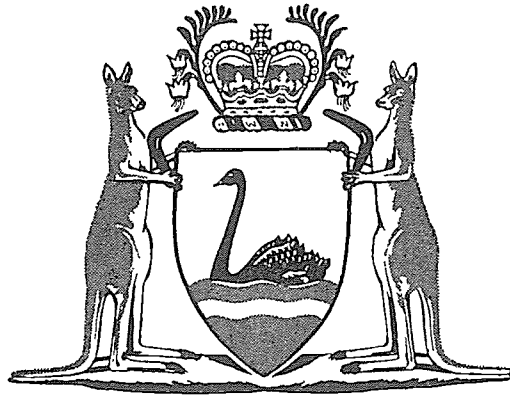


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Government Gazette

OF

WESTERN AUSTRALIA

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PERTH: TUESDAY, 6th DECEMBER

[1977

CHILD WELFARE ACT, 1947-1977

CHILD WELFARE REGULATIONS,
1977.

3

CHILD WELFARE ACT, 1947-1977

Department for Community Welfare,
Perth, 4th November, 1977.

HIS Excellency the Lieutenant Governor in Executive Council, acting pursuant to the provisions of section 11 of the Interpretation Act, 1918, and the Child Welfare Act, 1947-1977, has been pleased to make the regulations set out in the Schedule hereto.

K. A. MAINE,
Director.

Schedule

REGULATIONS

1. These regulations may be cited as the Child Welfare Regulations, 1977. Citation.
2. (1) The Child Welfare Regulations, 1934, published in the *Government Gazette* on 28th September, 1934 as amended from time to time by notices so published, are revoked. Revocation.
- (2) The Child Welfare (Reformatory Treatment of Wards) Regulations published in the *Government Gazette* on 2nd April, 1958, are revoked.
3. In these regulations— Interpretation.
 - “Chairman” means the Chairman of the Children’s (Suspended Proceedings) Panel;
 - “Metropolitan area” means that part of the State comprised within the metropolitan region as defined in the Third Schedule to the Town Planning and Development Act, 1928; and
 - “the Act” means the Child Welfare Act, 1947-1977.
4. (1) A reference in these regulations to a Form is a reference to the form so designated in Part I of the Schedule hereto. Forms.
- (2) A form substantially similar to the form designated in the first column of Part II of the Schedule hereto and described in the second column may be used for the purposes of the provision of the Act respectively indicated opposite that designation in the third column of that Part.
- (3) Where no appropriate form is set out in these regulations, a form in the Fourth Schedule to the Justices Act, 1902 may be adapted for the purpose.
5. (1) Where a complaint is made against a child for an offence and the child is eligible to appear before a Children’s Panel, the complainant or the Police Officer or other person handling the matter shall forthwith forward two copies of a notice in Form “A”— Procedure for forwarding complaint to Children’s Panel.
 - (a) if the child resides in the Metropolitan area, to the Chairman;
 - (b) if the child resides outside the Metropolitan area, to the office of the Department for Community Welfare nearest to the child’s place of residence; or
 - (c) where the complaint relates to an offence committed outside the area in which the child resides, to the Chairman or to a local office of the Department for Community Welfare, whichever the Chairman may direct.
- (2) For the purposes of paragraph (c) of subregulation (1) of this regulation the direction of the Chairman may be sought and given by telephone or in any other convenient manner.

Referral of
complaints to
Children's
Court.

6. Where a complaint is made against a child for an offence and is referred to the Chairman or a Children's Panel but—

(a) it appears to the Chairman or the Children's Panel that the matter should be dealt with by a Children's Court; or

(b) the child is not eligible to be dealt with by a Children's Panel,

the Chairman or that Panel shall forthwith forward to the Commissioner of Police a notice in Form "B".

Notification of
Parents of
reference to
Panel.

7. (1) If it is agreed that the matter should be heard and determined by a Children's Panel the Director shall forthwith forward to the parents or person *in loco parentis* to the child a notice in Form "C".

(2) If a charge is referred to a Children's Panel by the Children's Court the Director shall forthwith notify the parents of the child or person *in loco parentis* to the child by letter bearing the imprint of the official seal of the Panel.

Seal of Panel.

8. The seal of the Children's (Suspended Proceedings) Panel shall be



Supervision
agreement.

9. If a Children's Panel decides to make an order for supervision with the agreement of the child, Form "D" shall be completed and signed by the child and by the parent or person *in loco parentis* to the child and a copy delivered to the child.

Procedure on
Supervision
Agreement.

10. (1) Where a child has been dealt with by a Children's Panel and has agreed to comply with any requirements of an order as to supervision, but the officer responsible for supervising the child considers that the child has failed to comply with any of the requirements of the order as to supervision, then the officer responsible for supervising the child shall—

(a) so inform a Children's Panel; and

(b) forthwith forward to the parents or person *in loco parentis* to the child a notice in Form "E".

(2) A Children's Panel may hear the officer and the child and the child's parent or person *in loco parentis* to the child and may if it is considered appropriate refer the matter to a Children's Court for hearing.

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11. Notwithstanding that an order as to supervision has been made a Children's Panel may refer any matter to a Children's Court by notice in writing signed by a member of the Children's (Suspended Proceedings) Panel setting out—

Referral to Children's Court subsequent to Supervision Agreement.

