In sections 7 (1) (a), 119 (1), 145F, 150 (3) (b), 151 (10), 165 (1), 189 (1), and 189 (2) of the Principal Act for the expression "*Public Service Act 1958*" there shall be substituted the expression "*Public Service Act 1974*".

Amendment of  
No. 8477.

57. The *Children's Court Act 1973* is hereby amended as follows :—

- (a) In section 12 (1) for the words "as uncontrolled" there shall be substituted the words "whose care and custody are likely to be seriously disrupted";
- (b) In section 14 (1) (d) for the words "is uncontrolled" there shall be substituted the words "that the care and custody of the child or young person are likely to be seriously disrupted";
- (c) In section 25 (1) for the words "is uncontrolled" there shall be substituted the words "whose care and custody are likely to be seriously disrupted";
- (d) In section 27 for the words "an uncontrolled child" there shall be substituted the words "a child or young person whose care and custody are likely to be seriously disrupted";
- (e) In section 28 for the words "as an uncontrolled child" there shall be substituted the words "whose care and custody are likely to be seriously disrupted";
- (f) In section 40 (1) for the words "was uncontrolled" there shall be substituted the words "was a child whose care and custody are likely to be seriously disrupted";
- (g) In section 52 (1) for the word "uncontrolled" there shall be substituted the words "whose care and custody are likely to be seriously disrupted".

Consequential  
amendments.

58. In the *Public Service Act 1974*, Schedule Two, Part A, for the item relating to the Social Welfare Department there shall be substituted the following item :—

"Department of Community Welfare Services      Director-General of Community Welfare Services".