

# AUSTRALIAN CAPITAL TERRITORY.

No. 17 of 1957.

## AN ORDINANCE

### Relating to the Welfare of Children and Young Persons.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this fifteenth day of November, 1957.

W. J. SLIM  
Governor-General.

By His Excellency's Command,

ALLEN FAIRHALL  
Minister of State for the Interior.

### CHILD WELFARE ORDINANCE 1957.

#### PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Child Welfare Ordinance 1957*.<sup>Short title.</sup>\*

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.<sup>Commencement.</sup>

3.—(1.) The following enactments of the State of New South Wales shall, after the commencement of this Ordinance, cease to apply to the Territory as laws of the Territory:<sup>Repeal and saving.</sup>—

Destitute Children's Society Act, 1901;  
State Children Relief Act, 1901;  
Infant Convicts Adoption Act, 1901;  
Children's Protection Act, 1902;  
Infant Protection Act, 1904, Parts III., IV. and V.;  
Neglected Children and Juvenile Offenders Act, 1905.

\* Notified in the *Commonwealth Gazette* on 28th November, 1957.  
6511/55.—PRICE 1s. 9d.

(2.) The following Ordinances are repealed:—

*Juvenile Offenders (Probation) Ordinance 1940;*

*Juvenile Offenders Ordinance 1941;*

*Neglected Children and Juvenile Offenders Ordinance 1949.*

(3.) An action or proceeding instituted before the commencement of this Ordinance under a law that ceases to be in force in the Territory by virtue of this section may be continued and determined after that commencement as if instituted under this Ordinance.

(4.) An order made by a court under a law that ceases to be in force in the Territory by virtue of this section and in force immediately before the commencement of this Ordinance, being an order similar in nature to an order that may be made by a court under this Ordinance, continues in force after that commencement as if made under this Ordinance.

**Parts.**

4. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-5).

Part II.—Administration (Sections 6-11).

Part III.—Court Proceedings involving Children and Young Persons (Sections 12-15).

Part IV.—Establishment of Depots, Shelters, Homes and Hostels (Sections 16-17).

Part V.—Guardianship, Care and Control of Children and Young Persons (Sections 18-27).

Part VI.—Allowances in Respect of Destitute Children (Sections 28-29).

Part VII.—Licensing of Places for the Reception of Children and of Day Nurseries and Kindergartens (Sections 30-42).

Part VIII.—Lying-in Homes (Sections 43-46).

Part IX.—Neglected Children, Uncontrollable Children and Young Persons and Juvenile Offenders (Sections 47-74).

Part X.—Maintenance of Children by their Relatives (Sections 75-86).

Part XI.—Employment of Children (Sections 87-93).

Part XII.—Offences (Sections 94-104).

Part XIII.—Miscellaneous (Sections 105-128).

5. In this Ordinance, unless the contrary intention appears— Definitions.

“ admit to government control ”, in relation to a child or young person, means admit to the control of the Minister for the purpose of being apprenticed, boarded out, placed out or placed as an adopted boarder, and “ admitted to government control ” and “ admission to government control ” have corresponding meanings;

“ adopted boarder ” means a child or young person who—

(a) is under the school leaving age and is permitted by the Minister to remain with a foster parent without payment of an allowance by the Minister; or

(b) is over the school leaving age and is permitted by the Minister to remain with a foster parent on terms and conditions which do not require that the whole or a part of any wages earned by the child or young person be paid to the Minister on behalf of the child or young person;

“ adopting parent ” means a person who has adopted a child or young person by an order of adoption under the *Adoption of Children Ordinance 1938-1949* or by a deed of adoption and, where such an order is made in favour of a husband and wife on their joint application, includes both the husband and the wife;

“ board out ” means place in the care of a person for the purpose of being nursed, maintained, trained or educated by that person or in that person’s home, and “ boarded out ” has a corresponding meaning;

“ care ” includes custody and control;

“ child ” means a person under the age of sixteen years;

“ depot ” means a depot established under Part IV. of this Ordinance;

“ foster parent ” means a person with whom a child or young person is boarded out or placed as an adopted boarder;

“ home ” means a home established under Part IV. of this Ordinance;

“ hostel ” means a hostel established under Part IV. of this Ordinance;

“ institution ” means a State institution;

“ juvenile offender ” means a child or young person who has committed an offence;

“lying-in home” means a hospital or house in which women are received for confinement;

“maintenance” includes clothing, support, training, education and recreation;

“neglected child” means a child or young person—

- (a) who is in a brothel or lodges, lives or resides, or wanders about, with reputed thieves, persons who have no visible lawful means of support or common prostitutes, whether or not the reputed thieves, the persons or the common prostitutes include a parent of the child;
- (b) who has no visible lawful means of support or no fixed place of abode;
- (c) who begs in a public place, habitually wanders about public places with no ostensible occupation or habitually sleeps in the open air in a public place;
- (d) who, without reasonable excuse, is not provided with sufficient and proper food, nursing, clothing, medical aid or lodging or who is ill-treated or exposed;
- (e) who (in the case of a child) takes part in a public exhibition or performance whereby the life or limbs of the child is or are endangered, within the meaning of Part XI. of this Ordinance;
- (f) who (in the case of a child) is engaged in street trading within the meaning of Part XI. of this Ordinance otherwise than in accordance with a licence under that Part;
- (g) whose parents are drunkards, or, if one parent is dead, insane, unknown, undergoing imprisonment or not taking proper care of the child or young person, whose other parent is a drunkard;
- (h) who is in a place where opium or a preparation of opium is smoked;
- (i) who is living in conditions that indicate that the child or young person is lapsing or likely to lapse into a life of vice or crime;
- (j) who is under incompetent or improper guardianship;

- (k) who is destitute;
- (l) whose parents are unfit to retain the child or young person in their care, or, if one parent is dead, insane, unknown, undergoing imprisonment or not exercising proper care of the child or young person, whose other parent is unfit to retain the child or young person in his care;
- (m) who is suffering from venereal disease and is not receiving adequate medical treatment;
- (n) who is falling into bad associations or is exposed to moral danger; or
- (o) who, without lawful excuse, does not attend school regularly;

“ officer ” means a person appointed by the Minister to be an officer for the purposes of this Ordinance;

“ parent ”, in relation to a child or young person, includes a step-parent, adopting parent or guardian of the child or young person and a person who is by law liable to maintain the child or young person;

“ place of safety ” means a police station, hospital or other place the occupier of which is willing temporarily to receive a child or young person;

“ place out ” means place in employment without apprenticing, and “ placed out ” has a corresponding meaning;

“ public place ” includes a vessel, vehicle, room, field or other place to which the public for the time being have or are permitted to have access, whether on payment of money or otherwise;

“ shelter ” means a shelter established under Part IV. of this Ordinance or a place of safety;

“ State institution ” has the same meaning as in the Agreement;

“ the Agreement ” means the Agreement a copy of which is set out in the Schedule to the *Child Welfare Agreement Ordinance 1941*;

“ the Court ” means the Court of Petty Sessions when known by virtue of section thirteen of this Ordinance as the Children’s Court;

“ the Department ” means the Department of the Interior;

“ the Director ” means the person holding the office of Director of Child Welfare under this Ordinance;

“the school leaving age” means the age of fifteen years;  
 “the Territory” includes the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*;

“uncontrollable”, in relation to a child or young person; means not controllable, or not in fact controlled for the time being, by a parent or by the person in whose care he is;

“ward” means a child or young person who has been—  
 (a) admitted to government control;  
 (b) committed to an institution; or  
 (c) admitted into a hostel;

“young person” means a person who has attained the age of sixteen years but has not attained the age of eighteen years.

## PART II.—ADMINISTRATION.

**Administration.** 6.—(1.) Subject to the next succeeding sub-section, this Ordinance shall be administered by the Minister of State for the Interior.

(2.) Part III. of this Ordinance shall be administered by the Attorney-General.

**Director of Child Welfare.** 7.—(1.) There shall be a Director of Child Welfare, who shall be the person for the time being holding the office of Secretary to the Department.

(2.) Where a person (not being the Secretary to the Department) is performing the duties of the office of Secretary to the Department, that person has all the functions, powers and duties of the Director.

**Child Welfare Committee.** 8.—(1.) The Minister may establish a Child Welfare Committee and appoint persons to be members of the Committee.

(2.) The Child Welfare Committee shall—

- (a) report to the Minister upon such matters relating to child welfare as he refers to the Committee; and
- (b) advise the Minister on matters connected with child welfare in the Territory.

**Secretary of Child Welfare Committee.** 9. Upon the establishment of the Child Welfare Committee, the Director shall appoint an officer of the Department to be the secretary of the Committee.

**Child Welfare Committee rules.** 10.—(1.) The Child Welfare Committee shall make rules for the conduct of its business.

(2.) The rules made by the Child Welfare Committee shall not be operative until they have been approved by the Minister.

(3.) Rules made under this section shall be deemed not to be regulations for the purposes of the *Regulations Publication Ordinance* 1940.

**11.—**(1.) The Minister or the Director may, either generally or in relation to a matter or class of matters, by writing under his hand, delegate all or any of his powers and functions under this Ordinance or the regulations (except this power of delegation).

Delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister or the Director.

### PART III.—COURT PROCEEDINGS INVOLVING CHILDREN AND YOUNG PERSONS.

**12.** The Court of Petty Sessions has jurisdiction—

Jurisdiction of Court of Petty Sessions.

- (a) to hear and determine complaints, informations, applications and other proceedings under this Ordinance and the regulations; and
- (b) where a child or young person is brought before that Court as, or is charged with being, a neglected child or an uncontrollable child or young person, to hear and determine the matter or charge.

