

54. Section 44A of the principal Act is amended by deleting the word "destitute", in line two. Section 44A amended.

55. Section 45 of the principal Act is amended— Section 45 amended.

- (a) by deleting the words "secretary or the superintendent or matron of any institution", in lines two and three, and substituting the words "person in charge of any Departmental or other centre or facility";
- (b) by deleting the words "into such institution", in lines four and five; and
- (c) by deleting the words "in an institution", in line six and substituting the word "therein".

56. Section 46 of the principal Act is amended— Section 46 amended.

- (a) by inserting after the word "ward", in line one, the words "or child placed under the control of the Department"; and
- (b) by deleting the words "absconds from an institution" in line one, and substituting the words "runs away from any Departmental or other centre or facility".

57. Section 47 of the principal Act is repealed and re-enacted with amendments as follows— Section 47 repealed and re-enacted.

47. (1) Where any child has been committed to the care of the Department or placed under the control of the Department the Minister may order the release of that child, and effect shall be given to any such order upon production of the order to the Director or other person in charge of the centre or facility in which the child is detained.

(2) A parent of a child committed to the care of the Department or placed under the control of the Department, or a near relative or guardian of the child, may apply to the Minister for an order for the release of the child pursuant to this section and where the Minister declines to make the order may apply to a Children's Court for the release of the child.

(3) The court may grant an application made under this section unconditionally or subject to such conditions as in the circumstances of the case the court considers are in the best interests of the child, or may refuse the application.

Section 47A
amended.

58. Section 47A of the principal Act is amended—

- (a) by deleting the passage “, whether before or after the coming into operation of the Child Welfare Act Amendment Act, 1958,” in lines two, three and four of subsection (1);
- (b) by deleting the words “Minister that he”, in lines eight and nine of subsection (3), and substituting the words “Department that the Minister”;
- (c) by deleting the word “State”, in line seven of subsection (5), and substituting the word “Department”; and
- (d) by deleting the passage “just, and the Court's decision on the application shall be final and conclusive”, in lines ten, eleven and twelve of subsection (5), and substituting the word “just”.

Section 47B
amended.

59. Section 47B of the principal Act is amended—

- (a) by deleting the words “destitute or neglected child”, in line five of subsection (1), and substituting the word “child in need of care and protection”; and

- (b) by deleting the passage "application, and the decision of the Court on the application shall be final and conclusive", in lines five, six and seven of subsection (3), and substituting the word "application".

60. Section 47C of the principal Act is amended— Section 47C amended.

- (a) by inserting after the word "child", in line two the passage ", or where the child is maintained or taken care of only by one of the parents, that parent,";
- (b) by inserting after the word "Department", in line three, the words "or placing the child under the control of the Department";
- (c) by inserting after the word "Department" in line eleven, the words "or place the child under the control of the Department"; and
- (d) by adding a new subsection as follows—

(3) A parent of the child who has not applied to the Minister for an order under this section may apply to the Children's Court for cancellation of any order made by the Minister under this section and the release of the child, and the court may grant the application unconditionally or subject to such conditions as in the circumstances of the case the court considers to be in the best interests of the child or may refuse the application.

61. The principal Act is amended by inserting after section 47C a new section, to stand as section 47D as follows— Section 47D added.

47D. (1) Where it appears to the Minister that a child has been given up for adoption by one of the parents, adoptive parents or guardians of the child and that— Adoptive children.

- (a) such parent, adoptive parent or guardian has consented to the adoption of the child pursuant to the Adoption

of Children Act, 1896 the time for the revocation of such consent pursuant to section four D of that Act having expired; and

- (b) the consent of another parent or guardian of the child must be given or dispensed with before an order of adoption can be made,

the Minister may by order under his hand commit the child to the care of the Department.

(2) Where an order is made by the Minister pursuant to this section, a parent, adoptive parent or guardian of the child who has not consented to the adoption of the child or whose consent has not been dispensed with may apply to a Children's Court within three months of the making of that order for cancellation of the order and the release of the child.

(3) The court may grant an application made under this section unconditionally or subject to such conditions as in the circumstances of the case the court considers are in the best interests of the child, or may refuse the application.

Section 48
repealed.

62. Section 48 of the principal Act is repealed.

Section 49
amended.

63. Section 49 of the principal Act is amended—

- (a) by inserting after the section designation "49." the subsection designation "(1)";
- (b) by inserting after the word "Department", in line three, the words "or was placed under the control of the Department"; and
- (c) by adding two new subsections as follows—

(2) Where the period for which a child was committed to the care of the Department or was placed under the

control of the Department is extended pursuant to subsection (1) of this section, any provision for the maintenance of the child, whether made pursuant to an order of a court or otherwise, shall be deemed to have been extended in like manner.

(3) Where an order for the payment of maintenance for a child has been registered with the Family Court of Western Australia under this Act and the Minister makes an order under this section, the Department shall cause a copy of the order of the Minister to be sent to the Family Court for registration in the manner provided by the regulations of that court; and the order shall, when so registered, be deemed, for all purposes, to be an order of that court. .

