

**MISCELLANEOUS ACTS (COMMUNITY WELFARE)  
REPEAL AND AMENDMENT ACT, 1982, No. 88**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 88, 1982.**

An Act to repeal certain Acts and amend certain other Acts consequent upon the enactment of the Community Welfare Act, 1982, and certain other Acts, and to enact savings, transitional and other provisions consequent upon the enactment of those Acts. [Assented to, 25th May, 1982.]

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by 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:—

**Short title.**

1. This Act may be cited as the "Miscellaneous Acts (Community Welfare) Repeal and Amendment Act, 1982".

**Commencement.**

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Community Welfare Act, 1982.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—REPEALS AND AMENDMENTS.

SCHEDULE 2.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

**Repeals and amendments.**

4. Each Act specified in Schedule 1 is repealed or amended, as the case may be, as indicated in that Schedule.

**Savings, transitional and other provisions.**

5. Schedule 2 has effect.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 1.

(Sec. 4.)

REPEALS AND AMENDMENTS.

Public Instruction (Amendment) Act, 1917, No. 20—

Repeal the Act.

Stamp Duties Act, 1920, No. 47—

Second Schedule, paragraph (e) of the *Exemptions* under the heading "LETTERS OR POWER OF ATTORNEY"—

Omit "Children's Court", insert instead "the Children's Court".

Government Relief Administration Act, 1930, No. 24—

Repeal the unrepealed portion.

Finances Adjustment Act, 1932, No. 27—

(1) Long title—

Omit "the Government Relief Administration Act, 1930,".

(2) Section 2—

Omit the matter relating to Part VI.

(3) Part VI—

Omit the Part.

Statute Law Revision Act, 1937, No. 35—

Second Schedule—

Omit so much as amends Act No. 51, 1916.

Child Welfare Act, 1939, No. 17—

Repeal the unrepealed portion.

Government Relief Administration (Amendment) Act, 1940, No. 33—

Repeal the Act.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 1—*continued.*REPEALS AND AMENDMENTS—*continued.*

Youth Welfare Act, 1940, No. 48—

(1) Section 2 (1) (b)—

Omit so much as amends sections 4 and 15 of Act No. 51, 1916.

(2) Section 2 (1) (c)—

Omit the paragraph.

(3) Section 2 (1) (d)—

Omit so much as amends Schedule Two to Act No. 51, 1916.

(4) Section 2 (4)—

Omit the subsection.

Public Instruction (Blind and Infirm Children) Amendment Act, 1944, No. 7—

(1) Section 2 (1) (b), (g)—

Omit the paragraphs.

(2) Section 3—

Omit the section.

Child Welfare (Amendment) Act, 1955, No. 14—

Repeal the Act.

Child Welfare (Amendment) Act, 1956, No. 9—

Repeal the Act.

Deserted Wives and Children (Amendment) Act, 1960, No. 21—

(1) Section 1 (4), (5)—

Omit the subsections.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 1—*continued.*

REPEALS AND AMENDMENTS—*continued.*

(2) Sections 3, 4—

Omit the sections.

Child Welfare (Amendment) Act, 1961, No. 15—

Repeal the Act.

Child Welfare (Amendment) Act, 1966, No. 11—

Repeal the Act.

Child Welfare (Amendment) Act, 1967, No. 27—

Repeal the Act.

Child Welfare (Amendment) Act, 1969, No. 27—

Repeal the Act.

Minors (Property and Contracts) Act, 1970, No. 60—

(1) Section 9 (3) (c)—

Omit the paragraph, insert instead:—

- (c) the power to make an order declaring a person to be an intellectually handicapped person under guardianship under Part XI of the Community Welfare Act, 1982, or the construction or operation of any such order.

(2) First Schedule—

Omit so much as amends Act No. 17, 1939.

Registration of Births, Deaths and Marriages Act, 1973, No. 87—

(1) Section 4 (1), definition of “institution”—

Omit paragraph (e), insert instead:—

- (e) a facility within the meaning of the Community Welfare Act, 1982;

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 1—*continued.*REPEALS AND AMENDMENTS—*continued.*

(2) Sections 15 (c) (ii), (e), 46 (1) (a), (2)—

Omit “permanent head” wherever occurring, insert instead “Department Head”.