**13.—**(1.) The Court of Petty Sessions shall—

The Children's Court.

- (a) when it is exercising the jurisdiction conferred by the last preceding section; and
- (b) when a child or young person is charged before it with an offence against a law in force in the Territory,

be known as the Children's Court.

(2.) The *Court of Petty Sessions Ordinance* 1930-1953 and the rules and regulations made under that Ordinance shall, subject to this Ordinance and the regulations made under this Ordinance, apply to and in relation to the Court in the exercise of the jurisdiction conferred on it by the last preceding section and to and in relation to proceedings before the Court.

(3.) The Attorney-General may make regulations, not inconsistent with this Ordinance, providing for modification or adaptation of the provisions of the *Court of Petty Sessions Ordinance* 1930-1953 and the rules and regulations made under that Ordinance in their application to and in relation to the Court and to and in relation to proceedings before the Court.

Exclusion of persons from hearing.

14.—(1.) The room or other place in which the Court sits shall not be open to the public and persons not directly interested in the matter before the Court shall, unless the Court otherwise directs, be excluded during the hearing of the matter.

(2.) The Court may—

- (a) order a child or young person to leave the Court at any time during the hearing of a matter before the Court if it is of opinion that in the interests of the child or young person such a direction should be given;
- (b) order any person to leave the Court during the examination of a witness; and
- (c) give directions prohibiting or restricting the disclosure of information with respect to the hearing of a matter before the Court.

(3.) A person shall not disclose information with respect to the hearing of a matter before the Court in contravention of a direction given under paragraph (c) of the last preceding sub-section.

Penalty: One hundred pounds.

Appeals.

15.—(1.) Subject to this section, an appeal lies to the Supreme Court from a determination, finding of guilt or order of the Court (not being a contribution order made by the Court under Part X. of this Ordinance) by the persons and in the manner provided by Part XI. of the *Court of Petty Sessions Ordinance 1930-1953*.

(2.) Where an appellant is a child or young person, the appeal may be taken by him or by his parent on his behalf and in his name.

(3.) Where an appellant is a child or young person, he may, in place of his release from custody upon entering into a recognizance, be committed by the Court to a shelter pending the determination of the appeal.

#### PART IV.—ESTABLISHMENT OF DEPOTS, SHELTERS, HOMES AND HOSTELS.

Establishment of depots, shelters, homes and hostels.

16.—(1.) The Minister may establish—

- (a) depots for the temporary accommodation and maintenance of children and young persons;
- (b) shelters for the reception and temporary detention and maintenance of children and young persons;
- (c) homes for the reception and maintenance of—
  - (i) physically defective children and young persons;

- (ii) invalid and sick children and young persons;
- (iii) babies; and
- (iv) children and young persons admitted to government control; and

(d) hostels for the accommodation and maintenance of expectant and nursing mothers.

(2.) The Minister shall cause notice of the establishment of a depot, shelter, home or hostel under the last preceding subsection to be published in the *Gazette*.

**17.—(1.)** The Minister has the control of all depots, shelters, homes and hostels established under this Ordinance. Control and inspection of depots, &c.

(2.) An officer appointed for that purpose by the Minister shall inspect each depot, shelter, home and hostel at least once in every three months and shall, after each inspection, submit to the Minister a report, which shall include information on such matters as the Minister requires.

**PART V.—GUARDIANSHIP, CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS.**

**18.—(1.)** The Minister shall—

Powers of Minister.

(a) admit a child or young person to government control for the purpose of being apprenticed, boarded out, placed out or placed as an adopted boarder where—

(i) a court has committed the child or young person to the care of the Minister, or has released the child or young person to the custody of the Minister, to be dealt with as a ward admitted to government control; or

(ii) the Minister is satisfied that it is necessary in the interests of the child or young person so to do and, if the child or young person is in the custody of a parent, the parent has requested or consented to the admission of the child or young person to government control;

(b) provide, or arrange for the provision of, accommodation and maintenance for a child or young person admitted to government control until he is apprenticed, boarded out, placed out or placed as an adopted boarder;

(c) pay foster parents at such rates as are determined by the Minister; and

(d) arrange the terms and conditions of the custody of a ward.

(2.) The Minister may—

- (a) direct the removal or transfer of a ward, other than a ward who has been committed to an institution;
- (b) apprentice, board out, place out or place as an adopted boarder a ward, other than a ward who has been committed to an institution;
- (c) approve of persons who apply for the custody of wards and of the homes of those persons;
- (d) direct the return of a ward, other than a ward who has been committed to an institution, to the care of his parent or another person; and
- (e) direct the absolute discharge of a ward, other than a ward who has been committed to an institution, from supervision and control.

Minister to be guardian of wards.

**19.**—(1.) Notwithstanding any other law of the Territory relating to the guardianship or custody of children or young persons, the Minister is the guardian of a child or young person who is a ward, to the exclusion of the parent or other guardian.

(2.) Where a ward attains the age of eighteen years the Minister may terminate his guardianship.

(3.) Where the Minister does not terminate his guardianship of a ward under the last preceding sub-section, the Minister remains the guardian until the person who was a ward attains the age of twenty-one years.

Care of person of ward.

**20.** Subject to this Ordinance, the Minister has the care of the person of all wards, except during the period when they are inmates of an institution or are boarded out or placed as adopted boarders with foster parents or placed out or apprenticed with any other person.

Placing of ward with foster parent.

**21.**—(1.) The Minister may, upon such terms and conditions as are prescribed or as he, in a special case, approves, place a ward as an adopted boarder in the care of a foster parent.

(2.) Where a ward who has attained the school leaving age is to be or is employed by the foster parent in whose care he has been placed but the foster parent is unable to pay to him wages at a rate determined by the Minister to be reasonable, the ward shall not be placed or kept in the care of the foster parent except with the consent of the ward.

(3.) Where a ward who is placed as an adopted boarder has attained the school leaving age and is in employment but his total weekly earnings are not sufficient to cover the weekly inclusive cost of his maintenance and other reasonable expenses, payment to a foster parent in accordance with paragraph (c) of

sub-section (1.) of section eighteen of this Ordinance shall not exceed such rate as is necessary to provide for the difference between that weekly inclusive cost and the total weekly earnings of the ward.

(4.) Subject to the last preceding sub-section, payment to a foster parent in accordance with paragraph (c) of sub-section (1.) of section eighteen of this Ordinance shall not extend beyond the time when the ward attains the school leaving age unless—

(a) the ward is an invalid or is otherwise incapacitated;  
or

(b) there are special circumstances,  
and the Minister authorizes the payment.

(5.) The employer or foster parent of a ward shall not, without the approval of the Minister, accept from a relative of the ward or from any other person monetary assistance towards the maintenance of the ward.

**22.**—(1.) Where a ward attains the school leaving age, the Minister shall, except where the ward has been placed with a foster parent in pursuance of the last preceding section or except in such other circumstances as are prescribed, by indenture bind the ward or cause the ward to be bound as an apprentice or, where apprenticeship conditions are not applicable or desirable, place him in suitable employment. Apprenticeship or placing out of ward.

(2.) Where a ward who is in the care of a foster parent attains the school leaving age, the Minister may make arrangements, in consultation, where desirable, with the foster parent, for placing him in suitable employment.

**23.**—(1.) A ward shall not be placed out unless the proposed employer of the ward enters into an agreement in writing in accordance with a form approved by the Minister. Indentures of apprenticeship and agreements for placing out.

(2.) An indenture of apprenticeship or agreement for the placing out of a ward shall contain provisions to the satisfaction of the Minister for the maintenance and religious instruction of the ward and for the due payment of such wages as are payable under the indenture or agreement.

(3.) Where a ward is placed out in employment in respect of which there is in force an award or industrial agreement, the agreement for the placing out of the ward shall provide for payment to the ward of wages at the rate prescribed by that award or industrial agreement.

(4.) An employer shall pay all wages earned by a ward, except such part of the wages as the employer is required to pay to the ward as pocket money, to the Minister.

(5.) The wages due by a person on account of a ward may be sued for and recovered in the name of the Minister by the Minister or an officer authorized by the Minister for that purpose.

(6.) The Minister shall apply any moneys received by him under either of the last two preceding sub-sections on behalf of a ward or of a person who has been a ward in or towards the benefit of the ward or person at any time before he attains the age of twenty-one years, and upon a person who has been a ward attaining that age, the Minister shall pay to him the balance (if any) of those moneys.

Religious  
teaching of  
wards.

24.—(1.) A ward shall, with respect to his religious teaching, be placed under the guidance and control of clergymen of the religious faith to which his parents belong or in which he has been brought up.

(2.) Where—

(a) the parents are unknown or the religious faith of the parents is unknown or the parents are of different religious faiths; and

(b) the ward has not been brought up in any religious faith,

the ward, with respect to his religious teaching—

(c) shall, if he has attained the age of twelve years, be placed under the guidance and control of clergymen of such religious faith as the Minister directs, or, if the ward states a religious faith in which he desires to be educated, of that religious faith; or

(d) shall, if he has not attained the age of twelve years, be placed under the guidance and control of clergymen of such religious faith as the Minister directs but may, on attaining the age of twelve years, select the religious faith in which he desires to be educated.

(3.) If at any time the religious faith of a ward or of his parents becomes known to the Minister, he shall order the ward to be placed under the guidance and control, with respect to his religious teaching, of clergymen of that religious faith.

Religious faith  
of person to  
whom ward  
apprenticed,  
&c.

