

- (b) by deleting the word "inmate", in line three, and substituting the word "child";
- (c) by deleting the words "any institution", in line four and substituting the words "that centre or facility"; and
- (d) by deleting the word "forty", in line six, and substituting the words "one hundred".

Section 129
amended.

117. Section 129 of the principal Act is amended—

- (a) by deleting the word "ward", in line one, and substituting the word "child";
- (b) by deleting the words "an institution", in line two, and substituting the words "Departmental or other centre or facility";
- (c) by deleting the words "or apprenticed with or to", in lines two and three, and substituting the word "with"; and
- (d) by deleting the words "the institution", in line four, and substituting the words "that centre or facility".

Section 130
amended.

118. Section 130 of the principal Act is amended—

- (a) by deleting the word "Imprisonment", in line eight, and substituting the words "Five hundred dollars or imprisonment"; and
- (b) by deleting the word "This", in line one of subsection (2), and substituting the words "Subsection (1) of this".

Section 131
repealed
and
re-enacted
as s. 130(3).

119. Section 131 of the principal Act is repealed and re-enacted to stand as subsection (3) of section 130, amended by deleting the words "section one hundred and thirty of this Act", in line five, and substituting the words "subsection (1) of this section".

120. Section 132 of the principal Act is repealed. Section 132 repealed.

121. Section 133 of the principal Act is repealed. Section 133 repealed.

122. Section 134 of the principal Act is repealed. Section 134 repealed.

123. Section 135 of the principal Act is repealed. Section 135 repealed.

124. Section 136 of the principal Act is repealed and re-enacted to stand as subsection (4) of section 130, amended by deleting the words "section one hundred and thirty of this Act", in line two, and substituting the words "subsection (1) of this section". Section 136 repealed and re-enacted as s. 130(4).

125. The principal Act is amended by inserting a new subsection, to stand as subsection (5) of section 130, as follows— Section 130 further amended.

(5) Where an order is made under subsection (4) of this section and it appears to the court that a person has legal custody of the child for the time being the court may by a further order transfer to that person the benefit of and the right to enforce the order made under subsection (4) of this section. .

126. The principal Act is amended by inserting a new section to stand as section 130A, as follows— New section 130A added.

130A. (1) Where it appears upon complaint to a Children's Court that the parent of a child or a person who stands *in loco parentis* to a child is about to leave the State but that the child will remain in the State and no provision has been made for the maintenance of the child during the absence of that person from the State, the court may order that person before he leaves the State to appear before the court or a specified justice of the peace and to enter Parents who leave the State.

into before the court or that justice and file in the registry of the court a written undertaking under his hand to provide maintenance for the child while the child remains in the State.

(2) An order made under subsection (1) of this section may require that one or more persons of good financial standing shall join in the undertaking as surety for its performance, and a person who so signs an undertaking as surety shall be deemed, in the event of any default, to stand in the place of the person for whom he stands surety and shall be liable, subject to subsection (3) of this section, to the extent of the undertaking to such and the like summary or other proceedings as that person would be if he were present in the State.

(3) A person who stands as surety under this section but who is not a near relative of the child to which the undertaking relates shall not be required to provide in the aggregate more than five hundred dollars, or such lesser sum as the court may have determined to be appropriate, towards the maintenance of that child.

(4) The person giving the undertaking required by this section, and any surety, may be released from the undertaking by the court if it appears to the court—

- (a) that such parent or person standing *in loco parentis* has returned to the State with the intention of residing permanently in the State; or
- (b) that the child has left the State and is likely to reside permanently elsewhere.

(5) Where a complaint is made pursuant to subsection (1) of this section against a person and is served upon or otherwise brought to the notice of that person but has not been deter-

mined, or where an order for the entering into and filing of an undertaking with or without surety has not been complied with, a person against whom the complaint is laid or the order made who leaves the State commits an offence.

Penalty: Four hundred dollars or imprisonment with, or without, hard labour for six months, or both such fine and such imprisonment.

127. Section 138 of the principal Act is repealed. Section 138 repealed.

128. The principal Act is amended by inserting a new section, to stand as section 138A, as follows— Section 138A added.

138A. Except where the Director, with the consent of the parents or guardians of the child given by reason of long standing cultural or religious belief, otherwise authorises, a person over the age of eighteen years who for gain or reward tattoos, or otherwise makes a permanent mark or design resembling a tattoo on the skin of, any child or causes any such tattoo, mark or design to be made commits an offence. Tattooing.

Penalty: Four hundred dollars or imprisonment for six months, or both such fine and such imprisonment.

129. The principal Act is amended by inserting a new section, to stand as section 138B as follows— Section 138B added.

138B. (1) Where any Police officer, or an officer of the Department authorised by the Minister, finds a child— Immediate care.

- (a) which he has reason to believe is away from the usual place of residence of that child and is not under the immediate supervision of a parent or responsible person; and
- (b) which is in his opinion in physical or moral danger, misbehaving, or truanting from school,

he may apprehend the child without warrant and forthwith take the child to its usual place of residence or school.

(2) An officer apprehending a child pursuant to subsection (1) of this section shall make inquiries as to whether or not it may be necessary to make application to a Children's Court to declare the child to be in need of care and protection.

(3) Where on inquiry no responsible person can be found to take care of the child for the time being the officer may cause the child to be detained at some convenient place until such time as the child can be returned to the care of a parent or responsible person.