Youth and Community Services Act, 1973, No. 90—

Repeal the unrepealed portion.

Metric Conversion Act, 1974, No. 51—

Schedule—

Omit so much as amends Act No. 51, 1916.

Miscellaneous Acts (Administrative Changes) Amendment Act, 1975, No. 65—

(1) (a) Section 2 (1)—

Omit “, 8”.

(b) Section 2 (2)—

Omit “, 7, 12”.

(2) Section 8—

Omit the section.

Youth and Community Services (Amendment) Act, 1976, No. 44—

Repeal the Act.

Statute Law Revision Act, 1976, No. 63—

Schedule 1—

Omit so much as amends Act No. 24, 1930.

Public Hospitals (Amendment) Act, 1976, No. 95—

Schedule 5—

Omit so much as amends Act No. 24, 1930.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 1—*continued.*

REPEALS AND AMENDMENTS—*continued.*

Children (Equality of Status) Act, 1976, No. 97—

Schedule 1—

Omit so much as amends Act No. 17, 1939.

Jury Act, 1977, No. 18—

(1) Schedule 1, clause 2 (b)—

Omit “an institution”, insert instead “a place of detention”.

(2) Schedule 2, clause 4—

Omit “special magistrates”, insert instead “members of the Children’s Court”.

Notice of Action and Other Privileges Abolition Act, 1977, No. 19—

Schedule 1—

Omit so much as amends Act No. 17, 1939.

Child Welfare (Amendment) Act, 1977, No. 20—

Repeal the Act.

Maintenance (Amendment) Act, 1977, No. 43—

(1) Section 3—

Omit the matter relating to Schedules 3, 5 and 6.

(2) Sections 5, 7, 8—

Omit the sections.

(3) Schedules 3, 5, 6—

Omit the Schedules.

Child Welfare (Further Amendment) Act, 1977, No. 100—

Repeal the Act.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 1—*continued.*REPEALS AND AMENDMENTS—*continued.*

Child Welfare (Bail) Amendment Act, 1978, No. 163—

Repeal the Act.

Youth and Community Services (Amendment) Act, 1979, No. 130—

Repeal the Act.

Child Welfare (Amendment) Act, 1979, No. 131—

Repeal the Act.

Child Welfare (Coroners) Amendment Act, 1980, No. 28—

Repeal the Act.

Child Welfare (Amendment) Act, 1981—

Repeal the Act.

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SCHEDULE 2.

(Sec. 5.)

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

## PART I.

## PRELIMINARY.

**Interpretation: Sch. 2.**

1. (1) In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires—

“appointed day” means the day appointed and notified under section 2 (2) of the Principal Act;

“Child Welfare Act” means the Child Welfare Act, 1939;



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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

“Community Services Act” means the Youth and Community Services Act, 1973;

“Maintenance Act” means the Maintenance Act, 1964;

“Principal Act” means the Community Welfare Act, 1982.

(2) Except in so far as the context or subject-matter otherwise indicates or requires, an expression used in a provision of this Schedule has the same meaning as it has in the relevant provisions of the Principal Act relating to the subject-matter of that provision.

(3) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference occurs.

**Arrangement.**

2. This Schedule is divided as follows:—

PART I.—PRELIMINARY—*cll.* 1-5.

PART II.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—CHILD WELFARE ACT—*cll.* 6-32.

PART III.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—COMMUNITY SERVICES ACT—*cll.* 33, 34.

PART IV.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—MAINTENANCE ACT—*cll.* 35-37.

PART V.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—INFANTS’ CUSTODY AND SETTLEMENTS ACT, 1899—*cl.* 38.

**Regulations.**

3. (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of the Principal Act or this Act.

(2) A provision made under subclause (1) may take effect as on and from the appointed day or a later day.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) To the extent to which a provision referred to in subclause (1) takes effect on and from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other provision of this Schedule.

