

CHILD WELFARE (FURTHER AMENDMENT) ACT.

Act No. 27, 1961.

Elizabeth II,
No. 27, 1961 — An Act to make further provisions with respect to payments in connection with, and to prohibit the publication of certain statements relating to, the adoption of children and other persons; for these purposes to amend the Child Welfare Act, 1939, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 10th October, 1961.]

BE

BE it enacted by the Queen's Most Excellent Majesty, by No. 27, 1961
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 :—

1. (1) This Act may be cited as the "Child Welfare
(Further Amendment) Act, 1961". Short title
and
citation.

(2) The Child Welfare Act, 1939, as amended by
subsequent Acts and by this Act, may be cited as the Child
Welfare Act, 1939-1961.

(3) The Child Welfare (Amendment) Act, 1961, is Consequen-
tial.
amended by omitting subsection two of section one.

2. The Child Welfare Act, 1939, as amended by subse- Amendment
of Act No.
17, 1939.
quent Acts, is amended by omitting section one hundred and
seventy-one and by inserting in lieu thereof the following Subst.
sec. 171
and new
sec. 171A.
sections :—

171. (1) Subject to the provisions of this section, it Prohibition
of certain
payments.
cf. 7 & 8
Eliz. 2
shall not be lawful to make or give to any person any
payment or reward for or in consideration of—

- (a) the adoption by that person of a child or other c. 5, s. 50.
person;
- (b) the variation or discharge of an order of adoption
made in favour of that person;
- (c) the grant by that person of any consent required
in connection with the adoption of a child or other
person;
- (d) the transfer by that person of the care and
possession of a child or other person with a view
to the adoption of such child or other person; or
- (e) the making by that person of any arrangements
for the adoption of a child or other person.

(2)

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(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be guilty of an offence against this Act; and the court convicting any such person of any such offence may, where the offence was committed in respect of a child or young person, order such child or young person to be removed to a shelter and to be kept there until he can be restored to his parents, mother or guardian, as the case may be, or until other arrangements approved by the Director can be made for him.

(3) This section shall not apply to—

- (a) any payment authorised by or made in accordance with any rules made by the court pursuant to this Act and relating to the payment of fees or costs in connection with applications made under this Part;
- (b) any payment or reward authorised by the court;
- (c) any payment made, in the case of an adoption or proposed adoption of a child, by the adopting parents with the approval in writing of the Director or with the authority of the court, to any hospital, medical practitioner or nurse, registered under the Nurses Registration Act, 1953, as amended by subsequent Acts, on account of the reasonable expenses properly incurred by the parents of the child adopted or proposed to be adopted or, in the case of an illegitimate child, by the mother of such child in connection with the birth of the child or the ante-natal or post-natal care and treatment of the mother of the child; or
- (d) any payment made, in the case of an adoption or proposed adoption of a child, by the adopting parents with the approval of the Director or with the authority of the court to the parents of the child or, in the case of an illegitimate child, to the mother

mother of such child by way of recoupment to No. 27, 1961
them or her, as the case may be, of any expenses
of the nature referred to in paragraph (c) of this
subsection.

171A. (1) It shall not be lawful for any advertisement
to be published indicating—

Restriction
upon publi-
cation of
advertise-
ments.
cf. 7 & 8
Eliz. 2
c. 5, s. 51.

- (a) that the parent or guardian of a child or other
person desires to cause the child or other person
to be adopted;
- (b) that a person desires to adopt a child or other
person; or
- (c) that any person is willing to make arrangements
for the adoption of a child or other person.

(2) Any person who causes to be published or
knowingly publishes an advertisement in contravention
of this section shall be guilty of an offence against this
Act.