64. Section 50 of the principal Act is repealed. Section 50 repealed.

65 The principal Act is amended by inserting before section 51 a new section, to stand as section 50, as follows— New section 50 added.

50. (1) In any case where the consent of a parent or guardian of a child is required or is customarily sought the Director may, by writing under his hand, give that consent in relation to— Power to sign documents.

(a) any ward; or

(b) any child placed under the control of the Department, where the parent or guardian of that child is unwilling or is unable so to do.

(2) Without limiting the generality of the power conferred by subsection (1) of this section, the Director may sign—

- (a) indentures or agreements relating to apprenticeship or training, including applications to join the armed forces; and
- (b) consents to surgical operations, or anaesthesia.

Section 51
repealed.

66. Section 51 of the principal Act is repealed.

Section 52
amended.

67. Section 52 of the principal Act is amended—

(a) by deleting subsection (1) and substituting a new subsection as follows—

(1) Every ward shall be sent regularly to school in accordance with the Education Act, 1928. ; and

(b) by deleting subsection (2).

Section 53
repealed.

68. Section 53 of the principal Act is repealed.

Section 54
amended.

69. Section 54 of the principal Act is amended—

(a) by inserting after the section designation "54." the subsection designation "(1)";

(b) by deleting the passage "such child:", in line six, and substituting the passage "that child.";

(c) by deleting the words "Provided that no", in line seven, and substituting the passage "(2) No";

(d) by deleting the words "attains the age of twenty-one years", in lines nine and ten, and substituting the words "is released from the care or control of the Department"; and

- (e) by deleting the words "Provided further that all", in line eleven, and substituting the passage "(3) All".

70. Section 55 of the principal Act is amended— Section 55 amended.

- (a) by deleting the words "so deposited", in line one, and substituting the passage "deposited pursuant to subsection (1) of section fifty-four of this Act";
- (b) by deleting the passage "attaining the age of twenty-one years:", in line eight, and substituting the passage "release from the care or control of the Department."; and
- (c) by deleting the words "Provided that on", in line nine, and substituting the passage "(3) On".

71. Section 56 of the principal Act is amended Section 56 amended.
by deleting the passage "ward,", in line two, and substituting the passage "child, whether a child committed to the care of the Department or placed under the control of the Department or not and".

72. Section 60 of the principal Act is amended Section 60 amended.
by deleting the words "such notice as may be prescribed", in line three, and substituting the words "notice in writing forthwith".

73. Section 61 of the principal Act is repealed Section 61 repealed and re-enacted.
and re-enacted with amendments as follows—

61. Where a ward or child under the control of the Department is placed out, and that child runs away, becomes ill, meets with an accident, or dies the foster-parent of the child shall immediately notify the Director and take such further necessary action as the Director may require. Notice to be given in certain cases.

Section 62
repealed.

74. Section 62 of the principal Act is repealed.

Section 63
repealed.

75. Section 63 of the principal Act is repealed.

Section 64
amended.

76. Section 64 of the principal Act is amended—

- (a) by deleting the words “apprenticed or”, in line two, and substituting the words “and children placed under the control of the Department who have been”;
- (b) by deleting the passage commencing with the word “stipulations” in line five, and ending with the word “the”, in line seven;
- (c) by deleting subsection (2) and subsection (3); and
- (d) by adding a new subsection as follows—

(2) At the request of any officer of the Department or any authorised person, every foster-parent shall produce personally the child placed out to or with him or show cause to the satisfaction of that officer or authorised person for the failure to produce the child personally. .

Section 65
amended.

77. Section 65 of the principal Act is amended—

- (a) by deleting the word “institution”, in line two, and substituting the words “centre or subsidised facility”;
- (b) by deleting the word “ward”, in line three, and substituting the word “child”; and
- (c) by deleting the words “may be prescribed”, in line four, and substituting the words “he may determine”.

78. Section 66 of the principal Act is amended— Section 66 amended.

- (a) by deleting the words “or foster-mother”, in lines one and two;
- (b) by deleting the word “ward”, in line two and substituting the word “child”; and
- (c) by deleting the words “may be prescribed”, in lines three and four, and substituting the words “he may determine”.

79. Section 66A of the principal Act is amended— Section 66A amended.

- (a) by inserting after the word “Commonwealth”, in lines four and five, the passage “, or of another country,”;
- (b) by inserting after the word “Department”, in line five, the words “or place under the control of the Department”;
- (c) by deleting the passage commencing with the word “State”, in line six, and ending with the word “child”, in line nine, and substituting the word “State”;
- (d) by inserting after the word “Commonwealth”, in line two of subsection (2), the passage “, or another country,”;
- (e) by inserting after the word “committal”, in line seven of that subsection, the words “or transfer of control”;
- (f) by inserting after the word “ward”, in line nine of that subsection, the words “or child placed under the control of the Department”; and
- (g) by inserting after the word “Territory”, in line ten of that subsection, the words “or other country”.