25.—(1.) Where a ward is to be apprenticed, boarded out, placed out or placed as an adopted boarder, the ward shall, if it is practicable to do so, be apprenticed to, or boarded out, placed out or placed as an adopted boarder with, a person of the same religious faith as the clergymen under whose guidance and control the ward is placed for religious teaching in pursuance of the last preceding section.

(2.) Where it is not practicable to apprentice, board out, place out or place as an adopted boarder a ward in accordance

with the last preceding sub-section, the ward shall not be apprenticed to, or boarded out, placed out or placed as an adopted boarder with, a person unless the person undertakes not to impede or hinder the religious teaching of the ward by the clergymen under whose guidance and control the ward is placed for religious teaching in pursuance of the last preceding section.

26. Without prejudice to section nineteen of this Ordinance, the Minister may cause a person who has been a ward to be visited and inspected during a period not exceeding two years after the date upon which the person attains the age of eighteen years. Extension of period of supervision.

27.—(1.) An officer may, in the performance of his duties, visit a ward. Visit by officer.

(2.) The employer or foster parent of the ward shall permit the officer to interview the ward apart from the employer or foster parent (as the case may be) and to make such inspections and examinations as the officer considers necessary.

#### PART VI.—ALLOWANCES IN RESPECT OF DESTITUTE CHILDREN.

28. The Minister may, out of moneys lawfully available for the purpose and subject to such conditions (if any) as are prescribed, grant an allowance for the support of a destitute child to— Persons eligible to receive aid.

- (a) the mother of the child, where the child is living with her and the mother is—
- (i) a widow;
  - (ii) a deserted wife;
  - (iii) a wife whose husband is—
    - (A) incapacitated and unable to follow his usual or any occupation;
    - (B) in gaol; or
    - (C) receiving an age pension under the *Social Services Act 1947-1957*;
  - (iv) a single woman;
  - (v) a woman living apart from her husband—
    - (A) under a decree of judicial separation;
    - (B) under a deed of separation; or
    - (C) where a decree nisi in divorce has been made;
  - (vi) a woman whose marriage has been dissolved by a decree absolute in divorce; or
  - (vii) a woman whose marriage is void or has been annulled by a decree or order of a court;

- (b) a single woman who has adopted the child and with whom the child is living; and
- (c) the father of the child, where the child is living with him and the father is incapacitated and unable to follow his usual or any occupation and is—
  - (i) a widower;
  - (ii) a deserted husband; or
  - (iii) a husband whose wife is—
    - (A) incapacitated through physical or mental infirmity;
    - (B) in gaol; or
    - (C) receiving an age pension under the *Social Services Act 1947-1957*.

Limitation of allowances.

**29.**—(1.) An allowance under this Part in respect of a child shall not be granted or continued after the child has attained the school leaving age unless—

- (a) the child is an invalid or is otherwise incapacitated; or
- (b) in the opinion of the Minister, the case possesses unusual features which call for special consideration.

(2.) Subject to the last preceding sub-section, the Minister may allow the payment of an allowance under this Part to be continued until the person in respect of whom the allowance was granted attains the age of eighteen years.

**PART VII.—LICENSING OF PLACES FOR THE RECEPTION OF CHILDREN AND OF DAY NURSERIES AND KINDERGARTENS.**

Certain places to be licensed.

**30.** A person shall not use a place for—

- (a) the reception and care of children under the age of seven years, apart from the mother or other parent of each of the children, or of one such child; or
- (b) a day nursery or kindergarten,

unless there is in force a licence granted to that person by the Minister under this Part in respect of that place.

Grant and cancellation of licences.

**31.**—(1.) The Minister shall, upon receiving an application in a form approved by the Minister for a licence under this Part, direct an officer to make inquiries and furnish to him a report concerning the place in respect of which the application is made.

(2.) Upon receiving the report, the Minister may grant a licence, subject to such conditions and requirements (if any) as he specifies in the licence, or may refuse to grant a licence.

(3.) A licence granted under this Part shall specify the purpose for which the licence is granted and the maximum number of children who may be received and cared for at, or who may attend, the place referred to in the licence.

(4.) The Minister may cancel a licence granted under this Part if he is satisfied—

(a) that the place in respect of which the licence was granted is no longer a fit and proper place to be licensed; or

(b) that the person holding the licence has failed to comply with the conditions and requirements of the licence.

(5.) A provision in a licence granted under this Part relating to the maximum number of children who may be received and cared for at, or who may attend, the place referred to in the licence may be varied by the Minister.

(6.) The Minister shall cause particulars of a variation made under the last preceding sub-section to be endorsed on the licence.

(7.) A person to whom a licence is granted under this Part shall comply with the conditions and requirements specified in the licence.

**32.—**(1.) For the purpose of making an inquiry and report in pursuance of the last preceding section or for the purpose of ensuring that the conditions and requirements contained in a licence granted under this Part are being complied with, an officer may at any time enter a place used or proposed to be used for a purpose specified in section thirty of this Ordinance and inspect it and the children who are in that place. Officer may inspect place.

(2.) The person in charge of a place being inspected under this section shall afford all reasonable facilities for the inspection.

(3.) An officer making an inspection under this section may, if he thinks it necessary, be accompanied by a medical practitioner or a member of the Police Force or both.

(4.) Where he is satisfied that an inspection is unnecessary, the Minister may exempt a place licensed under this Part from inspection in pursuance of this section.

**33.—**(1.) The person in charge of a place licensed under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance shall keep a register in which he shall enter such particulars as are prescribed. Register to be kept.

(2.) An officer authorized by the Minister to act under this section may require the person in charge of a place licensed

under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance to produce, at a reasonable time, the register kept under this section, and may examine it and make copies of any entries made in it.

(3.) A person shall not fail to produce a register when required under this section to do so.

Licence may be cancelled where conditions, &c., not complied with.

**34.—(1.)** Where, upon an inspection by an officer of a place licensed under this Part, it appears to the Director that any of the conditions or requirements contained in the licence are not being complied with, the Director may give such directions to the person in charge of the place as the Director thinks necessary in order to ensure compliance with the conditions and requirements.

(2.) A person shall not fail to comply with a direction given to him under this section.

(3.) Where a person is convicted of an offence against this section the Court may cancel the licence.

(4.) Where the Court cancels a licence under this Part in respect of a place used for a purpose specified in paragraph (a) of section thirty of this Ordinance, the Court may order that a child who is an inmate of the place be—

- (a) restored to the custody of a parent;
- (b) released to the custody of the Minister to be dealt with as a ward admitted to government control; or
- (c) released to the care of any other person.

Unlicensed places.

**35.** Where a person uses, for a purpose specified in paragraph (a) of section thirty of this Ordinance, a place in respect of which he does not hold a licence under this Part, a child who is an inmate of that place may, by authority of the Director, be removed from it, taken to a shelter and kept there until the Court orders him to be—

- (a) restored to the custody of a parent;
- (b) released to the custody of the Minister to be dealt with as a ward admitted to government control; or
- (c) released to the care of any other person.

Removal of child.

**36.** Where a child is removed from a place licensed under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance otherwise than in pursuance of either of the last two preceding sections, the person in charge of the place shall—

- (a) notify the Minister that the child has been removed; and

(b) enter in the register kept under this Part the date on which the child was removed and the name, address and occupation of the person to whom the child was delivered and, if that person is a married woman, the address and occupation of her husband.

37.—(1.) A person shall not, without an order of the Court specifying the terms on which the child may be received, receive into his care a child under the age of seven years to rear, nurse or otherwise maintain, apart from his mother or other parent, in consideration of the payment of a sum of money or other valuable consideration otherwise than by way of periodical instalments.

Reception of children under seven years.

(2.) The Court may make an order under this section and, having made an order, shall cause a copy of it to be forwarded to the Director.

(3.) A person shall not, without the consent of the Director, pay, receive or agree to receive an instalment referred to in sub-section (1.) of this section for more than four weeks in advance or at a rate in excess of the prescribed rate.

(4.) The Director shall, if required by a person wishing to place a child under the age of seven years in the care of the person in charge of a place licensed under this Part, receive from the first-mentioned person a sum of money from which he shall make to the person in charge such periodical payments as are agreed upon, being payments at a rate not exceeding the rate applicable under the last preceding sub-section.

(5.) This section does not apply to the person in charge of—

(a) a place approved by the Director and supported wholly or in part by public subscription or by private charity where the place is open to inspection by the Department or controlled by the Department; or

(b) a day nursery or kindergarten.

38. A person who receives into his care in a place licensed under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance a child under the age of seven years to rear, nurse or otherwise maintain shall, within seven days, forward to the Director such particulars relating to the child and his parents as are prescribed.

Particulars of children under seven years.

39. A person in charge of a place licensed under this Part and used for a purpose specified in paragraph (a) of section thirty of this Ordinance who changes his place of abode shall, within seven days, notify the Director of the change.

Change of address to be notified.

Death of child to be notified.

**40.**—(1.) The person in charge of a place licensed under this Part and used for a purpose specified in paragraph (a) of section thirty of this Ordinance shall, immediately after the death of a child in that place, notify the death to the Director and the officer in charge of the nearest police station.

(2.) The officer in charge of the police station where notice under this section is given shall make inquiry and report to a coroner or magistrate whether he considers that an inquest or magisterial inquiry respecting the cause of death is necessary.

Notices under this Part.

**41.** Where a person is required under this Part to notify or forward particulars to the Director, the notification or particulars shall be in writing and, unless delivered personally by that person, shall be forwarded by registered post.

Exemption from this Part.

