

reasonably or probably necessary for promoting the welfare of a child, whether that child is a ward or placed under the control of the Department or not, and the Director and any officer of the Department authorised by the Director in that behalf has all such powers as may be reasonably necessary to enable such action to be taken.

Section 11
amended.

9. Section 11 of the principal Act is amended by inserting after the word "wards", in line four, the words "and children placed under the control of the Department".

Section 12
amended.

10. Section 12 of the principal Act is amended—

- (a) by deleting the passage "and shall in such report specify the number of children in the several institutions, the number placed out and apprenticed during the period covered by the report," in line two to line five; and
- (b) by deleting the words "same period", in line seven, and substituting the words "period covered by the report".

Heading
amended.

11. The heading immediately preceding section 13 of the principal Act is deleted and a new heading substituted as follows—

PART III.—CENTRES AND FACILITIES.

Section 13
amended.

12. Subsection (1) and subsection (2) of section 13 of the principal Act are repealed and re-enacted with amendments as follows—

- (1) The Governor may by order declare any building, place, educational establishment, training facility or other thing to be a

Departmental Centre or Departmental facility for the purposes of this Act and effect shall be given to any such declaration.

- (2) The Governor may by order discontinue and close any Departmental Centre or facility and direct the transfer of any child thereby affected to some other centre or facility.

13. Section 14 of the principal Act is repealed and re-enacted with amendments as follows—

Section 14
repealed
and
re-enacted.

14. (1) The Governor may by order declare any building, place, educational establishment, training facility, or other thing to be a subsidised centre or subsidised facility or a voluntary centre or voluntary facility for the purposes of this Act and effect shall be given to any such declaration.

Subsidised
and
voluntary
centres
and
facilities.

(2) The Governor may by order declare that any subsidised centre or facility or any voluntary centre or facility shall cease to be such for the purposes of this Act, and thereupon any ward or child placed under the control of the Department thereby affected may be transferred to some other centre or facility or otherwise dealt with in accordance with the provisions of this Act.

(3) Any order made under this section may direct that any such centre or facility shall cease to be used in the manner therein specified on the expiry of the period therein specified and effect shall be given to any such direction.

(4) Any order under this section may be altered or revoked by the Governor.

Section 15
repealed
and
re-enacted.

14. Section 15 of the principal Act is repealed and re-enacted with amendments as follows—

Existing
centres
and
facilities.

15. Subject to the provisions of subsection (2) of section fourteen of this Act the centres and facilities specified in the Second Schedule to this Act are declared to be subsidised centres or facilities.

Section 16
repealed
and
re-enacted.

15. Section 16 of the principal Act is repealed and re-enacted with amendments as follows—

Manager
to be
approved.

16. No centre or facility shall be eligible to be or to continue to be a subsidised centre or facility or a voluntary centre or facility for the purposes of this Act unless the person holding office as manager in chief control of that centre or facility is a person approved in that office by the Governor.

Section 17
repealed
and
re-enacted.

16. Section 17 of the principal Act is repealed and re-enacted with amendments as follows—

Mainten-
ance by
religious
denomina-
tion.

17. Where a subsidised centre or facility or a voluntary centre or facility is or is to be established or maintained for the children of persons of any particular religious denomination exclusively, the Governor may have regard to that limitation.

Section 18
amended.

17. Section 18 of the principal Act is amended—

- (a) by deleting the word “the”, in line one, and substituting the word “a”; and
- (b) by deleting the word “institution”, in line four, and substituting the words “centre or facility declared to be such pursuant to the provisions of this Act”.

18. The principal Act is amended by adding after section 18 a new section, to stand as section 18A, as follows—

New
Section
18A
added.

18A. The Director, or any officer of the Department authorised in that behalf by the Minister, shall have the right at any time to enter, visit and inspect any subsidised centre or facility or any voluntary centre or facility.

Visits by
officers of
the
Depart-
ment.

19. The heading immediately preceding section 19 of the principal Act is amended by inserting immediately after the passage "WARDS," the passage "CHILDREN UNDER DEPARTMENTAL CONTROL,".

Heading
amended.

20. (1) Section 19 of the principal Act is amended, as to paragraph (e) of subsection (1)—

Section 19
amended.

- (a) by deleting the passage ", if—", in line six of that paragraph and substituting the word "if";
- (b) by deleting the subparagraph designation (i) in line seven of that paragraph;
- (c) by deleting the passage "Act; and", in lines twelve and thirteen of that paragraph, and substituting the passage "Act and—";
- (d) by deleting the subparagraph designation "(ii)", in line fourteen of that paragraph, and substituting the designation "(i)"; and
- (e) by deleting the passage "thereto.", at the end of the paragraph, and substituting a new passage as follows—

"to that offence; or

- (ii) the parties to the proposed proceedings agree that those powers shall be exercisable by that Children's Court."

(2) Section 19 of the principal Act is further amended by adding a new subsection as follows—

(7) For every Children's Court there shall be a seal; and plaints, summonses, orders, and notices and other processes issued out of that court shall be sealed or stamped with the seal.

Section 20
amended.

