

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1957. No. 11.

Regulations under the *Child Welfare Ordinance* 1957.*

I ALLEN FAIRHALL, the Minister of State for the Interior, in pursuance of the powers conferred upon me by the *Child Welfare Ordinance* 1957, hereby make the following Regulations.

Dated this twenty-eighth day of November, 1957.

ALLEN FAIRHALL
Minister of State for the Interior.

CHILD WELFARE REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Child Welfare Regulations. Citation.

2. These Regulations are divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Regulations 1-4).

Part II.—Wards (Regulations 5-13).

Part III.—Allowances in Respect of Destitute Children (Regulations 14-16).

Part IV.—Licensing of Places for the Reception of Children and of Day Nurseries and Kindergartens (Regulations 17-20).

Part V.—Miscellaneous (Regulations 21-25).

3. In these Regulations, unless the contrary intention appears—
“employer” means—

Definitions.

(a) a person with whom a ward is placed out under an agreement referred to in sub-section (1.) of section 23 of the Ordinance; and

(b) a person with whom a ward who is over the school leaving age is placed out;

“the Ordinance” means the *Child Welfare Ordinance* 1957.

4. Strict compliance with the forms contained in the Schedule to these Regulations is not necessary and substantial compliance with those forms is sufficient. Compliance with forms.

* Notified in the *Commonwealth Gazette* on 5th December, 1957.

PART II.—WARDS.

Definition.

5. In this Part, "ward" does not include a ward who has been committed to an institution.

Request for admission to government control.

6. A request under sub-paragraph (ii) of paragraph (a) of sub-section (1.) of section 18 of the Ordinance for the admission of a child or young person to government control shall be made in writing in accordance with a form approved by the Minister.

Care of child or young person while inquiry made.

7. During an inquiry concerning a request under the last preceding regulation, the child or young person sought to be admitted to government control may be accommodated and maintained in a depot, shelter, home, hostel or place of safety.

Medical care.

8.—(1.) Where a ward who has been apprenticed, boarded out, placed out or placed as an adopted boarder becomes sick or suffers an accident, his employer or foster parent shall cause the ward to receive proper medical and other attendance, medicine, and suitable food and treatment.

(2.) Where practicable, the medical attention referred to in the last preceding sub-regulation shall be obtained at the Canberra Community Hospital.

(3.) Where an illness of, or accident to, a ward is of a serious nature, the employer or foster parent of the ward shall notify the Director immediately.

Dental treatment.

9.—(1.) Where, in the case of a ward who has been apprenticed, boarded out, placed out or placed as an adopted boarder, dental treatment is required of a nature which calls for urgent attention to relieve the ward of pain and suffering, the employer or foster parent of the ward shall arrange for the dental treatment to be given as a matter of urgency.

(2.) Where the dental treatment required for such a ward is not of a nature which calls for urgent attention, the employer or foster parent of the ward shall report the circumstances to the Director.

Liabilities of employer or foster parent.

10. A person to whom a ward is apprenticed, or with whom a ward is boarded out, placed out or placed as an adopted boarder, shall—

- (a) provide the ward with suitable and adequate food, lodging and clothing;
- (b) ensure that the ward is provided with suitable and adequate recreation;
- (c) ensure that the ward is trained in habits of diligence and usefulness and receives moral and religious teaching and, as far as possible, is sent regularly to a place of worship or Sunday school;
- (d) ensure that any household duties performed by the ward are not unreasonable for a person of the age and physical development of the ward;
- (e) notify the Director immediately of a change of that person's address and of any period of absence of the ward from the home of that person;

- (f) ensure that the ward does not leave the home of that person to reside in another home without the permission of the Director; and
- (g) give immediate notice to the Director and to the officer in charge of the nearest police station if the ward absconds or leaves that person's care.

11. Where the Minister directs the removal or transfer of a ward from the care of an employer or foster parent, the employer or foster parent shall deliver the ward immediately to the custody of the officer authorized by the Minister for the purpose.

Delivery of ward by employer or foster parent.

12. A foster parent shall cause a ward over the age of six years boarded out with him or placed with him as an adopted boarder, unless the ward is exempted from attendance at school, to be sent regularly to school until he has attained the school leaving age.

Ward to be sent to school.

13.—(1.) Where a ward who is in the care of an employer or foster parent dies, the employer or foster parent shall immediately notify the Director.

Death of ward.

(2.) The Director shall arrange for the burial of the ward or, if it appears to the employer or foster parent of the ward that it is impracticable for the Director to arrange for the burial, the employer or foster parent shall arrange for the burial and shall forward the account for the cost of the burial to the Director.

PART III.—ALLOWANCES IN RESPECT OF DESTITUTE CHILDREN.

14. The parent of a child who wishes to be granted an allowance under Part VI. of the Ordinance for the support of the child as a destitute child living with either or both of his parents shall make an application in writing in accordance with a form approved by the Minister.

Application for allowance.