**42.** The provisions of this Part do not apply to the Canberra Community Hospital, to a place controlled by the Department, to a private hospital registered under the Public Health (Private Hospitals) Regulations, or to a person by reason of his having the care of a child where that person—

- (a) is a relation by blood of the child;
- (b) is a person to whom the custody of the child has been given by a court or by deed or will; or
- (c) is a person in whose care the child has been placed by the Minister in pursuance of Part V. of this Ordinance.

#### PART VIII.—LYING-IN HOMES.

Register to be kept.

**43.** The person in charge of a lying-in home shall—

- (a) keep a register of births for the purposes of this section; and
- (b) enter in the register such particulars as are prescribed relating to a child (including a still-born child) born in that home and to the mother of such a child.

Particulars to be furnished to Director.

**44.**—(1.) The person in charge of a lying-in home shall, within twenty-four hours after the birth of a child (including a still-born child) in that home, forward to the Director such particulars as are prescribed.

(2.) The Minister may exempt the person in charge of a lying-in home from the provisions of the last preceding subsection.

Officer may inspect lying-in home.

**45.** An officer authorized by the Minister for the purpose may at all reasonable times enter a lying-in home for the purpose of inspecting the register kept in pursuance of this Part and, where necessary, interviewing a mother and examining a child.

46. A person in charge of a lying-in home shall not, except with the consent of the Director, permit a child to be removed from the lying-in home otherwise than in the charge of the mother of the child.

Removal of child from lying-in home.

PART IX.—NEGLECTED CHILDREN, UNCONTROLLABLE CHILDREN AND YOUNG PERSONS AND JUVENILE OFFENDERS.

47. A magistrate may, upon oath being made before him by a member of the Police Force or an officer that, having made due inquiry, the member of the Police Force or the officer believes a child or young person to be a neglected child or an uncontrollable child or young person—

Warrant for apprehension.

- (a) issue his summons for the appearance of the child or young person before the Court; or
- (b) in the first instance, issue his warrant directing the child or young person to be apprehended.

48. A member of the Police Force or an officer may, whether or not the warrant is at the time in his possession, apprehend a child or young person for whose apprehension a warrant has been issued under the last preceding section.

Apprehension.

49. An officer authorized by the Minister to act under this section or a member of the Police Force may, without warrant, apprehend a child or young person—

Apprehension of child or young person without warrant.

- (a) who is in a brothel;
- (b) who is in a place where opium or a preparation of opium is smoked; or
- (c) who he has reason to believe is a neglected child or an uncontrollable child or young person,

and cause him to be detained until he may be brought before the Court.

50. A child or young person who is apprehended in pursuance of this Part shall be brought before the Court as soon as practicable after his apprehension.

Child or young person to be brought before Court.

51. Where a child or young person is found in a brothel or a place where opium or a preparation of opium is smoked, the keeper or person in charge of the brothel or place is guilty of an offence against this section.

Child or young person not to be permitted in brothel, &c.

52. A child or young person who solicits a person for immoral purposes or otherwise behaves in an indecent manner shall be deemed an uncontrollable child or young person.

Child or young person deemed to be uncontrollable.

53.—(1.) A person having the care of a child or young person may apply to the Court to have the child or young person dealt with as an uncontrollable child or young person.

Application to deal with child or young person as uncontrollable.

(2.) A child or young person in respect of whom an application is made under this section may be detained in a shelter pending the determination of the application by the Court.

Attendance of  
parents at the  
Court.

54.—(1.) The parent of a child or young person who is brought before the Court as, or is charged with being, a neglected child or an uncontrollable child or young person or is charged with having committed an offence shall attend the Court during the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.

(2.) Where a child or young person is arrested, or is apprehended and taken to a shelter, the member of the Police Force in charge of the police station to which he was brought or the person by whom he was taken to the shelter, as the case may be, shall cause the parent of the child or young person, if he can be found, to be warned to attend the Court when the child or young person appears.

(3.) If a parent fails without reasonable excuse to attend the Court, the Court may direct a warrant to issue to bring him before the Court at the hearing or further hearing.

(4.) A parent in respect of whom a warrant is issued may be admitted to bail on entering into a recognizance, with or without a surety or sureties, to attend the Court at the hearing of the matter or charge.

(5.) The parent whose attendance is required under this section is the parent having the actual care of the child or young person.

(6.) If the person required to attend the Court is not the father of the child or young person, the attendance of the father may also be required.

(7.) The attendance of the parent of a child or young person shall not be required under this section where the child or young person was, before the institution of the proceedings, removed from the custody or charge of that parent by an order of the Court.

(8.) During an adjournment of the hearing of a matter or charge under this Part the child or young person may be—

- (a) detained in a shelter;
- (b) permitted to go home with a parent or with any other person who is willing to take care of him during the adjournment; or
- (c) admitted to bail, with or without a surety or sureties.

(9.) If the Court is not in a position to decide whether an order and, if so, what order should be made under this Part, it may make such interim order as it thinks fit with respect to the child or young person before it for his detention or continued

detention in a shelter or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(10.) An interim order made under the last preceding subsection shall not remain in force—

- (a) if it is an order for detention or continued detention in a shelter—for more than fourteen days; or
- (b) if it is an order for committal to a fit person—for more than twenty-eight days,

but the Court may, before or after the expiry of the order, make a further interim order.

**55.** Where the Court finds that a child or young person is a neglected child or an uncontrollable child or young person, it may—

Powers of the Court where child or young person found to be neglected or uncontrollable.

- (a) admonish and discharge the child or young person;
- (b) release the child or young person on probation on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (c) commit the child or young person to the care of a person who is willing to undertake the care on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (d) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to government control; or
- (e) commit the child or young person to an institution, either generally or for a specified term (whether expiring before or after the date on which the child or young person attains the age of eighteen years) not exceeding three years.

**56.** The Court may, where a child or young person is charged before the Court with an indictable offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth), hear and determine the charge in a summary manner.

Indictable offence triable summarily.

Powers of the  
Court  
respecting  
indictable  
offences.

57.—(1.) Where a child or young person is charged before the Court with an indictable offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth) and the charge is heard and determined in a summary manner, the Court may, if the child or young person admits the offence or if the Court finds the charge proved—

- (a) release the child or young person on probation on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (b) commit the child or young person to the care of a person who is willing to undertake the care on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (c) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to government control;
- (d) commit the child or young person to an institution, either generally or for a specified term (whether expiring before or after the date on which the child or young person attains the age of eighteen years) not exceeding three years; or
- (e) in addition to or in substitution for a committal under the last preceding paragraph, require the child or young person to enter into a recognizance, with or without a surety or sureties, to be of good behaviour, and to comply with such terms and conditions as the Court specifies, for a term of not less than twelve months or more than three years.

(2.) The Court may, if a child or young person does not enter into a recognizance as required in pursuance of paragraph (e) of the last preceding sub-section, direct that the child or young person be detained or further detained in a shelter for a period not exceeding thirty days or in an institution for a period not exceeding three months unless the recognizance is sooner entered into.

**58.** Where a child or young person is charged before the Court with an offence triable summarily (other than an offence against a law of the Commonwealth), the Court may, if the child or young person admits the offence or if the Court finds the charge proved—

Powers of the Court respecting summary offences.

- (a) release the child or young person on probation on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (b) commit the child or young person to the care of a person who is willing to undertake the care on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (c) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to government control;
- (d) commit the child or young person to an institution, either generally or for a specified term (whether expiring before or after the date on which the child or young person attains the age of eighteen years) not exceeding three years; or
- (e) deal with the child or young person according to law.

**59.** Where a child or young person is charged before the Court with an offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth) and the child or young person admits the offence or the Court finds the charge proved, the Court, if it considers that, having regard to all the circumstances and to the welfare of the child or young person, it is inexpedient to make an order under either of the last two preceding sections, may, without proceeding to a finding of guilt—

Order without finding of guilt.

- (a) dismiss the charge;
- (b) admonish and discharge the child or young person;  
or
- (c) discharge the child or young person conditionally on his entering into a recognizance, with or without a surety or sureties, to be of good behaviour, to comply with such terms and conditions as the

Court specifies and to appear for a finding of guilt and to be further dealt with in accordance with the provisions of the last two preceding sections if called on at any time during such period, not exceeding three years, as the Court specifies.

Suspension of order of committal to institution.

**60.**—(1.) Where a child or young person is dealt with under paragraph (e) of section fifty-five, paragraph (d) of sub-section (1.) of section fifty-seven or paragraph (d) of section fifty-eight of this Ordinance, the Court may suspend the order of committal upon the child or young person entering into a recognizance, with or without a surety or sureties, to be of good behaviour and to comply with such terms and conditions as the Court specifies.

(2.) When a child or young person enters into a recognizance in accordance with this section he shall be discharged from custody.

Appearance of child or young person released on recognizance.

**61.**—(1.) Where a child or young person has been discharged under paragraph (c) of section fifty-nine of this Ordinance or under the last preceding section, the Court may, at any time, by notice given in such manner as the Court directs to the parent of the child or young person and to the surety or sureties or to the child or young person himself, direct that the child or young person is to appear before the Court at the time and place named in the notice.

(2.) If a child or young person does not appear before the Court as directed under the last preceding sub-section, the Court may issue a warrant for his apprehension.

Child or young person dealt with according to law.

**62.**—(1.) Where a child or young person is dealt with under paragraph (e) of section fifty-eight of this Ordinance and is ordered to be detained for a specified term or for a specified term in default of payment of any penalty, damages, compensation or costs, the Court shall commit the child or young person to a shelter, an institution or a prison.

(2.) A committal to a shelter in pursuance of the last preceding sub-section shall be for a period not exceeding thirty days.

