

STATUTORY RULES.

1946. No. 195.

REGULATIONS UNDER THE IMMIGRATION (GUARDIANSHIP OF CHILDREN) ACT 1946.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Immigration (Guardianship of Children) Act 1946*.

Dated this eighteenth day of December, 1946.

HENRY
Governor-General.

By His Royal Highness's Command,
BEN. COURTICE
for Minister of State for Immigration.

IMMIGRATION (GUARDIANSHIP OF CHILDREN) REGULATIONS.

1. These Regulations may be cited as the Immigration (Guardianship of Children) Regulations. Citation.
2. These Regulations shall come into operation on the thirtieth day of December, 1946. Commencement.
3. In these Regulations, unless the contrary intention appears— Definitions.
“authority” means—
 - (a) in relation to the State of New South Wales—the Director of the Child Welfare Department of that State;
 - (b) in relation to the State of Victoria—the Secretary of the Children's Welfare Department of that State;
 - (c) in relation to the State of Queensland—the Director of the State Children Department of that State;
 - (d) in relation to the State of South Australia—the Chairman of the Children's Welfare and Public Relief Board of that State;
 - (e) in relation to the State of Western Australia—the Under Secretary, Department of Lands and Immigration of that State;
 - (f) in relation to the State of Tasmania—the Director of Social Services of that State;
 - (g) in relation to the Australian Capital Territory—the Secretary, Department of the Interior; and
 - (h) in relation to the Northern Territory—the Administrator of the Northern Territory;

* Notified in the *Commonwealth Gazette* on 19th December, 1946.
7932.—PRICE 3D.

“Child Welfare laws” means—

- (a) in relation to the State of New South Wales—the Child Welfare Act, 1939 of that State;
- (b) in relation to the State of Victoria—the Children’s Welfare Acts of that State;
- (c) in relation to the State of Queensland—*The State Children Acts*, 1911 to 1943 of that State;
- (d) in relation to the State of South Australia—the *Maintenance Act*, 1926-1937 of that State;
- (e) in relation to the State of Western Australia—the *Child Welfare Act*, 1907-1927, the *Child Welfare Act Amendment Act*, 1936 and the *Child Welfare Act Amendment Act*, 1941 of that State;
- (f) in relation to the State of Tasmania—the *Infants’ Welfare Act* 1935 to 1940 of that State;
- (g) in relation to the Australian Capital Territory—the *Neglected Children and Juvenile Offenders Act*, 1905 of the State of New South Wales, in its application to the Territory (as amended by the *Juvenile Offenders Ordinance* 1941), the *Juvenile Offenders (Probation) Ordinance* 1940 and the *Juvenile Offenders Ordinance* 1941; and
- (h) in relation to the Northern Territory—the State Children Acts, 1895 to 1909 of the State of South Australia, as amended in its application to the Territory by the *State Children Ordinance* 1934,

and includes, in relation to any State or Territory, the regulations under the Child Welfare laws of that State or Territory and also includes any laws amending or in substitution for any of those laws;

“State” includes the Australian Capital Territory and the Northern Territory;

“the Act” means the *Immigration (Guardianship of Children) Act* 1946;

“welfare and care” includes custody, control, maintenance, education, training and employment.

Effect of
Child Welfare
laws.

4. The provisions of the Child Welfare laws of any State under which children may be committed to the custody or care of any person or authority, or may become wards or State children, or wards or children of the State or of any department or authority of the State, shall not apply in relation to any immigrant child in respect of whom the Minister has delegated his powers and functions under section six of the Act to an authority of any State but, in the case of any such child, a Minister of State of the State or of the Commonwealth, and the authority of the State, respectively, shall have, in relation to the child, the rights and powers exercisable by him in relation to a child who, in pursuance of those laws, is committed to the custody and care of any person or authority or becomes a ward or State child or a ward or child of the State or of any department or authority of the State.

Acknowledg-
ment by
custodians

5. Where, in pursuance of the Act, the Minister, or a delegate of the Minister, places an immigrant child in the custody of a custodian,

the custodian shall thereupon furnish to the Minister or delegate, as the case may be, an acknowledgment in writing of the acceptance by him of responsibility for the welfare and care of that child.

6.—(1.) A custodian shall provide for the welfare and care of every immigrant child of whom he is the custodian. Duties of custodians.

(2.) Without limiting the operation of the last preceding sub-regulation, the duties and obligations of a custodian in relation to any such immigrant child shall be of the like kind to those of a person in relation to a child who is committed to his care, or of whom he becomes the guardian or foster parent, in pursuance of the Child Welfare laws of the State in which the custodian is resident.

7. An authority in respect of any State shall, in relation to immigrant children in that State, keep a Register of Custodians in which he shall enter— Register of Custodians.

- (a) the name, address, occupation and religion of every custodian;
- (b) the name of every child in the custody of each custodian;
- (c) the age, sex and religion of each such child;
- (d) the names, addresses and occupations of the parents or guardians of the child in the United Kingdom;
- (e) the date of arrival of the child in Australia, and the name of the ship in which the child arrived; and
- (f) such other particulars as the Minister determines.

8.—(1.) If a custodian proposes to change his place of abode within the State in which he is resident, he shall notify the proposed change to the authority of the State in which he is registered, if practicable, at least seven days before the change is effected. Notification of change of address of custodian.

(2.) If it is not practicable for the custodian so to notify the proposed change, he shall notify the proposed change, or the change (if it has taken place) at the earliest practicable time.

9.—(1.) A custodian who proposes to change his place of abode to a place outside the State in which he is registered shall not remove an immigrant child outside the State unless and until the authority of that State consents to the removal. Consent to removal out of State or Territory.

(2.) The authority of the State from which an immigrant child is removed in pursuance of any such consent shall forthwith note the removal in the Register of Custodians and, if the child is removed to another State, forward to the authority of that other State, for entry in the Register of Custodians kept by him, particulars relating to the custodian and the immigrant child.

10. If an immigrant child—

- (a) absconds or is removed from the custody of his custodian;
- (b) becomes seriously ill, or meets with a serious accident; or
- (c) dies,

the custodian shall immediately give notice of the fact to the authority of the State in which the custodian is resident, and do all such further acts and things in relation to the child as are directed by that authority. Notice to be given if child absconds, &c.

Child
absconding to
another State
or Territory.

11. If an immigrant child who—

- (a) has absconded; or
- (b) has been unlawfully removed from the custody of his custodian; or
- (c) has been, without the consent of the authority concerned, removed by his custodian outside the State in which the custodian is registered,

is found anywhere in Australia, any member of the Police Force of any State or Territory of the Commonwealth may apprehend the child, hold him in custody and return him to the authority of the State from which he absconded or was removed.

Offences.

12. A person shall not contravene or fail to comply with any provision of these Regulations which is applicable to him.

Penalty: Twenty pounds.