- (a) the date and nature of the original offence;
- (b) the fact that the child has appeared before the Panel and admitted the original offence; and
- (c) the reason why the matter has been referred to the Children's Court.

12. Pursuant to section 72 of the Act the offences, or the offences in the circumstances therein specified, set out hereunder shall be offences to which the provisions of Part V of the Act do not apply, that is to say—

Offences not to be dealt with by a Panel.

Road Traffic Act

- s.60 Reckless driving.
- s.63 Driving under the influence of alcohol, drugs, or alcohol and drugs.
- s.64 Driving with prescribed percentage of alcohol in the blood or breath.

13. (1) A Medical Officer in charge of a hospital, or his deputy, who has ordered that a child be detained in hospital pursuant to subsection (3a) of section 29 of the Act shall by telephone inform—

Notice of detention in hospital.

- (a) in the Metropolitan area, the Senior Social Work Supervisor, Metropolitan Divisions of the Department for Community Welfare during working hours or the officer at the Emergency AFTER HOURS Number of the Department for Community Welfare outside working hours;
- (b) outside the Metropolitan area, the senior officer at the local Divisional or District Office of the Department for Community Welfare,

of the name and address of the child and the circumstances surrounding its admission to hospital.

(2) The officer informed shall allocate an officer of the Department to handle the case and the officer allocated shall forthwith inform the Medical Officer that he has been allocated and request written particulars.

(3) The Medical Officer shall forward to the officer allocated within twenty-four hours a notice in writing containing the following particulars, so far as they are known to him—

- (a) the name and sex of the child;
- (b) the date and place of birth of the child;
- (c) names of the parents or caretakers of the child;
- (d) addresses and telephone numbers of the parents or caretakers of the child;
- (e) full particulars of all injuries or ill-health observed; and
- (f) particulars of any relevant medical history.

(4) The officer allocated shall forthwith investigate the circumstances of the child and shall after consultation with the Medical Officer inform the Medical Officer by notice in writing whether he has apprehended the child or that the child may be discharged from the hospital.

14. An appeal to the Minister against a decision of the Director made pursuant to subsection (4) of section 112 of the Act shall be made within thirty days of the date the license was cancelled and shall be in writing setting out the grounds for appeal.

Appeal as to licensing of foster parents.

15. Accounts to which section 54 of the Act applies shall be audited at least once in each period of twelve consecutive months.

Audit of children's wage accounts.

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Schedule

PART I.

| Designation of Form | Purpose |
|---------------------|--|
| "A" | Original notice of complaint to Children's Panel. |
| "B" | Notification that child is to be referred to a Children's Court. |
| "C" | Notification to Parents of Panel Hearing |
| "D" | Supervision Agreement |
| "E" | Notice to Panel of Breach of Supervision Agreement. |

Form A

CHILDREN'S (Suspended Proceedings) PANEL

SURNAME..... Other Names.....
ADDRESS.....
Place of Birth..... Date of Birth..... Age..... Years
Religion..... Sex..... Posn. in Family..... Bros..... Sis.....
*Aboriginal/Non Aboriginal. Height..... Build..... Complexion.....
Hair..... Eyes..... Marks, Scars, Peculiarities.....
MOTHER.....
(Names in full)
ADDRESS.....
FATHER.....
(Names in Full)
ADDRESS.....
GUARDIAN.....
(Names in Full)
ADDRESS.....
OFFENCE (Briefly).....
Time and Date of Offence..... Alone or in Company.....
COMPLAINANT.....
ADDRESS.....
SUMMARY OF OFFENCE

*RESTITUTION MADE/PROPERTY RECOVERED VALUE \$.....

This juvenile is a first offender under the age of 16 years and is therefore eligible to appear before the CHILDREN'S (Suspended Proceedings) PANEL.
The offence is admitted and the PARENTS/GUARDIAN agree to appear before the Panel with the offender.

**attached are all necessary documents.

STATION.....
DATE / /19
INSPECTOR.....

Forward for consideration of appearing before the C(SP)P please.

STATION.....
DATE / /19

*Delete as necessary

7

Form B

In accordance with section 73(4) Child Welfare Act, 1947-1977 CHILDREN'S (Suspended Proceedings) PANEL documents in respect of—

NAME.....

ADDRESS.....

are hereby forwarded for referral to a Children's Court for the reason set out below:

- *(A) In the best interest and welfare of the child concerned.
- *(B) The gravity of the allegations so require.
- *(C) That an Order in respect of *RESTITUTION—*DAMAGES—*COMPENSATION be made.
- *(D) That the *CHILD—*PARENT—*GUARDIAN failed after due notice to appear before the Children's Panel
- *(E) That the powers conferred on the Chairman, Children's (Suspended Proceedings) Panel are considered to be inadequate to deal with the child.
- *(F) That the child does not admit the offence.
- *(G) That the child failed to comply with the requirements of an order as to supervision.
- *(H) That the child is not eligible to be dealt with by a Children's Panel.

