

CHILD ENDOWMENT.

No. 5 of 1942.

An Act to amend the *Child Endowment Act* 1941.

[Assented to 18th May, 1942.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- 1.—(1.) This Act may be cited as the *Child Endowment Act* 1942.
(2.) The *Child Endowment Act* 1941* is in this Act referred to as the Principal Act.

short title
and citation.

* Act No. 8, 1941.

(3.) The Principal Act, as amended by this Act, may be cited as the *Child Endowment Act 1941-1942*.

Commencement.

2. —(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the thirtieth day of June, One thousand nine hundred and forty-two.

(2.) Section six of this Act (in so far as it omits paragraph (b) of sub-section (1.) of section thirteen of the Principal Act and inserts in its stead a new paragraph (b), and in so far as it inserts sub-section (1A.) after sub-section (1.) of section thirteen of the Principal Act), and sections seven, eight and ten of this Act, shall be deemed to have come into operation on the first day of July, One thousand nine hundred and forty-one.

Definitions.

3. Section four of the Principal Act is amended—

(a) by omitting paragraph (a) of the definition of “child” and inserting in its stead the following paragraph:—

“(a) a child who is an inmate of a hospital for the insane maintained by the Commonwealth or a State or mainly dependent upon financial assistance from the Commonwealth or a State, where the expenses of maintaining the child are met wholly or mainly by the Commonwealth or State; or”;

(b) by omitting the definition of “institution” and inserting in its stead the following definition:—

“‘institution’ means a charitable institution or organization (including a charitable institution or organization maintained by the Commonwealth or a State) approved by the Minister, but does not include a hospital for the insane maintained by the Commonwealth or a State or mainly dependent upon financial assistance from the Commonwealth or a State;”;

(c) by inserting after the definition of “the Commissioner” the following definition:—

“‘the Director-General’ means the Director-General of Social Services;”.

Administration.

4. Section five of the Principal Act is amended by omitting the words “Secretary, Department of Social Services,” and inserting in their stead the word “Director-General”.

Officers to observe secrecy.

5. Section twelve of the Principal Act is amended by inserting after the word “Minister” (wherever occurring) the words “or the Director-General”.

Child endowment

6. Section thirteen of the Principal Act is amended—

(a) by omitting paragraphs (a) and (b) of sub-section (1.) and inserting in their stead the following paragraphs:—

“(a) to any person maintaining more than one child—in respect of each child in excess of one maintained by him;

“(b) to any person who has the custody, care and control of any children whose parents are dead and the expenses of whose maintenance are met out of moneys forming part of the estate of a deceased person—in respect of each of such children in excess of one ;

“(c) to any institution (not being an institution maintained by the Commonwealth or a State)—in respect of every child maintained by it ; and

“(d) to any institution maintained by the Commonwealth or a State—in respect of every child who is an inmate thereof, other than a child the expenses of whose maintenance are met wholly or mainly by his parent or guardian.” ; and

(b) by inserting after sub-section (1.) the following sub-sections :—

“(1A.) Where any children of an aboriginal native of Australia are, for not less than six months in any calendar year, or for any continuous period of not less than six months, supervised and assisted by, although not mainly maintained by, an aboriginal mission which is an institution, the Commissioner may grant endowment to the institution at the rate of Five shillings per week based upon the average number of such children so supervised and assisted.

“(1B.) Where, by reason of divorce, separation, unemployment, death of a parent, or other circumstances considered by the Commissioner to be reasonable, the children of any parents are not living with those parents as one family, the Commissioner may, in his discretion, grant endowment at the rate of Five shillings per week in respect of such of those children in excess of one as he thinks fit, and may pay the endowment to such persons and in such proportions as, in the circumstances, he considers to be just.”.

7. Section fourteen of the Principal Act is amended by inserting Qualifications after sub-section (1.) the following sub-section :—

“(1A.) For the purposes of paragraph (a) of the last preceding sub-section, a person who is serving outside Australia as a member of the Defence Force shall be deemed to be in Australia and, if immediately prior to his leaving Australia, his usual place of residence was in Australia, he shall be deemed to have continued to have his usual place of residence in Australia.”.

8. Section seventeen of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word “section” and inserting in its stead the word “Act” ; and

Special provisions as to payment of endowments

(b) by adding at the end of sub-section (1.) the following provisoes :—

“ Provided further that, where a person has commenced to maintain a child, endowment in respect of that child may be paid from the date on which that person commenced to maintain that child if a claim in respect of that child is made within three months after that date :

“ Provided also that, where an institution has commenced to maintain a child, endowment in respect of that child may be paid from the date on which that institution commenced to maintain that child if a claim in respect of that child is made within one month after that date.”.

Payment of
endowment.

9. Section eighteen of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1.) the word “ or ” ;

(b) by inserting after that paragraph the following paragraph :—

“ (aa) with the consent of the Commissioner or a Deputy Commissioner, to the credit of any bank account specified by the person to whom the endowment is payable ; or ” ; and

(c) by omitting from sub-section (2.) the words “ in such instalments and in such manner as are ” and inserting in their stead the words “ in such manner as is ”.

Endowment to
cease in certain
circumstances.

10. Section nineteen of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word “ An ” and inserting in its stead the words “ Subject to this Act, an ” ; and

(b) by inserting after sub-section (1.) the following sub-section :—

“ (1A.) For the purposes of paragraph (a) of the last preceding sub-section, a person who is serving outside Australia as a member of the Defence Force shall be deemed not to have ceased to be resident in Australia.”.

11. After section nineteen of the Principal Act the following section is inserted :

Endowment
periods.

“ 19A.—(1.) Endowment shall be payable in respect of endowment periods, as prescribed.

“ (2.) Where an endowment is granted to any person other than an institution in respect of a child in respect of whom endowment was not previously granted, endowment shall be payable from the commencement of the endowment period during which, under the preceding provisions of this Act, endowment becomes payable.

“ (3.) Where an endowment ceases to be payable to a person other than an institution by reason of any event specified in the last preceding section, the endowment shall cease to be payable from the commencement of the endowment period during which that event occurred.”.

12. Section twenty-three of the Principal Act is amended by omitting all the words from and including the words “ at the rate ” and inserting in their stead the words “ in accordance with this Act.”. Appropriation.

13. Section twenty-eight of the Principal Act is repealed and the following section is inserted in its stead :-

“ 28. -(1.) The Director-General shall, within three months after the end of each financial year, prepare and furnish to the Minister, for presentation to the Parliament, a report, with statistics, as to the administration and operation of this Act. Annual report
to be prepared.

“ (2.) The report may deal with the administration and operation of any other Act administered by the Minister administering this Act.”.