

ADOPTION OF CHILDREN.

No. 24 of 1971.

AN ACT to amend the Adoption of Children Act,
1896-1964.

[Assented to 1st December, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Adoption of Children Act Amendment Act, 1971.*

Short title
and citation.

(2) In this Act the Adoption of Children Act, 1896-1964 is referred to as the principal Act.

Reprinted as
approved for
reprint 27th
April, 1970.

(3) The principal Act as amended by this Act may be cited as the Adoption of Children Act, 1896-1971.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Amendment
to s. 2.
(Interpreta-
tion.)

3. Section 2 of the principal Act is amended—

(a) by substituting for the interpretation “adopted child” an interpretation as follows—

“adopted child” means a person in respect of whom an order of adoption has been made; ;

(b) by substituting for the interpretation “child” an interpretation as follows—

“child” means a person who has not attained the age of eighteen years or a person who has attained that age and in respect of whom an order of adoption is sought; ;

(c) by adding after the interpretation “guardian” an interpretation as follows—

“memorandum”, in relation to an order of adoption, an order discharging an order of adoption, or an order consequential or ancillary to such a discharging order—

(a) where the order is made under this Act, means memorandum in the prescribed form; and

(b) where the order is made in any other State or Territory of the Commonwealth or in New Zealand, means memorandum made in accordance with the law in respect of adoption of children in that State or Territory or in New Zealand, as the case may be; ; and

(d) by adding after the interpretation “relative” an interpretation as follows—

“the Department” means the Child Welfare Department of the State; .

4. The principal Act is amended by adding after section 2 a section as follows—

Addition of s. 2A.

2A. For all purposes of this Act, the welfare and interest of the child shall be regarded as the paramount consideration.

Welfare and interest of child to be paramount.

5. Sections 3 and 4 of the principal Act are repealed and re-enacted as follows—

Repeal and re-enactment of ss. 3 and 4.

3. Upon the application in writing, in the prescribed form, to a Judge, an order of adoption may be made by the Judge in favour of the applicant, in the prescribed form, and subject to the provisions of this Act.

Jurisdiction.

4. (1) Except as provided by subsection (2) of this section, an order of adoption shall not be made otherwise than in favour of a husband and wife jointly.

Persons in whose favour adoption orders may be made.

(2) Subject to subsection (3) of this section, where a Judge is satisfied that in the particular circumstances of the case it is desirable to do so, the Judge may make an order of adoption in favour of one person.

(3) A Judge shall not make an order of adoption in favour of one person if that person is married and not living separately and apart from his or her spouse unless that person's spouse consents in writing to the application for the order of adoption.

(4) A Judge may make an order of adoption in favour of a husband and wife jointly, notwithstanding that one of them is a natural parent, or that they are the natural parents, of the child.

(5) A Judge shall not make an order of adoption in favour of a person or persons either of whom—

(a) has not attained the age of eighteen years; or

(b) being a male person, is less than eighteen years older than the child, or, being a female person, is less than sixteen years older than the child,

unless the applicant, or at least one of the applicants, is a natural parent or relative of the child or the Judge considers that in the particular circumstances of the case it is desirable to make the order of adoption. .

Amendment
to s. 4A.
(Consent of
parents and
guardians
required to
adoptions.)

6. Section 4A of the principal Act is amended by adding after the word "adoption", being the last word in the section the words "or if the child has attained the age of eighteen years".

Amendment
to s. 4B.
(Consents
to be
construed as
general
consents
except in
certain
cases.)

7. Section 4B of the principal Act is amended by adding after the word "child", in line two, the words "who has not attained the age of eighteen years".

Amendment
to s. 4C.
(Consents
given under
law of other
State or
Territory.)

8. Section 4C of the principal Act is amended by adding after the word "State", in line four of paragraph (b), the passage "or the Director is, under subsection (13) of section four H of this Act, guardian of the child".

Amendment
to s. 4D.
(Revocation
of consents.)

9. Section 4D of the principal Act is amended—

- (a) by adding after the word "otherwise" being the last word in subsection (1), the passage "but a general consent shall be deemed to be revoked if the Director, pursuant to subsection (5) of section four H of this Act, ceases to be the guardian of the child";
- (b) by adding after the word "him", in line three of subsection (2), the passage "or, to another officer of the Child Welfare Department of the State authorised by the Director to accept service of such a notice,";
- (c) by substituting for the word "him", in line four of subsection (2) the words "the Director"; and

- (d) by adding after the word "Director", in line two of subsection (3) the words "or other officer".