Transfer of child or young person for examination.

**63.**—(1.) The Director shall cause a child or young person committed to an institution under section fifty-five, fifty-seven or fifty-eight of this Ordinance to be conveyed to such place as is specified by the Director and there submitted to an examination by a medical practitioner as to his physical and mental health.

(2.) The medical practitioner who examines a child or young person in pursuance of this section shall forward to the Director a report of the examination.

(3.) An officer authorized by the Minister for that purpose may bring a child or young person referred to in sub-section (1.) of this section before the Supreme Court, together with the order of committal and the report disclosing the physical and mental health of the child or young person, and apply to have the order of committal reviewed.

(4.) At an application under this section, the Supreme Court shall admit as evidence the depositions of the witnesses at the Court and shall consider all the circumstances, the report disclosing the physical and mental health of the child or young person and such fresh evidence as may be available and may—

- (a) confirm the order of committal; or
- (b) revoke the order of committal and make any other order which might have been made under section fifty-five, fifty-seven or fifty-eight of this Ordinance.

**64.**—(1.) Where a child or young person is in a summary manner found guilty by the Court of an offence (other than an offence against a law of the Commonwealth) in respect of which a penalty, compensation, damages or costs are imposed and there is reason to believe that his parent has contributed to the commission of the offence by wilful default or by habitually neglecting to exercise due care of the child or young person, a magistrate may, on information, issue a summons against the parent charging him with contributing to the commission of the offence.

Court may order parent to pay penalty, damages or costs.

(2.) If the Court is satisfied that the parent has contributed to the commission by the child or young person of the offence by wilful default or by habitually neglecting to exercise due care of him, the Court may order that the penalty, damages or costs be paid by the parent instead of by the child or young person and may also order the parent to give security for the good behaviour of the child or young person.

**65.**—(1.) Where a child or young person is charged before the Court with homicide, rape or any other offence punishable by death, the Court may commit the child or young person to take his trial according to law.

Child or young person charged with certain indictable offences.

(2.) Where a child or young person is charged before the Court with an indictable offence other than an indictable offence referred to in the last preceding sub-section and is not dealt with under section fifty-seven of this Ordinance, the Court may commit the child or young person to take his trial according to law.

(3.) Where the Court commits a child or young person in pursuance of the last preceding sub-section, it shall transmit to the Attorney-General and to the Minister a statement of its reasons for so doing.

(4.) Where a child or young person is committed for trial and not admitted to bail he shall be detained in a shelter unless the Court certifies that he is of so unruly a character that he cannot be detained in a shelter or that the charge is of such a serious nature or that he is of so depraved a character that he is not a fit person to be detained in a shelter.

Child or young person convicted of indictable offence may be sent to institution.

**66.** Where a child or young person upon his trial has pleaded guilty to or has been convicted of an indictable offence (other than an offence against a law of the Commonwealth), the Supreme Court may exercise any of the powers conferred on the Court by section fifty-seven of this Ordinance 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.

Remission of matter by Supreme Court.

**67.—(1.)** Where, in the Supreme Court, a child or young person is found guilty of an offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth), the Supreme Court may, if it thinks fit, remit the case to the Court and the Court may deal with the child or young person in any way in which it might have dealt with him if he had been tried and found guilty by it.

(2.) An appeal does not lie against an order of remission made under the last preceding sub-section, but nothing in this section affects any right of appeal against the verdict or finding on which an order of remission is founded.

(3.) A person dissatisfied with an order made by the Court under this section may appeal to the Supreme Court as if he had been tried and found guilty by the Court.

(4.) Where the Supreme Court remits a case under this section to the Court it may give such directions as it thinks necessary with respect to the custody of the offender or for his release on bail until he can be brought before the Court and shall cause to be transmitted to the Clerk of the Court a certificate—

- (a) setting out the nature of the offence;
- (b) stating that the offender has been found guilty of that offence; and
- (c) stating that the case has been remitted to be dealt with in pursuance of this section.

Supreme Court may recommend class of institution to which child or young person should be sent.

**68.** The Supreme Court, in directing that a child or young person be committed to or detained in an institution, shall not specify a particular institution, but may recommend that the child or young person be sent to an institution of a particular class.

Court to hear evidence on behalf of child or young person.

**69.—(1.)** Where a child or young person is charged before the Court with an offence or is brought before the Court as a neglected child or an uncontrollable child or young person, the

Court, if satisfied that a *prima facie* case has been made out, shall give the child or young person or his parent an opportunity to call evidence and shall hear any evidence that may be tendered by or on behalf of the child or young person.

(2.) The Court, if satisfied that the child or young person has committed the offence with which he is charged or is a neglected child or an uncontrollable child or young person, shall, before making an order, give consideration to reports, if tendered, setting out the details and results of investigation into the antecedents, home environment, companions, education, school attendance, habits, recreation, character, reputation, disposition, medical history and physical or mental characteristics and defects, if any, of the child or young person.

**70.**—(1.) Where a child or young person is dealt with under paragraph (b) of section fifty-five, paragraph (a) of sub-section (1.) of section fifty-seven or paragraph (a) of section fifty-eight of this Ordinance—

Care of child or young person committed to a person or on probation.

- (a) the Court shall forward to the Director a copy of its order; and
- (b) an officer appointed for the purpose by the Minister may enter the premises where the child or young person resides and may inspect them and the child or young person.

(2.) Where a child or young person is dealt with under paragraph (c) of section fifty-five, paragraph (b) of sub-section (1.) of section fifty-seven or paragraph (b) of section fifty-eight of this Ordinance—

- (a) the Court shall not commit the child or young person to the care of a person of a religious faith to which the father or other person having the right to direct in what religion the child or young person shall be educated objects;
- (b) the person to whose care the child or young person is committed is entitled to the care of the child or young person for the period stated in the order of committal;
- (c) the Court shall forward to the Director a copy of its order; and
- (d) an officer appointed for the purpose by the Minister may enter the premises where the child or young person resides and may inspect them and the child or young person.

**71.**—(1.) Where a person who, as a child or young person, has been released on probation or committed to the care of a person breaks or is reasonably suspected of having broken the terms or conditions of his release or the terms or conditions on

Breach of terms of release or committal by child, &c.

which he was committed to the care of a person, he may be apprehended by an officer authorized by the Minister for the purpose or a member of the Police Force and detained until he can be brought before the Court.

(2.) A magistrate may, upon oath being made before him by a member of the Police Force or an officer that the member or officer believes or reasonably suspects that a person who, as a child or young person, has been released on probation or committed to the care of a person has broken the terms or conditions of his release or the terms or conditions on which he was committed to the care of a person, issue his summons for the appearance of the child or young person before the Court.

(3.) If it is proved that a person brought before the Court under this section, or appearing before the Court in answer to a summons under this section, has broken the terms or conditions of his release or the terms or condition on which he was committed to the care of a person, the Court may, notwithstanding that that person has then attained the age of eighteen years, deal with him in accordance with section fifty-five, fifty-seven or fifty-eight of this Ordinance.

Variation, &c.,  
of period of  
probation.

**72.**—(1.) A court may at any time vary the period or conditions, or terminate the period, of probation or of committal to the care of a person which it has imposed on a child or young person.

(2.) A court by the order of which a child or young person has been released on probation to, or committed to the care of, a person may, upon the application of the Director, vary the order by substituting another person for the person named in the order.

Placing in  
shelter.

**73.**—(1.) Subject to the next succeeding sub-section, a child or young person on being committed to an institution shall be placed in a shelter pending his removal to an institution.

(2.) A child or young person shall not be kept in a shelter for more than thirty days, except with the approval of the Minister.

(3.) Where an order is made committing a child or young person to an institution, the order is sufficient warrant for a member of the Police Force or an officer—

- (a) to convey the child or young person to a shelter;
- (b) to transfer him from one shelter to another;
- (c) to detain him in a shelter pending his removal to an institution; and
- (d) to convey him to an institution or deliver him to a person authorized under the law of the State of New South Wales to receive him.

**74.** Where a court commits a child to an institution, the child may, while the Agreement is in force, be forthwith removed to the State of New South Wales for the purpose of reception into, and detention and maintenance in, a State institution.

Committal of child to State institution.

**PART X.—MAINTENANCE OF CHILDREN BY THEIR RELATIVES.**

**75.** In this Part, unless the contrary intention appears— Definitions.

“contribution order” means an order made by the Court under this Part;

“near relative” means—

(a) in relation to a legitimate child—the father, mother, step-father and step-mother of the child;

(b) in relation to an illegitimate child—

(i) a person admitting himself to be or adjudged by a court to be the father of the child;

(ii) the husband of the mother of the child where the child was born before his marriage to the mother; and

(iii) the mother of the child; and

(c) in relation to a child, whether legitimate or illegitimate—a person other than a person referred to in either of the last two preceding paragraphs who is by law liable to maintain the child, including an adopting parent or a guardian, but not including any other person whose liability for the maintenance of the child results from the provisions of this Ordinance.

**76.—(1.)** Where a child is a ward or where the Court has made an order committing a child— Liability of near relatives.

(a) to the care of a person; or

(b) to the care of the Minister to be dealt with as a ward admitted to government control,

the near relatives of the child are liable to pay for, or to contribute towards, his maintenance, according to their ability to pay.