**Amendments made by repealed enactments.**

4. The amendments made by—

- (a) sections 176, 178 and 179 of the Child Welfare Act;
- (b) section 177 of that Act so far as it relates to sections 10 and 14 of, and Schedule 3 to, the Public Instruction (Amendment) Act, 1916; and
- (c) the Schedule to the Community Services Act, so far as it relates to the Maintenance Act and the Adoption of Children Act, 1965,

continue to have force and effect as if this Act had not been enacted.

**Interpretation Act, 1897, not affected.**

5. Except to the extent of any inconsistency the savings contained in the Interpretation Act, 1897, are in addition to the savings contained in this Schedule.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***PART II.**

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—CHILD WELFARE ACT.

**Pending proceedings in courts with respect to children and young persons.**

6. (1) Any proceedings with respect to a child or young person within the meaning of the Child Welfare Act (whether or not under that Act) that were pending in a court immediately before the appointed day may be continued and completed, and any order may be made in those proceedings and shall, subject to this Part, be given effect to, as if the Principal Act and this Act had not been enacted.

(2) The provisions of this Part apply to and in respect of any order made or anything done by a court in any proceedings referred to in subclause (1) as if the order had been made or the thing done immediately before the appointed day.

**Boarded-out wards or adopted boarders.**

7. A ward under the Child Welfare Act who, immediately before the appointed day, was a person boarded-out under section 23 (1) of that Act or was an adopted boarder under that Act shall, on and from that day, be deemed—

- (a) to have been placed, under section 111 (1) (d) of the Principal Act, in the custody of a reputable person approved by the Minister, being the person with whom the ward, immediately before that day, was a person so boarded-out or with whom the adopted boarder, immediately before that day, remained by the authority of the Minister, as the case may be; and
- (b) to have been so placed on the same terms and conditions as those which applied in respect of him immediately before the appointed day.

**Wards.**

8. (1) A person who, immediately before the appointed day—

- (a) was a ward under the Child Welfare Act otherwise than by reason of his having been committed to an institution under that Act; or
- (b) was, under that Act, a person—
  - (i) committed to the care of the Minister to be dealt with as a ward admitted to State control; and

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (ii) not absolutely discharged from the supervision and control of the Minister,

shall be deemed to be a ward under the Principal Act.

(2) Where—

- (a) before the appointed day a person became a ward under section 139A of the Child Welfare Act; and
- (b) he was a ward immediately before that day,

then, if at the expiration of the period applicable to him under section 139A (2) of the Child Welfare Act he is a ward, he shall, notwithstanding any other provision of the Principal Act, cease to be a ward upon the expiration of that period.

**Licences to control child care centres.**

9. (1) Subject to subclause (2), where a licence authorising a person to control a child care centre on any premises, granted under section 29 of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the licence shall be deemed—
- (i) to be a licence for a child care service, within the meaning of Part VII of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force for a period of 2 years from the appointed day;
- (b) the licence referred to in paragraph (a) (i) and (ii) shall be deemed to be subject to the same conditions and requirements, if any, as those to which the licence firstmentioned in this subclause was subject immediately before the appointed day; and
- (c) the person authorised by a licence, granted under section 29 of the Child Welfare Act, to conduct a child care centre on those premises shall be deemed to be the authorised supervisor under the licence referred to in paragraph (a) (i) and (ii).

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(2) Where a licence, being a licence of the kind firstmentioned in subclause (1), was granted to a person as referred to in that subclause and authorised him to control a child care centre, being a child care centre conducted in the home of another person for not more than 4 children under the age of 6 years (including any children under the age of 6 years of that other person)—

- (a) the licence shall be deemed to have been granted—
  - (i) except as provided by subparagraph (ii), to the employer of the person to whom it was granted; or
  - (ii) where the person to whom it was granted controls the child care centre otherwise than as an employee, to such person as the Director determines; and
- (b) the person to whom the licence was granted shall be deemed to be the authorised supervisor under the licence referred to in subclause (1) (a) (i) and (ii).

