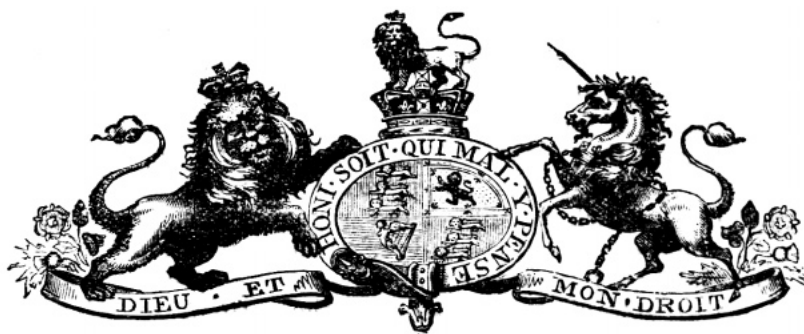


VICTORIA.



ANNO SEXTO

EDWARDI SEPTIMI REGIS.

No. 2058.

An Act to establish and regulate Children's Courts.

[28th December, 1906.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Children's Court Act* 1906, and shall come into operation on the first day of December One thousand nine hundred and six. Short title and commencement

2. In this Act unless inconsistent with the subject-matter or context— Interpretation.

“Age” means in the absence of positive evidence as to age, the apparent age.

“Child” “children” means boy or girl or boys and girls under the age of seventeen years.

“Children's Court” or “Court” means Children's Court established under this Act. No. 1121 s. 58.

“Parent”
14344.

“Parent” includes father mother step-father step-mother and guardian of the person of a child and any person against whom an order of affiliation has been made as the putative father of any illegitimate child, and includes mother or step-mother notwithstanding a father or step-father of the child is alive, also the putative father of any illegitimate child which he may have recognised as his though no order of affiliation has been made against him.

“Juvenile offender” means a convicted child liable to be sent to a reformatory school or to the care of the Department for Neglected Children under the provisions of Part II. Division 2 of the *Crimes Act* 1890.

Establishment of Court.

3. A Children's Court is by this Act established and shall be held at every place within the State of Victoria where a Court of Petty Sessions is appointed to be held.

Power to appoint special police magistrate or special magistrates.

4. The Governor in Council may appoint for any city town or place any person or any police magistrate and may also appoint any one or more justices of the peace of the bailiwick in which such city town or place is situate to be a special magistrate or special magistrates and to exercise the jurisdiction of a Children's Court under this Act.

Constitution of Children's Court.
See No. 1105 s. 58.

5. Every Children's Court shall consist of—

- (a) where situate in any city town or place for which a special magistrate has been appointed as hereinbefore provided one or more special magistrates; and
- (b) where situate in any city town or place for which no special magistrate has been appointed any two or more justices of the bailiwick within which the Court is held or a police magistrate.

Place of sitting.
See N.S.W. 1905
No. 16 s. 12.

6. Every Children's Court shall hold its sittings—

- (a) in some room of the building in which the Court of Petty Sessions of the place usually sits but the Children's Court shall not be held in the same room as that in which the Court of Petty Sessions is at the time sitting for the transaction of its business or in which a justice or justices are sitting out of sessions; or
- (b) in any building or room.

Appointment of Probation Officers.

7. The Governor in Council may appoint for any Children's Court or Courts one or more fit and proper persons, male or female, to be called “Probation Officers” who are willing to perform the duties assigned by this Act or the regulations thereunder to Probation Officers and any such appointment may at any time be revoked.

8 Every

8. Every Probation Officer shall comply with the directions of the Children's Court for which he has been appointed and shall obey all the lawful orders of the Court with respect to any child under his supervision or his care and control.

Probation Officer subject to directions and orders of Children's Court.

9. (1) It shall be the duty of every Probation Officer when required by a Children's Court—

Duties of Probation Officers.

