

(b) shall contain provisions satisfactory to the Director for—

- (i) the maintenance of the child; and
- (ii) the due payment of such wages as are payable under the indentures or agreement, as the case may be.

(3.) A person who has agreed to pay wages to a State child shall pay—

- (a) to the child such part of the wages as are agreed to be paid to the child himself; and
- (b) to the Director the remaining part of the wages.

(4.) The Director shall hold on behalf of the State child money paid to him under the last preceding sub-section, and shall apply that money in such manner as is prescribed.

(5.) The Director or a person authorized in writing by the Director to act under this section may in the name of the Director sue for and recover wages due by a person on account of a State child.

64.—(1.) Where a complaint is made by a person authorized in writing by the Director to make a complaint under this section that a person with whom a State child has been placed under indentures of apprenticeship or an employment agreement—

Procedure on complaint that condition relating to State child not observed.

(a) is not observing or performing a condition he undertook in the indentures or agreement to observe or perform; or

(b) is unfit to have further care of the State child,

a Justice may summon the last mentioned person to answer the complaint.

(2.) At the hearing of a complaint under the last preceding sub-section, a Court may—

- (a) order the agreement to be terminated; and
- (b) direct the child to be sent to a place of safety pending arrangements for further employment.

65.—(1.) A person shall not—

- (a) ill-treat, terrorize, overwork or injure a State child;
- (b) counsel or cause or attempt to cause a State child—
 - (i) to be withdrawn or abscond from an institution or the charge of a person with whom the State child is boarded out, placed out or apprenticed;
 - (ii) to escape from his proper custody; or
 - (iii) to be or remain absent without leave from his proper custody;

Offences in relation to State children.

- (c) knowing a State child to have been so withdrawn or to have so absconded or escaped or to be so absent—
 - (i) harbour or conceal that State child; or
 - (ii) prevent him from returning to that institution, charge or custody; or
- (d) if he has the care of a State child—
 - (i) illegally discharge, dismiss or attempt to discharge or dismiss the State child from an institution;
 - (ii) illegally detain the State child in an institution;
 - (iii) neglect the State child; or
 - (iv) fail or neglect to observe, perform or keep a covenant, condition or agreement which is contained in an indenture or agreement he has entered into respecting the State child and which by the indenture or agreement he has bound himself or agreed to observe, perform or keep.

Penalty: One hundred pounds or imprisonment for six months, or both.

Medical examination of State child.

66.—(1.) A State child shall not be apprenticed, boarded out or placed out unless he has been—

- (a) examined by a medical practitioner; and
- (b) certified by the medical practitioner to be free from venereal disease or no longer liable to convey venereal infection.

(2.) A medical practitioner examining a State child under the last preceding sub-section shall forward a certificate of the result of his examination to the Director and the Director shall retain the certificate.

Director to control, &c., certain lands of State children.

67.—(1.) When a State child is or becomes entitled in possession to land, the Director—

- (a) has the control and management of the land;
- (b) may apply the whole or any part of the income from the land or the proceeds of the sale of the land, or both, for the maintenance or benefit of the State child; and
- (c) 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 duly appointed the administrator and was the share of the State child in that estate.

(2.) Where a child becomes a State child under this Ordinance at the commencement of this Ordinance, this section extends to and in respect of land to which the child was entitled in possession immediately before that commencement or becomes entitled in possession at any time while he is a State child after that commencement.

68.—(1.) The Director may, with the approval of the Administrator, send a State child to a place within the Commonwealth in order that the child may be there placed under control, trained, educated, cared for and maintained in accordance with arrangements made by the Director.

State child may be sent to place within the Commonwealth.

(2.) In exercising the power conferred by the last preceding sub-section, the Director may, with the approval of the Administrator, authorize, in writing, a person to take charge of and convey a State child to a place within the Commonwealth.

(3.) Where under this section a State child is sent to a place within the Commonwealth, the Director may, for the maintenance of the child, pay to the authority or person under whose control the child is placed an amount at such rate per week as the Administrator determines.

(4.) When a child sent under this section outside the Northern Territory ceases to be a State child, he shall, on application being made in such manner and within such time as are prescribed, be entitled to be returned to the Northern Territory at the expense of the Director.

PART VIII.—OFFENCES IN RESPECT OF CHILDREN.

69.—(1.) A person shall not without reasonable excuse fail or neglect to provide adequate and proper food, clothing, lodging, nursing aid and medical aid for a child in his care, whether the person is or is not the parent of the child.

Failure to provide food &c., for child an offence.

Penalty: Two hundred pounds or imprisonment for twelve months, or both.

(2.) An offence under this section is punishable on summary conviction,

70.—(1.) A person who—

(a) assaults, ill-treats or exposes a child; or

(b) causes or procures a child to be assaulted, ill-treated or exposed,

is guilty of an offence.

Assaulting, &c., child an offence.

Penalty: Fifty pounds or imprisonment for three months, or both.

(2.) A person who—

(a) assaults, ill-treats or exposes a child; or

(b) causes or procures a child to be assaulted, ill-treated or exposed,

in such a manner that 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 is guilty of an offence.