SEAL OF CHILDREN'S PANEL

CHAIRMAN
C(SP)P

*Delete as necessary

Form C

Dear Sir/Madam

NOTICE TO PARENTS
CHILDREN'S (SUSPENDED PROCEEDINGS) PANEL

I wish to advise that your child.....
has been charged with the offence of*.....
If your child—

- (a) admits to the offence
- (b) was under the age of 16 years at the time of the offence
- (c) has not previously been charged with any offence

and you agree to accept and abide by any decision of the Panel, which could include up to 6 months' supervision by the Department for Community Welfare, then the matter may be dealt with by the Children's (Suspended Proceedings) Panel instead of a Children's Court. An order made by the Panel will not be recorded as a conviction or lead to a criminal record. A date has been set for the Panel Hearing. You will be required to attend with your child.

At..... On.....

At.....

If you do not agree to accept a decision by the Panel, it will be necessary to refer the charge back to the Police for further action, possibly leading to a Children's Court appearance. Should this be your decision, you are requested to advise.

..... 'PHONE.....

If you have any doubts, it would be advisable to ring.....

Your prompt co-operation in this matter is requested.

Yours faithfully

SEAL OF CHILDREN'S PANEL
HELD AT

DIRECTOR

*Insert short particulars of the offence(s).

Form D

AGREEMENT

CHILDREN'S (Suspended Proceedings) PANEL

NAME (In Full)..... Age:.....

ADDRESS:.....

I/WE:.....

being the Parents/Guardians of the above-named child, acknowledge—

- 1. that the child has committed the offence of
.....
- 2. that we agree to appear before the Children's Panel with the child;
- 3. that the charge may be deferred for a period of not more than six months, and we agree to abide by the decision of the Panel as to the need for supervision of the child by the Department for Community Welfare for that period;
- 4. that if supervision is ordered we agree to—
 - 4.1 co-operate with the Department for Community Welfare in supervision;
 - 4.2 a Field Officer from the Department for Community Welfare visiting our home from time to time during this period, or that the child reports to a Community Welfare Divisional/District Office as required;
- 5. that if another offence is committed during the period of supervision, or the child fails to comply with any of the requirements of an Order as to supervision he will, in addition to being liable to be dealt with for any further offence, be liable to be sentenced by a Children's Court for the offence for which he is before the Panel.

Note: Subject to paragraph 5 above, an appearance before the Panel is not a conviction and does not lead to a criminal record.

PARENT OR GUARDIAN:..... DATE:.....

ORDER OF PANEL: Complaint Dismissed
Supervision for a period of months.

CONDITIONS: You shall obey the reasonable requirements of your Supervising Officer.
.....
.....
.....

CHILD'S SIGNATURE:..... DATE:.....

SEAL OF
CHILDREN'S PANEL
HELD AT:

Panel Member Representing
POLICE DEPARTMENT
.....

Panel Member Representing
DEPT. FOR COMMUNITY WELFARE
.....

Form E

Dear Sir/Madam

NOTICE RE: BREACH OF SUPERVISION AGREEMENT—CHILDREN'S (SUSPENDED PROCEEDINGS) PANEL.

I wish to advise that in my opinion (Name of Child).....
 has failed to obey the requirements of a Supervision
 Agreement as entered into by him/her on (Date).....
 in that he

A date has been set for the Panel to hear the complaint. You will be required to attend with your child.

At On.....
 At.....

If you do not agree to the Panel Hearing, it will be necessary to refer the original complaint back to the appropriate Children's Court for further action. Should this be your decision you are requested to advise:

..... PHONE:.....

Yours faithfully
 DIRECTOR

SEAL OF
 CHILDREN'S PANEL

PART II.

List of Forms

| Number of Form | Description of Form | Purpose |
|----------------|---|--|
| 1 | Application | Application to have child declared in need of care and protection |
| 2 | Complaint | Complaint incorporating a notice under section 24 |
| 3 | Complaint | Complaint incorporating a summons |
| 4 | Complaint | Complaint when child has been arrested |
| 5 | Summons to the Defendant upon Complaint | Summons separate from Complaint |
| 6 | Order requiring parent or guardian to attend Court | Order pursuant to Section 25(4) |
| 7 | Application for re-hearing | Application pursuant to section 27 |
| 8 | Order | Order when child is committed to the care or control of the Department |
| 9 | Supervision Agreement | When child released on supervision pursuant to section 26 |
| 10 | Probation Agreement | When child is released on probation to the Department |
| 11 | Warrant of Commitment upon Conviction for a Penalty in the First Instance | Warrant of Commitment to a secure departmental facility. |
| 12 | Warrant remanding a child | Warrant remanding a child to a Centre. |

FORM 1

(Page 1)

CHILDREN'S COURT.....
WESTERN AUSTRALIA

NO.....
AGE.....

APPLICATION

The application of
of _____ in the State of Western Australia
sworn (or made) at
this _____ day of _____ 19____, before the undersigned,
one of Her Majesty's Justices of the Peace for the said State (or the Clerk of
the Children's Court _____ in the said State) who says that
on the _____ day of _____ 19____, at _____

(a) Here state
name of child
and nature of
application or
subject matter.

(a) _____
Signature of Applicant _____ J.P./Clerk of the Children's Court

Summons issued to the parent.....
of..... to attend the Children's Court
at..... in the said State on the.....
at..... o'clock in the fore/afternoon.

RECORD OF COURT PROCEEDINGS

Adjournments, etc.