(2.) The order of priority in which the near relatives of a child are liable to pay for, or to contribute towards, his maintenance are as follows:—

(a) in the case of a legitimate child—

- (i) firstly, the father of the child;
- (ii) secondly, the step-father of the child;
- (iii) thirdly, the mother of the child;
- (iv) fourthly, the step-mother of the child; and
- (v) fifthly, a near relative of the child referred to in paragraph (c) of the definition of “near relative” in the last preceding section; and

(b) in the case of an illegitimate child—

- (i) firstly, the person admitting himself to be or adjudged by a court to be the father of the child;
- (ii) secondly, the husband of the mother of the child where the child was born before his marriage to the mother;
- (iii) thirdly, the mother of the child; and
- (iv) fourthly, a near relative of the child referred to in paragraph (c) of the definition of “near relative” in the last preceding section.

(3.) A person referred to in sub-paragraph (ii) of paragraph (b) of the last preceding sub-section is not liable to pay for, or contribute towards, the maintenance of an illegitimate child of his wife where he satisfies the Court that, at the time of their marriage, he was not aware of the child's existence.

Contribution  
order.

77.—(1.) The Court may, while a child remains a ward or an order of committal referred to in the last preceding section is in force, on complaint by the Minister or by the person to whose care the child has been committed, inquire into the ability of any of the near relatives of the child to maintain, or contribute towards the maintenance of, the child and may—

- (a) make an order for the payment by such one or more of the near relatives in respect of whom the inquiry was made as is or are specified in the order of a reasonable sum or sums towards the future maintenance of the child; or
- (b) certify that none of the near relatives in respect of whom the inquiry was made is able to maintain, or contribute towards the maintenance of, the child.

(2.) The issue of a certificate under paragraph (b) of the last preceding sub-section does not prejudice the right of a person, at any time, to make a further application to the Court under this section for a contribution order.

(3.) The Court shall—

- (a) in making a contribution order, have regard to the order of priority in which the near relatives of a child are liable to maintain, or contribute towards the maintenance of, the child; and
- (b) in fixing the sum to be paid by one or more of the near relatives of a child, have regard to the ability of the near relative or near relatives against whom the contribution order is made to maintain, or contribute towards the maintenance of, the child.

(4.) Where a contribution order is made against two or more near relatives of a child, the Court may declare that the sum specified in the contribution order is to be payable by the near relatives of the child specified in the order jointly and severally or that specified parts of the sum are to be paid severally by the specified near relatives, but so that those persons will not be liable to pay a greater amount in the aggregate in respect of any one child than appears to the Court to be reasonable.

**78.—**(1.) A contribution order against a near relative may be made— Time of making contribution order.

- (a) in the case of a ward—at or after the time at which he becomes a ward; and
- (b) in any other case—at or after the time at which the order of committal is made.

(2.) Where an order of committal referred to in section seventy-six of this Ordinance is made—

- (a) the Court shall not make a contribution order unless the near relative consents or has been afforded an opportunity to show cause why a contribution order should not be made; and
- (b) if a near relative so desires, the hearing, so far as it relates to the making of a contribution order, shall be adjourned to a date to be fixed by the Court.

**79.—**(1.) Where a child has been committed to the care of a person, moneys payable under a contribution order shall be paid to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child. Application of moneys paid under this Part.

(2.) Where a child is a ward or has been committed to the care of the Minister to be dealt with as a ward admitted to government control or to an institution, the moneys payable under the contribution order shall be paid to the Minister.

Duration of contribution order.

**80.** A contribution order shall, subject to this Part, remain in force—

- (a) where the child is committed to the care of a person—until the expiration of the period of time for which he remains so committed or until he attains the age of sixteen years, whichever first happens;
- (b) where the child is committed to the care of the Minister to be dealt with as a ward admitted to government control—until his discharge from the care of the Minister or until he attains the age of sixteen years, whichever first happens;
- (c) where the child is committed to an institution—until his discharge from the institution or until he attains the age of sixteen years, whichever first happens; or
- (d) where the child is a ward—until he attains the age of sixteen years.

Recovery of money expended for past maintenance of wards.

**81.—(1.)** If it appears to the Court, on complaint by the Minister or an officer authorized by the Minister for the purpose, that a near relative is able to contribute towards the past maintenance of—

- (a) a ward or a person who has been a ward; or
- (b) a child committed to the care of the Minister to be dealt with as a ward admitted to government control or a person who was so committed but who has been discharged from that care,

it may order that near relative to pay to the Minister a reasonable sum by instalments or otherwise as the Court directs as reimbursement of moneys paid for that past maintenance, whether or not the ward, child or person referred to in paragraph (a) or (b) of this sub-section is alive at the time of the hearing.

(2.) An order shall not be made against a person referred to in sub-paragraph (ii) of paragraph (b) of the definition of “near relative” in section seventy-five of this Ordinance in respect of the past maintenance of an illegitimate child of his wife where he satisfies the Court that, at the time of their marriage, he was not aware of the child’s existence.

(3.) This section applies where moneys have been expended in allowances to relatives under section twenty-eight of this

Ordinance as if those moneys were moneys paid for the past maintenance of a ward or of a child committed to the care of the Minister to be dealt with as a ward admitted to government control and as if the mother, single woman or father, as the case may be, to whom the allowance was paid was the only near relative liable to pay, or contribute towards, the maintenance of the child or young person.

(4.) Where an order under this section is made in respect of a near relative against whom an order has been made by the Court for payment of preliminary expenses or expenses of maintenance under a law that is or has been in force in the Territory, the Court may vary, suspend or discharge the last-mentioned order so that the near relative shall not pay twice for the maintenance of the same child.

(5.) The Minister, in addition to the powers contained in this section, may institute proceedings against the parents of a child (including an illegitimate child) for the recovery of moneys expended in the maintenance of the child and those parents are liable jointly and severally to pay those moneys.

**82.** A contribution order may be enforced, appealed from, quashed, confirmed, suspended, varied or discharged in the same manner as an order made under the law of the Territory relating to the maintenance of deserted wives and children. Enforcement, &c., of order.

**83.—(1.)** Where a child in respect of whose maintenance a contribution order has been made becomes self-supporting, the Minister shall apply to the Court— Application for discharge.

- (a) where payments under the order are made to the Minister—as soon as practicable after the child becomes self-supporting; or
- (b) in any other case—as soon as practicable after the Director receives the notice referred to in the next succeeding sub-section,

for the discharge of the order.

(2.) Where payments under a contribution order are made to a person other than the Minister, the person shall, as soon as practicable after the child in respect of whom the payments are made becomes self-supporting, give notice in writing of the fact to the Director.

Penalty for any contravention of this sub-section: Fifty pounds.

**84.** The Court or a magistrate may, upon complaint by the Minister or by the person to whose care a child has been committed that a person has absconded or is about to abscond from the Territory to evade the provisions of this Part or compliance with a contribution order, issue a warrant for the arrest of that person. Person absconding.

Complaint may include several wards or children.

**85.**—(1.) A complaint may allege that a near relative is able to maintain, or contribute towards the maintenance or past maintenance of, two or more wards or children.

(2.) An order made on a complaint referred to in this section shall specify the amount payable in respect of each ward or child.

Summons.

**86.**—(1.) On a complaint in writing on oath being made under this Part against a near relative, the Court may summon the near relative to appear before it to answer the complaint.

(2.) A summons under this Part shall be served on the near relative at least fourteen days before the day appointed for the hearing of the complaint.

#### PART XI.—EMPLOYMENT OF CHILDREN.

Interpretation.

**87.**—(1.) For the purposes of this Part—

(a) a child who assists in a trade or occupation carried on for profit shall be deemed to be employed whether or not he receives a reward for his labour; and

(b) a public performance by a child which is an acrobatic performance or a performance as a contortionist shall be deemed to be a public exhibition or performance by which the life or limbs of the child is or are endangered and which is in its nature dangerous to the life or limbs of the child.

(2.) In this Part, “street trading” includes the hawking of newspapers, matches, flowers and other articles, and shoe blacking and similar occupations carried on in a public place.

Street trading licences.

**88.**—(1.) The Minister may, in his discretion, issue a licence authorizing the holder to engage, subject to the regulations, in such street trading as is specified in the licence—

(a) to a male child who has attained the age of fifteen years; or

(b) to a male child who has not attained the age of fifteen years but has attained the age of fourteen years, where the Minister is satisfied that special circumstances exist which make the issue of the licence necessary or desirable.

(2.) A licence issued under this section shall be delivered to the child together with a badge to be worn by the child while he is engaged in street trading.

(3.) A licence issued under this section remains in force until the succeeding thirtieth day of June but may be renewed from time to time.

(4.) The Minister may cancel a licence issued under this section.

**89.** A person shall not employ a child in street trading other than street trading carried on in accordance with a licence held by the child in pursuance of the last preceding section. Employment of child contrary to section 88.

**90.—**(1.) Subject to the next two succeeding sub-sections but notwithstanding any other provision of this Part, the Minister may issue a licence to a child who has attained the age of seven years authorizing his employment in a circus or place referred to in sub-section (1.) of section ninety-two of this Ordinance for such purposes as are specified in the licence. Licences to take part in public entertainments.

(2.) The Minister shall not issue a licence under this section unless he is satisfied that the child is fit to be employed in the circus or place for the purposes to be specified in the licence and that proper provision has been made to safeguard the health, welfare and education of the child.

(3.) A licence issued under this section applies in relation to employment at such times and during such periods, and is subject to such conditions, as are specified in the licence.

(4.) A licence shall not be issued under this section authorizing a child to be employed on any day between the hours of ten o'clock at night and six o'clock in the morning or on a Sunday.

(5.) The Minister may cancel or vary a licence issued under this section.

**91.—**(1.) The Minister may appoint an officer to ensure that the restrictions and conditions specified in a licence issued under the last preceding section are observed. Suspension of licences.