10. Section 4H of the principal Act is amended—

Amendment
to s. 4H.
(Guardian-
ship of child
awaiting
adoption.)

- (a) by adding after the word "shall", in line eleven of subsection (1), the passage
", subject to this section,";
- (b) by deleting the word "or", in line nineteen of subsection (1);
- (c) by substituting for the word "child", being the last word in subsection (1), a passage as follows—

child; or

- (f) the Director, pursuant to subsection (15) of this section, executes an instrument in writing renouncing guardianship of the child ; and
- (d) by adding after subsection (2) subsections as follows—

(3) Without limiting the powers conferred on the Director in respect of a child of whom he is guardian under this section, and without affecting the status of the child, the Director may extend to the child such benefits as he might have extended to him if the child were a ward within the meaning of the Child Welfare Act, 1947.

(4) A person who, without the consent of the Director, removes out of the State a child of whom the Director is guardian under this section, or suffers the child to remove or be removed out of the State is guilty of an offence against this Act.

Penalty: Two hundred dollars.

(5) Where the Director is, under subsection (1) or subsection (11) of this section, the guardian of a child but the

Director is of the opinion that it is not possible or desirable to place the child in the custody of any person for the purposes of adoption or that the welfare and interest of the child would not be promoted by adoption, the Director shall serve notice to that effect on the Registrar of the Supreme Court and on every person known to the Director as a parent, or guardian immediately before the Director became guardian, of the child and thereupon the Director ceases for all purposes to be the guardian of the child and the person who was the guardian of the child immediately before the Director became guardian is again the guardian of the child.

(6) Where, pursuant to subsection (5) of this section, the Director ceases to be the guardian of the child—

- (a) the Director may place the child in the custody of any person who is a parent or guardian of the child; or
- (b) the Minister may commit the child to the care of the Department as though the child were one to whom section forty-seven B of the Child Welfare Act, 1947 applies and that section shall thereupon apply to and in respect of that child.

(7) The fact that, under this section, the Director is the guardian of the child or that, under subsection (6) of this section, a child is committed to the care of the Department does not affect the liability of any person to provide adequate means of support for the child.

(8) Where the Director extends benefits—

- (a) under subsection (3) of this section, to a child of whom the

Director is guardian under subsection (1) or subsection (11) of this section; or

- (b) to a child by reason of the child being committed, under subsection (6) of this section, to the care of the Department,

and the Director thereby incurs costs or expenses, the Director may, at any time in a court of competent jurisdiction, recover the whole or any part of the costs and expenses from any parent, guardian, or guardian immediately before the Director became guardian, of the child who is able to pay, or contribute to, them.

(9) A person who publishes or causes to be published, in a newspaper or other periodical publication, or by means of broadcasting or television, or in any manner whatsoever brings to the notice of members of the public in this State, in relation to an action in a court by the Director, under subsection (8) of this section, the name of the child, or of the person against whom the action is brought, is guilty of an offence against this Act.

Penalty: Four hundred dollars or imprisonment for six months.

(10) Where, under this section, the Director becomes, or a Judge orders that the Director shall remain, the guardian of a child and the Director does not, within a period of one year thereafter, cease, under this Act, to be the guardian of the child, the Director may apply to a Judge for such order for the care and control of the child as the Judge thinks fit, and the Judge may make such an order.

(11) Under subsection (10) of this section but without limiting the generality thereof—

- (a) the Judge may order that the child be committed to the care of the Department as though the child were one to whom section forty-seven B of the Child Welfare Act, 1947 applies and that section shall thereupon apply to and in respect of that child; or
- (b) the Judge may order that the Director shall remain the guardian of the child for a further period of one year unless within that period the Director ceases, under the other provisions of this Act, to be the guardian.

(12) The Director may, on such terms and conditions as he thinks fit, place a child of whom he is a guardian under this section in the care of any suitable person who has agreed to have the child in his care.