Present in Court: Child/Father/Mother Finding:

Penalty: Fine \$ _____ Costs \$ _____

Default: _____ days detention/gaol

Other Order:

| Action taken | Date | Rec. No. | Amount |
|--------------|------|----------|--------|
| | | | |
| | | | |
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Liberty to apply for Maintenance:

Granted/Not Granted

Special Magistrate

Member(s)

(page 2)

CHILDREN'S COURT..... NO.
WESTERN AUSTRALIA AGE.....

APPLICATION
COPY

The application of _____ in the State of Western Australia
of _____ sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned, one of Her
Majesty's Justices of the Peace for the said State (or the Clerk of the Children's Court
in the said State) who says that on the
day of _____ 19 _____, at _____
(a)

.....
Signature of Applicant J.P./Clerk of the Children's Court

(Page 3)

WESTERN AUSTRALIA
JUSTICES ACT, 1902

SUMMONS TO THE PARENT UPON APPLICATION

The application of _____ in the State of Western Australia
of _____ sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned, one of Her
Majesty's Justices of the Peace for the said State (or the Clerk of the Children's Court
in the said State) who says that on the
day of _____ 19 _____, at _____

Take notice that you the parent.....
of..... are required to attend the Children's Court
at..... in the said State on the.....
at..... o'clock in the fore/afternoon, in the above matter.
Dated this _____ day of _____ 19 _____

.....
J.P./Clerk of the Children's Court.

(Reverse of page 3)

ENDORSEMENT OF SERVICE

On the..... day of..... 19.....,
at..... I served the within named.....
with the within summons by delivering a duplicate of it to him personally (or by leaving a
duplicate of it for him with..... at.....
his last known place of abode.).

Signature.....
Date.....

(Page 4)

WESTERN AUSTRALIA
JUSTICES ACT, 1902

SUMMONS TO THE PARENT UPON APPLICATION

The application of _____ in the State of Western Australia
of _____ sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned, one of Her
Majesty's Justices of the Peace for the said State (or the Clerk of the Children's Court
in the said State) who says that on the
day of _____ 19 _____, at _____

Take notice that you the parent.....
of..... are required to attend the Children's Court
at..... in the said State on the.....
at..... o'clock in the fore/afternoon, in the above matter.
Dated this _____ day of _____ 19 _____

.....
J.P./Clerk of the Children's Court

Form 2

(page 1)

Children's Court.....19.....
Western Australia

Charge No.....
Age

COMPLAINT

THE COMPLAINT OF

of _____ in the State of Western Australia
sworn (or made) at
this _____ day of _____ 19 _____, before the undersigned,
one of Her Majesty's Justices of the Peace for the said State (or the Clerk of
the Children's Court _____ in the said State) who says that
on the _____ day of _____ 19 _____, at

(a) Here state
name of
Defendant and
nature of
offence or
subject matter.

(a)

Signature of Complainant

J.P./Clerk of the Children's Court
or Petty Sessions.

Section 24 Notice issued to defendant.....
of..... to attend the Children's Court
at..... in the said State on the.....
at..... o'clock in the fore/afternoon.

RECORD OF COURT PROCEEDINGS

Adjournments, bail, etc.

Appearance of Defendant Yes/No Represented by

Plea: Guilty/Not Guilty Finding:

Penalty: Fine \$ Costs: \$

Default: days detention/gaol

Other Order:

| Action taken | Date | Rec. No. | Amount |
|--------------|-------|----------|--------|
| Fine | | | |
| Costs | | | |
| Restitution | | | |
| W/C Issued | | | |
| 207 Issued | | | |

Special Magistrate
Member(s)

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Restitution to: Name
Address

(Reverse of page 1)

| Action Taken | Date | Rec. No. | Amount | |
|--------------|------|----------|--------|--|
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(Page 2)

Western Australia
CHILD WELFARE ACT, 1947-77
SECTION 24

THE COMPLAINT OF _____ in the State of Western Australia
of _____ sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned, one of Her
Majesty's Justices of the Peace for the said State (or the Clerk of the Children's Court
in the said State) who says that on the
day of _____ 19 _____, at _____

Take notice that you the defendant.....
of..... are required to attend the Children's Court
at..... in the said State on the.....
at..... o'clock in the fore/afternoon, in the above matter.

**YOUR FATHER OR MOTHER OR SOME RESPONSIBLE ADULT RELATIVE
SHOULD ACCOMPANY YOU.**

Dated this _____ day of _____ 19 _____.

.....
J.P./Clerk of the Children's Court
or Petty Sessions.

(Reverse of page 2

ENDORSEMENT OF SERVICE

ON the..... of..... 19.....,
at....., I served the within-named.....
with the within Section 24 Notice by delivering a duplicate of it to him personally (or by
leaving a duplicate of it for him with.....
at....., his last known place of abode) (or by posting a duplicate of
it to....., his last known place of abode).

Signature.....

Date.....

(Page 3)

SERVICE COPY

Western Australia
CHILD WELFARE ACT, 1947-77
SECTION 24

THE COMPLAINT OF

of in the State of Western Australia
sworn (or made) at
this day of 19, before the undersigned, one of Her
Majesty's Justices of the Peace for the said State (or the Clerk of the Children's Court
in the said State) who says that on the
day of 19, at

Take notice that you the defendant.....
of..... are required to attend the Children's Court
at..... in the said State on the.....
at..... o'clock in the fore/afternoon, in the above matter.