- (a) to investigate the circumstances of any complaint charge information or application made in respect of any child and endeavour to ascertain his address and that of his parents; and
- (b) to inquire and furnish the Court with information as to the child's habits conduct and mode of living; and
- (c) to render to the Court such assistance as it may require; and
- (d) to visit and supervise any child before and after the hearing and determination of the case as may be directed by the Court; and also
- (e) to perform any other duties that the Governor in Council may by regulation direct.

(2) Every Probation Officer may appear in the Children's Court to represent the interests of any child, and when a child is not represented by a barrister and solicitor the Probation Officer may be heard in Court on such child's behalf.

Powers of Probation Officers.

10. (1) Any child may be released by the Court on probation and if so released or if discharged on surety to appear for punishment when called upon or to be of good behaviour or if a sentence imposed on any child is suspended for any term by the Court, such child shall if the Court so order be under the supervision of the Probation Officer of the Court making such order.

Child released conditionally to be under supervision of Probation Officer.

(2) Every Probation Officer shall have as to the child under his supervision or care and control the powers of a peace officer.

When Probation Officer to have powers of peace officer.

(3) At any time in his own discretion such Probation Officer may apprehend without warrant and bring any child under his supervision who appears to him to have broken any of the terms of his probation or terms of his recognisance for good behaviour before the Court which made its order respecting such child for further or other action as the court may see fit to exercise.

When Probation Officer may bring child under his supervision before Court for further action.

11. (1) The Governor in Council may if he thinks fit so to do by notice in the *Government Gazette* appoint or alter vary or revoke the days and the hour of the day when Children's Courts shall be held. In the absence of any such notice the Children's Court when it has business to transact or dispose of shall be held on the same day as that appointed for the holding of the Court of Petty Sessions of the place.

Time of sitting. See No. 1105 s. 62.

(2) Where

Conditions when held in Petty Sessions Court-room.

(2) Where a Children's Court is held or proposed to be held in the same room as that in which the Court of Petty Sessions holds its sittings the Court of Petty Sessions shall take precedence of the Children's Court in its order and time of sitting but may waive that privilege at its pleasure so as to enable the Children's Court to sit either immediately before the sitting of the Court of Petty Sessions or at any time during which its sitting is suspended by adjournment.

Powers of court with respect to offences indictable and summary.
See N.S.W. 1905 s. 16 s. 10 (c).

12. (1) A Children's Court shall have exclusive jurisdiction to hear and inquire into all charges and informations against children for felonies and misdemeanours committed or suspected to have been committed by them and may direct the accused to be tried according to law or discharge him or them and may hear and determine all informations for offences against any Act punishable on summary conviction committed or suspected to have been committed by children.

Committal to Neglected Children's Department or Reformatory Schools.

See N.S.W. 1905 No. 16 s. 10 (b), and see Acts No. 1121 ss. 20, 21, 23 and 63, and No. 1079 ss. 329 and 349.

(2) A Children's Court shall have exclusive jurisdiction to hear and determine any charge and hear and entertain any application either of which is authorized by the *Neglected Children's Act* 1890 or Part II. Division 2 of the *Crimes Act* 1890 to be made to justices for the purpose of having any child apparently under the age of seventeen years committed to the Department for Neglected Children or to some approved person or institution in place thereof or to a reformatory school or to the care of a private person in place thereof and may make such necessary orders of committal or discharge as justices are by the said Acts authorized to make.

(3) Every Children's Court shall for the purposes of this Act have and may exercise all the powers and authorities for the time being possessed by Courts of Petty Sessions.

Court to have full powers of Petty Sessions Courts.

