

**CHILD WELFARE (AMENDMENT) ACT, 1979,
No. 131**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 131, 1979.

An Act to amend the Child Welfare Act, 1939, so as to provide for exemptions from certain licensing requirements of that Act; to increase the maximum penalties for certain offences against that Act; and for certain other purposes. [Assented to, 13th November, 1979.]

Child Welfare (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. **1.** This Act may be cited as the "Child Welfare (Amendment) Act, 1979".

Commence- **2.** (1) Except as provided in subsections (2)–(4), this Act
ment. shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 1 (1) shall be deemed to have commenced on 1st February, 1974.

(4) Schedule 1 (4) (h) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal **3.** The Child Welfare Act, 1939, is referred to in this Act as
Act. the Principal Act.

Amendment **4.** The Principal Act is amended in the manner set forth in
of Act No. Schedule 1.
17, 1939.

Child Welfare (Amendment).

5. Notwithstanding sections 33 and 48H (2) of the Principal Act, as amended by this Act, a person who, on or after the date of assent to this Act, is found guilty of an offence committed against the Principal Act before that date shall not be liable to any greater penalty than that to which he would have been liable if he had been found guilty of the offence immediately after he had committed it. Savings.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 10A (6)—

After "done" where secondly occurring, insert "or suffered".

(2) Section 29A—

After section 29, insert :—

29A. (1) The Minister may, by notice served on a person, exempt the person, absolutely or subject to conditions specified in the notice, from the operation of all or any of the provisions of section 29 (1). Exemptions.

(2) Where a person is exempted from the operation of any provision under subsection (1) subject to a condition, he is so exempted only while he does not contravene or fail to comply with the condition.

(3) The Minister may revoke an exemption given under subsection (1) by a further notice served on the person to whom it was given.

Act No. 131, 1979.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) (a) Section 33—

Omit “fifty dollars”, insert instead “\$500”.

(b) Section 33—

Omit “ten dollars”, insert instead “\$200”.

(4) (a) Section 48H (1)—

Omit “and subject to subsections three and four of this section,”.

(b) Section 48H (1) (a)—

Omit “home, or hostel or”.

(c) Section 48H (1) (ii)—

Omit “hostel, centre or workshop, as the case may be, are”, insert instead “centre or workshop, as the case may be, is”.

(d) Section 48H (2)—

Omit “home, hostel,”.

(e) Section 48H (2)—

Omit “fifty dollars”, insert instead “\$500”.

(f) Section 48H (2)—

Omit “ten dollars”, insert instead “\$200”.

(g) Section 48H (3)—

Omit the subsection.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 48H (4)—

Omit the subsection.

(5) Section 48HA—

After section 48H, insert :—

48HA. (1) The Minister may, by notice served on a person, exempt the person, absolutely or subject to conditions specified in the notice, from the operation of all or any of the provisions of section 48H (1). **Exemptions.**

(2) Where a person is exempted from the operation of any provision under subsection (1) subject to a condition, he is so exempted only while he does not contravene or fail to comply with the condition.

(3) The Minister may revoke an exemption given under subsection (1) by a further notice served on the person to whom it was given.

(6) (a) Section 48I (2)—

Omit “together with regulations relevant to such provisions”.

(b) Section 48I (2)—

Omit “, children’s depots, homes or hostels”.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 48J—

Omit “a home, hostel or private foster home, a day attendance centre, an activity centre or a sheltered workshop in respect of which there is no current license or which is conducted or controlled by a person who is not licensed to conduct or control that home, hostel, centre or workshop, as the case may be,” insert instead “unlicensed premises”.

(b) Section 48J (2)—

At the end of section 48J, insert :—

(2) In subsection (1), “unlicensed premises” means a private foster home, a day attendance centre, an activity centre or a sheltered workshop in respect of which there is no current license or which is conducted or controlled by a person who is not licensed to conduct or control that home, centre or workshop, as the case may be.

(8) (a) Section 48M (1) (d)—

Omit “therein.”, insert instead “therein;”.

(b) Section 48M (1) (e)—

After section 48M (1) (d), insert :—

(e) all matters that by Part VII, as applied by section 48I, are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Part.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) (a) Section 161 (1) (k)—

After "Part VII", insert "or IX".

(b) Section 161 (2)—

Omit "sixty dollars", insert instead "\$500".

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th November, 1979.*

1. The first part of the report is a summary of the work done during the year.

2. The second part is a detailed account of the work done during the year.

3. The third part is a summary of the work done during the year.

4. The fourth part is a summary of the work done during the year.

(a) The first part of the report is a summary of the work done during the year.

(b) The second part is a detailed account of the work done during the year.