YOUR FATHER OR MOTHER OR SOME RESPONSIBLE ADULT RELATIVE
SHOULD ACCOMPANY YOU.

Dated this day of 19

J.P./Clerk of the Children's Court or
Petty Sessions.

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Form 3

(Page 1)

Children's Court.....

Charge No.

Age

Western Australia

COMPLAINT

THE COMPLAINT OF

of _____ in the State of Western Australia

sworn (or made) at

this _____ day of _____ 19 _____, before the undersigned,

one of Her Majesty's Justices of the Peace for the said State (or The Clerk of the

Children's Court or Petty Sessions _____ in the said State)

who says that on the _____ day of _____ 19 _____, at

(a)

(a) Here state name of defendant and nature of offence or subject matter.

.....
Signature of Complainant

.....
J.P./Clerk of the Children's Court
or Petty Sessions.

Summons to the defendant upon complaint issued to Defendant

.....
of..... to attend the Children's Court

at..... in the said State on the.....

at..... o'clock in the fore/afternoon.

RECORD OF COURT PROCEEDINGS

Adjournments, Bail, etc.

Appearance of Defendant Yes/No Represented by:

Plea: Guilty/Not Guilty Finding:

Penalty: Fine \$ _____ Costs \$ _____

Default: _____ days detention/
imprisonment

Other Order:

| Action taken | Date | Rec. No. | Amount |
|--------------|------|----------|--------|
| Fine | | | |
| Costs | | | |
| Restitution | | | |
| W/C Issued | | | |
| 207 Issued | | | |

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Restitution to: Name

Address

Special Magistrate

Member(s)

(Page 2)

Western Australia
JUSTICES ACT, 1902 (As amended)

SUMMONS TO THE DEFENDANT UPON COMPLAINT

THE COMPLAINT OF
OF _____ in the State of Western Australia
sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned one of Her
Majesty's Justices of the Peace for the said State (or Clerk of Children's Court or Petty Sessions
in the said State) who says that on the
day of _____ 19 _____, at _____

These are therefore to command you the defendant.....
of..... to attend the Children's Court.....
at..... in the said State on the.....
at..... o'clock in the fore/afternoon.

YOUR FATHER OR MOTHER OR SOME RESPONSIBLE ADULT RELATIVE
SHOULD ACCOMPANY YOU.

Dated this _____ day of _____ 19 _____.

.....
J.P./Clerk of the Children's Court
or Petty Sessions

(Reverse of Page 2)

ENDORSEMENT OF SERVICE

On the _____ day of _____ 19 _____
at _____
I served the within-named
with the within Summons by delivering a duplicate of it to him personally (or by leaving a
duplicate of it for him with
at _____
his last known place of abode)

Signature.....

Date.....

(Page 3)
SERVICE COPY

Western Australia
JUSTICES ACT, 1902 (As amended)

SUMMONS TO THE DEFENDANT UPON COMPLAINT

THE COMPLAINT OF
OF _____ in the State of Western Australia
sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned one of Her
Majesty's Justices of the Peace for the said State (or Clerk of Children's Court or Petty Sessions
in the said State) who says that on the
day of _____ 19 _____, at _____

These are therefore to command you the defendant.....
of..... to attend the Children's Court.....
at..... in the said State on the.....
at..... o'clock in the fore/afternoon.

YOUR FATHER OR MOTHER OR SOME RESPONSIBLE ADULT RELATIVE
SHOULD ACCOMPANY YOU

Dated this _____ day of _____ 19 _____.

.....
J.P./Clerk of the Children's Court
or Petty Sessions

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Form 4 (Page 1)
 Children's Court..... Charge No.

Western Australia Age

COMPLAINT

THE COMPLAINT OF
 of in the State of Western Australia
 this day of 19, sworn (or made) at
 one of Her Majesty's Justices of the Peace for the said State (or the Clerk of
 the Court in the said State) who says that on the
 day of 19, at

(a) Here state name of defendant and nature of offence or subject matter.

(a)
 Signature of Complainant J.P./Clerk of the Children's Court or Petty Sessions.

RECORD OF COURT PROCEEDINGS

Adjournments, bail, etc.
 Appearance of Defendant Yes/No Represented by:
 Plea: Guilty/Not Guilty Finding:
 Penalty: Fine \$ Costs \$
 Default: days detention/ imprisonment
 Other Order:

| Action taken | Date | Rec. No. | Amount |
|--------------|-------|----------|--------|
| Fine | | | |
| Costs | | | |
| Restitution | | | |
| W/C Issued | | | |
| 207 Issued | | | |

Defendant's Address:

Special Magistrate Member(s)

(Remove carbon when typing)
 Restitution to: Name
 Address

(Reverse of page 1)

Cross out whichever not applicable.

- (1) Copy of Complaint served on parent or person in *loco parentis* to the child namely..... of.....
- (2) Copy of Complaint not served on parent or person standing in *loco parentis* to the child as not practicable.