13. So far as they may be consistent with the jurisdiction hereby conferred on Children's Courts all the provisions of the *Justices Act* 1890 and any Acts amending the same relating to the jurisdiction (other than the civil jurisdiction) of Courts of Petty Sessions and to the procedure and practice in Courts of Petty Sessions on the hearing of informations for indictable offences and offences punishable on summary conviction, and all their provisions relating to police magistrates in and out of sessions and clerks of petty sessions, summonses and warrants, powers of justices out of sessions, enforcement of convictions and orders, and sections four and five and parts VI., VII. and IX. of the said *Justices Act* 1890 shall apply to Children's Courts and to every proceeding therein, and to the police magistrates and justices constituting such courts whether sitting in court or acting ministerially out of court as fully and effectually as if the said provisions were repeated in this Act with the words "Children's Court" substituted for the words "Court of Petty Sessions" and the words "Clerk of the Children's Court" substituted for the words "Clerk of Petty Sessions" wherever they respectively occur.

14. After

14. After the commencement of this Act the jurisdiction of every Court of Petty Sessions and justice in respect of the matters as to which a Children's Court has jurisdiction shall cease to be exercised by such court but no conviction order or proceeding made or given by or had before a Court of Petty Sessions in contravention of this section shall be invalidated or affected by reason only of such contravention.

Jurisdiction of other courts superseded. See N.S.W. 1905 No. 16 s. 11.

15. On the hearing of any complaint information charge or application under this Act a Children's Court shall order any persons who in its opinion are not directly interested in the case not being the counsel for the prosecution or for the defendant to leave the court-room or place of hearing and the precincts thereof, and in case of disobedience may direct any member of the police force to remove such persons; and also if it thinks fit so to do, in addition and on its own view, to impose on every such person so disobeying its order a penalty not exceeding Forty shillings and in default of payment forthwith, or without imposing any penalty at all, to order that he be imprisoned for any period not exceeding forty-eight hours. An order to leave the court-room or place of hearing shall not be made under this section with regard to any Probation Officer or with regard to the mother or sister or female friend of any female witness under the age of eighteen years or of any female defendant if desired by such witness or defendant to remain with her whilst necessarily present in court.

Exclusion of public from Court.

See N.S.W. 1905 No. 16, s. 13, also No. 1105 s. 57.

Removal by police.

See Act No. 1105 ss. 40, 57.

Punishment for disobedience.

16. The chairman of a Court of General Sessions on hearing an appeal from the conviction or order of a Children's Court may in like manner order any persons who in his opinion are not directly interested in the case not being the counsel for the prosecution or for the defendant or a probation officer or woman authorized as aforesaid to leave the court-room and its precincts and may in case of disobedience order their removal by a member of the police force and every person so disobeying such order shall be guilty of contempt of court and on the chairman's own view may be punished in the manner provided in Part VIII. of the *Justices Act* 1890 for contempt of court.

Exclusion of public from Court of Appeal.

N.S.W. 1905 No. 16 s. 14.

17. (1) The clerk of each Children's Court shall keep a register independently of that used in the Court of Petty Sessions, of the minutes or memoranda of all convictions orders and proceedings of the Children's Court in the form and with the particulars set out in the First Schedule to this Act, and such register shall be distinguished by the name of the place at which such court is held as in the said form prescribed.

Register of Children's Court.

See No. 1105 s. 65, First Schedule.

(2) Such register and also any extract from such register certified by the clerk of the said Children's Court keeping the same to be a true extract shall be *prima facie* evidence of the matters entered therein.

Certified extracts to be evidence.

Ib. s. 65 (2).

(3) The minutes or memoranda of every day's sitting of the Children's Court shall be signed by the justices constituting such court by and before whom the convictions orders or proceedings referred to in the minutes or memoranda were made or had.

Justices to sign register.

Ib. s. 65 (4).

(4) Every

Register open for inspection.
See No. 1105
s. 65 (5).

(4) Every such register shall be open for inspection, without fee or reward, by any justice and by any person authorized in that behalf by a justice or by a law officer of the Crown or so far as relates to the proceedings in any particular case by any party to the proceedings or by the parent of the child in respect of whom the entry is made.