(13) Where—

- (a) an officer of another State or of a Territory of the Commonwealth whose functions correspond to those of the Director under this Act has become the guardian of a child under a law of that State or Territory corresponding to this section;
- (b) any general consent that has been given to the adoption of the child cannot be lawfully revoked by the person by whom it was given;
- (c) the Director is satisfied that the child is present in this State;

- (d) that officer has requested the Director to accept, and the Director has, by an instrument in writing forwarded to that officer, agreed to accept, guardianship of the child; and
- (e) under that law, that officer ceases, upon the execution by him of an instrument renouncing his guardianship of the child, to be the guardian of the child,

the Director is, upon the execution of that instrument, the guardian of the child for all purposes, other than the purposes of section four A of this Act, to the exclusion of all other persons, until—

- (f) an adoption order is made in respect of the child;
- (g) the Judge, by order, makes other provision for the guardianship of the child; or
- (h) the Director pursuant to subsection (15) of this section, executes an instrument in writing renouncing guardianship of the child.

(14) Subsection (13) of this section does not apply to a child for whose guardianship provision is made by any Act or law relating to child welfare.

(15) Where—

- (a) the Director has become the guardian of a child under this section;
- (b) any general consent that has been given to the adoption of the child cannot be lawfully revoked by the person by whom it was given;

- (c) the Director is satisfied that the child is present in another State or in a Territory of the Commonwealth;
- (d) the Director has requested an officer of that State or Territory whose functions correspond to those of the Director under this Act to accept, and that officer has, by an instrument in writing forwarded to the Director, agreed to accept, guardianship of the child; and
- (e) under the law of that other State or Territory, that officer will, upon the execution by the Director of an instrument in writing renouncing the Director's guardianship of the child, become the guardian of the child,

the Director may execute an instrument in writing renouncing guardianship of the child and, where he does so, shall forthwith forward the instrument to that officer. .

Amendment
to s. 5.
(Consents
required
previous to
adoption of
child.)

11. Section 5 of the principal Act is amended—

- (a) by substituting for the passage beginning with the word “the”, in line seven of paragraph (3) of subsection (1), and ending with the word “child”, in line twelve of that paragraph, the passage “, in the opinion of the Director, the applicant is a proper person to be an adopting parent or that, notwithstanding the opinion of the Director to the contrary, the applicant is such a proper person”;
- (b) by adding after the word “unless”, in line three of paragraph (4) of subsection (1), the words “the child is under the age of eighteen years and”;

- (c) by repealing paragraph (8a) of subsection (1);
- (d) by repealing paragraph (8b) of subsection (1) and re-enacting it as follows—
 - (8b) shall require a responsible officer of the Department to make a written report to him, and deliver a copy thereof to the Director, as to—
 - (a) matters that are referred to in subsections (2) and (3) of this section;
 - (b) such other matters concerning the applicant or the child as the Judge determines; ;
- (e) by adding after paragraph (8b) of subsection (1) paragraphs as follows—
 - (8c) shall require the Director to furnish to him in writing the opinion of the Director, formed after considering the contents of the report referred to in paragraph (8b) of this subsection, as to whether or not the applicant is a proper person to be an adopting parent, including in the opinion, where the case requires, special reasons related to the welfare and interest of the child why the order of adoption should be made;
 - (8d) shall require the applicant, or his solicitor, to furnish to him any particulars known to the applicant, or his solicitor, relating to the assets, liabilities, and financial standing of any parent (whether natural or adoptive) of the child and any kindred of the parent. ; and
- (f) by adding after subsection (1) subsections as follows—
 - (2) In forming an opinion or being satisfied that an applicant is a proper person to be an adopting parent, the

Director or the Judge, as the case may be, shall consider—

- (a) the age of the applicant;
- (b) his state of health;
- (c) the results of any x-ray examinations of the applicant which the Director considers necessary or desirable;
- (d) his assets, liabilities, and financial standing;
- (e) his personal repute;
- (f) his place of residence and the accommodation he has available there;
- (g) his ability to have children;
- (h) the size of his family;
- (i) his family stability;
- (j) his personal maturity and ability to give love and care to a child;
- (k) any other matter relevant to the applicant being such a proper person on which the Director has information or the Judge has evidence, as the case may be; and
- (l) notwithstanding any other matter referred to in this subsection, any special reasons related to the welfare and interest of the child why the order of adoption should be made.

(3) In being satisfied that the welfare and interest of a child will be promoted by an adoption the Judge shall consider—

- (a) any particulars known to a responsible officer of the Department or to the applicant or his solicitor relating to the assets, liabilities, and financial standing of any parent (whether natural or adoptive) of the child and any kindred of the parent;
- (b) any other matter relevant to the welfare and interest of the child on which the Judge has evidence; and
- (c) notwithstanding any other matter referred to in this subsection, any special reasons related to the welfare and interest of the child why the order of adoption should be made.

