

Western Australia

**Young Offenders Legislation Amendment
(Research Information) Act 2011**

As at 11 Jul 2011

No. 26 of 2011

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Young Offenders Legislation Amendment (Research Information) Act 2011

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Young Offenders Legislation Amendment (Research Information) Act 2011

No. 26 of 2011

An Act to amend these Acts —

- **the *Children's Court of Western Australia Act 1988*;**
- **the *Young Offenders Act 1994*.**

[Assented to 11 July 2011]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Young Offenders Legislation Amendment (Research Information) Act 2011*.

2. Commencement

This Act comes into operation as follows —

1. Part 1 — on the day on which this Act receives the Royal Assent;
1. the rest of the Act — on the day after that day.

**Part 2 — *Children's Court of Western Australia*
Act 1988 amended**

3. Act amended

This Part amends the *Children's Court of Western Australia Act 1988*.

4. Section 35 amended

In section 35(3) delete “XXII, XXXI or XXXII” and insert:

XXII or XXXI

5. Section 36 amended

In section 36(1) after “child, or in accordance with” insert:

section 36AA(1) or

6. Section 36AA inserted

After section 36 insert:

36AA. Disclosure for certain research purposes

(1) Where —

- (a) a charge against a child is dismissed by the Court; or
- (b) a child is convicted or found guilty of an offence by the Court,

the fact of the dismissal, the conviction or finding of guilt or any relevant order may be disclosed to a health department officer for use in the research project.

- (2) In subsection (1) —
- health department officer** means a member of the Public Service employed in the Department as defined in the *Health Act 1911* section 3(1);
- research project** means the project known as “Developmental Pathways Project” conducted by the Telethon Institute for Child Health Research.
- (3) Information may be disclosed under subsection (1) —
- (a) even if the disclosure is in a manner which identifies or is likely to lead to the identification of the child; and
 - (b) despite any written law relating to confidentiality or secrecy.
- (4) The chief executive officer of the department of the Public Service principally assisting in the administration of this Act must establish procedures for the disclosure of information under subsection (1).
- (5) The regulations may include provisions about —
- (a) the receipt and storage of information disclosed under this section; and
 - (b) the restriction of access to such information.
- (6) If information is disclosed, in good faith, under subsection (1) —
- (a) no civil or criminal liability, or liability to be punished for a contempt of court, is incurred in respect of the disclosure; and
 - (b) the disclosure is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by law; and

- (c) the disclosure is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

Part 3 — *Young Offenders Act 1994* amended

7. Act amended

This Part amends the *Young Offenders Act 1994*.

8. Section 16 amended

In section 16(1) in the definition of *research* delete “services.” and insert:

services and includes research for the purposes of the project known as “Developmental Pathways Project” conducted by the Telethon Institute for Child Health Research.

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