

**CHILD WELFARE (FURTHER AMENDMENT)
ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 100, 1977.

An Act to amend the Child Welfare Act, 1939, with respect to the admissibility in evidence of certain statements made by children and young persons; and to vary certain provisions to be inserted in that Act relating to proceedings before, and decisions of, Tribunals to be established under Part IX of that Act. [Assented to, 14th November, 1977.]

BE

Child Welfare (Further 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 :—

1. This Act may be cited as the "Child Welfare (Further Short title. Amendment) Act, 1977".

2. The Child Welfare Act, 1939, is referred to in this Principal Act as the Principal Act. Principal Act.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO SCHEDULE 2 (3) TO THE CHILD WELFARE (AMENDMENT) ACT, 1977.

4. (1) The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 17, 1939.

(2) Schedule 2 (3) to the Child Welfare (Amendment) Act, 1977, is amended in the manner set forth in Schedule 2. Amendment of Act No. 20, 1977.

SCHEDULE

Child Welfare (Further Amendment).

Sec. 4 (1).

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 81C—

Omit the section, insert instead :—

Admissi-
bility of
certain
statements,
etc.

81C. (1) In subsection (3), “proceedings relating to a child or young person” means any proceedings—

(a) in which a child or young person is; or

(b) arising out of any other proceedings in which a child or young person was,

brought before a court as a neglected child or as an uncontrollable child or young person or alleged to have committed an offence.

(2) In subsection (3), a reference to a person acting judicially includes a reference to a person making a determination as to the admissibility of evidence in committal proceedings.

(3) A person acting judicially in any proceedings relating to a child or young person, when determining, on or after the date of assent to the Child Welfare (Further Amendment) Act, 1977, the admissibility in evidence of any statement, confession, admission or information made or given in a police station by the child or young person—

(a) before that date, shall apply the law relating to the admissibility of the statement, confession, admission or information that was in force when it was made or given; or

SCHEDULE

Child Welfare (Further Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) on or after that date, shall not admit the statement, confession, admission or information in evidence unless there was present at the place in the police station where, and throughout the period of time during which, it was made or given—

(i) one of his parents;

(ii) a person aged 18 years or upwards who has his guardianship;

(iii) in the case of a child or young person, with the consent of a person referred to in subparagraph (i) or (ii) or, in the case of a young person, with his consent—a person aged 18 years or upwards who is neither a person referred to in either of those subparagraphs nor a member of the police force; or

(iv) a duly qualified legal practitioner of his own choosing,

or unless the person acting judicially is satisfied that there was a proper and sufficient reason for none of the persons referred to in subparagraph (i), (ii), (iii) or (iv) to have been present at the place in the police station where the statement, confession, admission or information was made

SCHEDULE

Child Welfare (Further Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

or given throughout the period of time during which it was made or given and the person so acting considers that, in the particular circumstances of the case, the statement, confession, admission or information should be admitted in evidence in those proceedings.

(4) Subsection (3) does not apply in respect of any particulars required to be given by or under any other Act.

(2) Section 146A—

Omit the section.

Sec. 4 (2)

SCHEDULE 2.

AMENDMENTS TO SCHEDULE 2 (3) TO THE CHILD WELFARE
(AMENDMENT) ACT, 1977.

(1) Section 44F (3)—

Omit the subsection.

SCHEDULE

Act No. 100, 1977.

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Child Welfare (Further Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO SCHEDULE 2 (3) TO THE CHILD WELFARE
(AMENDMENT) ACT, 1977—*continued.*

(2) Section 44G (2)—

Omit the subsection.