**Permits to control child care centres.**

10. Where a permit authorising a person to control a child care centre on any premises, granted under section 32 of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the permit shall be deemed—
  - (i) to be a licence for a child care service, within the meaning of Part VII of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force until the expiration of the period for which the permit was granted;
- (b) the licence shall be deemed to be subject to the same conditions and requirements, if any, as those to which the permit was subject immediately before the appointed day; and
- (c) the person authorised by a permit, granted under section 32 of the Child Welfare Act, to conduct a child care centre on those premises shall be deemed to be the authorised supervisor under the licence.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Licences to control children's depots, homes or hostels.**

11. Where a licence authorising a person to control a children's depot, home or hostel on any premises, granted under section 29 of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the licence shall be deemed—
  - (i) to be a licence for a residential child care centre, within the meaning of Part VII of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force for a period of 3 years from the appointed day;
- (b) the licence referred to in paragraph (a) (i) and (ii) shall be deemed to be subject to the same conditions and requirements, if any, as those to which the licence firstmentioned in this clause was subject immediately before the appointed day; and
- (c) the person authorised by a licence, granted under section 29 of the Child Welfare Act, to conduct a children's depot, home or hostel on those premises shall be deemed to be the licensed manager under the licence referred to in paragraph (a) (i) and (ii).

**Permits to control children's depots, homes or hostels.**

12. Where a permit authorising a person to control a children's depot, home or hostel on any premises, granted under section 32 of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the permit shall be deemed—
  - (i) to be a licence for a residential child care centre, within the meaning of Part VII of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force until the expiration of the period for which the permit was granted;
- (b) the licence shall be deemed to be subject to the same conditions and requirements, if any, as those to which the permit was subject immediately before the appointed day; and
- (c) the person authorised by a permit, granted under section 32 of the Child Welfare Act, to conduct a children's depot, home or hostel on those premises shall be deemed to be the licensed manager under the licence.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Licences to conduct and control private foster homes for children.**

13. Where a licence authorising a person to conduct and control a private foster home, granted under section 29 of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the licence shall be deemed to be a fostering authority, within the meaning of Part VII of the Principal Act, granted to that person; and
- (b) the fostering authority shall be deemed to be subject to the same conditions and requirements, if any, as those to which the licence was subject immediately before the appointed day.

**Pending proceedings before Intellectually Handicapped Persons Review Tribunal.**

14. (1) Any proceedings under the Child Welfare Act that were pending before an Intellectually Handicapped Persons Review Tribunal immediately before the appointed day may be continued and completed, and any order, decision, determination or concurrence may be made or given in those proceedings and shall, subject to this Part, be given effect to, as if the Principal Act and this Act had not been enacted.

(2) The provisions of this Part apply to and in respect of any order, decision, determination or concurrence made or given by an Intellectually Handicapped Persons Review Tribunal in any proceedings referred to in subclause (1) as if the order, decision, determination or concurrence had been made or given immediately before the appointed day.

**Orders for intellectually handicapped persons to be dealt with under Part IX of the Child Welfare Act.**

15. An order made under Part IX of the Child Welfare Act that a person be dealt with as an intellectually handicapped person under the provisions of that Part and in force immediately before the appointed day, shall, on and from that day, be deemed to be an order declaring the person to be an intellectually handicapped person under guardianship under Part XI of the Principal Act, and shall, subject to the Principal Act, remain in force for the period for which it would have been in force had this Act and the Principal Act not been enacted.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Orders placing intellectually handicapped persons in care.**

16. An order made under section 47 (3) of the Child Welfare Act and in force immediately before the appointed day shall, on and from that day, be deemed to be an order made under section 264 (5) of the Principal Act.

**Interim determinations and decisions to renew orders relating to intellectually handicapped persons.**

17. Any interim determination made by an Intellectually Handicapped Persons Review Tribunal under section 48A (5) of the Child Welfare Act and in force immediately before the appointed day shall, on and from that day, be deemed to be an interim determination or decision made under section 266 (9) of the Principal Act.

**Management of estates of intellectually handicapped persons.**

18. Where, immediately before the appointed day, the Master in the Protective Jurisdiction of the Supreme Court had, by virtue of section 48E of the Child Welfare Act, the management of the estate of an intellectually handicapped person, the Public Trustee shall, on that day, be deemed to have been appointed, under and in accordance with section 269 of the Principal Act, to act as manager of the estate of that intellectually handicapped person.

