

Section 66B
amended.

80. Section 66B of the principal Act is amended—

(a) by inserting after the section designation "66B." the subsection designation "(1)";
and

(b) by adding a new subsection as follows—

(2) Where a child is placed out under the provisions of this Act with or in the care of any person, that child shall not leave the State without the consent of the Minister.

Section 66C
amended.

81. Section 66C of the principal Act is amended by deleting the passage following the word "ward" in line ten, to the end of the section.

Section 66D
added.

82. The principal Act is amended by inserting after section 66C a new section, to stand as section 66D, as follows—

Recovery
of
certain
moneys.

66D. (1) Where in relation to any child, not being a ward or a child placed under the control of the Department, a Children's Court is satisfied that moneys have been or are likely to be lawfully expended under this Act by the Department the court may, on an application made on behalf of the Department, by an order require any parent or guardian of that child to pay to the Department such amount in re-imbusement or anticipation of that expenditure as the court thinks just.

(2) An order shall not be made under this section against a person who is not then present before the court unless the court is satisfied that he received due and sufficient notice of the intention to move the court in that regard.

(3) Where an order is made under this section the court shall cause a certified copy of the order to be sent to the Family Court of Western Australia at the place nearest to that at which

the order was made, for registration in the manner provided by the regulations of that Court, and the order shall, when so registered, be deemed for all purposes to be an order of that Court.

83. The principal Act is amended by inserting a new heading, to stand immediately preceding section 70, as follows—

New heading added.

PART V.—CHILDREN'S PANELS.

84. The principal Act is amended by inserting a new section, to stand as section 70, as follows—

New section 70 added.

70. (1) For the purpose of dealing with certain first offenders, in the public interest and in the interest of the child, by means of a procedure other than that of the Children's Court there shall be established a body of persons, to be called the Children's (Suspended Proceedings) Panel from which shall be constituted, at such times and in such places as is necessary, Children's Panels.

The Children's Panel.

(2) Subject to the provisions of subsection (3) of this section, no child shall be dealt with by a Children's Panel—

- (a) unless the child has attained the age of seven years but has not attained the age of sixteen years;
- (b) if that child has on any previous occasion been found to have committed an offence by a Children's Panel or a Children's Court;
- (c) unless the offence alleged is an offence to which this Part of this Act applies;
- (d) until the panel has caused to be explained to the child—
 - (i) the nature of the allegation, and of the offence, and the penalty that may be imposed; and

- (ii) that the child may elect to have the matter dealt with by a Children's Court;
- (e) unless the panel is satisfied that the child is in no doubt as to the nature of the allegation and of the offence but admits the offence and wishes to have the matter determined by the panel rather than the Children's Court;
- (f) if the child elects, or a parent of or person standing *in loco parentis* to the child requests, that the matter shall be dealt with by a Children's Court; or
- (g) if, in relation to the kind or amount of any restitution that may be ordered, the parties affected are not agreed.

(3) Notwithstanding the provisions of the Justices Act, 1902, where a child who has attained the age of seven years but who has not attained the age of sixteen years is found by a Children's Court to have committed an offence to which this Part of this Act applies the court may instead of determining the matter refer the child to a Children's Panel.

(4) A panel, in dealing with a child, shall have regard to the future welfare of the child.

(5) A person shall not publish in any newspaper or other printed medium, or broadcast or televise, any report of the proceedings of a Children's Panel or any information likely to identify any child as a person dealt with by a Children's Panel.

(6) At any proceedings before a Children's Panel no person, other than a person directly interested in the matter, shall be present without the express permission of the panel.

85. The principal Act is amended by inserting a new section, to stand as section 71, as follows—

New section 71 added.

71. (1) The Governor may appoint persons who are—

Constitution of the Panel.

- (a) nominated by the Director and authorised by him to represent the Department, being officers of the Department; or
- (b) nominated by the Commissioner of Police and authorised by him to represent the Police, being Police officers or retired Police officers,

to hold office during his pleasure as members of the Children's (Suspended Proceedings) Panel and the appointment of any such person to that office shall be notified in the *Gazette*.

(2) A member of the Children's (Suspended Proceedings) Panel shall hold office until notice of the termination of that appointment by the Governor is published in the *Gazette*.

(3) The Chairman of the Children's (Suspended Proceedings) Panel shall—

- (a) be selected by the Director from the officers of the Department appointed under subsection (1) of this section;
- (b) constitute panels to deal with matters at the places and times that are necessary and practicable;
- (c) report to the Director on any matter referred to him by the Director or on any matter that a member of a panel considers necessary; and
- (d) keep such records as the Director may require.

(4) For the purposes of dealing with any matter, a Children's Panel shall be constituted from amongst the membership of the Children's

(Suspended Proceedings) Panel, shall comprise two persons, one of whom is authorised to represent the Department and the other of whom is authorised to represent the Police, and shall sit in such places and at such times as the Chairman may determine.

(5) Where the members of a Children's Panel can not agree on a matter it shall be referred to a Children's Court for determination.

(6) The powers of a person sitting as a member of a Children's Panel derives solely from this Part of this Act, notwithstanding that such a person may be a justice of the peace or is otherwise authorised to exercise any power under any other Act.

(7) The remuneration and allowances to be paid to a person appointed as a member shall be determined by the Minister after consultation with the chairman of the Public Service Board.

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

New
section 72
added.

86. The principal Act is amended by inserting a new section, to stand as section 72, as follows—

Offences to
which this
Part
applies.