Procedure when child apprehended.
Ib s. 35.

18. (1) Where a child is apprehended as a neglected child or upon a charge for any offence such child shall if practicable be taken before a Children's Court within twenty-four hours or if such court does not sit within such time before some justice out of sessions to be dealt with according to law as provided by this Act.

(2) Where a child is apprehended as a neglected child or upon a charge for an offence full particulars of the case so far as available shall immediately be forwarded to the Attorney-General.

Adjournment.

(3) The Children's Court if it has not jurisdiction to hear the charge or information against the accused or such justice shall adjourn the hearing of the information or charge to the next practicable sitting of the Children's Court of the bailiwick nearest to the place where the subject-matter of the charge or information arose and order such child to be taken before such court on the day to which such charge or information is adjourned.

Disposal of child pending or during adjournment of hearing.

(4) When such child is apprehended pending the hearing of the charge or information or during any adjournment of the hearing thereof such child shall be disposed of in one of the following ways:—

In Receiving Depot for neglected children.

(a) Such child may be taken when practicable expedient or convenient to one of the receiving depots situate in the Royal Park near Melbourne and placed therein;

See Regulation 6 under Act No. 1121 s. 88.

(b) When not so practicable expedient or convenient having regard to distance the condition or state of health or the welfare of such child such child may be placed with some respectable person or persons and such arrangements or agreements may be made by a probation officer or a member of the police force as may be necessary or proper with such person or persons for the care and maintenance of such child by them, or such probation officer or member of the police force if married may place such child in his own dwelling under the care and supervision of himself and his wife and may provide for his or her care and maintenance at a reasonable charge ;

Under care of private persons.

(c) When none of the above-mentioned methods of detaining such child are available or practicable or where the charge pending against such child is of so serious a nature that his safe custody is a matter of paramount importance such child may be placed in a gaol or the lock-up of a police station but must be kept apart from other prisoners;

In gaol or lock-up.

(d) Or such child may be admitted to bail.

Bail.

(5) When

(5) When such child has been brought before a Children's Court or a justice it or he may make an order in accordance with these provisions which order shall be a sufficient authority for the detention of such child as aforesaid.

(6) If any such child escapes from the custody of any such persons or from any such places of detention he may be re-arrested as an absconder and placed in a gaol till the charge or information is dealt with by the Children's Court.

Absconders may be placed in gaol.
See Acts No. 1121 s. 33; No. 1079 s. 344.

(7) In any of the above-mentioned cases no warrant shall be necessary to authorize the detention of any such child but if the right to the custody of any such child is called in question by *habeas corpus* or otherwise it shall be sufficient to give in evidence the said order of the Children's Court or justice and the authority granted by the provisions of this Act to the persons above named.

Warrant not necessary to detain child.
See Nos. 1121 ss. 28 and 72; and 1079 s. 388.

19. Where any child is charged before a Children's Court with being a neglected child or with an indictable offence or with an offence punishable on summary conviction or when any application is made to the said court with respect to any such child under the provisions of the *Crimes Act* 1890 relating to juvenile offenders or under the *Neglected Children's Act* 1890—

Parent's attendance in court.

(a) The parent of such child shall be entitled to be heard on his or her behalf either personally or by barrister and solicitor and may cross-examine witnesses for the prosecution and examine and re-examine witnesses testifying on behalf of the accused;

No. 1079 Part 2 Division 2.

Parent may appear on behalf of child.
See N.S.W. 1905 No. 16 s. 22.

(b) If the parent of the said child is not present the Children's Court may hear the charge information or application in his absence or may order a summons to be issued for the attendance of the parent before such court and may adjourn the hearing of the case in the meantime; and

Enforcement on parent's attendance by court by summons.
Ib.

(c) If the parent neglects or refuses to attend accordingly without reasonable excuse after being duly served with such summons the court may order a warrant to be issued to bring him before the court at the hearing of the case and on his arrest he may be admitted to bail as provided in the *Justices Act* 1890.