**Intellectually handicapped persons who have been boarded-out or are adopted boarders.**

19. An intellectually handicapped person who, immediately before the appointed day, was a person boarded-out under section 48G of the Child Welfare Act or was an adopted boarder under that Act shall, on and from that day, be deemed—

- (a) to have been placed, under section 271 (1) of the Principal Act, in the custody of a reputable person (whether or not the person in charge of any organisation) approved by the Minister, being the person, or the person in charge of an organisation, with whom the intellectually handicapped person, immediately before that day, was a person so boarded-out or with whom the adopted boarder, immediately before that day, remained by the authority of the Minister, as the case may be; and
- (b) to have been so placed on the same terms and conditions as those which applied in respect of him immediately before the appointed day.



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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Licences to control premises conducted as day attendance centres, activity centres or sheltered workshops.**

20. Where a licence authorising a person to control any premises, being a day attendance centre, an activity centre or a sheltered workshop, granted under Part VII, as applied by section 481, of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the licence shall be deemed—
  - (i) to be a licence for an intellectually handicapped persons centre, within the meaning of Division 2 of Part XI of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force for a period of 3 years from the appointed day;
- (b) the licence referred to in paragraph (a) (i) and (ii) shall be deemed to be subject to the same conditions and requirements, if any, as those to which the licence firstmentioned in this clause was subject immediately before the appointed day; and
- (c) the person authorised by a licence, granted under Part VII, as applied by section 481, of the Child Welfare Act, to conduct a day attendance centre, an activity centre or a sheltered workshop on those premises shall be deemed to be the licensed manager under the licence referred to in paragraph (a) (i) and (ii).

**Permits to control premises conducted as day attendance centres, activity centres or sheltered workshops.**

21. Where a permit authorising a person to control any premises, being a day attendance centre, an activity centre or a sheltered workshop, granted under Part VII, as applied by section 481, of the Child Welfare Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the permit shall be deemed—
  - (i) to be a licence for an intellectually handicapped persons centre, within the meaning of Division 2 of Part XI of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force until the expiration of the period for which the permit was granted;
- (b) the license shall be deemed to be subject to the same conditions and requirements, if any, as those to which the permit was subject immediately before the appointed day; and

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (c) the person authorised by a permit, granted under Part VII, as applied by section 48I, of the Child Welfare Act, to conduct a day attendance centre, an activity centre or a sheltered workshop on those premises shall be deemed to be the licensed manager under the licence.

**Orders of discharge of persons in institutions.**

22. (1) An order of discharge made under section 54 (4) of the Child Welfare Act and in force immediately before the appointed day shall, on and from that day, be deemed to be a parole order made by the Parole Board under section 6 of the Parole of Prisoners Act, 1966.

(2) Subject to the Parole of Prisoners Act, 1966, a parole order referred to in subclause (1) shall—

- (a) remain in force for the period; and  
(b) be subject to the terms and conditions,

specified in the discharge order deemed, by that subclause, to be the parole order.

(3) For the purposes of the Parole of Prisoners Act, 1966, discharge from an institution under section 54 (4) of the Child Welfare Act shall be deemed to be release, on parole, from a prison.

**Punishment for misbehaviour in institutions.**

23. Where any punishment was imposed on a person under section 56 (3) or 57 (2) (a) or (b) of the Child Welfare Act before the appointed day but had not been completely served before that day, that person is liable to serve, for the unexpired period of the punishment, such of the punishments specified in section 254 (1) (b) of the Principal Act as is determined by the superintendent of the training centre in which that person is for the time being detained in accordance with directions given to him by the Director.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Licences to take part in public entertainments.**

24. Where a licence authorising a child to be employed in any place or premises mentioned in section 68 (1) (a) of the Child Welfare Act, granted under section 69 of that Act, was in force immediately before the appointed day, the licence shall, on and from that day, be deemed—

- (a) to be a children's employment licence, within the meaning of Part VII of the Principal Act, granted in respect of that child; and
- (b) subject to the Principal Act, to be in force until the expiration of the period for which the licence first mentioned in this clause was granted; and
- (c) to be subject to the same conditions, if any, as those to which the licence first mentioned in this clause was subject immediately before the appointed day.