72. (1) The provisions of this Part of this Act apply to all offences other than—

- (a) the offences, or the offences in the circumstances therein specified, referred to in the Fourth Schedule to this Act, or the offence of counselling or procuring the commission of any such offence; and
- (b) such other offences as may be prescribed.

(2) Where—

- (a) a complaint relates to more than one offence and any of those offences is an offence to which the provisions of this Part of this Act do not apply; or
- (b) a number of offences arising out of the same or closely related facts are dealt with by way of separate complaints, and any of those offences is an offence to which the provisions of this Part of this Act do not apply,

the matter shall not be dealt with by a Children's Panel.

(3) A Children's Panel shall not hear any application or complaint made under the Education Act, 1928. .

87. The principal Act is amended by inserting a new section, to stand as section 73, as follows—

New section 73 added.

73. (1) A Children's Panel is not bound by the provisions of the Evidence Act, 1906, or any rule of evidence at common law or otherwise, and where an offence is admitted the panel may inform itself of the relevant circumstances in such manner and may adopt such procedures, subject to this Act, as the panel determines to be appropriate.

Panel procedure.

(2) Where any complaint is made against a child and—

- (a) the child is eligible to have the matter dealt with by a Children's Panel; and
- (b) subject to the provisions of subsection (2) of section seventy-two of this Act, the offence is an offence to which this Part of this Act applies,

the complaint shall be forwarded to the Children's (Suspended Proceedings) Panel or a Children's Panel in the prescribed manner and the complaint shall as soon as is practicable thereafter be heard by a Children's Panel.

(3) Subject to the provisions of this Part of this Act, where a complaint to which subsection (2) of this section applies is lodged with a court, the court on ascertaining the nature of the complaint shall refer the matter to the Children's (Suspended Proceedings) Panel and shall not proceed to determine it.

(4) The Chairman of the Children's (Suspended Proceedings) Panel at any time, and a Children's Panel on inquiry or during the course of any hearing, may refer any matter to a court—

- (a) if it appears that the interest and welfare of the child so require;
- (b) where the gravity of the allegations so requires;
- (c) where the child or any other person may be required to make restitution or to pay damages or compensation;
- (d) if the child, or a parent of or person standing *in loco parentis* to the child, fails after due notice to appear before the Panel; or
- (e) if it appears that the powers conferred by this Part of this Act are not adequate in the circumstances.

(5) Where a child is arrested for an offence to which this Part of this Act applies and that child is eligible to have the matter dealt with by a Children's Panel, the child shall be released as soon as is practicable.

(6) Where a child is arrested for an offence to which this Part of this Act applies that child shall not be held in custody by reason only of the need to ascertain whether or not he is eligible to have any matter dealt with by a Children's Panel but the powers conferred upon justices in regard to admission to bail may be exercised from time to time until the matter is ascertained.

(7) A notice requiring a person to appear before a panel may be posted to or served upon a person at his usual place of residence.

88. The principal Act is amended by inserting a new section, to stand as section 74, as follows—

New section 74 added.

74. (1) Where a Children's Panel is of the opinion having regard to the antecedents, character, age, health, or mental condition of the child, the nature of the offence, or any special circumstances of the case, that no punishment or penalty should be imposed on a child for an offence the panel may—

Powers of the Panel.

- (a) dismiss the complaint; or
- (b) determine, and explain or cause to be explained to the offender in language likely to be understood by him, that no action will be taken by the panel to award any punishment or penalty in regard to that offence for a period of not more than six months but that if during that period he fails to comply with any of the requirements of an order as to supervision or commits a further offence he will, in addition to being liable to be dealt with for that further offence, be liable to be sentenced by a Children's Court for the offence for which he is then before the panel.

(2) Where a Children's Panel determines in accordance with paragraph (b) of subsection (1) of this section that no action will be taken in relation to an offence for a specified period and the child in question complies with the requirements of any order as to supervision that may be made and commits no further offence during that period, the finding shall be recorded for the purposes of this Act but that finding shall not be taken to be a conviction recorded in relation to the offence for which

the child was brought before the panel and the child shall, by force of this section, be discharged from any further obligation in respect of that offence.

(3) Where a Children's Panel determines in accordance with paragraph (b) of subsection (1) of this section that no action will be taken in relation to an offence for a specified period and within that period the child in question fails to comply with the requirements of any order as to supervision that may be made, or is alleged to have committed a further offence, the panel may refer the matter to a Children's Court and the Children's Court may deal with the matter and impose sentence.

(4) A Children's Panel has power to refer any matter in relation to a child to a Children's Court if in the opinion of the panel that is the appropriate course, notwithstanding any other provision of this Act. .

New section 75 added.

89. The principal Act is amended by inserting a new section, to stand as section 75, as follows—

Effect of admissions.

75. Subject to the provisions of section 76, the admission of an allegation of an offence made to a Children's Panel by a child after the notice of the allegation, and of the offence, and the penalty that may be imposed has been explained to him shall be recorded and for the purposes of any subsequent proceedings before the Panel or in any Court in respect of that offence constitutes a plea of guilty. .

New section 76 added.

90. The principal Act is amended by inserting a new section, to stand as section 76, as follows—

Appeal from the decision of a Panel.

76. Where it is alleged that an admission recorded by a Children's Panel was improperly obtained or was incorrectly recorded, or where a child, the parent of the child or the person standing *in loco parentis* to the child, is