

CHILD WELFARE.

No. 31 of 1984

AN ACT to amend the Child Welfare Act 1947-1982.

[Assented to 15 June 1984.]

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 Amendment Act 1984*. Short title and citation.

(2) In this Act, the Child Welfare Act 1947-1982 is referred to as the principal Act. Reprinted as approved on 11 November 1977 and amended by Acts Nos. 77 of 1979, 52 and 57 of 1981 and 20 and 57 of 1982.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act 1947-1984.

Commence-
ment.

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

Sections 108
and 108A
inserted.

3. After section 107 of the principal Act, the following sections are inserted—

Children
not to be
employed in
certain cases
unless
licensed.

“ 108. (1) A person shall not—

- (a) employ a child who is not the subject of a children's employment licence;
- (b) cause or procure such a child to be employed; or
- (c) being a person having the care of such a child, consent to his being employed or allow him to be employed,

for the purpose of his taking part in an entertainment or exhibition or his offering any thing for sale in association with or proximity to an entertainment or exhibition otherwise than in the course of street trading.

Penalty: \$1 000 or, where the child is employed for indecent, obscene or pornographic purposes, \$10 000 or imprisonment for 3 years, or both.

(2) Subsection (1) of this section does not apply in respect of the employment of a child, otherwise than for indecent, obscene or pornographic purposes—

- (a) where the child is employed for the purpose of an occasional entertainment the net proceeds of which are wholly applied for the benefit of a school or charitable object;
- (b) where the child is of or above the age of 15 years; or
- (c) where the Minister has granted an exemption in respect of that employment, if the conditions, if any, subject to which the exemption was granted are complied with.

(3) For the purposes of subsections (1) and (2) of this section—

- (a) a child who takes part in an entertainment or exhibition carried on for profit or offers any thing for sale shall be deemed to be employed for the purpose of his so taking part or offering a thing for sale by the person conducting the entertainment or exhibition or who owns the thing offered for sale, notwithstanding that the child is not an employee of that person or receives no consideration for his doing so;
- (b) without prejudice to the generality of the expression “indecent, obscene or pornographic purposes”, a child is employed for indecent, obscene or pornographic purposes if, in the course of the employment, the child—
 - (i) is engaged in an activity of a sexual nature;
 - (ii) is in the presence of another person who is so engaged; or
 - (iii) is required to pose or move in a manner calculated to give prominence to sexual or excretory organs;

and

- (c) “employment” includes employment by way of professional engagement or under a contract of service or a contract for service.

108A. (1) In this Part “child” does not include a child who has reached the school leaving age or who, although he has not reached that age, is the holder of a certificate of exemption, granted in respect of him under section 13 (4) of the Education Act 1928

Children's
employment
licence.

exempting him from attendance at school for the purpose of enabling him to take employment.

(2) The Minister may, on application made by the employer or prospective employer of a child, grant a licence authorizing the child to be employed for the purpose of his taking part in any entertainment or exhibition or offering any thing for sale, in association with or proximity to an entertainment or exhibition being an entertainment, exhibition or thing specified or of a kind specified in the licence.

(3) Subject to subsection (5) of this section, a licence shall be in force for such times, during such periods and subject to such conditions as are prescribed or as the Minister may impose.

(4) The times for which a licence is in force, the periods during which it is in force and the conditions to which it is subject shall be endorsed on the licence.

(5) A licence shall not—

(a) be granted under subsection (2) of this section unless the Minister is satisfied that the child is fit to be employed and that proper provision has in the manner specified in the application been made to safeguard the health, welfare and education of the child; or

(b) authorize a child to be employed between the hours of 11 p.m. and 7 a.m.

(6) A licence may, at any time, be varied or cancelled by the Minister. ”.

4. Section 9A (1) (a) of the principal Act is hereby amended by inserting after the expression “66B,” the expression “108, 108A, ”.