Signed
 Date

19

(Page 2)

SERVICE COPY

Children’s Court

Charge No.
Age

Pursuant to Section 123(2)
CHILD WELFARE ACT, 1947-77

Western Australia

COMPLAINT

THE COMPLAINT OF
of _____ in the State of Western Australia
sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned,
one of Her Majesty’s Justices of the Peace for the said State (or the Clerk of
the Court _____ in the said State) who says that on the
_____ day of _____ 19 _____, at _____

(a)
.....
Signature of Complainant J.P./Clerk of the Children’s Court
or Petty Sessions.

(a) Here state
name of
defendant and
nature of
offence or
subject matter.

Form 5

(Page 1)

Western Australia

JUSTICES ACT, 1902 (As amended)

SUMMONS TO THE DEFENDANT UPON COMPLAINT

THE COMPLAINT OF
of _____ in the State of Western Australia
sworn (or made) at _____
this _____ day of _____ 19 _____, before the undersigned,
one of Her Majesty’s Justices of the Peace for the said State (or the Clerk of
the Children’s Court _____ in the said State) who says that
on the _____ day of _____ 19 _____, at _____

(a)
These are therefore to command you the defendant,
of to appear at the Children’s
Court at in the said State on the
at o’clock in the fore/afternoon, before such Justices
as may then be there, to answer the said complaint, and to be dealt with according
to law.

(a) Here State
Name of
Defendant and
nature of
offence or
subject matter.

Your Father or Mother or some responsible adult relative should accompany
you.

Given under my hand at in the said State, this
day of _____ 19 _____

.....
J.P./Clerk of the Children’s Court
or Petty Sessions.

(Reverse of page 1)

ENDORSEMENT OF SERVICE

On the..... day of..... 19.....,
at....., I served the within-named.....
with the within summons by delivering a duplicate of it to him personally (or by leaving a
duplicate of it for him with..... at....., his last
known place of abode).

(Signature).....
(Date).....

(Page 2)

SERVICE COPY

Western Australia
JUSTICES ACT, 1902 (As amended)

SUMMONS TO THE DEFENDANT UPON COMPLAINT

THE COMPLAINT OF
of in the State of Western Australia
sworn (or made) at
this day of 19, before the undersigned,
one of Her Majesty's Justices of the Peace for the said State (or the Clerk of
the Children's Court in the said State) who says
that on the day of 19, at

These are therefore to command you the defendant,
of to appear at the Children's Court
..... in the said State on the
at o'clock in the fore/afternoon, before such Justices as may
then be there, to answer the said complaint, and to be dealt with according
to law.

Your Father or Mother or some responsible adult relative should accompany
you.

Given under my hand at in the said State, this
day of 19

.....
J.P./Clerk of the Children's Court
or Petty Sessions

Form 6

(Page 1)

CHILDREN'S COURT.....

CHILD WELFARE ACT 1947-77

ORDER REQUIRING PARENT OR GUARDIAN TO ATTEND COURT

WHEREAS a child is brought before, or is to be dealt with as though before, the Children's Court at on the following matter

These are therefore to require under the powers contained in Section 25 of the Child Welfare Act 1947-77, you, being the parent or guardian of the said child to attend at the Children's Court

Together with such child at o'clock in the fore/afternoon on the day of 19, and to remain at such Court until all stages of the proceedings against or concerning such child, including any adjournments thereof have been completed or until excused from attendance by the Court.

Dated this day of 19

SPECIAL MAGISTRATE/CLERK OF THE COURT.

TO: OF

NOTE: Section 25(4) Child Welfare Act. A person who fails to comply with the requirements of an Order served upon him pursuant to this Section and who does not show cause why he should be excused, is Guilty of an offence. Penalty One Hundred Dollars.

CHILDREN'S COURT.....

(Page 2) SERVICE COPY

CHILD WELFARE ACT 1947-77

ORDER REQUIRING PARENT OR GUARDIAN TO ATTEND COURT

WHEREAS a child is brought before, or is to be dealt with as though before, the Children's Court at on the following matter

These are therefore to require under the powers contained in Section 25 of the Child Welfare Act 1947-77, you, being the parent or guardian of the said child to attend at the Children's Court

Together with such child at o'clock in the fore/afternoon on the day of 19, and to remain at such Court until all stages of the proceedings against or concerning such child, including any adjournments thereof have been completed or until excused from attendance by the Court.

Dated this day of 19

SPECIAL MAGISTRATE/CLERK OF THE COURT.

TO: OF

NOTE: Section 25(4) Child Welfare Act. A person who fails to comply with the requirements of an Order served upon him pursuant to this Section and who does not show cause why he should be excused, is Guilty of an offence. Penalty One Hundred Dollars.

Form 7

(Page 1)

Children's Court.....

Western Australia

CHILD WELFARE ACT, 1947-1977

APPLICATION FOR REHEARING

(1) Here state name of child.

(2) Here state name and address of person making the application.

(3) Cross out descriptions not applicable.

Charge/Application Number..... in which an order was made in respect of the child (1)

I, (2) of

being (3) an officer of the Department for Community Welfare a parent or guardian of the child the child the Complainant

hereby apply under Section 27 (1) of the Child Welfare Act, 1947-1977 for a rehearing of the proceedings. This application is made on the grounds that:—

..... Applicant

COURT DECISION

Application for hearing granted/not granted.

Matter adjourned/remanded to..... day of..... 19..... at..... o'clock in the fore/afternoon at Children's Court..... for rehearing.

