

CHILD WELFARE.

11° Elizabeth II., No. XXII.

No. 22 of 1962.

**AN ACT to amend the Child Welfare Act,
1947-1959.**

[Assented to 4th October, 1962.]

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 *Child Welfare Act Amendment Act, 1962.* Short title and citation.

(2) In this Act the Child Welfare Act, 1947-1959, is referred to as the principal Act. Reprinted as approved for reprint 25th August, 1961.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act, 1947-1962.

Commence-
ment.

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

S. 10
amended.

3. Section ten of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection—

(1) Subject to the regulations and the direction of the Minister, the Director shall—

(a) be the guardian and have the care, management and control of the persons and property of all wards; and

(b) have the supervision of all children nursed by foster mothers. ; and

(b) by substituting for the words, “children committed to the care of the Department” in lines one and two of subsection (2), the word, “wards”.

S. 19
amended.

4. Section nineteen of the principal Act is amended by adding after paragraph (d) of subsection (1) the following paragraph—

(e) Notwithstanding the provisions of this subsection, a Children’s Court may exercise any of the powers conferred on it by section twenty of this Act in respect of an offence alleged to have been committed outside the area in and for which that Children’s Court exercises jurisdiction under this Act, if—

(i) the offence is one in respect of which that Children’s Court could exercise any power conferred on it by section twenty of this Act had such offence been committed within the area in and for which that Children’s Court exercises jurisdiction under this Act; and

(ii) the person charged with the offence pleads guilty thereto. .

5. Section twenty B of the principal Act is ^{S. 20B} amended—

- (a) by deleting the word, “or” in the last line of paragraph (f) of subsection (2);
- (b) by adding after paragraph (g) of subsection (2) the following paragraphs—
 - (h) unlawfully assaulting a child; or
 - (i) unlawfully and indecently dealing with a girl under the age of thirteen years; ;
- (c) by substituting for the words, “and also” in the fourth last line of subsection (2), the words, “either sitting alone or sitting with”;
- (d) by substituting for the word, “The”, being the first word in subsection (3), the passage, “Except as provided in subsection (3a) of this section, the” ; and
- (e) by adding after subsection (3) the following subsection—

(3a) (a) In the case of an offence referred to in paragraph (h) of subsection (2) of this section, the offender is liable on summary conviction—

- (i) to a fine of ten pounds, and to payment of the costs of the prosecution; or
- (ii) if the child assaulted is a male whose age does not exceed fourteen years, or is a female, to a fine of twenty pounds (inclusive of costs),

and in default of payment, to imprisonment with hard labour for six months unless the fine and costs are sooner paid, or to imprisonment with hard labour for six months in the first instance.

(b) If the Court is of opinion that the assault was so trifling as not to deserve any punishment, the Court may convict the offender and discharge him without inflicting any punishment.

(c) If the child assaulted is a male whose age does not exceed fourteen years, or is a female, the Court may, in addition to inflicting punishment under this subsection, require the offender to enter into a recognisance to keep the peace and be of good behaviour for any term not exceeding six months from the expiration of the sentence. .

6. The principal Act is amended by adding after section thirty-four B a section as follows—

S. 34C
added.

Minister
may extend
period of
probation.

34C. Where a child is released on probation under sections thirty, thirty-two, thirty-four or thirty-four B of this Act during any period other than a period that ceases when he attains the age of eighteen years, the Minister may, upon the recommendation of the Director in writing, order that the period of release on probation of the child be extended until the child attains the age of eighteen years or for any shorter period as the Minister in his absolute discretion thinks fit, and subject to the provisions of section thirty-eight of this Act such child shall continue to be released on probation accordingly. .

7. Section thirty-eight of the principal Act is amended—

S. 38
amended.

- (a) by substituting for the words, "or thirty-four" in line three, the words, "thirty-four or thirty-four B"; and
- (b) by inserting after the word, "probation" in line seven, the passage, ", whether by order of the Court or pursuant to the order of the Minister made under section thirty-four C of this Act".

8. The principal Act is amended by adding after section forty-seven A a section as follows—

S. 47B
added.

Minister
may commit
to care of
the Depart-
ment a child
left without
parent, etc.

47B. (1) Where it appears to the Minister that a child is left without parent or guardian, or the whereabouts of any parent, near relative

or guardian of the child are not readily ascertainable, if the child is not a destitute or neglected child within the meaning of this Act, the Minister may by written order signed by him commit the child to the care of the Department.

(2) A parent of a child in respect of whom an order made under subsection (1) of this section is in force, or a near relative or any guardian of the child, may apply to a Children's Court for cancellation of that order and the release of the child from the care of the Department.

(3) The Court may grant an application made under this section unconditionally or subject to such conditions as in the circumstances of the case the Court considers are in the best interests of the child, or may refuse the application, and the decision of the Court on the application shall be final and conclusive. .

9. Section sixty-nine of the principal Act is amended by substituting for the words, "two pounds ten shillings" where they occur in lines three and four of paragraph (b) of subsection (1), and again in line six of subsection (2), the words, "five pounds", in each case.

S. 69
amended.

10. Section one hundred and six of the principal Act is amended by substituting for the word, "child" in line one of subsection (1), the words, "male child".

S. 106
amended.

11. Section one hundred and twenty-one of the principal Act is amended—

S. 121
amended.

(a) by inserting after the word, "against" in line two, the passage, ", or any application concerning,"; and

(b) by substituting for the words, "or punishment" in lines five and six, the passage, ", punishment or disposal".

S. 122
amended.

12. Section one hundred and twenty-two of the principal Act is amended—

- (a) by inserting after the word, “complaint” in lines one and two of subsection (1), the words, “or application”; and
- (b) by inserting after the word, “complaint” in line four of subsection (2), the words, “or make such application”.

S. 123
amended.

13. Section one hundred and twenty-three of the principal Act is amended by inserting after the word, “complaint” in line three, the words, “or application”.

S. 132
amended.

14. Section one hundred and thirty-two of the principal Act is amended—

- (a) by deleting the word, “female” in line five; and
- (b) by substituting for the word, “her” in line twelve, the words, “that officer”.

Second
Schedule
amended.

15. The Second Schedule to the principal Act is amended—

- (a) by substituting for the words, “Anglican Farm School” in line two, the words, “Hillston, Anglican Farm School”;
- (b) by substituting for the words, “Swan Homes for Children” in line seven, the word, “Swanleigh”;
- (c) by deleting the passage, “Burnbrae Children’s Home (Girls), Byford.” in the third last line; and
- (d) by substituting for the passage, “Alexandra Home for Babies (Boys and Girls), Highgate.” in the last line the following passages—

Ngal-a Mothercraft Home and Training Centre, Inc. (Boys and Girls), South Perth.

Sister Kate’s Children’s Home, Inc. (Boys and Girls), Queen’s Park.