By warrant.
Ib.

20. Where a child has been charged before a Children's Court with an offence punishable on summary conviction by penalty or imprisonment other than an indictable offence so punishable and such charge has been proved to the satisfaction of the court such court may—

Child how dealt with on summary conviction for an offence.

(a) deal with such child as a "neglected child" or juvenile offender whichever course may be sanctioned by law; or
(b) in

As a neglected child or juvenile offender.

If not previously convicted.

See Act No. 1105 s. 191 (1).

On conviction may discharge child on entering into recognisance with sureties.

Ib. s. 191 (2).

Punishment according to law.

See No. 1079 ss. 365, 366, and 519.

Whipping and solitary confinement.

Procedure where parent deemed to have contributed to commission of child's offence.

N.S.W. 1905 No. 16 s. 25.

Court may direct institution of proceedings against parent.

When parent present.

When parent not present.

May adjudge parent to pay penalty damages or costs instead of child.

(b) in case the child has not been previously convicted of any offence, without convicting him, dismiss the information and if the court thinks fit so to order, subject to the condition that the child pay such damages and costs of the proceedings or either of them as the court thinks reasonable; or

(c) Upon convicting the child discharge him conditionally on his entering into a recognisance in a nominal sum with a surety or sureties to the satisfaction of the court in such sum as the court thinks reasonable and proper, to appear for punishment when called upon or to be of good behaviour for any term not exceeding twelve months, and also if it thinks fit, in addition, to order him to pay such damages and costs or either of them as the court may think reasonable; or

(d) impose a penalty or term of imprisonment on such child according to law.

These provisions shall not be in derogation of any other additional punishment sanctioned by law.

21. (1) Where a child is summarily convicted by a Children's Court of an offence in respect of which a penalty damages or costs or any one or more of them is or are adjudged to be paid and the court has reason to believe that such child's parent has contributed to the commission of the said offence by wilful default or by habitually neglecting to exercise due care of the said child, the court may direct a member of the police force to forthwith lay an information against such parent charging him with so contributing to the commission of the said offence and if the parent is present and does not ask for an adjournment of the hearing of the information to enable him to answer the charge the court may hear the information there and then and on being satisfied that the charge is proved may convict the said parent thereof.

(2) Provided that where it is shown that a parent's want of pecuniary means is the cause of such default or neglect the charge shall be held not proved.

(3) If the said parent is not present the court may direct a member of the police force to obtain a summons on such information against the parent of such child and upon the day appointed by the summons for the hearing of such information and after due service thereof on the said parent the court on being satisfied that the charge is proved, may convict the said parent thereof.

22. (1) Where the court convicts the parent of the charge as aforesaid it may in and by its conviction adjudge the said parent to pay the penalty damages or costs or any one or more of them that his child has been adjudged to pay instead of him and may in addition order the

the said parent to forthwith enter into his own recognisance with or without surety for the good behaviour of such child for any period not less than three months or more than twelve months and in default of such recognisance being entered into accordingly may order the said parent to be imprisoned for any period not exceeding three months.

(2) Any such sums so adjudged to be paid by such parent may be recovered from him in the same manner as by law they might be recovered from the said child convicted of his offence in the first instance.

Recovery of sums so adjudged to be paid.

(3) Where the parent is so adjudged to pay all or any of such sums as aforesaid the court shall permanently suspend enforcement of the payment of the said sums so adjudged to be paid by the said child convicted in the first instance, but these provisions shall not prejudice the right of the court to deal with the said child as a "neglected child" under the *Neglected Children's Act 1890* in which event the said parent shall not be ordered to enter into a recognisance as aforesaid for the child's good behaviour.

Suspension of conviction against child.

(4) The parent may appeal to the Court of General Sessions in manner provided by Part VI. of the *Justices Act 1890* against his conviction under this section.

