

**JUSTICES (COMMUNITY WELFARE) AMENDMENT ACT,  
1982, No. 84**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 84, 1982.**

An Act to amend the Justices Act, 1902, so as to limit the powers of a court of petty sessions in respect of certain traffic offences committed by Children. [Assented to, 25th May, 1982.]

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*Justices (Community Welfare) Amendment.*

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**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 "Justices (Community Welfare) Amendment Act, 1982".

**Commencement.**

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

**(2)** Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Community Welfare Act, 1982.

**Amendment of Act No. 27, 1902.**

**3.** The Justices Act, 1902, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE JUSTICES ACT, 1902.

(1) Section 84A—

After section 84, insert:—

**Traffic offences committed by children.**

84A. (1) In this section—

"child", in relation to a traffic offence, includes a person who was under the age of 18 years when he committed the offence and was under the age of 21 years when he was charged with the offence;

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*Justices (Community Welfare) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE JUSTICES ACT, 1902—*continued.*

“traffic offence” has the meaning ascribed thereto by section 175 (1) of the Community Welfare Act, 1982.

(2) Subject to subsection (3), a Justice or Justices may, in respect of a child found guilty of a traffic offence, exercise, in addition to any other powers conferred on him or them, the same powers as could be exercised by the Children’s Court if it had jurisdiction to deal with the offence and the offence were an offence to which Division 6 of Part IX of the Community Welfare Act, 1982, applied.

(3) A Justice or Justices may not, in the exercise of his or their jurisdiction with respect to a child found guilty of a traffic offence, impose a sentence of imprisonment.

(2) Section 104A (1), definition of “Magistrate”—

Omit “a special magistrate under the Child Welfare Act, 1939,” insert instead “a member of the Children’s Court”.

(3) Section 132A—

After section 132, insert:—

**Appeals where powers referred to in section 84A exercised.**

132A. (1) In this section—

“child”, in relation to a traffic offence, includes a person who was under the age of 18 years when he committed the offence and was under the age of 21 years when he was charged with the offence;

“traffic offence” has the meaning ascribed thereto by section 175 (1) of the Community Welfare Act, 1982.

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*Justices (Community Welfare) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE JUSTICES ACT, 1902—*continued.*

(2) A proceeding by way of appeal or review in the Supreme Court or on appeal to the District Court may, in respect of any determination, conviction, finding of guilt or order made by a Justice or Justices in respect of a traffic offence committed by a child, be taken by the child concerned or, if the child concerned is under 18 years of age, on his behalf and in his name by a person responsible, within the meaning of the Community Welfare Act, 1982, for the child or by the child's solicitor.

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