..... Special Magistrate

Member:

Member:

Children's Court.....

(Page 2)

Western Australia

CHILD WELFARE ACT, 1947-1977

APPLICATION FOR REHEARING

(1) Here state name of child.

(2) Here state name and address of person making the application.

(3) Cross out descriptions not applicable.

Charge/Application Number..... in which an order was made in respect of the child (1)

I, (2) of

being (3) an officer of the Department for Community Welfare a parent or guardian of the child the child the Complainant

hereby apply under Section 27 (1) of the Child Welfare Act, 1947-1977 for a rehearing of the proceedings. This application is made on the grounds that:—

..... Applicant

(4) Here state the name of the Complainant or the person in whose favour the order was made.

(4) To: Of:

TAKE NOTICE that an application has been made for the rehearing of the above case on the..... day of..... 19....., at..... o'clock in the fore/afternoon at the Children's Court.....

You or your representative may attend and address the Court but if you fail to attend the Court may rehear the case in your absence.

..... Clerk of the Court

(Reverse of Page 2)

ENDORSEMENT OF SERVICE

On the _____ day of _____ 19____
 at _____
 I served the within-named _____
 with the within NOTICE by delivering a duplicate of it to him personally (or by leaving a
 duplicate of it for him with _____
 at _____
 his last known place of abode) (or if the person is a Police Officer by leaving a duplicate
 of it for him at the _____ Police Station)

Signature.....

Date.....

SERVICE COPY (Page 3)

Children's Court.....

Western Australia

CHILD WELFARE ACT, 1947-1977

APPLICATION FOR REHEARING

Charge/Application Number..... in which an order was made in respect of the
child (1)

(1) Here state name of child.

I, (2)
of

(2) Here state name and address of person making the application.

being (3) an officer of the Department for Community Welfare
a parent or guardian of the child
the child
the Complainant

(3) Cross out descriptions not applicable.

hereby apply under Section 27 (1) of the Child Welfare Act, 1947-1977 for a
rehearing of the proceedings. This application is made on the grounds that:—

.....
Applicant

(4) To:
Of:

(4) Here state the name of the Complainant or the person in whose favour the order was made.

TAKE NOTICE that an application has been made for the rehearing of the
above case on the..... day of..... 19.....,
at..... o'clock in the fore/afternoon at the Children's
Court.....

You or your representative may attend and address the Court but if you fail
to attend the Court may rehear the case in your absence.

.....
Clerk of the Court

Form 8

CHILD WELFARE ACT, 1947-1977

ORDER

CHILDREN'S COURT

Charge No.....

at.....

in the State of Western Australia.

BE IT REMEMBERED that on the..... day of
..... 19..... at.....

(Name) a child

of..... years, born on the..... day of.....

19....., whose religion appears to be..... appeared before (me)
(us)

the undersigned (Special Magistrate) of the Children's Court and
(and/or Members)

(I)
(We) therefore Order that the aforesaid.....

be.....

for a period of..... or until..... years of age,
conditionally, upon.....

with a recommendation that.....

.....Special Magistrate.

.....Member.

.....Member.

Seal of
Children's Court.

FOR DEPARTMENTAL USE ONLY

| | | |
|---------|-------|-----------------------------|
| Entered | No. | Card completed for H.O..... |
| | | |
| Date | | Card completed for C.I..... |
| | | |

When this Order is made, a copy thereof must be sent forthwith to the Director, Department
for Community Welfare, Perth.

25

Form 9

CHILDREN'S COURT AT

Date

SUPERVISION AGREEMENT

Charge No.

Section 26 Child Welfare Act, 1947-77

I, _____ of _____ Age _____

Having received the benefit of Section 26, Child Welfare Act, on matters which I appeared in the Children's Court, agree that I will accept supervision of the officers of the Department for Community Welfare for a period of _____ months from this date.

I further agree that I will

Obey my parents

Attend school regularly (if of school age)

Report to the Community Welfare Officer as required by him

Refrain from committing further offences

Signed:

I/We the undersigned parents join with our son/daughter in accepting the benefit of Section 26, Child Welfare Act, as outlined above.

We further undertake to exercise care and control over our son/daughter and will answer forthwith any communication from the Department for Community Welfare, and will notify the Community Welfare Officer of any difficulties experienced in the management of our son/daughter.

Signed: Father

Mother

Court Seal

Name, address, phone number of Division to whom allocated:

Date of first appointment:

(Reverse of Form 9)

CERTIFICATE OF COMPLETION OF SUPERVISION

Chief of Welfare Services

The herein named completed the period of supervision on

He/She was co-operative/non-co-operative

His/Her parents were co-operative/non-co-operative

Costs, restitution have been/not been satisfied

REMARKS:

Signed S/W. F.W.O.

Counter-signed: Supervisor.

Date.

26

Form 10
CHILDREN'S COURT AT

Child Welfare Act, 1947-77
Sections 30, 32, 34, 34B

PROBATION AGREEMENT

I, _____ of

Having voluntarily accepted probation agree to comply with the following terms for a period of _____ months from this date or until I attain the age of _____ years.

