

CHILD WELFARE.

6° Elizabeth II., No. LXIX.

No. 69 of 1957.

AN ACT to amend the Child Welfare Act, 1947-1956, and to Validate Certain Proceedings and Matters and for other purposes.

[Assented to 6th December, 1957.]

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:—

**Short title
and citation.**

1. (1) This Act may be cited as the *Child Welfare Act Amendment Act, 1957*.

(2) In this Act the Child Welfare Act, 1947-1956 Act No. 66 of 1947 as reprinted with amendments to and including Act No. 77 of 1956 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act, 1947-1957.

2. Section nineteen of the principal Act is amended by deleting subsection (1) and substituting therefor the following subsections:—

S. 19
amended.

(1) (a) The Governor may by Order in Council establish special courts to be called Children's Courts and may appoint a special magistrate or special magistrates for any court or courts, and may by Order in Council from time to time determine the area in and for which each court shall exercise jurisdiction.

(b) Without affecting the validity of anything done prior thereto the Governor may by Order in Council

(i) revoke or annul any establishment of a Children's Court; and

(ii) amend, vary or revoke any appointment or determination made under this section whether made before or after the coming into operation of the Child Welfare Act Amendment Act, 1957 or deemed by that Act to have been made.

(c) Appointments as special magistrates may be made of

(i) magistrates or persons who may from time to time, temporarily or otherwise, be assigned to or occupying the office or performing the duties of a magistrate assigned to one or more magisterial districts;

(ii) magistrates or persons who may, from time to time, be occupying, temporarily or otherwise, any office or performing the duties of any office to which appointments are made by the Governor; and

(iii) any other magistrates or persons.

(d) The areas in and for which Children's Courts shall exercise jurisdiction may be determined by reference to magisterial districts or parts of magisterial districts or the areas or parts of areas which may from time to time be comprised in magisterial districts or to any other districts or areas, and one or more Children's Courts may exercise jurisdiction in any particular area or district.

(1a) Where at any time before the coming into operation of the Child Welfare Act Amendment Act, 1957 any magistrate, whether Stipendiary, Police, Resident or Special has purported to act or exercise jurisdiction as a special magistrate in any Children's Court

- (a) the magistrate shall be deemed to be and always to have been validly appointed as a special magistrate for the Children's Court;
- (b) any Children's Court in which any such magistrate has purported to act or exercise jurisdiction as a special magistrate shall be deemed to have and always to have had jurisdiction in the area in and for which he or it purported to exercise jurisdiction; and
- (c) all acts, proceedings, orders, convictions or warrants of any such magistrate and of any such Children's Court shall be deemed to be and always to have been valid and effectual for all purposes as if the magistrate had been validly appointed as a special magistrate for the Children's Court and any such Children's Court had jurisdiction in the area in or for which it purported to exercise jurisdiction.

(1b) Where at any time before the coming into operation of the Child Welfare Act Amendment Act, 1957 jurisdiction in a Children's Court or purported Children's Court has been exercised

or purported to have been exercised by the members or purported members of a Children's Court, whether with or without a special magistrate or person purporting to be a special magistrate

- (a) the Court shall be deemed to be and always to have been validly established as a Children's Court;
- (b) the Court shall be deemed to have and always to have had jurisdiction in and for any area in or for which it exercised or purported to exercise jurisdiction; and
- (c) the members shall be deemed to be and always to have been validly appointed members of the Court.

3. Subsection (3) of section nineteen of the principal Act is amended by deleting the words, "the special magistrate" in lines two and three and substituting therefor the words, "a special magistrate". S. 19
amended.

4. Subsection (4) of section nineteen of the principal Act is amended by deleting the words, "the special magistrate" in lines one and two and in line three, and substituting therefor the words, "a special magistrate". S. 19
amended.