Penalty: Two hundred pounds or imprisonment for twelve months, or both.

(3.) An offence under this section is punishable on summary conviction.

(4.) The same complaint may charge a person, either together or separately, with all or any of the offences of assault, ill-treatment or exposure of the child and may charge the person with committing all or any of these offences in such a manner that bodily suffering or permanent or serious injury to the health of the child has resulted or appears likely to result, either alternatively or together; but if two or more of those offences are charged together the person charged shall not, if he is convicted, be liable to a separate penalty for each.

Unauthorized communication with child in institution an offence.

71.—(1.) A person shall not—

- (a) without the authority or permission of the Director or the superintendent or person in charge of the institution, hold or attempt to hold any communication with a child placed in an institution in the Northern Territory under the provisions of this Ordinance; or
- (b) having entered an institution, or premises belonging to an institution, in the Northern Territory, fail or neglect to depart from the institution or premises when required to do so by the superintendent or person in charge of the institution.

Penalty: Five pounds or imprisonment for ten days, or both.

(2.) A person who holds or attempts to hold any communication directly or indirectly with a child placed in an institution in the Northern Territory under the provisions of this Ordinance, after having been forbidden to do so by the Director or the superintendent or person in charge of the institution, is guilty of an offence, and is punishable on conviction by a fine of not more than Fifty pounds or by imprisonment for not more than three months, or both.

Certain children may be detained in places of safety.

72.—(1.) Where a police officer or a person authorized in writing by the Director to act under this section believes on reasonable grounds that an offence has been committed in respect of a child he may take the child to a place of safety.

(2.) A child—

- (a) taken to a place of safety in accordance with the last preceding sub-section; or
- (b) seeking refuge in a place of safety,

may be detained in the place of safety until he can be brought before a Court or until a period of fourteen days has elapsed, whichever first occurs.

73.—(1.) Where a Court or Justice is of the opinion that—

(a) an offence has been committed in respect of a child brought before the Court or Justice; and

(b) the health, welfare or safety of the child is likely to be endangered unless an order is made under this section,

the Court or Justice may, without prejudice to any other power under this Ordinance, make such order as the Court or Justice thinks fit for the care of the child for a reasonable period.

(2.) The period specified in the last preceding sub-section shall not exceed the period reasonably required for bringing and disposing of a charge in respect of the offence considered to have been committed.

(3.) An order under this section may be enforced notwithstanding the claim of any person to be entitled to the custody of the child.

74. Where steps have been taken under this Ordinance to secure the safety or well-being of a child and a charge against a person for an offence in respect of the child has been heard and determined, the Court hearing the charge may make such order as it thinks fit for the care of the child.

Care of child pending charge for offence in respect of child.

Care of child on determination of charge for offence in respect of child.

PART IX.—EMPLOYMENT OF CHILDREN.

75.—(1.) A person shall not cause or allow a child to take part in—

(a) a public exhibition or performance; or

(b) any preparation, training or rehearsal for a public exhibition or performance,

if by so taking part the child would endanger his life or limb.

Penalty: One hundred pounds or imprisonment for six months, or both.

(2.) A parent or a person having the care of a child shall not aid or abet a person in the contravention of the provisions of the last preceding sub-section.

Penalty: One hundred pounds or imprisonment for six months, or both.

(3.) Where—

(a) a public exhibition or performance or any preparation, training or rehearsal for a public exhibition or performance is in its nature dangerous to the life or a limb of a child taking part in it; and

Endangering life or limb of child by public exhibition, &c., prohibited.

- (b) in the course of that exhibition, performance, preparation, training or rehearsal an accident causes actual bodily harm to a child employed to take part in the exhibition, performance, preparation, training or rehearsal,

the employer, whether the employer is or is not a parent of the child, is guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months, or both.

(4.) If an employer guilty of an offence under the last preceding sub-section is not a parent of the child, a Court convicting the employer of the offence may order the employer to pay, as compensation for the bodily harm caused to the child, a sum not exceeding One hundred pounds to the child or a person named by the Court to receive the payment on behalf of the child.

(5.) The recovery of compensation awarded under the last preceding sub-section does not deprive a child of any other legal remedy, but a sum so awarded 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.

Child not to engage in street trading at certain times.

76.—(1.) A child shall not engage in street trading—

- (a) between the hours of ten o'clock in the evening and six o'clock in the morning; or
(b) at any time on a Sunday.

Penalty: Ten shillings.

(2.) A person shall not cause or procure a child under the age of fifteen years to engage in street trading—

- (a) between the hours of ten o'clock in the evening and six o'clock in the morning; or
(b) at any time on a Sunday.

(3.) The penalty for an offence under the last preceding sub-section is a fine of not more than Thirty pounds or imprisonment for not more than two months, or both.

PART X.—MISCELLANEOUS.

Application to vary, &c., order.

77.—(1.) Where a maintenance order is in force under this Ordinance, the Director, the mother of the child in respect of whom the order is in force or a person liable to pay money under the order may from time to time make application to a Court for the alteration, variation, suspension or discharge of the order.

