

## **Young Offenders Legislation Amendment (Research Information) Bill 2010**

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Western Australia

LEGISLATIVE ASSEMBLY

**Young Offenders Legislation Amendment  
(Research Information) Bill 2010**

**A Bill for**

**An Act to amend these Acts —**

- **the *Children's Court of Western Australia Act 1988*;**
- **the *Young Offenders Act 1994*.**

The Parliament of Western Australia enacts as follows:

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## **Part 1 — Preliminary**

2

### **1. Short title**

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This is the *Young Offenders Legislation Amendment (Research Information) Act 2010*.

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### **2. Commencement**

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This Act comes into operation as follows —

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(a) Part 1 — on the day on which this Act receives the Royal Assent;

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9

(b) the rest of the Act — on the day after that day.

**Part 2 — *Children's Court of Western Australia*  
*Act 1988* amended**

**3. Act amended**

This Part amends the *Children's Court of Western Australia Act 1988*.

**4. Section 35 amended**

In section 35(3) delete "XXII, XXXI or XXXII" and insert:

XXII or XXXI

**5. Section 36 amended**

In section 36(1) after "child, or in accordance with" insert:

section 36AA(1) or

**6. Section 36AA inserted**

After section 36 insert:

**36AA. Disclosure for certain research purposes**

(1) Where —

(a) a charge against a child is dismissed by the Court; or

(b) a child is convicted or found guilty of an offence by the Court,

the fact of the dismissal, the conviction or finding of guilt or any relevant order may be disclosed to a health department officer for use in the research project.

**s. 6**

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- 1           (2) In subsection (1) —  
2           **health department officer** means a member of the  
3           Public Service employed in the Department as defined  
4           in the *Health Act 1911* section 3(1);  
5           **research project** means the project known as  
6           “Developmental Pathways Project” conducted by the  
7           Telethon Institute for Child Health Research.
- 8           (3) Information may be disclosed under subsection (1) —  
9           (a) even if the disclosure is in a manner which  
10           identifies or is likely to lead to the  
11           identification of the child; and  
12           (b) despite any written law relating to  
13           confidentiality or secrecy.
- 14           (4) The chief executive officer of the department of the  
15           Public Service principally assisting in the  
16           administration of this Act must establish procedures for  
17           the disclosure of information under subsection (1).
- 18           (5) The regulations may include provisions about —  
19           (a) the receipt and storage of information disclosed  
20           under this section; and  
21           (b) the restriction of access to such information.
- 22           (6) If information is disclosed, in good faith, under  
23           subsection (1) —  
24           (a) no civil or criminal liability, or liability to be  
25           punished for a contempt of court, is incurred in  
26           respect of the disclosure; and  
27           (b) the disclosure is not to be regarded as a breach  
28           of any duty of confidentiality or secrecy  
29           imposed by law; and

- 1 (c) the disclosure is not to be regarded as a breach  
2 of professional ethics or standards or as  
3 unprofessional conduct.  
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**s. 7**

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1                      **Part 3 — *Young Offenders Act 1994* amended**

2        **7.            Act amended**

3                      This Part amends the *Young Offenders Act 1994*.

4        **8.            Section 16 amended**

5                      In section 16(1) in the definition of ***research*** delete “services.”  
6                      and insert:

7  
8                                      services and includes research for the purposes of the  
9                                      project known as “Developmental Pathways Project”  
10                                     conducted by the Telethon Institute for Child Health  
11                                     Research.  
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