I further agree that I will:—

1. Report each week to the Community Welfare Officer allocated to me or until otherwise advised by him.
2. Accept and keep any appointments for medical, psychological treatment programmes which may be arranged for me.
3. Be of good behaviour and not commit any further offences.
4. Refrain from associating with persons named by my parents or the Community Welfare Officer.
5. Refrain from frequenting any places named by my parents or the Community Welfare Officer.
6. Obtain permission from my parents before going out and return home at times laid down by them.
7. If of school age, attend school regularly and punctually whilst legally required to do so, or if directed by my parents or my Community Welfare Officer.
8. If in employment, remain in such employment and not vacate my job without first obtaining the permission of the Community Welfare Officer.
9. Notify the Community Welfare Officer before changing my address or abode, giving full details of the proposed change of address or place of abode.
10. Attend the Community Welfare Youth Centre if and when required to do so.
- 11.
- 12.

Further, I fully understand that if I fail to keep the conditions as stated above I will be charged with breach of probation and dealt with by the Children's Court upon matters on which I was placed on probation.

Signed:

I/We the undersigned parent(s) join with our son/daughter in accepting the above conditions. I/We undertake to inform the Community Welfare Officer of any breach of conditions and such information will be given forthwith.

I/We also undertake to exercise care and control over our son/daughter and will answer forthwith any communication from the Community Welfare Officer.

Signed: Father

Mother

Court Seal

Name, address, phone number of division to whom allocated:

Date of first appointment: _____

(Reverse of Form 10)

CERTIFICATE OF COMPLETION OF PROBATION

Chief of Welfare Services:

The herein named completed the period of probation on

He/She was co-operative/non-co-operative

His/Her parents were co-operative/non-co-operative

Costs, restitution have/have not been satisfied.

REMARKS:

Signed: S/W. F.W.O.

Counter Signed: Supervisor:

Date:

Form 11.

.....Children's Court Charge.....19.....

CHILD WELFARE ACT, 1947-1977
SECTION 35(1)

**Warrant of Commitment upon Conviction for
a Penalty in the First Instance**

To all Police Officers in the State of Western Australia, and to all Superintendents of secure Departmental Centres in the said State.

WHEREAS..... (hereinafter called the defendant)
of..... in the State of Western Australia,
was on the..... day of..... 19.....,
convicted before a Special Magistrate and/or Member(s) for that*.....
and it was adjudged that the defendant for his/her said offence should forfeit
and pay the sum of**.....
and should pay the sum of..... for costs: in default of payment
..... days detention.

*Stating
briefly the
offence as in
the conviction.

**As in the
conviction.

And whereas the time in and by the said conviction appointed for payment of
the said several sums has elapsed, but the defendant has not paid the same
except to the extent of \$..... paid off the penalty and
\$..... paid off the costs †.....
These are therefore to command you the said police officers to apprehend the
defendant and to convey him/her to the nearest secure Departmental Centre
and deliver him/her to the Superintendent thereof together with this warrant:
and I hereby command you the said Superintendent of the said secure Depart-
mental Centre to receive the defendant into your custody in the said secure
Departmental Centre there to detain him/her for the term of.....
..... unless (the balance of) the said several sums and
the costs and charges including the issue and execution of this warrant of commit-
ment and of taking and conveying him/her to the said secure Departmental
Centre are sooner paid.

†Or as the
case may be.

The total amount payable under this warrant is \$..... made
up as follows:—

| | |
|---|-----------|
| Amount ordered to be paid | \$ |
| Since paid | \$ |
| | _____ |
| | \$ |
| Fees for issue and execution of this warrant | \$ |
| Costs and charges of taking and conveying the defendant to a secure Departmental Centre | \$ |
| | _____ |
| TOTAL | \$ |
| | _____ |

and if the defendant shall pay any portion of the amount payable under this
warrant, then the period of detention shall be thereby reduced by a period which
shall bear the same ratio to the period of detention as the portion paid bears
to the total payable, and the detainee is to be released on the expiry of the
reduced period. In calculating any such reduction fractional parts of days are
to be disregarded.

Given under my/our hand(s) at..... in the said
State this..... day of..... 19.....

.....SPECIAL MAGISTRATE

Form 12

CHILD WELFARE ACT, 1947-77
Sections 28, 29, 33, 34C, 37 and 38

Warrant Remanding a Child

To the Principal Officer at.....
in the State of Western Australia, and to all other Police Officers in the said State, and to the
Superintendents of Departmental Centres in the said State.

WHEREAS..... (hereinafter called the child)
was this day remanded by the undersigned..... of Her Majesty's
Special Magistrates and/or Member(s) for the said State (or for the Magisterial District of
..... in the said State) for that.....

These are therefore to command you, the said Police Officers, in Her Majesty's name, forthwith
to convey the child to a Departmental Centre at..... and there deliver
h..... to the Superintendent thereof together with this warrant, and I/we hereby command
you, the said Superintendent to receive the child into your custody in the said Departmental
Centre and there safely keep h..... until the..... day of..... 19..... or
such earlier day as may be lawfully ordered in that behalf, when I/we hereby command you to
have h..... at....., in the said State, at.....
o'clock in the forenoon, before such Special Magistrate and/or Member(s) as may then be
there, further to answer the said matter.

Given under my/our hand(s) at....., in the said State, this.....
.....day of..... 19.....

.....SPECIAL MAGISTRATE

.....MEMBER

.....MEMBER