**Powers exercised by the court under section 82 of the Child Welfare Act.**

25. (1) Where a person was, immediately before the appointed day—

- (a) a person subject to probation by virtue of section 82 (1) (b) of the Child Welfare Act, he shall, on and from that day, be deemed, subject to the Principal Act, to have been placed, by virtue of an order made under section 80 (1) (c) (ii) of the Principal Act, under the supervision of an officer for the period expiring upon the expiry of the period for which he was released on probation under section 82 (1) (b) of the Child Welfare Act or upon the person's attaining the age of 18 years, whichever first occurs;
- (b) a person committed to the care of another person under section 82 (1) (c) of the Child Welfare Act, he shall, on and from that day, be deemed to be a person placed, under section 80 (1) (c) (i) of the Principal Act, in the custody of that other person for the period expiring upon the expiry of the period specified by the court making the committal and that other person shall, for the purposes of Division 6 of Part VII of the Principal Act, be deemed to have given undertakings to observe the terms and conditions to which he was, immediately before the appointed day, subject by virtue of section 82 (1) (c) of the Child Welfare Act; or
- (c) a person committed to an institution under section 82 (1) (e) of the Child Welfare Act, he shall, on and from that day, be deemed to be a person subject to control pursuant to a control order made under section 195 (1) of the Principal Act expiring—
  - (i) except as provided in subparagraph (ii), (iii), (iv) or (v)—upon the expiry of the term specified by the court making the committal;

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (ii) where that term exceeded 2 years and the person committed has, on the appointed day, served less than 2 years of that term—upon the expiry of 2 years from the date of the committal;
- (iii) where that term exceeded 2 years and the person committed has, on the appointed day, served 2 or more years of that term—upon the appointed day;
- (iv) where the person was committed generally and has, on the appointed day, served less than 1 year—upon the expiry of 1 year from the date of the committal; or
- (v) where the person was committed generally and has, on the appointed day, served 1 year or more—upon the appointed day.

(2) Where a person has, under section 82 (2) of the Child Welfare Act, undertaken, before the appointed day, to observe any terms and conditions in relation to a child, that undertaking shall, on and from that day, be deemed—

- (a) where the undertaking has not expired, to be, on and from that day, an undertaking given under section 80 (1) (b) (i) of the Principal Act;
- (b) where it was given otherwise than by a person responsible for the child, to have been so given; and
- (c) to be in force for the period expiring upon the expiry of the period determined, under section 82 (2) of the Child Welfare Act, by the court when releasing the child under that subsection.

**Powers exercised by the court under section 83 of the Child Welfare Act.**

26. Where, immediately before the appointed day—

- (a) a person was subject to probation by virtue of section 83 (1) (a) or 83 (2) (a) of the Child Welfare Act, he shall, on and from that day, be deemed, subject to the Principal Act, to be subject, by virtue of section 194 (a) of the Principal Act, to probation on the same terms and conditions, if any, as those imposed by or under section 83 (1) (a) or (2) (a) of the Child Welfare Act and for the period expiring—
  - (i) except as provided in subparagraph (ii) or (iii)—upon the expiry of the period for which he was released on probation under section 83 (1) (a) or (2) (a) of the Child Welfare Act;
  - (ii) where the period for which he was so released exceeded 2 years and, on the appointed day, less than 2 years has elapsed—upon the expiry of 2 years from the date of the release; or

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (iii) where the period for which he was so released exceeded 2 years and, on the appointed day, 2 or more years of that period has elapsed—upon the appointed day;
  
- (b) a person was a person committed to the care of another person under section 83 (1) (b) or (2) (b) of the Child Welfare Act, he shall, on and from that day, be deemed, subject to the Principal Act, to be subject, by virtue of section 194 (a) of the Principal Act, to probation on the same terms and conditions, if any, as those imposed under section 83 (1) (b) or (2) (b) of the Child Welfare Act upon his being so committed, and, in addition, on the condition that he reside with the person into whose care he was so committed, and to be so subject for the period expiring—
  - (i) upon the expiry of the period for which he was so committed; or
  - (ii) upon the day on which the person so committed attains the age of 18 years,whichever first occurs;
  
