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[1962

WELFARE AND ASSISTANCE ACT, 1961.

Child Welfare Department,
Perth, 28th February, 1962.

Ex. Co. No. 372.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Welfare and Assistance Act, 1961, and section 11 of the Interpretation Act, 1918-1957, has been pleased to make the regulations set forth in the schedule hereunder.

J. A. McCALL,
Director, Child Welfare Department.

Schedule.

Regulations.

Citation.

1. These regulations may be cited as the Welfare and Assistance Act Regulations, 1962, and shall come into operation on and from the 26th day of March, 1962.

Interpretation.

2. In these regulations unless the context requires otherwise—

“the Act” means the Welfare and Assistance Act, 1961;

words and expressions used in these regulations have when so used the same respective meanings as are given to them in and for the purposes of the Act.

Applications for Assistance.

3. (1) Every application for assistance under the Act to or on behalf of an indigent person shall—

(a) be in writing in the Form No. 1 in the Appendix to these regulations and be signed by the applicant;

- (b) set out the full name and place of residence of the applicant, and also where the person on behalf of whom the application is made is other than the applicant, the full name and place of residence of that person;
- (c) contain particulars of the marital status and financial position of the person the subject of the application and such other particulars as are required by the Director to substantiate the claim for assistance: and
- (d) be accompanied by a statutory declaration made by the applicant verifying the truth and correctness of the particulars contained in the application.

(2) Where payment of assistance under the Act to or on behalf of a person is deferred or discontinued for a period exceeding three months, no assistance shall be rendered to or on behalf of that person after the expiration of that period until a fresh application is made therefor.

(3) A pass for the transport of an indigent person shall not be issued to or for that indigent person until he has furnished to the Department an application duly completed and signed by him in the Form No. 2 in the Appendix to these regulations and a report has been submitted to the Director verifying the necessity for the issue of the pass.

Provided that if the applicant for a pass for transport is already in receipt of assistance under the Act, he shall not be required to furnish the Form No. 2 but the pass may be issued to or for him upon submission to the Director of the report referred to in this subregulation.

(4) If the person by or for whom application is made for assistance for transport is by reason of benefits received from the Commonwealth of Australia entitled to any concession in the cost of transport, then the assistance granted to or for that person shall not exceed the concessional rate at which that person is entitled to the transport in respect of which the application is made.

Investigation of Applications.

4. (1) The Director shall cause every application for assistance under this Act to be investigated for the purpose of verifying the truth of the particulars contained in the application and establishing that the person the subject of the application is in need of the assistance sought.

(2) The Director may cause any investigation to be made by personal or other enquiry by an officer of the Department, a police officer or a clerk of courts who shall report in writing to the Director the result of such enquiry, or the Director may cause information to be obtained in such manner and from such source as may be considered reliable.

(3) The result of the investigation shall be reported to the Minister or an officer authorised in that behalf and, unless the information contained in the application is found to be untrue in any material particular or the mode of living of the applicant is such as not to render him deserving of assistance under the Act, assistance may be granted.

Granting of Applications.

5. (1) The Minister may grant or refuse any application for assistance under the Act.

(2) Assistance granted under the Act shall be in accordance with the scale of rates determined by the Minister pursuant to the provisions of the Act and applicable at the time the application for assistance is granted.

(3) Assistance under the Act shall not be granted if the granting thereof would prejudice the right of the applicant to receive any other benefit to which he may be entitled.

(4) In any case where a person refuses or neglects to maintain another person whom he is liable to maintain, an application by that other person for assistance under the Act shall not be granted unless and until proceedings available for obtaining or enforcing payment of maintenance by the person so liable are taken or are about to be taken against him.

Review of Financial Position.

6. (1) Except where in his opinion it is not practicable so to do, the Director shall at least once in each period of three months cause his officers or agents to enquire into and report to him on the financial circumstances and position of persons receiving or being rendered assistance under the Act.

(2) Every report under this regulation shall be in the Form No. 3 in the Appendix to these regulations.

Notice of Assignment.

7. (1) Where any debt, maintenance, money or property is by order of the Minister deemed to be assigned to the Minister pursuant to the provisions of section 13 of the Act, notice of the assignment in the Form No. 4 in the Appendix to these regulations shall be given to the person to whom assistance under the Act has been granted in respect of that debt, maintenance, money or property, and also, unless the Minister considers it impracticable so to do, to the debtor.