(c) The third part is a summary of the work done during the year.

(d) The fourth part is a summary of the work done during the year.

5. The fifth part is a summary of the work done during the year.

6. The sixth part is a summary of the work done during the year.

7. The seventh part is a summary of the work done during the year.

8. The eighth part is a summary of the work done during the year.

9. The ninth part is a summary of the work done during the year.

CHILD WELFARE (AMENDMENT) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Youth and Community Services (Amendment) Bill, 1979.

The objects of this Bill are—

- (a) to empower the Minister to exempt persons from compliance with all or any of the provisions of section 29 (1) of the Child Welfare Act, 1939 ("the Principal Act"), so that a child care centre, a children's depot, home or hostel or a private foster home may be conducted or controlled at unlicensed premises otherwise than under the authority of a license under Part VII of the Principal Act (Schedule 1 (2));
- (b) to increase the maximum penalty that may be imposed under section 33 or 48H (2) of the Principal Act for an offence against that Act to \$500 and, for a continuing offence, to \$200 per day instead of respectively \$50 and \$10 as presently provided (Schedule 1 (3) and (4) (e) and (f));
- (c) to make certain amendments to the Principal Act as a consequence of a scheme of licensing relating to residential centres for handicapped persons that is to be introduced by amendments to the Youth and Community Services Act, 1973 (Schedule 1 (4) (a)–(d), (6) (b) and (7));
- (d) to increase the maximum penalty that may be imposed for a breach of a regulation under the Principal Act from \$60 to \$500 (Schedule 1 (9) (b)); and
- (e) to make other provisions of a minor, ancillary and saving nature.

- (e) to share in the distribution of a dividend, interest and bonus income;
- (f) to share in the distribution of a dividend, interest and bonus income;
- (g) to share in the distribution of a dividend, interest and bonus income;
- (h) to share in the distribution of a dividend, interest and bonus income;
- (i) to share in the distribution of a dividend, interest and bonus income;
- (j) to share in the distribution of a dividend, interest and bonus income;
- (k) to share in the distribution of a dividend, interest and bonus income;
- (l) to share in the distribution of a dividend, interest and bonus income;
- (m) to share in the distribution of a dividend, interest and bonus income;
- (n) to share in the distribution of a dividend, interest and bonus income;
- (o) to share in the distribution of a dividend, interest and bonus income;
- (p) to share in the distribution of a dividend, interest and bonus income;
- (q) to share in the distribution of a dividend, interest and bonus income;
- (r) to share in the distribution of a dividend, interest and bonus income;
- (s) to share in the distribution of a dividend, interest and bonus income;
- (t) to share in the distribution of a dividend, interest and bonus income;
- (u) to share in the distribution of a dividend, interest and bonus income;
- (v) to share in the distribution of a dividend, interest and bonus income;
- (w) to share in the distribution of a dividend, interest and bonus income;
- (x) to share in the distribution of a dividend, interest and bonus income;
- (y) to share in the distribution of a dividend, interest and bonus income;
- (z) to share in the distribution of a dividend, interest and bonus income;

THE UNITED STATES OF AMERICA
 (THE UNITED STATES OF AMERICA)

EXHIBIT A

UNITED STATES OF AMERICA

CHILD WELFARE (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Child Welfare Act, 1939, so as to provide for exemptions from certain licensing requirements of that Act; to increase the maximum penalties for certain offences against that Act; and for certain other purposes.

[MR JACKSON—13 September, 1979.]

Child Welfare (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 :—

5 1. This Act may be cited as the "Child Welfare (Amendment) Act, 1979". Short title.

2. (1) Except as provided in subsections (2)–(4), this Act shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Section 4 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which the provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 1 (1) shall be deemed to have commenced on 1st February, 1974.

15 (4) Schedule 1 (4) (h) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Child Welfare Act, 1939, is referred to in this Act as the Principal Act. Principal Act.

20 4. The Principal Act is amended in the manner set forth in Schedule 1. Amendment
of Act No.
17, 1939.

Child Welfare (Amendment).

5. Notwithstanding sections 33 and 48H (2) of the Principal Act, as amended by this Act, a person who, on or after the date of assent to this Act, is found guilty of an offence committed against the Principal Act before that date shall not be liable to any greater penalty than that to which he would have been liable if he had been found guilty of the offence immediately after he had committed it. Savings.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

10 (1) Section 10A (6)—

After “done” where secondly occurring, insert “or suffered”.

(2) Section 29A—

After section 29, insert :—

15 29A. (1) The Minister may, by notice served on a person, exempt the person, absolutely or subject to conditions specified in the notice, from the operation of all or any of the provisions of section 29 (1). Exemptions.

