

CHILD WELFARE (AMENDMENT) ACT.

Act No. 14. 1955.

An Act to amend the Child Welfare Act, 1939, ^{Elizabeth II,}
and certain other Acts in certain respects; ^{No. 14, 1955.}
and for purposes connected therewith.
[Assented to, 13th April, 1955.]

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.** (1) This Act may be cited as the "Child Welfare (Amendment) Act, 1955." Short title and citation.

No. 14, 1955.

(2) The Child Welfare Act, 1939, as amended by subsequent Acts and by this Act, may be cited as the Child Welfare Act, 1939-1955.

Amendment
of Act No.
17, 1939.

2. The Child Welfare Act, 1939, as amended by subsequent Acts, is amended—

Sec. 12.
(Powers of
court.)

(a) by omitting from paragraph (b) of subsection one of section twelve the words “or other offence punishable by death” and by inserting in lieu thereof the words “or an offence punishable by death or penal servitude for life”;

Sec. 83.
(Powers of
court.
Indictable
offences.)

(b) by omitting from subsections two and three of section eighty-three the words “or other offence punishable by death” and by inserting in lieu thereof the words “or an offence punishable by death or penal servitude for life”;

Sec. 86.
(Power with
respect to
child or
young
person
charged with
certain
indictable
offences.)

(c) by omitting from subsection one of section eighty-six the words “or other offence punishable by death” and by inserting in lieu thereof the words “or an offence punishable by death or penal servitude for life”;

Sec. 87.
(Child or
young
person
convicted
of indictable
offence may
be sent to
institution.)

(d) (i) by omitting subsection one of section eighty-seven and by inserting in lieu thereof the following subsections:—

(1) Where a child or young person upon his trial has pleaded guilty to, or has been convicted of homicide, rape or an offence punishable by death or penal servitude for life, the judge shall sentence him according to law:

Provided that—

(a) where a child or young person has pleaded guilty to, or has been convicted of murder, sentence may be passed in all respects as though section nineteen of the Crimes Act, 1900, as amended by subsequent

subsequent Acts, did not contain a No. 14, 1955. provision excluding the application of section four hundred and forty-two of that Act in respect of the sentence to be passed under the said section nineteen;

- (b) sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in lieu thereof the judge shall, unless he exercises the discretion conferred by subsection one of section four hundred and forty-two of the Crimes Act, 1900, as amended by subsequent Acts (which subsection is hereby declared to be in force with respect to the sentence referred to in this paragraph), sentence him to penal servitude for life.

The provisions of the above proviso apply where the person indicted is over the age of eighteen years if, at the time of the commission of the offence, the person indicted had not attained the age of eighteen years.

(1A) Where a child or young person upon his trial has pleaded guilty to, or has been convicted of any indictable offence, other than an indictable offence mentioned in subsection one of this section, the judge may exercise any of the powers of a children's court enumerated in section eighty-three of this Act, or may sentence him according to law, and in the latter case may direct that the child or young person be detained in an institution for the period specified in the sentence.

(ii) by omitting from subsection two of the same section the words "or other offence punishable by death" and by inserting in lieu thereof the words "or an offence punishable by death or penal servitude for life";

(e)

No. 14, 1955.

Sec. 94.

(Transfers
from prisons
to institu-
tions.)

(e) by inserting in subsection one of section ninety-four after the words "sentence of" the words "penal servitude or";

Sec. 127.

(Punish-
ment
of capital
offences—
children
and young
persons.)

(f) by omitting section one hundred and twenty-seven.