(2.) An officer referred to in the last preceding sub-section may enter and inspect a circus or place referred to in sub-section (1.) of the next succeeding section to ascertain whether a child is being employed in the circus or place in contravention of the provisions of this Part.

**92.—**(1.) A person shall not employ a child, or cause or procure a child to be employed, or, having the care of a child, allow the child to be employed, for the purpose of singing, playing or performing, or offering anything for sale— Children not to be employed for certain purposes without licence.

(a) in a place used for broadcasting or television purposes;

(b) in a circus;

(c) in a place used wholly or in part for providing entertainment or amusement;

- (d) in a place set apart for spectators at a sports meeting or in or adjacent to any way of access to or egress from such a place; or
- (e) in a place used for the photographing of scenes to be depicted in a cinematograph film,

unless the employment is in accordance with a licence held by the child in pursuance of this Part.

(2.) A person shall not cause or procure a child to be in a place, or, having the care of a child, allow the child to be in a place, for the purpose of—

- (a) begging or receiving alms; or
- (b) inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise.

(3.) A person shall not cause or procure a child, or, having the care of a child, allow the child, to sing in a religious, school or similar service, or in a practice for such a service, between the hours of ten o'clock at night and six o'clock in the morning.

(4.) Sub-section (1.) of this section does not apply—

- (a) in the case of an occasional entertainment, where the net proceeds of the entertainment are applied wholly for the benefit of a school or a charitable object;
- (b) where a community singing concert is being conducted and the child concerned takes part in the concert only by singing as a member and in common with the other members of the audience present at the concert and the concert is not conducted between the hours of ten o'clock at night and six o'clock in the morning or, unless the child is exempted from attendance at school, at a time when schools are open; or
- (c) where a community singing concert is being conducted on a Sunday and the child concerned takes part in the concert only by singing as a member and in common with the other members of a church or school choir present at the concert.

(5.) If the person having the care of a child is charged with an offence against sub-section (2.) of this section and it is proved that the child was in a place for a purpose referred to in that sub-section and that the person charged allowed the child to be in the place, he shall be presumed to have allowed him to be in the place for that purpose unless the contrary is proved.

(6.) If a person while singing, playing, performing or offering anything for sale in a street or public place has with him a

child not licensed under section ninety of this Ordinance, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

**93.**—(1.) A person shall not cause or allow a child to take part in a public exhibition or performance by which the life or limbs of the child is or are endangered or in a preparation, training or rehearsal for such an exhibition or performance. Exhibitions  
and  
performances.

(2.) A parent or other person having the care of a child shall not aid or abet a person in causing or allowing the child to take part in an exhibition, performance, preparation, training or rehearsal referred to in the last preceding sub-section.

(3.) Where, during a public exhibition or performance or during a preparation, training or rehearsal for a public exhibition or performance, which in its nature is dangerous to the life or limbs of a child who is employed to take part in it, an accident causing actual bodily harm occurs to the child, the employer of the child, whether his parent or not, is guilty of an offence against this Ordinance.

(4.) Where an employer referred to in the last preceding sub-section is not the parent of the child, the Court may award, as compensation for the bodily harm suffered by the child, a sum not exceeding One hundred pounds to be paid by the employer to the child or to a person named by the Court on behalf of the child.

(5.) The recovery of compensation awarded under this section does not deprive the child of any other legal remedy, but a sum awarded under this section shall be taken into account in any other proceedings by or on behalf of the child for or in respect of the same bodily harm.

## PART XII.—OFFENCES.

**94.**—(1.) A person who contravenes or fails to comply with a provision of this Ordinance that is applicable to him is guilty of an offence against that provision. Penalties.

(2.) Except where the contrary intention appears, the penalty for an offence against a provision of this Ordinance is a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months, or both.

**95.** Where a person is charged before the Court with an offence against this Ordinance in respect of a child or young person who is alleged in the charge to be or to have been under a specified age and the child or young person appears to the Court to be under that age, the child or young person shall be deemed to be under that age unless the contrary is proved. Presumption  
of age.

Evidence of children.

**96.** Where, in proceedings in respect of an offence against this Ordinance, the Court is satisfied by the evidence of a medical practitioner that the attendance for the purpose of giving evidence before the Court of a child in respect of whom the offence is alleged to have been committed would be injurious or dangerous to its health and the Court is further satisfied that the evidence of the child is not essential to the just hearing of the matter, it may allow the matter to be proceeded with and determined without the evidence of the child.

Defence of reasonable excuse.

**97.** Where a person is charged with an offence against this Ordinance it is a sufficient defence if he satisfies the Court that he had a reasonable excuse for the act or omission which constituted the offence charged.

Failure to provide for child or young person, &c.

**98.**—(1.) A person shall not fail to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his care.

(2.) A person shall not—

- (a) ill-treat, terrorize, overwork or injure a ward;
- (b) counsel, or cause or attempt to cause, a ward to be withdrawn, or to abscond, from an institution or from the charge of a person with whom the ward is boarded out, placed out or apprenticed or placed as an adopted boarder, or to escape from his proper custody or to be or remain absent without leave from his proper custody;
- (c) knowing a ward to have withdrawn, absconded or escaped or to be absent from his proper custody, harbour or conceal the ward or prevent him from returning to his proper custody; or
- (d) having the care of a ward—
  - (i) neglect him; or
  - (ii) fail to observe, perform and keep all the covenants, conditions and agreements which, by the terms of an indenture or agreement entered into by him respecting the ward, he has bound himself to observe, perform or keep.

Ill-treatment.

**99.**—(1.) Where a person assaults, ill-treats or exposes a child or young person, or causes or procures a child or young person to be assaulted, ill-treated or exposed and the assault, ill-treatment or exposure has resulted, or appears likely to result, in bodily suffering or permanent or serious injury to the health of the child or young person, that person is guilty of an offence against this Ordinance.

(2.) The same information or summons may charge a person with the offences of assault, ill-treatment or exposure together or separately, and may charge him with committing all or any of those offences in such manner that bodily suffering or permanent injury to the health or serious injury to the health of the child or young person has resulted or appears likely to result, alternatively or together.

(3.) Where the offences referred to in the last preceding sub-section are charged together, the person charged shall not, if he is convicted, be liable to a separate penalty for each offence.

**100.** A person shall not, in an application under this Ordinance, make a wilfully false statement as to his property, income or earnings or as to the property, income or earnings of a member of his family. False statements.

**101.** A person shall not impose or endeavour to impose upon the Minister or an officer by a false or fraudulent representation with a view to obtaining money or other advantage under this Ordinance. Fraudulent representation.

**102.** A person shall not, in respect of a child or young person, receive and retain any money, purporting to be paid under Part V. or VI. of this Ordinance, after he has become disentitled to receive the payment. Receiving money to which not entitled.

**103.** A person shall not hinder or obstruct an officer in the exercise of his duties under this Ordinance. Obstruction of officer.

**104.—(1.)** A person shall not—

- (a) make a false representation;
- (b) forge a certificate; or
- (c) make use of a forged certificate knowing it to be forged,

with intent to obtain or procure the issue of a licence under this Ordinance. Forgery of certificate, &c.

(2.) A person shall not—

- (a) falsify a register kept in pursuance of this Ordinance; or
- (b) furnish false particulars of a matter which is required to be entered in a register kept in pursuance of this Ordinance.

#### PART XIII.—MISCELLANEOUS.

**105.** In the absence of proof to the contrary, the authority of an officer to do any act or to take any proceedings shall be presumed. Authority of officer presumed.

Right of  
appearance.

**106.** At the hearing of a complaint, information, application, proceeding, charge or matter against a child or young person, the Minister or an officer authorized for the purpose by the Minister is entitled to appear and be heard.

Averments.

**107.** An averment in a complaint or information made or laid under this Ordinance—

- (a) that an officer has been appointed, authorized or directed by the Minister as stated in the averment;
  - (b) that a child or young person is or was a ward or has been committed to or is an inmate of an institution, depot, shelter, home or hostel;
  - (c) that a person is a foster parent of a child specified in the averment; or
  - (d) that a person is an officer,
- is evidence of the facts averred.

Age of criminal  
responsibility.

**108.** It shall be conclusively presumed that a child under the age of eight years cannot be guilty of an offence.

Punishment  
of capital  
offences.

**109.—(1.)** A court shall not pronounce on or record against a person under the age of eighteen years a sentence of death, and where a sentence of death would, but for this section, be pronounced on or recorded against such a person the court shall sentence him to imprisonment for life, with or without hard labour.

(2.) The provisions of section four hundred and forty-two of the Crimes Act do not apply to a sentence referred to in the last preceding sub-section.

(3.) This section applies where the person charged is over the age of eighteen years if, at the time of the commission of the offence, the person charged had not attained the age of eighteen years.

(4.) In this section, “the Crimes Act” means the Crimes Act, 1900 of the State of New South Wales in its application to the Territory, as amended by Ordinances.

Certain  
expressions  
not to be used.

**110.** The words “conviction”, “sentence” and “imprisonment” shall not be used in relation to a child or young person dealt with summarily and a reference in a law in force in the Territory to a person convicted, a conviction, a sentence or imprisonment shall, in the case of a child or young person so dealt with, be construed as a reference to a person found guilty of an offence, a finding of guilt, an order made upon such a finding or a detention, as the case may be.

