

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 27, 1961.

An Act to make further provisions with respect to payments in connection with, and to prohibit the publication of certain statements relating to, the adoption of children and other persons; for these purposes to amend the Child Welfare Act, 1939, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th October, 1961.]

BE

Child Welfare (Further Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title
and
citation.

1. (1) This Act may be cited as the "Child Welfare (Further Amendment) Act, 1961".

(2) The Child Welfare Act, 1939, as amended by subsequent Acts and by this Act, may be cited as the Child Welfare Act, 1939-1961.

Consequen-
tial.

(3) The Child Welfare (Amendment) Act, 1961, is amended by omitting subsection two of section one.

Amendment
of Act No.
17, 1939.
Subst.
sec. 171
and new
sec. 171A.

2. The Child Welfare Act, 1939, as amended by subsequent Acts, is amended by omitting section one hundred and seventy-one and by inserting in lieu thereof the following sections :—

Prohibition
of certain
payments.
cf. 7 & 8
Eliz. 2
c. 5, s. 50.

171. (1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of—

- (a) the adoption by that person of a child or other person ;
- (b) the variation or discharge of an order of adoption made in favour of that person ;
- (c) the grant by that person of any consent required in connection with the adoption of a child or other person ;
- (d) the transfer by that person of the care and possession of a child or other person with a view to the adoption of such child or other person ; or
- (e) the making by that person of any arrangements for the adoption of a child or other person.

(2)

Child Welfare (Further Amendment).

(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be guilty of an offence against this Act; and the court convicting any such person of any such offence may, where the offence was committed in respect of a child or young person, order such child or young person to be removed to a shelter and to be kept there until he can be restored to his parents, mother or guardian, as the case may be, or until other arrangements approved by the Director can be made for him.

(3) This section shall not apply to—

- (a) any payment authorised by or made in accordance with any rules made by the court pursuant to this Act and relating to the payment of fees or costs in connection with applications made under this Part;
- (b) any payment or reward authorised by the court;
- (c) any payment made, in the case of an adoption or proposed adoption of a child, by the adopting parents with the approval in writing of the Director or with the authority of the court, to any hospital, medical practitioner or nurse, registered under the Nurses Registration Act, 1953, as amended by subsequent Acts, on account of the reasonable expenses properly incurred by the parents of the child adopted or proposed to be adopted or, in the case of an illegitimate child, by the mother of such child in connection with the birth of the child or the ante-natal or post-natal care and treatment of the mother of the child;
- (d) any payment made, in the case of an adoption or proposed adoption of a child, by the adopting parents with the approval of the Director or with the authority of the court to the parents of the child or, in the case of an illegitimate child, to the mother

Child Welfare (Further Amendment).

mother of such child by way of recoupment to them or her, as the case may be, of any expenses of the nature referred to in paragraph (c) of this subsection.

Restriction upon publication of advertisements.
cf. 7 & 8 Eliz. 2
c. 5, s. 51.

171A. (1) It shall not be lawful for any advertisement to be published indicating—

- (a) that the parent or guardian of a child or other person desires to cause the child or other person to be adopted;
- (b) that a person desires to adopt a child or other person; or
- (c) that any person is willing to make arrangements for the adoption of a child or other person.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of this section shall be guilty of an offence against this Act.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1961

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 September, 1961.*

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BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Child Welfare (Further Amendment).

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- (c) the grant by that person of any consent required in connection with the adoption of a child or other person;
- (d) the transfer by that person of the care and possession of a child or other person with a view to the adoption of such child or other person; or
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Child Welfare (Further Amendment).

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- (b) any payment or reward authorised by the court;
- (c) any payment made, in the case of an adoption or proposed adoption of a child, by the adopting parents with the approval in writing of the Director or with the authority of the court, to any hospital, medical practitioner or nurse, registered under the Nurses Registration Act, 1953, as amended by subsequent Acts, on account of the reasonable expenses properly incurred by the parents of the child adopted or proposed to be adopted or, in the case of an illegitimate child, by the mother of such child in connection with the birth of the child or the ante-natal or post-natal care and treatment of the mother of the child; or
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(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of this section shall be guilty of an offence against this Act.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

Government House,
Sydney, 10th October, 1961.