- (c) a person was a person committed to an institution under section 83 (1) (c) or 83 (2) (d) of the Child Welfare Act, he shall, on and from that day, be deemed to be a person subject to control pursuant to a control order made under section 195 (1) of the Principal Act expiring—
  - (i) except as provided in subparagraph (ii), (iii), (iv) or (v)—upon the expiry of the term specified by the court making the committal;
  - (ii) where that term exceeded 2 years and the person committed has, on the appointed day, served less than 2 years of that term—upon the expiry of 2 years from the date of the committal;
  - (iii) where that term exceeded 2 years and the person committed has, on the appointed day, served 2 or more years of that term—upon the appointed day;
  - (iv) where the person was committed generally and has, on the appointed day, served less than 1 year—upon the expiry of 1 year from the date of the committal; or
  - (v) where the person was committed generally and has, on the appointed day, served 1 year or more—upon the appointed day; and
  
- (d) any recognizance entered into pursuant to section 83 (2) (e) or (3) (c) of the Child Welfare Act was in force, it shall, on and from that day, be deemed to be a recognizance entered into pursuant to section 194 (b) (i) of the Principal Act expiring—
  - (i) except as provided in subparagraph (ii) or (iii)—upon the expiry of the term specified by the court which required the recognizance to be entered into;

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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**SCHEDULE 2—continued.****SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—continued.**

- (ii) where that term exceeded 2 years and the recognizance has enured for less than 2 years of that term—upon the expiry of 2 years from the date the recognizance was entered into; or
- (iii) where that term exceeded 2 years and the recognizance has, on the appointed day, enured for 2 or more years of that term—upon the appointed day.

**Directions under section 87 (1A) of the Child Welfare Act.**

27. A direction given under section 87 (1A) of the Child Welfare Act in force on the appointed day that a person be detained in a shelter shall, on and from that day, be deemed, where the period specified in the sentence to which the direction applies has not expired, to be a direction under section 139 (a) of the Principal Act.

**Persons detained in shelters under section 92 of the Child Welfare Act.**

28. A person detained, pursuant to section 92 of the Child Welfare Act, in a shelter on the appointed day may continue to be so detained but for not more than 1 month from when his detention commenced, except by permission of the Minister.

**Persons transferred to institutions under section 94 of the Child Welfare Act.**

29. A person transferred, pursuant to section 94 of the Child Welfare Act, from a prison to an institution before the appointed day and detained in an institution on that day shall, on and from that day, be deemed to be a person transferred to a training centre pursuant to section 225 (1) of the Principal Act.

**Persons detained in shelters under section 135 of the Child Welfare Act.**

30. A person detained, pursuant to section 135 of the Child Welfare Act, in a shelter on the appointed day shall either—

- (a) be forthwith discharged from the shelter; or
- (b) as soon as practicable if not so discharged, be brought before the Children's Court on an application made under section 82 (1) of the Principal Act.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

**Orders under section 136 of the Child Welfare Act.**

31. An order in force under section 136 of the Child Welfare Act immediately before the appointed day shall continue in force as if the Principal Act and this Act had not been enacted.

**Interstate wards.**

32. (1) A person who, immediately before the appointed day, was an interstate ward referred to in section 139A of the Child Welfare Act shall, on and from that day, be deemed to be an interstate ward within the meaning of section 116 of the Principal Act.

(2) Any arrangements referred to in section 139A (3) (a) of the Child Welfare Act that were in force immediately before the appointed day shall, on and from that day, be deemed to be arrangements referred to in section 116 (2) (a) of the Principal Act.

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**PART III.**

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—**COMMUNITY SERVICES ACT.**

**Licences for residential centres for handicapped persons.**

33. Where a licence for a residential centre for handicapped persons, granted under section 12 of the Community Services Act, was in force immediately before the appointed day, then, on and from that day—

(a) the licence shall be deemed—

- (i) to be a licence for a residential centre for handicapped persons, within the meaning of Division 2 of Part XI of the Principal Act, granted to that person; and
- (ii) subject to the Principal Act, to be in force for a period of 3 years from the appointed day;

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- (b) the licence referred to in paragraph (a) (i) and (ii) shall be deemed to be subject to the same conditions, if any, as those to which the licence first-mentioned in this clause was subject immediately before the appointed day; and
- (c) the licensed manager under the licence, granted under section 12 of the Community Services Act, shall be deemed to be the licensed manager under the licence referred to in paragraph (a) (i) and (ii).