Appeal to General Sessions.

23. Where a child has been adjudged by a Children's Court to be a "neglected child" within the meaning of the *Neglected Children's Act 1890* or where a child apparently under the age of sixteen years has been proved to the satisfaction of the court to have been residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not such court may—

Upon being adjudged a neglected child, how dealt with. See No. 1121 s. 21.

(a) deal with such child in the way provided for by the said Act; or

(b) in the form set out in the Second Schedule to this Act release such child on probation upon such reasonable terms and conditions as the court thinks fit to impose for any period not exceeding twelve months.

Release of child on probation. Second Schedule.

If a child who has been released upon probation as aforesaid breaks any of the terms or conditions of the release he may be apprehended and brought before the court and if it shall appear to the court that such breach has occurred the court may deal with such child as provided for by the said Act in the same manner as if he had not been released upon probation.

How dealt with on breach of terms of probation.

24. Where a child is tried for an indictable offence before the Supreme Court or a Court of General Sessions and found guilty, or where he has pleaded guilty before either of such courts to a presentment charging him with an indictable offence and in either of such cases has been sentenced for any term of imprisonment not exceeding three years the judge or chairman of such court may if he thinks fit so to do (whether such child has been previously convicted by any court of any

Release of child on probation by Supreme Court or Court of General Sessions.

See No. 1079 s. 353.

any offence or not) suspend the execution of the sentence upon the like terms and conditions and in the same manner as is provided in the *Crimes Act* 1890 Part II. Division 2 (7) in the case of a person under twenty-one years who has not been previously convicted of any offence and sentenced or adjudged to be imprisoned for any term not exceeding three years; and thereupon all the like consequences of law shall ensue with respect to such child and his recognisance as in the case of the said person under twenty-one years whose conviction has been suspended as aforesaid.

Whipping for boys
under age of
sixteen years.

Comp. No. 1079
s. 366 and Justices
Code Bill.

25. (1) When any boy apparently under the age of sixteen years is charged before a Children's Court with any offence punishable on summary conviction and such charge is proved then if the parent or guardian of such boy is present at the hearing of the case and undertakes to privately inflict on such boy the punishment of whipping with a cane or birch rod the said court may adjourn the further hearing of the charge for a reasonable time for that purpose.

(2) If at the adjourned hearing the court is satisfied that such boy has been sufficiently whipped by the parent or guardian it may thereupon discharge the boy without convicting him, but if not so satisfied it may convict him of his offence and punish him as the law provides.

Summary trial of
children under the
age of twelve years
for an indictable
offence.

See 42 & 43 Vict.
c. 49 s. 10

26. (1) Where a child whose age exceeds seven years but is under twelve years is charged before a Children's Court with any indictable offence other than homicide or capital offence, the court, if it thinks it expedient so to do, and if the parent of the child so charged, when informed by the court of his right to have the child tried by a jury, does not object to the child being dealt with summarily may deal summarily with the offence and in its discretion if it finds the charge to be proved—

(1) deal with such child as a neglected child or juvenile offender whichever course may be sanctioned by law; or

(2) adjudge such child to pay a penalty not exceeding Forty shillings; or

(3) in case such child has not been previously convicted of any offence for which such child was sentenced or adjudged to be imprisoned not in default of payment of a fine merely convict such child, and

(i.) discharge him conditionally on his entering into a recognizance in a nominal sum with a surety or sureties to the satisfaction of the court in such sum as the court may think reasonable and proper to appear before the said court for punishment when called upon or to be of good behaviour for any term not exceeding twelve months, and also if it thinks fit order him to pay such damages and costs or either of them as the court may think reasonable; or

(ii.) sentence

- (ii.) sentence him to be imprisoned for any term not exceeding one month and suspend the execution of the sentence as provided for in the *Crimes Act* 1890 Part II. Division 2 subdivision 7.