(4) Where the opinion of the Director, furnished to the Judge under this section, is to the effect that an applicant is a proper person to be an adopting parent, that opinion is, for the purposes of this Act, conclusive evidence to that effect.

(5) Where the opinion of the Director, furnished to the Judge under this section, is to the effect that an applicant is not a proper person to be an adopting parent, that opinion is not, for any purpose, conclusive evidence to that effect. .

12. Section 5B of the principal Act is amended by substituting for the words "under the provisions of section three or four of this Act", in lines two and three, the words "for an order of adoption".

Amendment
to s. 5B.
(Applicant
to give
Director
Child
Welfare
notice of
intending
application.)

Repeal and
re-enactment
of s. 7.
(Adopted
child to have
legal status
of legitimate
child.)

13. Section 7 of the principal Act is repealed and re-enacted as follows—

General
effect of
adoption
orders.

7. (1) For the purposes of the laws of the State, but subject to this Act and to the provisions of any law of the State that expressly distinguishes in any way between adopted children and children other than adopted children, upon the making of an order of adoption—

- (a) the adopted child becomes a child of the adopting parent or adopting parents, and the adopting parent or adopting parents become the parent or parents of the child, as if the child had been born to the adopting parent or adopting parents in lawful wedlock;
- (b) the adopted child ceases to be a child of any person who was a parent (whether natural or adoptive) of the child before the making of the order of adoption, and any such person ceases to be the parent of the child;
- (c) the relationship to one another of all persons (including the adopted child and an adopting parent or former parent of the adopted child) shall be determined on the basis of the foregoing provisions of this subsection so far as they are relevant;
- (d) any existing appointment of a person, by will or deed, as guardian of the adopted child ceases to have effect; and
- (e) any previous adoption of the child (whether effected under the law of the State or otherwise) ceases to have effect.

(2) Notwithstanding subsection (1) of this section, for the purposes of any law of the State relating to a sexual offence, being a law for the purposes of which the relationship between the persons is relevant, an order of adoption, or the discharge of an order of adoption, does not cause the cessation of any relationship that would have existed if the order of adoption, or the discharging order, as the case may be, had not been made, and any such relationship shall be deemed to exist in addition to any relationship that exists by virtue of the application of that subsection in relation to the order of adoption or by virtue of the discharge of that order of adoption. .

14. Section 8 of the principal Act is repealed and re-enacted as follows—

Repeal and re-enactment of s. 8.
(Adopting parent to have legal status of natural parent.)

8. (1) The provisions of subsection (1) of section seven of this Act have effect in relation to dispositions of property, whether by will or otherwise, and whether made before or after the coming into operation of the Adoption of Children Act Amendment Act, 1971, except that—

Effect of orders as regards dispositions of property, etc.

- (a) those provisions do not affect a disposition of property by a person who, or by persons any of whom, died before the coming into operation of that Act; and
- (b) those provisions do not affect a disposition of property that had taken effect in possession before the coming into operation of that Act.

(2) The provisions of subsection (1) of section seven of this Act do not apply in relation to an agreement or instrument (not being a disposition of property) made or

executed before the coming into operation of the Adoption of Children Act Amendment Act, 1971.

(3) Where—

- (a) before the coming into operation of the Adoption of Children Act Amendment Act, 1971, a person made, by an instrument other than a will, a disposition of property;
- (b) the disposition had not taken effect in possession before the coming into operation of the Adoption of Children Act Amendment Act, 1971; and
- (c) it did not appear from the instrument that it was the intention of that person to include adopted children as objects of the disposition,

that person may, notwithstanding that the instrument could not, apart from this subsection, be revoked or varied, by a like instrument, vary the first mentioned instrument to exclude adopted children (whether adopted under this Act or otherwise) from participation in any right, benefit, or privilege under the instrument.

(4) In relation to a disposition of property by a person who, or by persons any of whom, died before the coming into operation of the Adoption of Children Act Amendment Act, 1971, an order of adoption made under this Act has the same effect as if that Act had not come into operation.

(5) Nothing in section seven or this section of this Act affects the operation of any provision in a will or other instrument (whether made before or after the coming into operation of the Adoption of Children Act Amendment Act, 1971) distinguishing between adopted children and other than adopted children.

