

## CHILD WELFARE.

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No. 85 of 1969.

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AN ACT to amend the Child Welfare Act, 1947-1968.

[Assented to 17th November, 1969.]

**B**E 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, 1969*.

Reprinted as  
approved for  
reprint, 22nd  
November,  
1968.

(2) In this Act the Child Welfare Act, 1947-1968, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act, 1947-1969.

Commence-  
ment.

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

3. Section 4 of the principal Act is amended— S. 4 amended.

(a) by adding after the interpretation, "Director" the following interpretation—

"drug" means any substance—

(a) for the time being specified in the Eighth Schedule in Appendix "A" to the Poisons Act, 1964; or

(b) for the time being declared to be a specified drug for the purposes of the Poisons Act, 1964; ;

(b) as to the interpretation, "neglected child"—

(i) by adding after paragraph (6) the following paragraph—

(6a) is found in a place where any drug is used, or uses any drug himself, and in either case is in need of care, protection or control by reason thereof; ; and

(ii) by adding immediately after the paragraph designation, "(10)" the passage, "is so ill-treated, or suffers such injuries apparently resulting from ill-treatment," ;

(c) by adding after the interpretation, "police officer" the following interpretation—

"public place" means any place whatsoever to which the public for the time being have or are permitted to have access whether on payment or otherwise; ; and

(d) by adding after the interpretation, "special magistrate" the following interpretation—

"street" includes any highway or public place, whether a thoroughfare or not; .

S. 6 amended.

## 4. Section 6 of the principal Act is amended—

- (a) by adding after the section number, “6.” the subsection designation “(1)” ; and
- (b) by adding at the end thereof the following subsections—

(2) The Minister may appoint any person holding an appointment under section seven of this Act to act in place of the Director during any absence, illness or incapacity of the Director, and a person so appointed has, during any absence, illness or incapacity of the Director, all the powers, duties and functions conferred or imposed on the Director by this Act.

(3) The Minister may at any time revoke an appointment made under subsection (2) of this section. .

S. 29  
amended.

## 5. Section 29 of the principal Act is amended—

- (a) by adding after the section number, “29.” the subsection designation “(1)” ;
- (b) by deleting the words “and when” in line 4 and substituting the passage “(2) When” ;
- (c) by inserting after the word “remand” in line 8 the words “or when any child is apprehended and charged with the commission of any offence whatsoever, pending the hearing of proceedings against him for the offence charged or during any adjournment thereof or during any period of remand” ; and
- (d) by adding the following subsections—

(3) Where any child is apprehended in any of the circumstances described in

subsections (1) and (2) of this section or subsection (1) of section thirty-eight of this Act, he shall, as soon as is practicable, be brought before the court to be dealt with according to law.

(4) Nothing in this section shall be construed as limiting the application of section twenty-eight of this Act. .

6. Section 34A of the principal Act is amended by adding after subsection (1) the following subsection— S. 34A  
amended.

(1a) Where the court imposes sentences of imprisonment on a child aged fourteen years or more, it shall not, if it orders one or more of those sentences to be served cumulatively with any other of the sentences imposed by it on that occasion, order that the child serve a total of more than—

- (a) three months' imprisonment, if the child is under the age of sixteen years; or
- (b) six months' imprisonment, if the child is aged sixteen years or more. .

7. Section 34B of the principal Act is amended— S. 34B  
amended.

- (a) by substituting for the passage, "sufficient." in the last line of paragraph (c), the passage, "sufficient; or" ; and
- (b) by adding at the end thereof the following paragraph—
  - (d) discharge the child upon his entering into his own recognisance, with or without sureties, in such amount as the court thinks fit, that he will keep the peace and be of good behaviour for a term not exceeding one year. .

S. 35  
amended.

8. Section 35 of the principal Act is amended by adding after subsection (2) the following subsections—

(3) Where a person—

- (a) became, after he attained the age of seventeen years but before he attained the age of eighteen years, liable to pay a penalty, compensation, or sum of money or costs adjudged to be paid by a conviction or order of a court of summary jurisdiction; and
- (b) has since attained the age of eighteen years and has failed to pay the penalty, compensation, or sum of money or costs adjudged by the conviction or order of the court,

the court may, notwithstanding that the person has attained the age of eighteen years, issue a warrant ordering the person to be apprehended and be brought before the court to show cause why a warrant of commitment for the imprisonment of the person should not be issued.

(4) The court before which a person is brought pursuant to subsection (3) of this section shall hear and determine the matter and may—

- (a) issue a warrant of commitment of the person to gaol for such period as it thinks fit, but not exceeding the period that would be applicable according to the scale specified in section one hundred and sixty-seven of the Justices Act, 1902; or
- (b) decline to issue such a warrant, in which event the person shall cease to be liable to be imprisoned in respect of his failure to pay the penalty, compensation, or sum of money or costs.

(5) The provisions of the Justices Act, 1902, insofar as those provisions are not inconsistent with subsection (4) of this section, shall apply, with such modifications and adaptations as are necessary, to the imprisonment of a person pursuant to that subsection, as if the person were committed to imprisonment under a warrant of commitment issued under section one hundred and fifty-seven or one hundred and fifty-eight of that Act.

(6) The Director or some officer of the Department may be present at, and if present is entitled to be heard on any matter concerning, any proceedings brought before a court pursuant to subsection (4) of this section. .

9. Subsection (2) of section 38 of the principal Act is amended by deleting the passage, “, with the written consent of the Minister,” in line three. S. 38  
amended.

10. Subsection (1) of section 40A of the principal Act is amended by adding after the passage, “Act,” in line three, the passage, “or under section seventeen B or eighteen of the Education Act, 1928,” . S. 40A  
amended.

11. Section 121 of the principal Act is amended— S. 121  
amended.

(a) by adding after the words, “present and” in line five the passage, “, if present, is entitled to”; and

(b) by substituting for the passage, “, and” in lines five and six, the words “and to”.

12. Subsection (1) of section 149 of the principal Act is amended by deleting the passage, “boarding-out committees,” in lines two and three of paragraph (a). S. 149  
amended.