

COMMUNITY WELFARE (CHILD ASSAULT) AMENDMENT ACT
1985 No. 150

New South Wales



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ELIZABETHÆ II REGINÆ

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Act No. 150, 1985

An Act to amend the Community Welfare Act 1982 in relation to children
who are sexually or otherwise assaulted. [Assented to, 28th November,
1985.]

Community Welfare (Child Assault) Amendment 1985

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 "Community Welfare (Child Assault) Amendment Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsections (1) and (3), the several provisions of this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Schedule 1 (3), and section 4 in its application to that provision, shall commence on the day appointed and notified under section 2 (2) of the Oaths (Children) Amendment Act 1985.

Principal Act

3. The Community Welfare Act 1982 is referred to in this Act as the Principal Act.

Amendment of Act No. 76, 1982

4. The Principal Act is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 102 (**Notification of assault, etc., on child**)—

(a) From subsection (1), omit the definition of "prescribed person".

Community Welfare (Child Assault) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(b) After subsection (1), insert:

(1A) In this section—

(a) a reference to a child's having been sexually assaulted is a reference to any of the following offences having been committed with or upon the child:

- (i) an offence under section 61B, 61C, 61D, 61E, 61F, 66A, 66B, 66C or 66D of the Crimes Act 1900;
- (ii) an offence under section 67, 68, 71, 72, 73, 74, 78A or 78B of that Act, as in force before the commencement of Schedule 2 to the Crimes (Child Assault) Amendment Act 1985;
- (iii) an offence under section 63, 65, 76 or 76A of that Act, as in force before the commencement of Schedule 1 to the Crimes (Sexual Assault) Amendment Act 1981; and

(b) a reference to a child's having been abused includes a reference to the child's having been sexually assaulted.

(c) After subsection (2), insert:

(2A) A person who, in the course of—

- (a) practising as a medical practitioner;
- (b) following another profession, calling or vocation prescribed for the purposes of this subsection (other than the profession of a barrister or solicitor); or
- (c) exercising the functions of an office so prescribed,

has reasonable grounds to suspect that a child has been abused (whether the abuse consisted of sexual assault or any other form of abuse) is required to comply with subsection (3) in respect of those grounds unless the person is a minister of religion or a person who is declared by the regulations to be exempt from the provisions of this subsection.

Community Welfare (Child Assault) Amendment 1985

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(2B) A person who, in the course of—

(a) following a profession, calling or vocation prescribed for the purposes of this subsection (other than the profession of a barrister or solicitor); or

(b) exercising the functions of an office so prescribed,

has reasonable grounds to suspect that a child has been sexually assaulted is required to comply with subsection (3) in respect of those grounds unless the person is a minister of religion or a person who is declared by the regulations to be exempt from the provisions of this subsection.

(d) Omit subsection (3), insert instead:

(3) A person who is required to comply with this subsection in respect of having any grounds to suspect that a child has been abused (whether the abuse consisted of sexual assault or any other form of abuse) shall—

(a) notify the Director of the name or a description of the child and those grounds; or

(b) cause the Director to be so notified,

promptly after those grounds arise.

(3A) Regulations may be made with respect to the form of a notification under subsection (3) or with respect to the manner of making such a notification.

(e) From subsection (4), omit “prescribed”.

(2) Section 103 (**Medical examination of reputedly injured children**)—

Omit subsection (6) (b), insert instead:

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

- (b) the Director shall, commencing with the time at which the child is presented to the medical practitioner and until the expiration of such period of time as is reasonably necessary for the child to be examined in accordance with paragraph (a) or 72 hours, whichever period first expires, be deemed to be the guardian of the child for the purpose only of enabling the examination to be conducted; and
 - (3) Section 306 (**Evidence of young children**)—
 - (a) Omit subsections (1)–(4).
 - (b) From subsection (6), omit “, but the same conditions shall apply as in the case of the reception of evidence under subsections (1), (2), (3) and (4)”.
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