(2) For the purpose of a proceeding under this section the Children's Court at any time during the hearing of the case at which it becomes satisfied by the evidence that it is expedient to deal with the case summarily shall read the charge to the parent of the child and then address a question to such parent to the following effect:—"Do you desire this child to be tried by a jury, and object to the case being dealt with summarily?" with a statement, if the Court thinks such statement desirable for the information of such parent, of the meaning of the case being dealt with summarily and of the criminal sittings of the Supreme Court or Court of General Sessions (as the case may be) at which the child will be tried if tried by a jury.

(3) Where the parent of such child is not present when such child is charged with an indictable offence before a Children's Court, the court may if it thinks just so to do adjourn the hearing of the charge and dispose of such child in the meantime in manner heretofore provided for in this Act, with a view so far as is practicable of securing the parent's attendance at the hearing of the charge as hereinbefore provided, or the court may, if it thinks it expedient so to do, deal with the case summarily in the absence of the parent.

27. (1) Where a child of the age of twelve years and under the age of sixteen years is charged before a Children's Court with any indictable offence other than homicide or an offence which a Court of General Sessions has not jurisdiction to try, the court if it thinks it expedient so to do, having regard to the character and antecedents of the child charged, the nature of the offence, and all the circumstances of the case, and if the child charged with the offence when informed by the court of his right to be tried by a jury consents to be dealt with summarily, may summarily deal with the offence and in its discretion if it finds the charge to be proved—

Summary trial of children of the age of twelve years and under the age of sixteen years.
See No. 42 & 43
Vict. c. 49 s. 11
See No. 1959 s. 18.

- (a) deal with such child as a neglected child or juvenile offender whichever course may be sanctioned by law; or
- (b) adjudge such child to pay a penalty not exceeding Ten pounds; or
- (c) adjudge such child to be imprisoned for any term not exceeding six months; or
- (d) in case such child has not been previously convicted of any offence for which such child was sentenced or adjudged to be imprisoned not in default of payment of a fine merely convict such child and

See No. 1079 s. 329.

(i.) discharge

See No. 1105
s. 191 (2).

(i.) discharge him conditionally on his entering into a recognisance in a nominal sum with a surety or sureties to the satisfaction of the court in such sum as the court may think reasonable and proper to appear before the said court for punishment when called upon or to be of good behaviour for any term not exceeding twelve months and also if it thinks fit order him to pay such damages and costs or either of them as the court may think reasonable, or

See No. 1079 s. 353.

(ii.) sentence him to be imprisoned for any term not exceeding six months and suspend the execution of the sentence as provided for in the *Crimes Act* 1890 Part II. Division 2 subdivision 7.

See 42 & 43 Vict.
c. 49 s. 11 (2).

(2) For the purpose of a proceeding under this section the court at any time during the hearing of the case at which it becomes satisfied by the evidence that it is expedient to deal with the case summarily shall read the charge to such child and then address a question to him to the following effect:—"Do you desire to be tried by a jury or do you consent to this case being dealt with summarily?" with a statement if the court thinks it desirable for the information of the said child to whom the question is addressed of the meaning of the case being dealt with summarily and of the criminal sittings of the Supreme Court at which he will be tried if tried by a jury.

Procedure at
inquiry or hearing.

28. At the inquiry or hearing into any charge or information against a child the court shall be guided by the real justice of the case without regard to legal forms and solemnities and shall direct itself by the best evidence it can procure or that is laid before it.

Procedure on
requiring appear-
ance before the
court for punish-
ment of a child
who has been
released on surety
so to appear.

Notice in writing.

29. (1) Where any child has been convicted under this Act and discharged conditionally upon his entering into a recognisance in a nominal sum with a surety or sureties to appear before the court for punishment when called upon and the said court at any time thinks fit to call upon such child to appear before the said court for punishment, the call upon such child to appear for punishment may be effected and shall be sufficient if a notice in writing signed by the clerk of the Children's Court and addressed to such child and his surety or sureties be served on such surety or sureties commanding such child to appear and his said surety or sureties to produce him before some sitting of the court at a certain time and place therein mentioned to receive punishment for the offence of which he has been convicted by the said court.