(6) The provisions of sections seven and eight of this Act, other than subsection (4) of that section eight, apply in relation to an order of adoption made under this Act before the coming into operation of the Adoption of Children Act Amendment Act, 1971 as if that Act had been in operation when the order was made and the order had been made under this Act as amended by that Act. .

15. The principal Act is amended by adding after section 8 a section as follows—

Addition of
s. 8A.

8A. (1) Notwithstanding any other provision of this Act, trustees or personal representatives may, subject to this section, convey, transfer, or distribute property to or among the persons appearing to be entitled to the property without having ascertained whether or not an adoption has been effected by virtue of which a person is not entitled to an interest in the property.

Order of
adoption not
to affect
distribution
of property
by trustees
or personal
representa-
tives unless
notice given.

(2) A trustee or personal representative conveying, transferring, or distributing property in the manner referred to in subsection (1) of this section shall not be liable to a person claiming directly or indirectly by virtue of an adoption unless the trustee or personal representative has notice of the claim before the time of the conveyance, transfer, or distribution.

(3) Nothing in this section prejudices the right of a person to follow property into the hands of a person, other than a purchaser for value, who has received it. .

16. Section 9 of the principal Act is repealed and re-enacted as follows—

Repeal and
re-enactment
of s. 9.
(Order may
be reversed
or
discharged.)

9. (1) The Director or Attorney General may apply to a Judge for an order discharging an order of adoption, whether made by himself

Order may
be varied,
reversed, or
discharged.

or any other Judge, and whether made before or after the coming into operation of the Adoption of Children Act Amendment Act, 1971, and the Judge may make such an order if he is satisfied that—

- (a) the order of adoption, or any consent for the purposes of the order of adoption, was obtained by fraud, duress, or other improper means; or
- (b) there is some exceptional reason why, subject to the welfare and interest of the child, the adoption order should be discharged.

(2) A Judge shall not make an order under this section if it appears to him that the making of the order would be prejudicial to the welfare and interest of the child.

(3) Where a Judge makes an order discharging an order of adoption that was made in reliance on a general consent, the general consent remains in operation for the purposes of a further application for the adoption of the child unless the Judge otherwise orders.

(4) Where a Judge makes an order under this section he may at the same time, or he or any other Judge may subsequently, make such consequential or ancillary orders as he thinks necessary in the interests of justice or the welfare and interest of the child, including orders relating to—

- (a) the name of the child;
- (b) the ownership of property;
- (c) the custody or guardianship of the child; or
- (d) the domicile (including the domicile of origin of the child).

(5) Upon the making of an order under this section discharging an order of adoption, but subject to any order made under subsection (4) of this section and to subsection (2) of section seven of this Act, the rights, privileges, duties, liabilities, and relationships under the law of the State of the child and all other persons shall be the same as if the order of adoption had not been made, but without prejudice to—

- (a) anything lawfully done;
- (b) the consequences of anything lawfully done; or
- (c) any proprietary right or interest that became vested in any person,

while the order of adoption was in force. .

17. Section 9A of the principal Act is amended by substituting for the passage beginning with the word "Order", in line one, and ending with the word "him", in line eight, the passage "order is made under section nine of this Act the Registrar of the Supreme Court shall forthwith give to the Registrar General a certified copy or a memorandum of the order, whereupon the Registrar General shall endorse in accordance with the particulars therein".

Amendment
to s. 9A.
(Registrar
General to
endorse.)

18. Section 12 of the principal Act is amended by substituting for the passage beginning with the word "terms", in line six, and ending with the word "adoption", in line eight, the words "particulars of any orders made under section nine of this Act".

Amendment
to s. 12.
(Registration
by Reg-
istrar
General of
Orders of
Adoption.)

19. Section 12A of the principal Act is amended—

- (a) by adding after the word "copy", in line ten of subsection (1), the words "or a memorandum"; and
- (b) by adding after the word "copy", in line one of subsection (2), the words "or the memorandum".

Amendment
to s. 12A.
(Registrar of
Supreme
Court to
furnish
certain
particulars
to Registrar
General.)

Amendment
to s. 13.
(Registration
in the
name of
adopting
parent.)