15. Where the applicant is a deserted wife or the mother of an illegitimate child, an allowance under Part VI. of the Ordinance shall not be granted unless the Minister is satisfied that she has taken reasonable action to compel the father of the child to pay for, or contribute towards, the child's maintenance.

Allowance to deserted wife or mother of illegitimate child.

16. An allowance granted under Part VI. of the Ordinance is subject to the following conditions:—

Conditions under which allowance granted.

- (a) the allowance may be discontinued or varied if a change occurs in the circumstances as disclosed in the particulars furnished in the application or in any other circumstances which were taken into account in determining whether the allowance should be granted;
- (b) the person to whom the allowance is paid shall—
 - (i) notify the Director immediately of a change in his address; and
 - (ii) reply to all inquiries addressed to him by the Director or by an officer relating to any of the particulars furnished in the application or to any other circumstances which were taken into account in determining whether the allowance should be granted;

- (c) an officer authorized by the Minister for the purpose shall have access to the child or young person for whose support the allowance is granted and to the place where the child or young person resides; and
- (d) the applicant for the allowance shall execute the form of agreement endorsed on the application.

PART IV.—LICENSING OF PLACES FOR THE RECEPTION OF CHILDREN AND OF DAY NURSERIES AND KINDERGARTENS.

Application for licence.

17. An application for a licence under Part VII. of the Ordinance shall be accompanied by—

- (a) a certificate by a Justice of the Peace, medical practitioner, minister of religion, member of the Police Force or other responsible person as to the fitness of the applicant for the rearing of children and the respectability of the applicant, her husband, her family and her home; and
- (b) where the application is for a licence in respect of a place where the maximum number of children to be received and cared for will exceed five, a report furnished to the Minister by a medical practitioner as to—
 - (i) the sanitary condition of the place;
 - (ii) the provision made in the place for accommodating children;
 - (iii) the provision made in the place for the nursing, feeding, clothing and medical aid of babies; and
 - (iv) whether any person residing in the place is suffering from an infectious or contagious disease.

Form of register.

18.—(1.) The register to be kept for the purposes of section 33 of the Ordinance by the person in charge of a place licensed under Part VII. of the Ordinance shall be divided into three parts.

(2.) The first part of the register shall contain personal information relating to children admitted to, and discharged from, the licensed place and shall be in accordance with Part A of Form 1 in the Schedule to these Regulations.

(3.) The second part of the register shall contain numerical information relating to children in the licensed place during the period of seven days ending on the Wednesday of each week and shall be in accordance with Part B of Form 1 in the Schedule to these Regulations.

(4.) The third part of the register shall contain particulars of illness of children in the licensed place and shall be in accordance with Part C of Form 1 in the Schedule to these Regulations.

Rate of instalments of maintenance.

19. The prescribed rate for the purposes of sub-section (3.) of section 37 of the Ordinance is Four pounds per week.

Particulars of children under seven years.

20. The return to be furnished to the Director under section 38 of the Ordinance shall contain personal particulars relating to the child and his parents and shall be in accordance with Form 2 in the Schedule to these Regulations.

PART V.—MISCELLANEOUS.

21. The particulars which, under paragraph (b) of section 43 of the Ordinance, are required to be entered in a register of births kept by the person in charge of a lying-in home are—

Register of
births kept
at lying-in
home.

(a) in the case of a woman who gives birth to a child in that home—

- (i) the woman's full name, age, marital condition and address; and
- (ii) a short history of the woman while in the home, giving in particular—
 - (A) the date of her admission;
 - (B) the nature of any disease manifest at the time of admission or afterwards;
 - (C) the date and a short history of the confinement;
 - (D) the result of the confinement, both at the time of delivery and during the subsequent period spent in the home;
 - (E) the nature of any operation performed on her, together with the name of the operator and anaesthetist;
 - (F) the nature of the anaesthetic used in the operation;
 - (G) the result of the operation;
 - (H) the date when she left the home or, in the event of her death, the date of death; and
 - (I) where the woman is under the professional care of a medical practitioner or in the charge of a nurse while in the home, the name and address of the medical practitioner or of the nurse, or of both, as the case may be; and

(b) in the case of a child born in that home—

- (i) the sex of the child;
- (ii) the date of the child's birth; and
- (iii) a short history of the child while in the home, giving in particular—
 - (A) the condition of the child at birth;
 - (B) the nature of any disease manifest at the time of birth or afterwards;
 - (C) the nature of any operation performed on the child, together with the name of the operator and anaesthetist;
 - (D) the nature of the anaesthetic used in the operation;
 - (E) the result of the operation;
 - (F) the date when the child left the home or, in the event of the child's death, the date of death; and

- (g) where the child is under the professional care of a medical practitioner or in the charge of a nurse while in the home, the name and address of the medical practitioner or of the nurse, or of both, as the case may be.

Children or young persons released on probation or committed to the care of a person.

