

EXPLANATORY MEMORANDUM
AUSTRALIAN CAPITAL TERRITORY
CHILD WELFARE ORDINANCE 1957

No. 17 of 1957

The present law of the Territory with regard to child welfare is, subject to a few alterations, the law as it was in New South Wales prior to 1911. Since 1911 the New South Wales law has been consolidated and brought up to date on two occasions, the last in 1939. This Ordinance is designed to bring the law in the Territory into line with modern legislation on this subject.

At present, under an arrangement with the New South Wales authorities, a regional officer of the Department of Child Welfare and Social Welfare of that State is responsible for much of the child welfare work in the Territory. Further arrangements have now been made whereby that regional officer is to be stationed in Canberra and he will do most of the work associated with the administration of the Ordinance. Social workers and other persons attached to the Department of the Interior will continue to perform most of the functions they do at present and will be able to give the New South Wales officer assistance in appropriate cases. In order that this arrangement may work smoothly the Ordinance follows fairly closely comparable provisions in the Child Welfare Act 1939 of New South Wales.

The Ordinance contains provisions similar to those Parts of the New South Wales Act dealing with –

- (a) court proceedings involving children and young persons;
- (b) guardianship, care and control of children and young persons;
- (c) allowances in respect of destitute children;
- (d) licensing of places for the reception of children and of day nurseries and kindergartens;
- (e) lying-in homes;
- (f) neglected children, uncontrollable children and young persons and juvenile offenders;
- (g) maintenance of children by their relatives; and
- (h) employment of children.

Power is given to establish depots, shelters, home and hostels, although, with the possible exception of shelters, it is not anticipated that any will be established in the near future.

Other Parts of the New South Wales Act are either unnecessary or will be included in other legislation.

Three matters which have been causing particular concern in the Territory will be covered in this legislation :-

- (a) child welfare officers as well as the police will be able to take action against delinquent children;
- (b) places in the nature of day nurseries where children are looked after apart from their parents will have to be licensed and will then be subject to supervision; and
- (c) a child will not be able to be removed from a lying-in home apart from its mother without the consent of the Director of Child Welfare.