**111.—(1.)** Where an order to pay preliminary expenses or maintenance in respect of a child (including an illegitimate child) has been made by a court under a law of the Territory and—

Power to divert payments under existing orders to Director

- (a) monetary assistance in respect of the child is being or has been given under this Ordinance or under an Act of the State of New South Wales which by virtue of this Ordinance has ceased to apply to the Territory;
- (b) accommodation and maintenance has been or is being provided for the child or for its mother in a hostel; or
- (c) the child has been committed to an institution or provided with accommodation and maintenance at a depot, shelter, home or hostel,

the Minister may apply to the Court for a variation of the order.

(2.) Upon notice of an application under this section being given to such persons and in such manner as the Court directs, the Court may make such order as it thinks fit for variation of the order insofar as it relates to the receipt or disbursement of moneys payable under the order.

(3.) Where an order is one which could be varied in pursuance of this section, the person who, under the terms of the order, is entitled to any moneys received under the order may give the Director an authority in the prescribed form, directed to the person who by the order is appointed to receive moneys paid under the order, to pay to the Director on behalf of the Minister all moneys then held or thereafter received in pursuance of the order.

(4.) The Director shall cause the authority to be lodged with the person to whom it is directed.

(5.) The person to whom the authority is directed shall register it with his records relating to the order.

(6.) From the date on which the authority is lodged until the authority is cancelled by notice from the Minister a payment made in accordance with the authority by the person to whom the authority is directed shall be a sufficient discharge for the person.

(7.) Where an authority has been lodged in pursuance of sub-section (4.) of this section, the person who signed the authority is not entitled, except with the consent of the Minister, to waive payment of or allow credit for an amount due and unpaid under the order.

Child or young person believed to be suffering from venereal disease.

**112.**—(1.) Where the Court has reason to believe that a child or young person is, or may be, suffering from venereal disease, the Court may at any time order an examination to be made of the child or young person by a medical practitioner.

(2.) Where the medical practitioner who examines the child or young person reports that the child or young person is suffering from venereal disease, the Court shall notify the Director-General of Health.

Ward suffering from venereal disease not to be apprenticed, &c.

**113.**—(1.) A ward shall not be apprenticed, boarded out or placed out unless he has been examined by a medical practitioner and certified by the medical practitioner to be free from venereal disease or no longer liable to convey infection.

(2.) A certificate required under this section shall be obtained at the expense of the Department and shall be retained by the Director.

Removal of child or young person to a place of safety.

**114.** An officer authorized by the Minister to act under this section or a member of the Police Force may take to a shelter a child or young person in respect of whom there is reason to believe that an offence has been committed, and any such child or young person and any child or young person who seeks refuge in a shelter may be detained there until he can be brought before the Court.

Care of child or young person pending investigation.

**115.**—(1.) Where it appears to the Court that an offence has been committed in respect of a child or young person brought before it and that the health, welfare or safety of the child or young person is likely to be endangered unless an order under this section is made, the Court may, without prejudice to any other power under this Ordinance, make such order as it considers necessary for the care of the child or young person until a reasonable time has elapsed for the bringing and disposing of a charge against the person who appears to have committed the offence.

(2.) An order under this section may be enforced notwithstanding that a person claims the custody of the child or young person.

Arrests without warrant.

**116.**—(1.) A member of the Police Force may arrest without warrant a person who commits, or is reasonably suspected by him of having committed, an offence against this Ordinance if the name or residence of the person is unknown to the member of the Police Force and cannot be ascertained by him.

(2.) Where an arrest is made in pursuance of this section, the officer in charge of the police station to which the person is brought shall, unless he considers—

(a) that the release of that person would tend to defeat the ends of justice; or

- (b) where the offence is alleged to have been committed in respect of a child or young person, that the release of the person may result in injury or danger to that child or young person,

release the person arrested upon his entering into a recognizance, with or without a surety or sureties, to attend the hearing of the charge.

**117.** Where steps have been taken under any of the last three preceding sections to secure the safety or well-being of a child or young person and the relevant charge against a person has been heard and determined, the Court may make an order as to the care of the child or young person. Disposal of child or young person by the Court.

**118.**—(1.) A magistrate may issue a warrant for the arrest of a ward who has absconded or been illegally removed from his proper custody. Arrest of absconding ward.

(2.) Where a ward who has absconded from his proper custody is arrested on a warrant issued under this section, he shall, as soon as practicable, be brought before the Court.

(3.) A ward who absconds from his proper custody is guilty of an offence and the Court may, upon finding him guilty—

- (a) make an order in pursuance of section fifty-seven or fifty-eight of this Ordinance; or  
 (b) order the ward to be returned to his former custody.

(4.) Where a ward who has been illegally removed from his proper custody is arrested on a warrant issued under this section he shall, as soon as practicable, be placed in a shelter.

(5.) Nothing in this section exempts a ward from liability under any other law for the offence of escaping from lawful custody.

(6.) A ward who has been temporarily released from his proper custody and fails to return to that custody in accordance with the conditions under which he was temporarily released shall be deemed to have absconded from his proper custody.

**119.**—(1.) Where a ward is at the date he becomes a ward, or at any time after that date becomes, entitled in possession to any land, the Curator of the Estates of Deceased Persons shall have the management and control of the land and may apply the whole or any part of the income from the land or the whole or any part of the proceeds of the realization of the land for the maintenance and benefit of the ward. Land of wards.

(2.) The Curator of the Estates of Deceased Persons has and may exercise in respect of the land the same rights and powers as if the land formed part of an intestate estate of which he was appointed the administrator and as if the land were the share of the ward in that estate.

Medical  
examination.

**120.**—(1.) An officer authorized by the Minister to act under this sub-section may, at any time, order that a child or young person admitted to an establishment under the control of the Minister be examined to determine his medical, physical or mental characteristics and defects.

(2.) The Minister or an officer authorized by the Minister to act under this sub-section may, notwithstanding the objection of a parent of a ward, consent to a surgical or other operation which he is advised by a medical practitioner is necessary in the interests of the health or welfare of the ward.

Warrant to  
search premises.

**121.**—(1.) Where it appears to a magistrate, on information laid before him on oath, that there is reason to believe that a person is committing an offence against this Ordinance in a house, building or place or that any of the provisions of this Ordinance are being infringed in a house, building or place, the magistrate may issue his warrant authorizing any member of the Police Force or an officer named in the warrant to enter, if need be by force, and search the house, building or place named in the warrant, at any hour of the day or night, to ascertain whether there is or has been in the house, building or place an offence against, or an infringement of, the provisions of this Ordinance.

(2.) A member of the Police Force or an officer named in a warrant issued under this section may be accompanied by—

- (a) a medical practitioner;
- (b) the person giving the information, if that person so desires and the magistrate has not otherwise directed; and
- (c) such members of the Police Force as he thinks necessary to assist him.

Power to search  
and arrest and  
to place child  
or young  
person in  
a place of  
safety.

**122.**—(1.) Where it appears to a magistrate, on information laid before him on oath by a person who, in the opinion of the magistrate, is acting in the interests of a child or young person, that there is reasonable cause to suspect that the child or young person—

- (a) is a neglected child; or
- (b) has been or is being ill-treated or neglected in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health or welfare,

the magistrate may issue his warrant authorizing any member of the Police Force or an officer named in the warrant to search for the child or young person and to take him to and detain him in a place of safety until he can be brought before the Court.

(2.) The Court may commit a child or young person brought before it to the care of a person named by the Court or make such other order with respect to the care of the child or young person as the Court thinks fit.

(3.) The magistrate issuing a warrant under this section may, by the same warrant, authorize the apprehension of a person accused of an offence in respect of the child or young person.

(4.) A member of the Police Force or an officer named in a warrant issued under this section to search for a child or young person and to take him to and detain him in a place of safety may enter (if need be by force) a house, building or other place specified in the warrant and remove the child or young person.

(5.) A member of the Police Force or an officer named in a warrant issued under this section may be accompanied by—

- (a) a medical practitioner;
- (b) the person giving the information, if that person so desires and the magistrate has not otherwise directed; and
- (c) such members of the Police Force as he thinks necessary to assist him.

(6.) It is not necessary in a warrant issued under this section to name a particular child or young person.

**123.** Upon complaint made by an officer authorized by the Minister to act under this section that a person with whom a ward has been placed out is not observing or performing the conditions of the agreement under which the ward was placed out or is unfit to have the further care of the ward, a magistrate may call upon that person to answer the complaint before the Court and upon proof of the matter of the complaint the Court may order the agreement to be terminated and may direct the ward to be sent to a depot, shelter, home or hostel pending arrangements for his further employment.

Court may terminate agreement.

**124.** Nothing in this Ordinance takes away or affects the right of a parent, teacher or other person having the lawful care of a child or young person to administer punishment to the child or young person.

Right to administer punishment.

**125.** A suit or action against the Minister, the Director or an officer in respect of an act, matter or thing done by him or ordered by him to be done and purporting to be done for the purpose of carrying out the provisions of this Ordinance does not lie if the Minister, the Director or the officer has acted in good faith and with reasonable care.

Action not to lie against person who has acted in good faith.

Action to be commenced within six months.

**126.** A suit or action referred to in the last preceding section shall not be commenced later than—

- (a) six months after the alleged cause of action; or
- (b) in the case of a suit or action by a person who has been a ward, six months after the absolute discharge of the ward.

Stay of proceedings.

**127.** Proceedings in a suit or action referred to in section one hundred and twenty-five of this Ordinance may, on application to the court in which the proceedings were commenced, be stayed upon such terms as to costs or otherwise as the court thinks fit, if the court is satisfied that there is no reasonable ground for alleging lack of good faith or reasonable care or that the suit or action was commenced after the time referred to in the last preceding section.

Regulations.

**128.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and, in particular, prescribing penalties not exceeding a fine of Fifty pounds for offences against the regulations.

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By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.