**Permits for residential centres for handicapped persons.**

34. Where a permit for a residential centre for handicapped persons, issued under section 19 of the Community Services Act, was in force immediately before the appointed day, then, on and from that day—

- (a) the permit shall be deemed—
  - (i) to be a licence for a residential centre for handicapped persons, within the meaning of Division 2 of Part XI of the Principal Act, granted to that person; and
  - (ii) subject to the Principal Act, to be in force until the expiration of the period for which the permit was granted;
- (b) the licence shall be deemed to be subject to the same conditions, if any, as those to which the permit was subject immediately before the appointed day; and
- (c) the licensed manager under the permit shall be deemed to be the licensed manager under the licence.

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**PART IV.**

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—MAINTENANCE ACT.

**Interpretation: Sch. 2, Pt. IV.**

35. In this Part, "prescribed court of petty sessions" means the court of petty sessions held at 252 Castlereagh Street, Sydney.



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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.***Pending proceedings under Maintenance Act.**

36. (1) Any proceedings commenced under the Maintenance Act and pending in a court immediately before the appointed day may be continued and completed, and any order may be made in those proceedings and shall, subject to this Part, be given effect to, as if this Act and the Maintenance (Community Welfare) Amendment Act, 1982, had not been enacted.

(2) The provisions of this Part apply to and in respect of any order made or anything done by a court in any proceedings referred to in subclause (1) as if the order had been made or the thing done immediately before the appointed day.

**Savings—Maintenance Act.**

37. (1) Any order made, registered or confirmed or deemed to have been made, registered or confirmed under the Maintenance Act and in force immediately before the appointed day shall, on and from that day, be deemed—

- (a) to have been made, registered or confirmed, as the case may be, under that Act, as amended by the Maintenance (Community Welfare) Amendment Act, 1982, and may be enforced, discharged, suspended, varied or annulled or otherwise dealt with as if it had been so made, registered or confirmed; and
- (b) to have been made—
  - (i) where the regulations so provide, by the court of petty sessions prescribed in relation to the court by which the order was made;
  - (ii) except as provided in subparagraph (i), where there is a court of petty sessions at the place where the order was made, by that court of petty sessions; or
  - (iii) except as provided in subparagraph (i), where there is no court of petty sessions at the place where the order was made, by the court of petty sessions nearest by the most practicable route to the place where the order was made.

(2) All records with respect to an order referred to in subclause (1) shall, as soon as practicable after the appointed day, be transferred to, and become records of, the court of petty sessions by which the order is, by subclause (1) (b), to be deemed to have been made.

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*Miscellaneous Acts (Community Welfare) Repeal and Amendment.*

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SCHEDULE 2—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

(3) Any overseas order, within the meaning of Division 1 of Part IV of the Maintenance Act, registered immediately before the appointed day under Division 3 of that Part shall, on and from that day, be deemed to be an overseas order registered under Division 3 of that Part, as amended by the Maintenance (Community Welfare) Amendment Act, 1982, in the prescribed court of petty sessions.

(4) All records with respect to any overseas order referred to in subclause (3) shall, as soon as practicable after the appointed day, be transferred to, and become records of, the prescribed court of petty sessions.

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PART V.

## SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—INFANTS' CUSTODY AND SETTLEMENTS ACT, 1899.

**Maintenance orders under Infants' Custody and Settlements Act, 1899.**

38. Any order for the payment of a weekly or other periodical sum made by a children's court under the Infants' Custody and Settlements Act, 1899, in the exercise of the powers and authorities conferred by section 12 (2) of the Child Welfare Act and in force immediately before the appointed day shall, on and from that day, be deemed to be an order for the payment of such a sum made by a court of petty sessions under the firstmentioned Act.

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