Service of notice.

(2) Service of the said notice may be effected either by prepaid letter sent by post to the address of the surety or sureties mentioned in the recognisance so as to reach such address by ordinary course of post seventy-two hours before the time named in the said notice for the appearance of such child before the court, or as service of a summons may be effected under the *Justices Act* 1890. (3) After

(3) After being so served with such notice if such child does not appear before such court for punishment accordingly the said court may declare the recognisance to be forfeited and may issue a warrant for the apprehension of such child and any justice may dispose of him in the manner provided in this Act for the disposal of a child pending the hearing of a charge or information and order him to be brought before the next sitting of the court to be dealt with according to law.

On child's failure to appear, recognisance to be forfeited and warrant of apprehension issued.

30. Where any child apparently over the age of twelve years is adjudged by a Children's Court to pay any sum or sums of money by way of penalty it may also adjudge such child to pay the same either immediately or within such period as the court thinks fit and in case the same be not paid at the time so appointed that such child shall be imprisoned for such period as in the opinion of the court will satisfy the justice of the case but shall not exceed in any case the maximum fixed by the following scale :—

Recovery of sums of money adjudged to be paid.
See 42 & 43 Vict. c. 49 s. 5.

Where the Amount of the Sum or Sums adjudged to be paid—	The said Period shall not exceed—
Does not exceed Twenty shillings ...	Three days
Exceeds Twenty shillings but does not exceed Forty shillings	Seven days
Exceeds Forty shillings but does not exceed Five pounds	Fourteen days
Exceeds Five pounds but does not exceed Ten pounds	One month

and such imprisonment shall be without hard labour.

31. (1) The Governor in Council may make regulations for—

Regulations.

- (a) Appointing places in the State of Victoria for the detention of children under sentence of imprisonment separate and apart from those appointed for the reception of adult prisoners ;
- (b) Prescribing forms to be used under this Act ;
- (c) Relative to the appointment of Probation Officers and adding to or varying the duties to be performed by them under this Act ; or
- (d) Prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Such regulations when made shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament if Parliament be then sitting or if not then within fourteen days after the commencement of the next session of Parliament.

SCHEDULES.

SCHEDULES.

S. 17.

FIRST SCHEDULE.

VICTORIA.

Register of Convictions, Orders, and other proceedings in the Children's Court
at the day of 190

No.	Informant or Applicant.	Accused or Defendant, with Age or apparent Age.	How before the Court.	Fees.			Information, Charge, or Application.	Minute of Adjudication.	Remarks.
				£	s.	d.			

S. 23.

SECOND SCHEDULE.

Form of release of Neglected Children on Probation.

In the Children's Court

at

WHEREAS A.B., hereinafter called the defendant, was this day (*adjudged by the said Court to be a Neglected Child, or proved to the satisfaction of the said Court to have been residing in a brothel, or associating or dwelling with a prostitute*), the said Court instead of at once committing him to the care of the Department for Neglected Children or to a Reformatory School, as the case may be, doth now release the said defendant on probation (that is to say) that he (here set out the special terms and conditions).

And further that he will be of good behaviour towards His Majesty and all his liege people for the period of Twelve months. I, the said defendant, promise to comply with the above conditions.

Signature or Mark of Defendant.

Taken and acknowledged before me this
at in the State of Victoria.

day of 19

J.P.

And the said defendant is hereby warned that if he breaks any of the aforesaid terms and conditions during the said period, he may be immediately apprehended and brought before this Court, which Court may deal with him or her as it might have done, had he or she not been released on probation.

MELBOURNE:

By Authority: J. KEMP, Acting Government Printer.