

# CONCURRENCE COPY

## **INFANTS' CUSTODY AND SETTLEMENTS (COMMUNITY WELFARE) AMENDMENT BILL, 1982**

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### **EXPLANATORY NOTE**

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

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

The objects of this Bill are to make provision giving effect to orders for the payment of weekly or other periodical sums made by a court of petty sessions in the exercise of the powers and authorities conferred on such a court by Part I of the Infants' Custody and Settlements Act, 1899 (the "Principal Act"), and to apply certain provisions of the proposed Community Welfare Act, 1982, relating to publicity of proceedings and publication of names of, or reports specifying, children involved in proceedings in courts of petty sessions under the Principal Act.

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**INFANTS' CUSTODY AND SETTLEMENTS (COMMUNITY WELFARE) AMENDMENT BILL, 1982**

No. , 1982.

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**A BILL FOR**

**An Act to amend section 10A of the Infants' Custody and Settlements Act, 1899, with respect to orders for the payment of weekly or other periodical sums made by courts of petty sessions.**

[MR K. J. STEWART—9 March, 1982.]

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*Infants' Custody and Settlements (Community Welfare) Amendment.*

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**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 "Infants' Custody and Settlements (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. 39, 1899.**

15 3. The Infants' Custody and Settlements Act, 1899, is amended in the manner set forth in Schedule 1.

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**SCHEDULE 1.**

(Sec. 3.)

**AMENDMENTS TO THE INFANTS' CUSTODY AND SETTLEMENTS ACT, 1899.**

20 (1) Section 10A (3)—

After "shall be", insert " , subject to subsections (3A) and (3B),".



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*Infants' Custody and Settlements (Community Welfare) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE INFANTS' CUSTODY AND SETTLEMENTS ACT, 1899  
—*continued.*

(2) Section 10A (3A), (3B)—

5       After section 10A (3), insert:—

10       (3A) Any order for the payment of a weekly or other periodical sum made by a court of petty sessions in the exercise of the powers and authorities conferred by this Part shall have effect as an order for the payment, at the weekly or other periods stated in the order, of successive amounts of money equal to the sums specified in the order.

15       (3B) If default is made in the payment of any one or more of the weekly or other periodical sums referred to in subsection (3A), the order for the payment of that sum or the total of those sums then in default for any period not exceeding 6 months may be enforced as if the order were an order for the payment of a sum of money equal to that sum or the total of those sums made under the Courts of Petty Sessions (Civil Claims) Act, 1970, by the court of petty sessions which made the order.

20 (3) Section 10A (5)—

After section 10A (4), insert:—

(5) The provisions of sections 125 and 126 of the Community Welfare Act, 1982, apply to proceedings under this Act in a court of petty sessions in the same way as they apply to criminal proceedings.

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BY AUTHORITY

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

in the Criminal Justice Act 1982.