20 (2) Where a person is exempted from the operation of any provision under subsection (1) subject to a condition, he is so exempted only while he does not contravene or fail to comply with the condition.

(3) The Minister may revoke an exemption given under subsection (1) by a further notice served on the person to whom it was given.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) (a) Section 33—

Omit “fifty dollars”, insert instead “\$500”.

5 (b) Section 33—

Omit “ten dollars”, insert instead “\$200”.

(4) (a) Section 48H (1)—

Omit “and subject to subsections three and four of this section,”.

10 (b) Section 48H (1) (a)—

Omit “home, or hostel or”.

(c) Section 48H (1) (ii)—

15 Omit “hostel, centre or workshop, as the case may be, are”, insert instead “centre or workshop, as the case may be, is”.

(d) Section 48H (2)—

Omit “home, hostel,”.

(e) Section 48H (2)—

Omit “fifty dollars”, insert instead “\$500”.

20 (f) Section 48H (2)—

Omit “ten dollars”, insert instead “\$200”.

(g) Section 48H (3)—

Omit the subsection.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 48H (4)—

Omit the subsection.

5 (5) Section 48HA—

After section 48H, insert :—

10 48HA. (1) The Minister may, by notice served on a person, exempt the person, absolutely or subject to conditions specified in the notice, from the operation of all or any of the provisions of section 48H (1). **Exemptions.**

(2) Where a person is exempted from the operation of any provision under subsection (1) subject to a condition, he is so exempted only while he does not contravene or fail to comply with the condition.

15 (3) The Minister may revoke an exemption given under subsection (1) by a further notice served on the person to whom it was given.

(6) (a) Section 48I (2)—

20 Omit “together with regulations relevant to such provisions”.

(b) Section 48I (2)—

Omit “, children’s depots, homes or hostels”.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 48J—

- 5 Omit “a home, hostel or private foster home, a day
attendance centre, an activity centre or a sheltered
workshop in respect of which there is no current
license or which is conducted or controlled by a person
who is not licensed to conduct or control that home,
10 hostel, centre or workshop, as the case may be,”
insert instead “unlicensed premises”.

(b) Section 48J (2)—

At the end of section 48J, insert :—

- 15 (2) In subsection (1), “unlicensed premises”
means a private foster home, a day attendance centre,
an activity centre or a sheltered workshop in respect
of which there is no current license or which is
conducted or controlled by a person who is not licensed
to conduct or control that home, centre or workshop,
as the case may be.

20 (8) (a) Section 48M (1) (d)—

Omit “therein.”, insert instead “therein;”.

(b) Section 48M (1) (e)—

After section 48M (1) (d), insert :—

- 25 (e) all matters that by Part VII, as applied by
section 48I, are required or permitted to be
prescribed, or that are necessary or convenient
to be prescribed, for carrying out or giving
effect to this Part.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) (a) Section 161 (1) (k)—

After “Part VII”, insert “or IX”.

§ (b) Section 161 (2)—

Omit “sixty dollars”, insert instead “\$500”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[24c]

CHILD Welfare (Amendment)

Section 154 - continued

Amendments to the Child Welfare Act - continued

(2) (a) Section 154 (1) (b) -

After "and" insert "or" and

(b) Section 154 (2) -

One half dollar, into "2500"

BY AUTHORITY
D. W. COOPER, JR., CLERK OF THE HOUSE OF REPRESENTATIVES

(e) to share equal proportion of a share, specially and legally issued:

(f) and

a resolution under the By-laws, yet from 200 to 2500 (hereafter 1 (d)

(g) to increase the maximum liability that may be imposed for a person or

company yet 1000 (hereafter 1 (d) (3) (4) (e) (f) and (3)):

that is to be imposed by amendments to the Charter and Constitution

article of association relating to resolution committee for membership before

(e) to share equal proportion of a share, specially and legally issued:

(f) and

2000 yet 2500 (hereafter 1 (d) (3) (4) (e) (f) and (3)):

that is to be imposed by amendments to 2500 but not more of 1000

yet 1000 (3) of the By-laws yet for a person, subject to the yet to

(g) to increase the maximum liability that may be imposed under section 23

under the yet of the By-laws yet (hereafter 1 (3)):

to increase the liability of a person, subject to the approval of a person

board of directors, subject to the approval of a person, subject to the

approval of a person, subject to the approval of a person, subject to the

(h) to increase the liability of a person, subject to the approval of a person

board of directors, subject to the approval of a person, subject to the

approval of a person, subject to the approval of a person, subject to the

EXHIBITION OF THE

CLUB OF THE CITY OF NEW YORK

