

CONCURRENCE COPY

ADOPTION OF CHILDREN (COMMUNITY WELFARE) AMENDMENT BILL, 1982

EXPLANATORY NOTE

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

This Bill is cognate with the Community Welfare Bill, 1982.

The object of this Bill is to make amendments to the Adoption of Children Act, 1965, consequent upon the enactment of the Community Welfare Act, 1982.

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**ADOPTION OF CHILDREN (COMMUNITY WELFARE)
AMENDMENT BILL, 1982**

No. , 1982.

A BILL FOR

**An Act to amend the Adoption of Children Act, 1965, consequent upon the
enactment of the Community Welfare Act, 1982.**

[MR K. J. STEWART—9 *March*, 1982.]

Adoption of Children (Community 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 Short title.

1. This Act may be cited as the "Adoption of Children (Community Welfare) Amendment Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent
10 to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Community Welfare Act, 1982.

Amendment of Act No. 23, 1965.

15 3. The Adoption of Children Act, 1965, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965.

20 (1) Long title—

Omit "the Child Welfare Act, 1939,".

Adoption of Children (Community Welfare) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—*continued.*

(2) Section 4—

Omit the section.

5 (3) Section 5 (1)—

Omit “provisions of section 4”, insert instead “repeal of the former Acts”.

(4) (a) Section 6, definition of “Director”—

Omit the definition, insert instead:—

10 “Director” means the Director, as defined in section 4 (1) of the Community Welfare Act, 1982.

(b) Section 6, definition of “Foster parent”—

Omit the definition, insert instead:—

15 “Foster parent” means any person who has the custody of a ward within the meaning of the Community Welfare Act, 1982.

(c) Section 6, definition of “the former Acts”—

Omit the definition, insert instead:—

20 “the former Acts” means all or any of the enactments of the Child Welfare Act, 1939, or of any Act amending that Act.

(5) Section 18 (1) (b) (ii)—

Omit the subparagraph, insert instead:—

25 (ii) had, as a ward within the meaning of the Child Welfare Act, 1939, or the Community Welfare Act, 1982, been in the care or custody of the applicant or applicants or with the applicant and a deceased spouse of the applicant.

Adoption of Children (Community Welfare) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—*continued.*

(6) Section 24—

- 5 Omit “an order placing the child in the care of the Minister to be dealt with under the provisions of the Child Welfare Act, 1939, as a ward admitted to State control”, insert instead “, where the child has not attained the age of 18 years, an order declaring the child to be a ward under the Community Welfare Act, 1982”.

(7) Section 31A (2)—

- 10 Omit the subsection, insert instead:—

- 15 (2) Where, in relation to a child referred to in section 26 (3) who is a ward within the meaning of the Community Welfare Act, 1982, a consent to the adoption of the child is given by the mother of the child, the Director shall make the inquiries referred to in subsection (1) in order to ascertain whether any person, as at the date on which the consent is given, is, in relation to the child, a person to whom paragraph (c), (d) or (e) of subsection (1) applies.

(8) (a) Section 34 (2) (a), (2D), (5) (d)—

- 20 Omit “Child Welfare Act, 1939” wherever occurring, insert instead “Community Welfare Act, 1982”.

(b) Section 34 (4)—

- Omit the subsection, insert instead:—

- 25 (4) Without limiting the generality of subsection (3), an order under that subsection may, where the child has not attained the age of 18 years, declare the child to be a ward under the Community Welfare Act, 1982, or order that the child remain under the guardianship of the Director for a further period of one year.

Adoption of Children (Community Welfare) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—*continued.*

(9) Section 35 (1) (d)—

5 Omit “section 9 of the Child Welfare Act, 1939”, insert instead
“section 110 of the Community Welfare Act, 1982”.

(10) Section 43 (2)—

10 Omit “an order placing the child in the care of the Minister to be
dealt with under the provisions of the Child Welfare Act, 1939, as
a ward admitted to State control”, insert instead “, where the child
has not attained the age of 18 years, an order declaring the child to
be a ward under the Community Welfare Act, 1982”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(24c)

Adoption of Children (Commonwealth) Amendment

SCHEDULE 1—continued

AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—continued

(9) Section 33 (1) (b) —

omit section 9 of the Child Welfare Act 1982, insert instead "section 10 of the Commonwealth Welfare Act 1982."