(2) The notice of assignment required to be given to the Registrar of the Supreme Court or, as the case may be, to the clerk of the court pursuant to subsection (3) of section 13 and subsection (1) of section 15 of the Act shall be in the Form No. 5 in the Appendix to these regulations.

(3) Where an order made by the Minister pursuant to the provisions of section 13 of the Act is revoked by him, a notice of such revocation given by the Minister may be in the Form No. 6 in the Appendix to these regulations.

(4) A notice by the Minister withdrawing the notice of assignment referred to in subregulation (2) of this regulation may be in the Form No. 7 in the Appendix to these regulations.

Notice by Court of Application for Variation, etc., of Maintenance Order.

8. Where pursuant to section 15 of the Act notice in writing is required to be given to the Director of an application for variation, suspension or discharge of a maintenance order, that notice shall be in the Form No. 8 in the Appendix to these regulations.

Recovery of Compensation, Damages, etc.

9. Where the Minister proposes to recover moneys pursuant to and in accordance with the provisions of section 19 of the Act, the notice required to be served by the Minister under that section shall be in the Form No. 9 in the Appendix to these regulations.

Confidential Reports.

10. Any person required under the provisions of section 31 of the Act to furnish a confidential report in accordance with those provisions shall furnish such report in the Form No. 10 in the Appendix to these regulations.

Penalties.

11. A person who commits a breach of any of the provisions of these regulations commits an offence against these regulations, and is liable on summary conviction where no specific penalty is expressed for that offence to a penalty not exceeding fifty pounds.

Appendix.

Form No. 1.

Child Welfare Department.
Welfare and Assistance Act, 1961. File No.
APPLICATION FOR ASSISTANCE. R.B. No.

Warning.

Section 21 of the Welfare and Assistance Act, 1961, provides heavy penalties for false or misleading statements in this application.

I, Christian Names. Surname in Block Letters.
of Address. hereby apply
for financial assistance for Self, husband, wife, children. for the following
reasons and I submit
the relevant details.

1. Self—

Age.....Date of Birth..... Place of Birth..... Married or Single.....
Date of Marriage.....Place of Marriage.....
Maiden Name (if applicable)..... Occupation.....
Wage..... Employer's Name and Address.....
Details of any previous Marriages.....
If divorced state where and when and name and address of other party.....
Has any person other than your husband/wife or a near relative contributed towards your support during the last 12 months? If so, state the name of that person and particulars of contributions and the circumstances under which they were made.....

2. Husband or Wife—

Full Name.....
Address..... Age..... Place of Birth.....
Occupation..... Wage..... Name and Address of Employer.....
Maiden Name (if applicable).....
If Husband/Wife has ever been divorced, state when and where.....
Is your Husband/Wife living on a de facto basis?..... If so, with whom?.....
Have you or your Husband/Wife or Children had any previous dealings with this Department?.....

3. How have you maintained yourself to date?.....

4. What rent do you pay and to whom?.....

5. What money have you, your Husband/Wife or Children in hand, in the bank, or invested?

Table with 4 columns: Self, Husband/Wife, Children, and an unlabeled column. Rows include Cash in hand, In Bank, and Invested.

6. Name and Branch of Bank.....

7. Particulars of investments, if applicable.....

8. Do you or your Husband/Wife own, or are you purchasing any property? If so, give details.....

9. Have you or your Husband/Wife any interest in any estate? If so, give details.....

10. Do you or your Husband/Wife conduct a boarding house?.....
11. Do you or your Husband/Wife have any boarders at all?
How much do they pay?.....
12. Have you or your Husband/Wife any interest in any business? If so,
give details.....
13. Have you or your Husband/Wife applied for, or are you receiving, any
pension or Benefit, including Repatriation Pension and Unemployment or
Sickness Benefit? Give details.....
.....
.....
14. Have you or your Husband/Wife any income from any other source?.....
Details.....
15. Do you or your Husband/Wife own a motor vehicle?..... Make.....
Model..... Registration No.....
16. What is your weekly hire purchase and time payment commitment?.....
17. Is your husband residing with you?.....
18. If not, give reasons.....
19. Has he left you or your children without means of support?.....
20. When and where was he last heard of?.....
21. What action have you taken to compel him to support you and the children?
.....
When
Where
Solicitor's name
22. How long have you resided in W.A.?.....
23. Address prior to coming to W.A.
24. Are you or your husband nominated or assisted immigrants?.....
Wife— Husband—
Date of arrival..... Date of arrival.....
Place of landing..... Place of landing.....
Name of ship..... Name of ship.....
25. Have you or your husband been naturalised? Self..... Husband.....
26. Did you or your husband serve in the armed forces?.....

