

## CHILD WELFARE.

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No. 77 of 1979.

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AN ACT to amend the Child Welfare Act, 1947-1977.

[Assented to 6th December, 1979.]

**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:—

1. (1) This Act may be cited as the *Child Welfare Act Amendment Act, 1979*. Short title and citation.

(2) In this Act the Child Welfare Act, 1947-1977, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Child Welfare Act, 1947-1979.

Section 19  
amended.

2. Section 19 of the principal Act is amended by inserting, after subsection (1), the following subsections—

(1a) Subject to subsection (1b) of this section, a special magistrate shall, before proceeding to discharge the duties of his office, take before a Judge or any person authorised in that behalf by the Governor an oath or affirmation in accordance with the form set out in the Fifth Schedule to this Act.

(1b) It shall not be necessary for a special magistrate who—

(a) is a stipendiary magistrate; and

(b) has taken the oaths or the oath or affirmation, as the case may be, required by the Stipendiary Magistrates Act, 1957, before or after the amendment of that Act by the Stipendiary Magistrates Act Amendment Act, 1979,

to comply with the requirements of subsection (1a) of this section before proceeding to discharge the duties of his office. .

Section 22  
repealed and  
substituted.

3. Section 22 of the principal Act is repealed and the following section is substituted—

Venues for  
Children's  
Courts.

22. A Children's Court shall be held in such place (whether in a building or otherwise) within the area in and for which it exercises jurisdiction as it determines from time to time. .

Section 23  
amended.

4. Section 23 of the principal Act is amended by repealing subsections (2), (3) and (4).

5. Section 34E of the principal Act is amended in subsection (1) by inserting—

Section 34E amended.

- (a) after the words “to which” in line two, the words “a fine may be imposed on the child or”; and
- (b) after the words “order that the” in line seven, the words “fine or”.

6. Section 126 of the principal Act is repealed and the following section is substituted—

Section 126 repealed and substituted.

126. (1) When in a Children’s Court a child—

Disclosure of convictions and other particulars restricted.

- (a) is convicted of an offence; or
- (b) is ordered to be committed to the care of the Department or placed under the control of the Department,

or when a complaint against a child is dismissed by a Children’s Court or a Children’s Panel under this Act, a person, other than the child, shall not disclose the name, age or address of the child or the fact of that conviction, order or dismissal except—

- (c) to a court of law;
- (d) to a person acting in the performance of his duties pursuant to any Act; or
- (e) to a person who as part of his duties is concerned with the custody or welfare of the child.

(2) When a child since attaining the age of sixteen years—

- (a) has been convicted of any offence under The Criminal Code, the Police Act, 1892, or section 49, 60, 61, 62, 63, 77, 89 or 90 of the Road Traffic Act, 1974, or of any offence of which assault, the illegal consumption of liquor, drunkenness or illegal betting is an element; and

(b) is subsequently convicted of the same or another of those offences,

the provisions of subsection (1) of this section shall not, in relation to that subsequent conviction, apply to the disclosure of the name, age or address of the child or to the disclosure of the fact of that subsequent conviction or of any order referred to in that subsection and consequent on that subsequent conviction.

(3) When a child is dealt with on a criminal charge in the Supreme Court or The District Court of Western Australia, a judge thereof may, after due consideration of the public interest and the interests of the child, order that no person shall publish in any newspaper or other printed medium or broadcast or televise any report of the proceedings of that Court on the hearing of—

(a) that charge; or

(b) any application relating to that charge.

Fifth  
Schedule  
inserted.

7. The principal Act is amended by inserting, after the Fourth Schedule, the following Schedule—

FIFTH SCHEDULE (Section 19(1a)).

OATH OR AFFIRMATION OF OFFICE TO BE TAKEN  
BY SPECIAL MAGISTRATES.

1. OATH.

I, \_\_\_\_\_, do swear that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors, according to law in the office of special magistrate and I will do right to all manner of people after the laws and usages of this State, without fear or favour, affection or ill will. So help me God.

2. AFFIRMATION.

I, \_\_\_\_\_, do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors, according to law in the office of special magistrate and I will do right to all manner of people after the laws and usages of this State, without fear or favour, affection or ill will.