22. A person having the care of a child or young person released on probation and a person to whose care a child or young person is committed shall—

- (a) provide the child or young person with suitable and adequate food, lodging and clothing;
- (b) ensure that the child or young person is provided with suitable and adequate recreation;
- (c) provide the child or young person with, or arrange for him to receive, proper medical attention, nursing and medicines in case of illness;
- (d) in the case of a child who has attained the age of six years but has not attained the school leaving age and is not exempted from attendance at school, arrange for the child's attendance at a school;
- (e) where the child or young person is over the school leaving age and does not continue to attend school, secure regular employment for him of a character approved by the Director, and, in the event of failure to obtain employment or loss of employment, immediately report the fact in writing to the Director;
- (f) generally safeguard the moral and religious teaching of the child or young person;
- (g) notify the Director immediately of a change in his address or of his intention to relinquish the control of a place in which the child or young person resides;
- (h) notify the Director immediately if the child or young person leaves his care; and
- (i) exercise reasonable precautions to ensure that the child or young person complies with all the terms and conditions of his release or committal.

Street trading licences.

23. A licence under section 88 of the Ordinance is subject to such conditions (if any) as are specified in the licence and, unless the Minister specifies to the contrary in the licence, to the following conditions:—

- (a) the child shall be accompanied to and from the place or premises where he is employed by his parent or other person having the care of the child and be under the care of a competent adult person while at the place or premises;
- (b) information of each separate employment of the child shall, immediately upon the employment being arranged, be given to the Director by notice in writing specifying the place or premises where the child is to be employed;
- (c) the licence shall be available at the place or premises where the child is employed and shall be produced to an officer authorized by the Minister for the purpose or to a member of the Police Force on demand;

- (d) where the child has not attained the school leaving age, he shall attend school regularly during the currency of the licence;
- (e) the child shall not be employed—
 - (i) during school hours or at times that involve interference with attendance at school for the full period the school is in operation;
 - (ii) on any day between the hours of 10 p.m. and 6 a.m.; or
 - (iii) on a Sunday;
- (f) the child shall not be employed in a stadium, sports arena or similar place used for the staging of boxing or wrestling contests;
- (g) the child shall not be employed in a night club or similar place;
- (h) the child shall not be employed as an acrobat or contortionist; and
- (i) the child shall not be employed in a place or premises at which suitable dressing and toilet accommodation are not provided.

24. An authority for the purposes of sub-section (3.) of section 111 of the Ordinance shall be in accordance with Form 3 in the Schedule to these Regulations. Authority to make payments to Director.

25. A person who contravenes or fails to comply with a provision of these Regulations that is applicable to him is guilty of an offence against these Regulations punishable upon conviction by a fine not exceeding Ten pounds. Penalty.

Regulation 18.

REGISTER.

Name of Person in Charge

Personal Information relating to Children Admitted and Discharged.

	Register No.
	Name of Child.
	Date of Birth.
	Place of Birth.
	Religion of Child.
	Names, Addresses, Occupations and Descriptions of Parents.
	Name, Address, Occupation and Description of any Person other than a Parent from or to whom the Child was received or handed over.
	Date Child received.
	Date Child handed over.
	In the case of a Baby, particulars of arrangements made by Mother for its care.
	Amount agreed to be paid per week for the Child's maintenance and by whom payable.

THE SCHEDULE—continued.

FORM 1—continued.

PART B.

Numerical Information relating to Children for the Week Ending on
Wednesday, / /19

Number of Children in Licensed Place at beginning of Week.	Number of Admissions.	Number of Discharges.	Number of Abscondings.	Number of Deaths.	Number of Children remaining at end of Week.

PART C.

Particulars of Illness of Children.

Register No.	Name of Child.	Where and when seen by Doctor.	Nature of Illness.	Remarks of Doctor.

FORM 2.

Regulation 20.

AUSTRALIAN CAPITAL TERRITORY.

Child Welfare Ordinance 1957.

(Section 38).

PARTICULARS RELATING TO CHILD AND CHILD'S PARENTS.

Address of licensed place receiving child:

Full name of child:

Date and place of birth:

Religion of child:

Full name of mother:

Whether mother married, single or divorced:

Address of mother:

Occupation of mother:

Full name of father:

Address of father:

Occupation of father:

Name of person from whom child received:

Address of that person:

Date child received:

Particulars of arrangements made by child's parents for—

(a) Clothing:

(b) Medical and dental attendance:

Amount agreed to be paid per week for care of child:

Name of person making payment:

(Signature)

Person in Charge.

(Date)

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THE SCHEDULE—continued.

FORM 3.

Regulation 24.

AUSTRALIAN CAPITAL TERRITORY.

Child Welfare Ordinance 1957.

(Section 111).

AUTHORITY TO PAY DIRECTOR OF CHILD WELFARE.

Case No. .

v.

Complainant.

Defendant.

To

I,

, of

, do hereby authorize you to pay to the Director of Child Welfare on behalf of the Minister for the Interior all moneys now held or hereafter received by you in pursuance of the order by which the abovenamed is liable to contribute towards the maintenance of his

This authority shall remain in force until the Minister notifies you that he deems it no longer necessary to operate under this authority.

Dated this

day of

, 19

(Signature)

Witness:

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.