To be Completed by Widow.

27. When and where did your husband die?.....
28. Has the estate been settled?..... If not, is there any insurance or com-
pensation involved?.....
29. Name of solicitor, if applicable.....

To be Completed by Wives Applying on Grounds of Ill Health of Husband.

30. What is the nature of his illness? (Medical certificate to be attached.)
.....
31. What hospital is he in?.....
32. Has sickness benefit been applied for?.....
33. Is sickness benefit already being paid?.....
34. Is there any claim for insurance or compensation?.....
35. Name of solicitor handling claim.....
36. Name and address of husband's employer.....

DETAILS OF ALL CHILDREN.

Christian Names	Surname	Date of Birth			Age	Religion	Married or Single	Address	Name of Child's Father	What School does Child attend?	If Child is employed, state Name and Address of Employer	Child's Wage
		Day	Mth	Yr.								
.....
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MAINTENANCE ORDERS.

Details of any Maintenance Orders for self or children.

Have you a Maintenance Order? Which of the Children does it include? When was Order made?

Is it being complied with? In which Court was the Order made?

How much is the Order for? Name of Person responsible for payment?

Details of any other Orders or of any action taken to obtain an order.....

.....

.....

Unemployment and Sickness Benefit.

- 37. When did your employment cease?.....
- 38. Duration of last employment.....
- 39. Reason for cessation of employment.....
- 40. Amount of last pay.....When received.....
- 41. Name and address of last employer.....
- 42. What is your usual occupation?.....
- 43. When did you register for Commonwealth Unemployment or Sickness Benefit?.....
- 44. When does your current medical certificate expire?.....
- 45. Are you entitled to claim compensation and/or insurance or sick leave payments?.....
- 46. Where has the claim been lodged?.....
- 47. Name of solicitor.....
- 48. Is there any other source from which you receive or expect payment? (Estate, money invested, money owed, etc.).....

In consideration of this application being granted, I undertake to refund the assistance granted, if ever in a position to do so. I authorise the Director, Child Welfare Department, to make any enquiries whatever, to verify any statement that I have made. I also undertake to immediately notify him of any change of address, improvement in circumstances, marriage, employment, additional income or benefits received by me.

(Signed).....

Declaration.

(This Declaration is exempt from usual stamp duty payable on declarations.)

(1) Christian I (1).....
name and
surname
in full.

(2) Residence of (2).....
and
occupation. in the State of Western Australia, do solemnly and sincerely declare that the statements made in this application for assistance are to the best of my knowledge and belief true and correct in every particular.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at.....
(3) Ordinary signature of Declarant. this.....day of....., 19.....(3).....

Witness.

This Declaration may be made before any of the following persons: A Justice of the Peace, Town Clerk, Shire Clerk of Shire Council, Electoral Registrar, Postmaster, Classified Commonwealth or State Civil Servant, Classified School Teacher, Member of Police Force, Barrister or Solicitor, Commissioner for Declarations.

Special Note.

(a) This form must be carefully completed in full before your application can be considered. If any question is not answered consideration of your application may be delayed. Strokes or other marks cannot be accepted.

(b) Please have your Marriage and Children's Birth Certificates, Rent Book, Time Payment Cards, Rate Notices and Receipts, and any other documents dealing with your properties available for perusal when the Welfare Officer calls. Failure to observe this may delay your application.

Form No. 2.

Child Welfare Department.
Welfare and Assistance Act, 1961.
APPLICATION FOR ASSISTANCE.

Warning.

Section 21 of the Welfare and Assistance Act, 1961, provides heavy penalties for false or misleading statements in this application.

Note.—This form should only be completed where assistance is required for transport of Indigent Persons. Application for other assistance should be made on Form No. 1.