(4) The officer apprehending a child under this section may make application to a Children's Court for an order, and the court may make an order, requiring a parent of or person standing *in loco parentis* to the child to pay to the appropriate authority the cost of apprehending and detaining the child, or not more than twenty dollars whichever is the greater.

(5) An order for payment made under subsection (4) of this section may be enforced by warrant in like manner to a fine, but it does not for any purpose constitute a conviction for an offence.

Section 140
repealed.

130. Section 140 of the principal Act is repealed.

Section 141
repealed
and
re-enacted.

131. Section 141 of the principal Act is repealed and re-enacted with amendments, as follows—

Persons
having
custody.

141. (1) Any—

(a) Police officer;

- (b) officer of the Department, or officer employed by the Minister in a Departmental Centre or Departmental facility; or
- (c) other person specifically authorised by a court or by an officer of the Department,

who has for the time being charge of a child detained under this Act, whether on remand or otherwise, has while engaged in any duty to which this Act relates all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as any Police officer has by common law or statute and the child shall be deemed to be in legal custody.

(2) Without prejudice to the generality of subsection (1) of this section, a child detained under this Act shall be deemed to be in legal custody whilst—

- (a) attending at or travelling between, a court and the place to which he is remanded;
- (b) attending or travelling, to or from a medical or dental practitioner or a hospital;
- (c) attending, or travelling directly to or from, school;
- (d) attending, or travelling directly to or from, any activity organised or supervised by officers of the Department employed at a Departmental Centre or Departmental facility to which the child has been remanded; or
- (e) absent from the place to which he has been remanded at a time and for a purpose approved by the Director. .

Section 142
amended.

132. Section 142 of the principal Act is amended by deleting the words "a penalty not exceeding one hundred dollars", in lines seven and eight, and substituting the words "a fine not exceeding two hundred dollars or imprisonment for three months".

Section 143
amended.

133. Section 143 of the principal Act is amended by deleting the passage "—1942" in line seven.

Section 146
repealed.

134. Section 146 of the principal Act is repealed.

Section 146A
amended.

135. Section 146A of the principal Act is amended—

- (a) by deleting the words "a destitute or neglected child", in line three, and substituting the words "a child in need of care and protection";
- (b) by deleting the words "in the prescribed form", in line five;
- (c) by inserting after the word "order", in line eight, the passage ", by force if necessary,"; and
- (d) by adding after the word "information", in line ten, the words "and apprehend any such child".

Section 149
amended.

136. Section 149 of the principal Act is amended—

- (a) by deleting the word "institutions", in line nine, and substituting the words "Departmental and other centres and facilities";
- (b) by inserting after the word "wards", in line twelve, the words "and children placed under the control of the Department";
- (c) by deleting the words "wards at institutions", in line thirteen, and substituting the words "children at Departmental and other centres and facilities";

- (d) by deleting paragraph (e) of subsection (1) and substituting a new paragraph as follows—
 - (e) the punishment that may be imposed upon, and the wages and rewards that may be earned by, wards and children placed under the control of the Department; ;
- (e) by deleting paragraph (f) of subsection (1) and substituting a new paragraph as follows—
 - (f) the grant or refusal of licenses pursuant to section one hundred and twelve or one hundred and eighteen A of this Act, including all matters relating to the welfare of children received and kept pursuant to any such license, the conduct, staffing and inspection of the premises so used, the control of advertising and the maintenance of records; ;
- (f) by deleting paragraph (h) of subsection (1) and substituting a new paragraph as follows—
 - (h) the accounts and records to be maintained and the reports to be furnished by Departmental and other centres and facilities, whether subsidised or otherwise; ;
- (g) by deleting paragraph (i) of subsection (1) and substituting a new paragraph as follows—
 - (i) the procedure to be followed in relation to matters, and the offences that may be dealt with, by a Children's Panel; ; and
- (h) by deleting the words "or sections one hundred and sixteen and one hundred and eighteen A of this Act", in lines two and three of subsection (2).

Second
Schedule
substituted.

137. The principal Act is amended by deleting the Second Schedule and substituting a new Second Schedule as follows—

SECOND SCHEDULE.

SUBSIDISED CENTRES OR FACILITIES.

CATHOLIC

Catherine McAuley Centre
St. Vincents's
St. Joseph's
"Salvado"
Castledare
Christian Community Inc.
Clontarf
Good Shepherd Teen Centre
Pallotine Centre Rossmoyne
Catherine House Inc.
Balgo Mission
Beagle Bay Mission
Benedictine Mission Kalumburu
La Grange Mission
Lombardina Mission
Nazareth House Geraldton
Pallotine Boys Hostel Albany
Pallotine Mission Tardun
St. Francis Xavier's Native Mission
St. Joseph's Hostel Derby
Yaandina Babies & Childrens Centre Inc.

ANGLICAN

Parkerville Children's Homes (Inc.)
Swanleigh

BAPTIST

Katukutu Hostel
Marribank Mission

CHRISTIAN BRETHERN ASSEMBLIES

Kurrawang Aboriginal Christian Centre Inc.

CHURCHES OF CHRIST

"Bamburra" Hostel
Churches of Christ Ingada Village—Carnarvon
Churches of Christ Aborigines Mission—Norseman
Churches of Christ Roelands Village
"Fairhaven" Training Hostel Esperance