

## CHILD WELFARE.

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No. 39 of 1970.

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### AN ACT to amend the Child Welfare Act, 1947-1969.

[Assented to 23rd September, 1970.]

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, 1970.* Short title and citation.

(2) In this Act the Child Welfare Act, 1947-1969 is referred to as the principal Act. Reprinted in Vol. 22 of the Reprinted Acts as approved for reprint, 22nd November, 1968, and amended by Act No. 85 of 1969.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act, 1947-1970.

S. 20  
amended.

2. Section 20 of the principal Act is amended by repealing subsection (3) and substituting the following subsections—

(3) A court may—

- (a) instead of hearing and determining a complaint of an indictable offence brought against a child who is over the age of fourteen years, exercise such powers and jurisdiction, only, as are conferred upon justices in respect of indictable offences, by the Justices Act, 1902;
- (b) if hearing and determining a complaint of an indictable offence brought against a child who is over the age of fourteen years, and finding the child guilty of the offence, refrain from recording a conviction for the offence and commit the child for sentence to the Supreme Court or the District Court of Western Australia, as the case may require; or
- (c) if hearing a complaint of an indictable offence brought against a child who is over the age of fourteen years and accepting a plea of guilty entered by the child in respect of the offence, convict the child of the offence and commit the child for sentence to the Supreme Court or the District Court of Western Australia, as the case may require.

(3a) Where a child is committed to the Supreme Court or the District Court of Western Australia for sentence pursuant to paragraph (b) of subsection (3) of this section, an indictment for the offence in respect of which he was so committed, or for any other indictable offence, may be presented to that court to which he has been so committed, and thereupon, subject to subsection (3b) of this section, the child

shall be dealt with in all respects and the indictment and proceedings upon it are subject to the same procedure as if the child were a person committed under the provisions of the Justices Act, 1902 by a justice for sentence for an indictable offence.

(3b) The Supreme Court or the District Court of Western Australia, in passing sentence upon a child who is before that Court pursuant to subsection (3) of this section, in respect of an indictable offence, may impose any penalty or disqualification or make any order or direction that—

(a) may be imposed or made with respect to a person over the age of eighteen years who has been convicted on indictment of that indictable offence;

or

(b) may be imposed or made by a Children's Court under this Act.

3. Section 35 of the principal Act is amended— S. 35  
amended.

(a) by adding immediately before the word, "issue" in line sixteen of subsection (3), the passage, "require the person to appear before the court and, in default of his appearance," ; and

(b) by adding after the word, "person" in line one of subsection (4), the words, "appears or".

4. Section 111 of the principal Act is amended S. 111  
amended. by deleting the passage, ", for gain or reward," in line two.

5. Subsection (1) of section 113 of the principal Act is amended by deleting the words, "for gain or reward" in line five. S. 113  
amended

Second  
Schedule  
substituted.

6. The principal Act is amended by deleting the Second Schedule thereto and substituting the following schedule—

S. 15.

SECOND SCHEDULE.

Church of England:

Swanleigh (Boys and Girls), Middle Swan.  
Parkerville Children's Home Inc. (Boys and Girls),  
Parkerville.

Roman Catholic:

Catherine McAuley Centre.  
St Vincent's (Boys and Girls), Wembley.  
St. Joseph's (Girls), Wembley.  
Castledare Boys' Home, Cannington.  
Clontarf Boys' Town, Victoria Park.  
St. Mary's Agricultural School (Boys), Tardun.  
Nazareth House (Girls), Geraldton.  
Neuville Training & Assessment Centre (Girls),  
Leederville.

Salvation Army:

Salvation Army Hollywood Children's Village (Boys and  
Girls), Hollywood.

Methodist:

Methodist Homes for Children, Victoria Park.  
Allandale Home (Boys).  
Werribee Hostel (Girls).  
Mofflyn Home (Girls and Boys).

Undenominational:

Ngal-a Mothercraft Home and Training Centre Inc.  
(Boys and Girls), South Perth.  
Sister Kate's Children's Homes Inc. (Boys and Girls),  
Queen's Park.  
Wanslea Hostel (Boys and Girls), Cottesloe.