

Western Australia

Welfare and Assistance Act Regulations 1962

As at 20 Oct 2004

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Welfare and Assistance Act Regulations 1962

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Welfare and Assistance Act Regulations 1962

1. Citation

These regulations may be cited as the *Welfare and Assistance Act Regulations 1962*, and shall come into operation on and from 26 March 1962¹.

2. Interpretation

In these regulations unless the context requires otherwise —

“**foster-child**” means a child who is being cared for by a person other than the father, mother, step-father or step-mother of the child;

“**private foster-child**” means a foster-child who is not a ward of the Department for Community Welfare²;

“**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.

*[Regulation 2 amended in Gazette 23 Jul 1962 p. 1845;
6 Aug 1982 p. 3065.]*

3. Applications for assistance

- (1) An application for assistance under the Act shall contain —
 - (a) the particulars indicated in Form No. 1 in the Appendix;
or

r. 4

- (b) where the indigent person is a private foster-child, the particulars indicated in Form No. 1A in the Appendix, and shall be signed by the applicant.
- (2) Where payment of assistance under the Act to or on behalf of a person is deferred or discontinued for a period exceeding 3 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) Emergency assistance or a pass for the transport of an indigent person shall not be issued to or for an indigent person until —
 - (a) in a case where the indigent person is not already in receipt of assistance under Act, application is made under subregulation (1); and
 - (b) in any case, a report has been submitted to the Director-General verifying the necessity for the emergency assistance or the issue of the pass.
- (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.

[Regulation 3 amended in Gazette 23 Jul 1962 p. 1845; 26 Mar 1976 p. 866; 6 Aug 1982 p. 3065; 29 Jun 1984 p. 1829; 18 Apr 1986 p. 1453.]

4. Investigation of applications

- (1) The Director-General 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-General may cause any investigation to be made by personal or other enquiry by an officer of the Department², a police officer or a clerk of courts who shall report in writing to the Director-General the result of such enquiry, or the Director-General 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.

*[Regulation 4 amended in Gazette 18 Apr 1986 p. 1453
(erratum 2 May 1986 p. 1559).]*

5. Granting of applications

- (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.

6. Review of financial position

- (1) Except where in his opinion it is not practicable so to do, the Director-General shall at least once in each period of 3 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.

*[Regulation 6 amended in Gazette 18 Apr 1986 p. 1453
(erratum 2 May 1986 p. 1559).]*

7. Notice of assignment

- (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 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 section 13(3) and section 15(1) of the Act shall be in the Form No. 5 in the Appendix.
- (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.
- (4) A notice by the Minister withdrawing the notice of assignment referred to in subregulation (2) may be in the Form No. 7 in the Appendix.

8. Notice by court of application for variation etc. of maintenance order

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

[Regulation 8 amended in Gazette 18 Apr 1986 p. 1453 (erratum 2 May 1986 p. 1559).]

9. Recovery of compensation, damages etc.

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.

10. Confidential reports

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.

11. Penalties

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 \$100.

[Regulation 11 amended by No. 113 of 1965 s. 8.]

Appendix

Appendix

Form No. 1

Welfare and Assistance Act 1961
Department for Community Services 2
APPLICATION FOR ASSISTANCE

To be completed by Applicant
Applicant Details

1 Surname (Block Letters) [] First Name/s (Block Letters) []

2 Date of Birth [] [] []
Day Month Year

3 Sex (tick one box) Male [] M
Female [] F

4 Are you of Aboriginal or Torres Strait Islander Origin (tick one box) No [] O
Yes [] A

5 Address (Block Letters)
Street.....
Suburb/TownPostcode.....

Reason For Seeking Assistance
.....
.....
.....
.....

Spouse/Partner Details
[] []
6 Surname (Block Letters) First Name/s (Block Letters)

7 Date of Birth [] [] []
Day Month Year

Household Details
8 What is the composition of your household at present? (tick one box)
Single person no children [] 1
Single person with child/children [] 1
Couple no children [] 2

- Couple with child/children 2
- Extended family (relatives, in-laws) 3
- Other groupings (eg. share accomm) 4

9 How many dependant children live with you at present?
 (Include full time students under the age of 21 years)

10 Complete the following for each dependent child 12

First Name/s	Date of Birth			
	Day	Month	Year	
				13
				14

11 What is the main source of household income? (tick one box)

- Unemployment Benefit 1
- Sickness Benefit 2
- Supporting Parents Benefit 3
- Special Benefit 4
- Widow's Pension 5
- Invalid Pension 6
- Age Pension 7
- Wages/Salary/Own business 8
- Workers Compensation 9
- Other 10
- No Income 11

12 How much money do you have with you? \$

13 How much money do you have in Bank/Building Society A/C?

14 Please indicate the type of accommodation you currently occupy (tick one box)

- Private Rental 1
- State Housing (Homeswest) 2
- Owner of Dwelling 3
- Buying Dwelling 4

Appendix

Boarding Hostel	<input type="checkbox"/>	5
Boarding with friends/relatives	<input type="checkbox"/>	6
Refuge	<input type="checkbox"/>	7
Other (please specify)	<input type="checkbox"/>	8
No Accommodation	<input type="checkbox"/>	9

I declare that the particulars given by me in this application are to the best of my knowledge and belief true and correct. I acknowledge that the Director-General of the Department for Community Services² may, under the *Welfare and Assistance Act 1961*, authorise investigation of any particulars in this application.

Form No. 1A

Department for Community Welfare²

Welfare and Assistance Act 1961

APPLICATION FOR ASSISTANCE FOR A PRIVATE FOSTER-CHILD

DETAILS OF APPLICANT

Surname Other Names

Present Address Post Code

I wish to apply for financial assistance for the following child/children who is/are in my care.