I.....
Christian Names Surname in Block Letters
of
Address
hereby apply for assistance for the transport of.....
.....
(Give details of persons requiring transport and state places of intended departure and destination.)

1. Self—
Age.....Date of Birth.....Place of Birth.....Married or Single.....
Date of Marriage.....Place of Marriage.....Maiden Name
(if applicable).....

2. Husband or Wife—
Full Name.....
Address

Income: Give details.....

Money in Hand.....Money in the Bank.....

Have you or your Husband/Wife previously applied to the Department for assistance if so give details.....

Children.
Name. Date of Birth. Address.

Earnings of Unmarried children (give details).....

Your Occupation.....When and Where Last Employed

Further Particulars. (Further details supporting this application may be stated hereunder.)

I hereby authorise the Director, Child Welfare Department, or his officers to make any inquiries he may think fit; to verify any statement that I have made.

I undertake when my financial position permits, to refund the cost of Assistance rendered to me by the Director, Child Welfare Department.

.....Signature.
Date.....

Declaration.

(This Declaration is exempt from the usual stamp duty payable on declarations.)

* Christian name and surname in full. I, *

† Residence and occupation. of † do solemnly and sincerely declare that the statements made on this application for assistance are to the best of my knowledge and belief true and correct in every particular.

And I make this solemn declaration by virtue of section one hundred and six of the Evidence Act, 1906.

Declared at }
 this day of 19 } †
 before me }

‡ Ordinary signature of declarant.

Witness.

This Declaration may be made before any of the following persons: A Justice of the Peace, Town Clerk, Shire Clerk, Electoral Registrar, Postmaster, Classified Commonwealth or State Civil Servant, Classified School Teacher, Member of Police Force, Barrister or Solicitor, Commissioner for Declarations.

Form No. 3.

File No.

Western Australia.

Welfare and Assistance Act, 1961.

STATEMENT OF CIRCUMSTANCES AND FINANCIAL POSITION.

Recipient Status
 Address Date of Visit

Sources from which income has been, or is now, derived.			Total earnings and income			Contribution			Assessment		
			£ s. d.			£ s. d.			£ s. d.		
Husband } (If not earning state reason)											
Wife }											
Particulars of all Children over 14 years at home, also Children away from home under 14 years,											
Name.	Age.	Address.									
.....									
.....									
Number of Children under 14 years of age.....											
All other income (Pensions, Allowances, etc.).....											
Other relatives not living at home who contribute :											
.....											
DEPARTMENTAL ALLOWANCE											
GROSS TOTAL											
Rent.....	Arrears.....										
Other Expenses.....											
TOTAL DEDUCTIONS											
To maintain.....Adults.....Children											
NET TOTAL											

Declaration.

(This Declaration is exempt from usual duty payable on declarations.)

(1) Christian I, (1)
name and
surname in
full.

(2) Residence Of (2)
and in the State of Western Australia, do solemnly and sincerely declare
occupation. that the statements made above are true and correct in every par-
ticular.

And I make this solemn declaration by virtue of section one
hundred and six of the Evidence Act, 1906.

Declared at..... this..... day of..... 19.....

(3) Ordinary Witness (3)
signature of (Classified Civil Servant)
declarant.

Welfare Officer's Remarks.....
.....
.....

Report Recorded..... Welfare Officer.

Report Checked by..... Date.....
(Signature of officer and date.)

Form No. 4.

Western Australia.

Welfare and Assistance Act, 1961.

NOTICE OF ASSIGNMENT.

To.....
of.....
.....

WHEREAS assistance has been granted in accordance with the provisions of
the Welfare and Assistance Act, 1961, and such assistance has not been repaid:
Notice is hereby given that the Minister for Child Welfare has ordered that
the right and entitlement of (you the said).....
to

be assigned absolutely to the Minister, together with the legal right thereto
and all legal and other remedies and the power to give a good discharge, until
such time as the assistance granted is repaid or until the Minister revokes
the order made by him.

Given under my hand this..... day of.....
19.....

.....
Director, Child Welfare Department.

Note.—Your attention is drawn to the provisions of section 22 of the
Welfare and Assistance Act, 1961, which provides as follows:—

22. Any person who, without the consent of the Minister first
had and obtained, exercises or attempts to exercise any legal or other
remedy or takes or attempts to take any legal action with a view to
recovering any debt, money, property or maintenance deemed to be
assigned to and vested in the Minister under the provisions of this
Act commits an offence against this Act.