21. (1) Subsection (1) of section 20 of the principal Act is amended—

- (a) by inserting after the words "Subject to", in line one, the words "the provisions of Part V of this Act and to"; and
- (b) by deleting the passage "on a complaint of an offence or as a destitute, neglected or uncontrolled child", in lines fourteen to sixteen.

(2) Subsection (1a) of section 20 of the principal Act is repealed and re-enacted to stand as subsection (2).

(3) Subsection (1b) of section 20 of the principal Act is repealed.

(4) Section 20 of the principal Act is amended by inserting a new subsection, to stand as subsection (3), as follows—

(3) Where it is provided by any other Act that a minimum penalty shall be imposed in relation to any offence, notwithstanding that provision a Children's Court is not bound to impose such a penalty.

(5) Subsection (3) of section 20 of the principal Act is amended—

- (a) by deleting the subsection designation "(3)", in line one, and substituting the designation "(4)";

- (b) by deleting the passage commencing with the word "offences", in line nine of the subsection, and ending with the last word in the subsection and substituting a new passage as follows—

"offences; or

- (b) if hearing a complaint of an indictable offence brought against a child who is over the age of fourteen years and either—

- (i) accepting a plea of guilty entered by the child in respect of the offence; or
- (ii) determining the complaint and finding the child guilty of the offence,

thereupon commit the child for sentence to the Supreme Court or The District Court of Western Australia, as the case may be."

- (6) Subsection (3a) of section 20 of the principal Act is amended—

- (a) by deleting the subsection designation "(3a)", in line one, and substituting the designation "(5)";
- (b) by deleting the subsection designation "(3)", in line four, and substituting the designation "(4)"; and
- (c) by deleting the subsection designation "(3b)", in line eight and substituting the designation "(6)".

- (7) Subsection (3b) of section 20 of the principal Act is amended—

- (a) by deleting the subsection designation "(3b)", in line one, and substituting the designation "(6)";

- (b) by inserting after the word "Australia", in line two, the passage "has, in all cases where a child is before that Court, all the powers of a Children's Court in all respects as if the child had been before such a court and"; and
- (c) by deleting the subsection designation "(3)", in line three, and substituting the designation "(4)".

(8) Subsection (4) of section 20 of the principal Act is amended by deleting the subsection designation "(4)", in line one, and substituting the designation "(7)".

Section 23
amended.

22. (1) Subsection (1) of section 23 of the principal Act is amended by deleting the words "by a court under this Act", in lines one and two, and substituting the passage "relating to a charge against, or any application concerning, a child or where the interests of a child may be prejudicially affected".

(2) Subsection (1a) of section 23 of the principal Act is amended—

- (a) by deleting the words "having a sufficient reason on request", in line four, and substituting the words "who satisfies the court that he has suffered loss by reason of an offence committed by the child"; and
- (b) by deleting the passage "any child coming within the ambit of subsection (3) of this section", in lines five and six, and substituting the words "the child"

(3) Section 23 of the principal Act is amended by adding a new subsection, to stand as subsection (4), as follows—

(4) The provisions of this section apply to the Supreme Court, The District Court of Western Australia and to all other courts in the State in relation to proceedings under this Act or in respect of any offence.

23. Section 24 of the principal Act is amended by inserting after the word "unless", in line seven, the words "the offence is punishable by a fine in excess of one hundred dollars or".

Section 24
amended.

24. Section 25 of the principal Act is amended by renumbering it as subsection (1) and adding three new subsections as follows—

Section 25
amended.

(2) Where a child is brought before a Children's Court or is to be dealt with as though before such a court, the court may, by order served upon the person therein named, require the parents of the child or any guardian of the child (not being the Director), or any one or more of such persons, to attend during all stages of the proceedings, whether or not from time to time adjourned, unless excused by the court.

(3) A court may, if the court considers it expedient and just so to do, proceed with the hearing and determination of any proceedings notwithstanding the absence of any parent or guardian.

(4) 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.

25. Section 26 of the principal Act is amended—

Section 26
amended.

- (a) by inserting after the section designation "26." the subsection designation "(1)";
- (b) by deleting the passage "case," in line seven, and substituting the passage "case.";
- (c) by deleting the words "and such", in line seven, and substituting the subsection designation and word "(2) The";

- (d) by inserting after the word "complaint", in line eleven, the passage ", but may in either case make an order for restitution or as to the payment of any costs or charges incurred at or in relation to the proceedings";
- (e) by inserting immediately before the word "Notwithstanding", in line twelve, the subsection designation "(3)";
- (f) by inserting after the word "Department", in line fifteen, the passage ", on such conditions, if any, as the court may order,"; and
- (g) by deleting the comma following the word "period", in line sixteen.

Section 27
repealed
and
re-enacted.

26. Section 27 of the principal Act is repealed and re-enacted with amendments as follows—

Court may
re-hear
cases.

27. (1) Subject to the provisions of this section, upon the application of—

- (a) the Department;
- (b) the parent or guardian of any child against whom an order in those proceedings may be made under this Act;
- (c) a child to which the proceedings relate; or
- (d) the complainant,

to a Children's Court having jurisdiction, any original proceedings in which a complaint was dismissed pursuant to section twenty-six of this Act or in which an order (not being an order made following conviction on indictment) was made against a child under this Act may be re-heard upon cause being shown.