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(10) Section 43 (2) —

omit "an order placing the child in the care of the Minister to be dealt with under the provisions of the Child Welfare Act 1982, as a ward admitted to State custody, in or instead of" where the child has not attained the age of 18 years, an order placing the child to be a ward under the Commonwealth Welfare Act 1982."

10

**ADOPTION OF CHILDREN (COMMUNITY WELFARE)
AMENDMENT ACT, 1982, No. 77**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 77, 1982.

An Act to amend the Adoption of Children Act, 1965, consequent upon the enactment of the Community Welfare Act, 1982. [Assented to, 25th May, 1982.]

Adoption of Children (Community 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 "Adoption of Children (Community Welfare) Amendment Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Community Welfare Act, 1982.

Amendment of Act No. 23, 1965.

3. The Adoption of Children Act, 1965, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965.

(1) Long title—

Omit "the Child Welfare Act, 1939,".

Adoption of Children (Community Welfare) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—*continued.*

(2) Section 4—

Omit the section.

(3) Section 5 (1)—

Omit “provisions of section 4”, insert instead “repeal of the former Acts”.

(4) (a) Section 6, definition of “Director”—

Omit the definition, insert instead:—

“Director” means the Director, as defined in section 4 (1) of the Community Welfare Act, 1982.

(b) Section 6, definition of “Foster parent”—

Omit the definition, insert instead:—

“Foster parent” means any person who has the custody of a ward within the meaning of the Community Welfare Act, 1982.

(c) Section 6, definition of “the former Acts”—

Omit the definition, insert instead:—

“the former Acts” means all or any of the enactments of the Child Welfare Act, 1939, or of any Act amending that Act.

(5) Section 18 (1) (b) (ii)—

Omit the subparagraph, insert instead:—

(ii) had, as a ward within the meaning of the Child Welfare Act, 1939, or the Community Welfare Act, 1982, been in the care or custody of the applicant or applicants or with the applicant and a deceased spouse of the applicant.

Adoption of Children (Community Welfare) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—*continued.*

(6) Section 24—

Omit “an order placing the child in the care of the Minister to be dealt with under the provisions of the Child Welfare Act, 1939, as a ward admitted to State control”, insert instead “, where the child has not attained the age of 18 years, an order declaring the child to be a ward under the Community Welfare Act, 1982”.

(7) Section 31A (2)—

Omit the subsection, insert instead:—

(2) Where, in relation to a child referred to in section 26 (3) who is a ward within the meaning of the Community Welfare Act, 1982, a consent to the adoption of the child is given by the mother of the child, the Director shall make the inquiries referred to in subsection (1) in order to ascertain whether any person, as at the date on which the consent is given, is, in relation to the child, a person to whom paragraph (c), (d) or (e) of subsection (1) applies.

(8) (a) Section 34 (2) (a), (2D), (5) (d)—

Omit “Child Welfare Act, 1939” wherever occurring, insert instead “Community Welfare Act, 1982”.

(b) Section 34 (4)—

Omit the subsection, insert instead:—

(4) Without limiting the generality of subsection (3), an order under that subsection may, where the child has not attained the age of 18 years, declare the child to be a ward under the Community Welfare Act, 1982, or order that the child remain under the guardianship of the Director for a further period of one year.

Adoption of Children (Community Welfare) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ADOPTION OF CHILDREN ACT, 1965—*continued.*

(9) Section 35 (1) (d)—

Omit “section 9 of the Child Welfare Act, 1939”, insert instead “section 110 of the Community Welfare Act, 1982”.

(10) Section 43 (2)—

Omit “an order placing the child in the care of the Minister to be dealt with under the provisions of the Child Welfare Act, 1939, as a ward admitted to State control”, insert instead “, where the child has not attained the age of 18 years, an order declaring the child to be a ward under the Community Welfare Act, 1982”.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 25th May, 1982.*