	Surname	Other Names	Date of Birth
Child			/ /
Mother			
Father			

Present address of the above-mentioned child's parents: —

Mother			
Father			

Child			/ /
Mother			
Father			

Present address of the above-mentioned child's parents: —

Mother			
Father			

Child			/ /
Mother			
Father			

Present address of the above-mentioned child's parents: —

Mother			
Father			

Child			/ /
Mother			
Father			

Present address of the above-mentioned child's parents: —

Mother			
Father			

Appendix

My reason(s) for making this application is/are

Details of all income and benefits I am receiving for maintaining the child or children (e.g. Court Maintenance Order, Trust Fund, Government Benefits) are —

I authorise the Director-General, Department for Community Services², to make any enquiries whatever, to verify any statement that I have made.

I acknowledge that, during any period when assistance is being received for any child, I am required to notify the Director-General immediately of any of the following changes of circumstances —

- (a) any change of my address;
- (b) any change of address known to me of the mother or father of the child;
- (c) the receipt by me of any additional income or benefits in respect of the child;
- (d) if at any time the child ceases to be cared for by me.

I also acknowledge that, pending a decision on this application in respect of a child, I am required to notify the Director-General of any change of my address and of any of the changes of circumstances set out in paragraphs (b), (c) and (d) above in respect of the child.

All the statements in this application are true.

WARNING: A false or misleading statement in this application is punishable under section 21 of the *Welfare and Assistance Act 1961* by a fine of up to \$3 000.

Signed	OFFICE USE
Witness	ID No.
Date	File No.
	Div/Dist
	Date/...../.....

[Form 1A amended in Gazette 14 May 2004 p. 1447.]

[Form 2 deleted in Gazette 29 Jun 1984 p. 1830.]

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 \$	Contri- bution \$	Assess- ment \$
Husband } Wife }	(If not earning state reason).....				
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 maintainAdults.....Children NET TOTAL					

Appendix

Declaration

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

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

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

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

Declared at this day of 20

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

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 Welfare³ 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 20

.....
Director, Child Welfare Department².

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: \$1 000.

[Form 4 amended in Gazette 14 May 2004 p. 1447.]

Welfare and Assistance Act Regulations 1962

Appendix

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 Welfare³ 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 Welfare³.

Moneys now held by you or subsequently paid to you are to be disbursed to the Director-General Department for Community Services², unless and until the Minister notifies you in writing that the within notice is withdrawn.

Given under my hand this day of 20

.....
Director-General,
Department for Community Services².

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 20
the Minister for Child Welfare³ 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 20

.....
Director-General,
Department for Community Services².

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 Welfare³ hereby withdraws the notice of assignment given you on the day of 20 pursuant to the provisions of section 13(3) of the *Welfare and Assistance Act 1961*.

Dated the day of 20

.....
Director-General,
Department for Community Services².

Form No. 8

Western Australia

Welfare and Assistance Act 1961

NOTICE OF HEARING

Director-General
Department for Community Services²

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

The case is listed for hearing at o'clock in the noon on the day of 20

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

.....
Clerk of

Appendix

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 said for 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 ³ 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 20

.....
Director-General,
Department for Community Services ².

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 20

.....
Director-General,
Department for Community Services ².

Question	Answer

Dated the day of 20

.....
(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 — \$20.

[Appendix amended by Act No. 113 of 1965 s. 8; amended in Gazette 6 Aug 1982 p. 3066-7; 29 Jun 1984 p. 1830; 18 Apr 1986 p. 1453-4 (erratum 2 May 1986 p. 1559); 14 May 2004 p. 1447.]

Notes

¹ This is a compilation of the *Welfare and Assistance Act Regulations 1962* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Welfare and Assistance Act Regulations 1962</i>	15 Mar 1962 p. 649-61	26 Mar 1962 (see r. 1)
	23 Jul 1962 p. 1845-6	23 Jul 1962
<i>Decimal Currency Act 1965</i>	Assented to 21 Dec 1965	s. 4-9: 14 Feb 1966 (see s. 2(2)); balance: 21 Dec 1965 (see s. 2(1))
	26 Mar 1976 p. 866-70	26 Mar 1976
<i>Welfare and Assistance Act Amendment Regulations 1982</i>	6 Aug 1982 p. 3065-7	6 Aug 1982
<i>Welfare and Assistance Amendment Regulations 1984</i>	29 Jun 1984 p. 1829-30	1 Jul 1984 (see r. 2)
<i>Welfare and Assistance Amendment Regulations 1986</i>	18 Apr 1986 p. 1452-4 (erratum 2 May 1986 p. 1559)	18 Apr 1986
Reprint of the <i>Welfare and Assistance Act Regulations 1962</i> as at 3 May 2002 (includes amendments listed above)		
<i>Sentencing Legislation (Short Sentences) Amendment Regulations 2004 r. 8</i>	14 May 2004 p. 1445-7	15 May 2004 (see r. 2 and <i>Gazette</i> 14 May 2004 p. 1445)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnote referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Children and Community Services Act 2004</i> s. 250(2)(e) ⁴	34 of 2004	20 Oct 2004	To be proclaimed (see s. 2)

² Under the *Alteration of Statutory Designations Order (No. 3) 2001* the Department formerly known as the Department for Community Welfare, the Department for Community Services and the Child Welfare Department is now called the Department for Community Development.

³ As at the date this compilation was prepared the responsible Minister for the Department of Community Development is the Minister for Community Development.

⁴ On the date as at which this compilation was prepared, the *Children and Community Services Act 2004* s. 250(2)(e) had not come into operation. It reads as follows:

“

250. Repeal, transitional and savings provisions

(2) The following regulations are repealed —

.....
(e) the *Welfare and Assistance Act Regulations 1962*.

”.