Section 10A

MEMBERS TO THE JUDICIAL COMMITTEE AND OTHERS

(1) Section 10A (3A) —

After section 10A (3) —

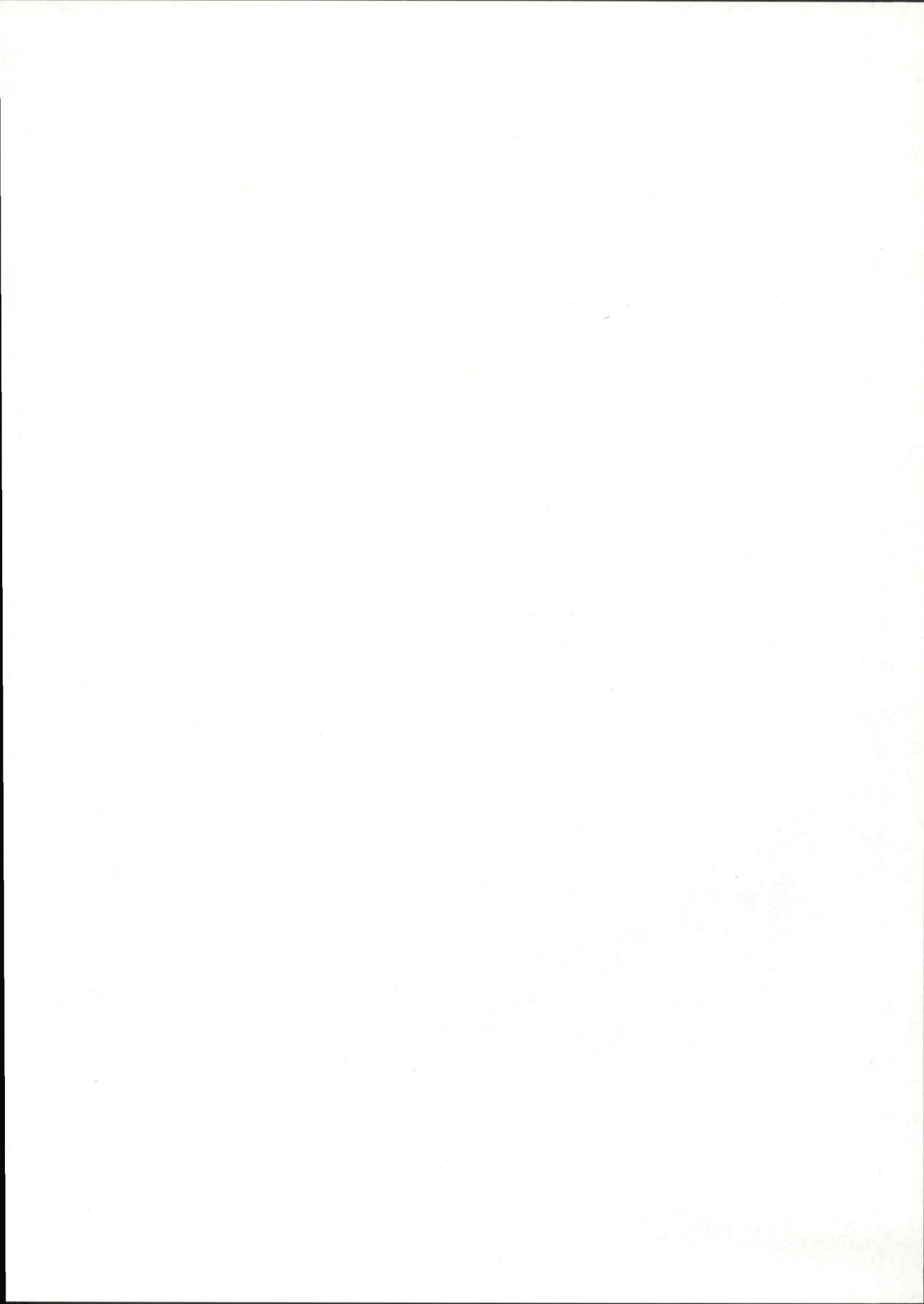
(3A) Any order made by a court in the exercise of its powers and authority in relation to the trial of a person charged with an offence shall be subject to the provisions of section 10A (3) and (3A) in relation to the trial of a person charged with an offence.

(3B) If a court in the exercise of its powers and authority in relation to the trial of a person charged with an offence makes an order which is subject to the provisions of section 10A (3) and (3A) in relation to the trial of a person charged with an offence, the court shall also make an order which is subject to the provisions of section 10A (3) and (3A) in relation to the trial of a person charged with an offence.

20 (3) Section 10A (3) —

After section 10A (4), insert:—

(5) The provisions of sections 125 and 126 of the Criminal Justice Act 1982 shall apply to proceedings in the same way as they apply to criminal proceedings.









**INFANTS' CUSTODY AND SETTLEMENTS (COMMUNITY WELFARE) AMENDMENT ACT, 1982, No. 83**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 83, 1982.**

An Act to amend section 10A of the Infants' Custody and Settlements Act, 1899, with respect to orders for the payment of weekly or other periodical sums made by courts of petty sessions. [Assented to, 25th May, 1982.]

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*Infants' Custody and Settlements (Community Welfare) Amendment.*

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**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 "Infants' Custody and Settlements (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. 39, 1899.**

3. The Infants' Custody and Settlements Act, 1899, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE INFANTS' CUSTODY AND SETTLEMENTS ACT, 1899.

(1) Section 10A (3)—

After "shall be", insert ", subject to subsections (3A) and (3B),".

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*Infants' Custody and Settlements (Community Welfare) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE INFANTS' CUSTODY AND SETTLEMENTS ACT, 1899  
—*continued.*

(2) Section 10A (3A), (3B)—

After section 10A (3), insert:—

(3A) Any order for the payment of a weekly or other periodical sum made by a court of petty sessions in the exercise of the powers and authorities conferred by this Part shall have effect as an order for the payment, at the weekly or other periods stated in the order, of successive amounts of money equal to the sums specified in the order.

(3B) If default is made in the payment of any one or more of the weekly or other periodical sums referred to in subsection (3A), the order for the payment of that sum or the total of those sums then in default for any period not exceeding 6 months may be enforced as if the order were an order for the payment of a sum of money equal to that sum or the total of those sums made under the Courts of Petty Sessions (Civil Claims) Act, 1970, by the court of petty sessions which made the order.

(3) Section 10A (5)—

After section 10A (4), insert:—

(5) The provisions of sections 125 and 126 of the Community Welfare Act, 1982, apply to proceedings under this Act in a court of petty sessions in the same way as they apply to criminal proceedings.

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

J. A. ROWLAND,  
*Governor.*

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



