

CHILD WELFARE (AMENDMENT) ACT, 1981, No. 43

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 43, 1981.

An Act to amend the Child Welfare Act, 1939, with respect to the committal of children and young persons to trial. [Assented to, 15th May, 1981.]

Child Welfare (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Child Welfare (Amendment) Act, 1981".

Commencement.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 and Schedule 1 shall commence on the day appointed and notified under section 2 (2) of the Crimes (Sexual Assault) Amendment Act, 1981.

Amendment of Act No. 17, 1939.

3. The Child Welfare Act, 1939, is amended in the manner set forth in Schedule 1.

Child Welfare (Amendment).

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE CHILD WELFARE ACT, 1939.

- (1) (a) Sections 12 (1) (b), 83 (2) and (3), 86 (1), 87 (1) and (2)
(a)—

Omit "rape or" wherever occurring.

- (b) Sections 12 (1) (b), 83 (2) and (3), 86 (1), 87 (1) and (2)
(a)—

After "life" wherever occurring, insert ", an offence under section 61B of the Crimes Act, 1900, or the offence of attempting to commit an offence under that section".

- (2) Section 86 (2), (2A)—

Omit section 86 (2), insert instead :—

(2) Where a child or young person is charged before a court with an indictable offence, other than an offence referred to in subsection (1) or in section 501 (1) of the Crimes Act, 1900, and—

(a) at any time in the course of the proceedings relating to the offence the child or young person informs the court that he wishes to take his trial according to law; or

(b) after all the evidence for the prosecution has been taken, the court is of the opinion that—

(i) a prima facie case has been made out; and

(ii) the charge may not be properly disposed of in a summary manner,

and the court informs the child or young person that it is of that opinion,

the proceedings in relation to the charge shall not continue in a summary manner but the provisions of the Justices Act, 1902, as applied by section 19, apply in relation to the proceedings.

Child Welfare (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE CHILD WELFARE ACT, 1939—*continued.*

(2A) Where, in the circumstances referred to in subsection (2) (b), a court commits a child or young person to take his trial according to law, the court shall forthwith furnish the child or young person, the Attorney General and the Minister with a statement of the reasons for its decision to do so.