Penalty: Fifty pounds, or imprisonment for three months.

Form No. 5.

Western Australia.

Welfare and Assistance Act, 1961.

NOTICE TO COURT OFFICER OF ASSIGNMENT.

To.....
of.....
.....

WHEREAS assistance has been granted in accordance with the provisions of the Welfare and Assistance Act, 1961, and such assistance has not been repaid: Notice is hereby given that the Minister for Child Welfare has ordered that in respect of the maintenance order (or.....) between..... the rights and entitlement of the..... are assigned absolutely to the Minister for Child Welfare.

Moneys now held by you or subsequently paid to you are to be disbursed to the Director of the Child Welfare Department, 184 St. George's Terrace, Perth, unless and until the Minister notifies you in writing that the within notice is withdrawn.

Given under my hand this.....day of.....
19.....

.....
Director, Child Welfare Department.

Note.—Your attention is drawn to the provisions of sections 13 and 15 of the Welfare and Assistance Act, 1961.

Form No. 6.

Western Australia.

Welfare and Assistance Act, 1961.

NOTICE OF REVOCATION OF ASSIGNMENT.

To.....
of.....
.....

WHEREAS on the.....day of.....19..... the Minister for Child Welfare ordered the assignment to him of the rights of..... in the matter of.....

Notice is hereby given that the Minister has revoked the order made by him in this matter.

Given under my hand this.....day of.....
19.....

.....
Director, Child Welfare Department.

Form No. 7.

Western Australia.

Welfare and Assistance Act, 1961.

NOTICE TO COURT OFFICER OF WITHDRAWAL OF NOTICE OF ASSIGNMENT.
(Section 13 (3).)

To.....
of.....
.....

TAKE notice that the Minister for Child Welfare hereby withdraws the notice of assignment given you on the.....day of.....19.....pursuant to the provisions of subsection (3) of section 13 of the Welfare and Assistance Act, 1961.

Dated the.....day of.....19.....

.....
Director, Child Welfare Department.

Form No. 8.

Western Australia.

Welfare and Assistance Act, 1961.

NOTICE OF HEARING.

The Director,
Child Welfare Department,
184 St. George's Terrace, Perth.

NOTICE is hereby given that an application has been made to the.....
Court at that

The case is listed for hearing ato'clock in the.....noon
on.....the.....day of.....19.....

This notice is given pursuant to section 15 of the Welfare and Assistance
Act, 1961.

.....
Clerk of.....
.....

Form No. 9.

Western Australia.

Welfare and Assistance Act, 1961.

NOTICE AS TO PAYMENT OF COMPENSATION, DAMAGES, ETC.

To.....
of.....
.....

WHEREAS assistance has been granted in accordance with the provisions of
the Welfare and Assistance Act, 1961, to or on behalf of.....
of..... and such assistance has not been repaid;
and whereas you are liable to the saidfor
compensation or damages (or the proceeds of a policy of insurance or life
assurance) (or a share in the estate of a deceased person): Notice is hereby
given you that you are not to part with that compensation or damages (or
those proceeds of a policy of insurance or life assurance) (or that share in
the estate of a deceased person) to which the said.....
may be entitled, as the Minister for Child Welfare proposes to recover from
you all or portion of the financial assistance given to or on behalf of the said
.....

This notice is served in accordance with the provisions of section 19 of
the Welfare and Assistance Act, 1961.

Given under my hand this.....day of.....
19.....

.....
Director, Child Welfare Department.

Form No. 10.

Western Australia.
Welfare and Assistance Act, 1961.

REPORT.

To.....
of.....
.....

IN accordance with the provisions of section 31 of the Welfare and Assistance Act, 1961, you are requested to furnish within 14 days after service upon you of this notice a confidential report concerning..... of..... relating to.....

Given under my hand this.....day of..... 19.....

.....
Director, Child Welfare Department.

Question	Answer

Dated this.....day of.....19.....

.....
(Signature of person making the report.)

Address.....

Note.—You are required to write in the second column above the answers to the questions set out in the first column, and to sign your name and fill in your address and the date as indicated.

Penalty.—For false or misleading information or failing to furnish report within 14 days—£10.