20. Section 13 of the principal Act is amended—

- (a) by adding after the word “copy”, in line four and in line sixteen of paragraph (a) of subsection (1), the words “or a memorandum”, in each case;
- (b) by adding after the word “Commonwealth” in line two of subparagraph (i) of paragraph (d) of subsection (1) the passage “, New Zealand,”;
- (c) by adding after the word “copy”, in line seven of subparagraph (i) of paragraph (d) of subsection (1) the words “or the memorandum”;
- (d) by adding after the word “copy”, in line two of subparagraph (ii) of paragraph (d) of subsection (1), the words “or a memorandum”; and
- (e) by adding after the word “Territory”, in line six of subparagraph (ii) of paragraph (d) of subsection (1), the passage “, New Zealand,”.

Amendment
to s. 13A.
(Arrange-
ments with
other parts
of Her
Majesty's
Dominions
for trans-
mission of
Orders of
Adoption.)

21. Section 13A of the principal Act is amended—

- (a) by adding after the word “copy”, in line eight of subsection (1) and in line one of subsection (2), the words “or a memorandum”, in each case;
- (b) by adding after the word “Commonwealth”, in line five of subsection (1), the passage “, in New Zealand,”;
- (c) by adding after the word “Commonwealth”, in lines two and three of subsection (2), the passage “, New Zealand,”;
- (d) by repealing and re-enacting subsection (3) as follows—

(3) In this section the term “order of adoption” includes an order discharging an order of adoption and an order that is consequential or ancillary to such a discharging order. .

22. Section 13B of the principal Act is amended—
- (a) by adding after the word “copy”, in line eleven of subsection (1), the words “or a memorandum”; and
- (b) by adding after the word “copy”, in line one of subsection (2), the words “or the memorandum”.
- Amendment to s. 13B.
(Registrar General to register birth of children adopted in this State but born outside the State.)
23. Section 14 of the principal Act is amended—
- (a) by adding after the word “Commonwealth”, in line five, the words “or in New Zealand”; and
- (b) by adding after the word “Territory”, in line six and in line eight, the words “or New Zealand” in each case.
- Amendment to s. 14.
(Recognition of Australian adoption.)
24. Subsection (1) of section 15 of the principal Act is amended—
- (a) by adding after the word “country”, in line four the passage “, other than New Zealand,”; and
- (b) by adding after the word “Act”, being the last word in the subsection, the passage “, and has no other effect”.
- Amendment to s. 15.
(Recognition of foreign adoptions.)
25. Section 16 of the principal Act is amended—
- (a) by adding after the word “country”, in line six of subsection (1), the passage “, other than New Zealand,”; and
- (b) by adding after the word “copy”, in line seven of subsection (6), the passage “, or of a memorandum of the order”.
- Amendment to s. 16.
(Declaration of validity of foreign adoptions.)
26. Subsection (3) of section 18 of the principal Act is amended—
- (a) by adding after the word “Commonwealth”, in lines four and five, the words “or of New Zealand”; and
- (b) by adding after the word “Territory”, being the last word in the subsection, the words “or New Zealand”.
- Amendment to s. 18.
(Payments in consideration of adoptions.)

Amendment
to s. 20.
(Restriction
on
publication
of identity
of parties.)

27. Subsection (1) of section 20 of the principal Act is amended by adding after the word "Commonwealth", in line eight, the words "or of New Zealand".

Amendment
to s. 22.
(Certificate
as to health
of child to
be given to
Director.)

28. Section 22 of the principal Act is amended by adding after the word "child", in line two of paragraph (a), the passage ", and has informed himself of the results of a serology test carried out in relation to the child,".

Addition of
s. 24A.

29. The principal Act is amended by adding after section 24 a section as follows—

Exemption
from
personal
liability.

24A. (1) A person who occupies or has occupied the office of Minister, Director, or officer of the Department, or who otherwise carries out or has carried out any duty or function under this Act, is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any power conferred or which purports to be conferred, or the carrying out of any duty imposed or which purports to be imposed, by this Act.

(2) For the purposes of subsection (1) of this section, anything done or omitted to be done by a person therein mentioned, in good faith and for reasonable or probable cause in promoting the welfare and interest of a child, is deemed to have been done pursuant to a duty imposed by this Act. .

Amendment
to s. 25.
(Power to
make rules.)

30. Section 25 of the principal Act is amended—

- (a) by adding after the word "rules", in line two, the words "and regulations"; and
- (b) by adding after the word "otherwise", in line eight, the passage ", and prescribing the forms and procedure to be used in carrying out any duty or function under this Act".