(2.) The application shall be by way of complaint—

- (a) in writing;
(b) on oath; and

- (c) stating the name of the complainant, the child, and all persons liable to pay for or contribute towards the maintenance of the child.

(3.) A Justice before whom a complaint is made under this section may summon all or any of the persons stated in the complaint to be liable to pay for or contribute towards the maintenance of the child to appear before a Court at a time and place named in the summons.

(4.) A complaint under this section may be heard by—

- (a) the Court which made the original order; or
 (b) the Court nearest to the place of residence of a person liable to make payments under the order, if the last mentioned Court is satisfied that increased convenience would thereby result to the parties.

(5.) At the hearing of a complaint under this section the Court may alter, vary, suspend or discharge the order or make a new order as it thinks just in the light of fresh evidence adduced.

78.—(1.) Where under a maintenance order made under this Ordinance a sum of money is due to the Director—

Welfare officer,
&c., may
receive money
due to Director.

- (a) a welfare officer; or
 (b) a police officer authorized in writing by the Superintendent of Police so to do,

may, subject to the provisions of the order, demand, collect and receive that sum from the person liable to pay it.

(2.) The receipt of the Receiver of Public Moneys is a sufficient discharge for money paid under the last preceding sub-section.

79.—(1.) Where—

Enforcement of
maintenance
orders.

- (a) an order for the past or future maintenance of a child has been made under this Ordinance;
 (b) default has been made by the defendant in making the payments directed by the order; and
 (c) an amount of more than Ten pounds is due under the order,

the Director or a person authorized in writing by the Director to do so may apply to a Court for a certificate as to the amount due under the order at the date of the certificate.

(2.) If after hearing the application the Court is satisfied as to the matters specified in paragraphs (a), (b) and (c) of the last preceding sub-section, the Court may grant the certificate applied for.

(3.) The Director may file the certificate or cause it to be filed in a Local Court.

(4.) Where a certificate has been so filed the Local Court shall enter judgment for the person to whom the defendant is ordered to make payments under the order for maintenance for the

amount stated to be due in the certificate, together with the fees paid for the certificate and for filing the certificate and entering judgment.

(5.) The judgment so entered may be enforced in any manner in which a final judgment in an action may be enforced.

Director may appear and be heard.

80. At the hearing of—

- (a) a complaint, information, application or proceeding under this Ordinance against or in respect of a child; or
- (b) an appeal in respect of a matter specified in the last preceding paragraph,

the Director or an officer authorized in writing by the Director to act for him under this section is entitled to appear and be heard.

Allegation as to age of child, &c.

81. Where a person is charged before a Court with an offence under this Ordinance in respect of a child alleged in the charge to be under a specified age and the child appears to the Court to be under that age, the child shall be deemed to be under that age unless the contrary is proved.

False unsworn evidence by child.

82.—(1.) In any prosecution for an offence or any other proceeding under this Ordinance a child shall not knowingly give false unsworn evidence or make a false statement.

(2.) A Court finding a child guilty of an offence under this section may make such order as it might make if it had declared the child to be a destitute or neglected child under this Ordinance; and an order so made shall have effect as if it were an order under section thirty-six of this Ordinance.

(3.) No prosecution shall be instituted for an offence under this section without the leave of the Court in which the unsworn evidence was received.

Statement of child too ill to attend Court.

83.—(1.) Where a Justice is satisfied by the evidence of a medical practitioner that the attendance before a Court of a child in respect of whom an offence under this Ordinance is alleged to have been committed would be injurious or dangerous to the health of the child, the Justice may take in writing the statement of the child.

(2.) Where in a proceeding in relation to an offence under this Ordinance a Court is satisfied by the evidence of a medical practitioner that the attendance before the Court of a child in respect of whom the offence is alleged to have been committed would be injurious or dangerous to the health of the child, a deposition of the child or a statement taken under the last preceding sub-section may be received in evidence and shall have effect as if it were proved that—

- (a) the child was so ill as not to be able to travel; or
- (b) in the case of a statement, there was no reasonable probability that the child would ever be able to travel or give evidence.

(3.) Notwithstanding the provisions of the last preceding sub-section, a deposition or statement of a child shall not be received in evidence unless the Court is of the opinion that the child is possessed of sufficient intelligence to justify the reception of the deposition or statement and understands the duty of speaking the truth.

(4.) Where in a proceeding in relation to an offence under this Ordinance a Court is satisfied by the evidence of a medical practitioner that—

- (a) 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 the health of the child; and
- (b) the evidence of the child is not essential to the just hearing of the case,

the case may be proceeded with and determined in the absence of the child.

84.—(1.) A police officer may arrest without warrant a person who commits or whom the police officer reasonably suspects of having committed an offence under this Ordinance if the name and residence of the person are not known to and cannot by reasonable inquiry be ascertained by the police officer. Arrest without warrant in certain cases.

(2.) Where an arrest has been made under the last preceding sub-section the officer in charge of the police station to which the person arrested is taken shall, unless the officer in charge believes the release on bail of the person arrested—

- (a) would tend to defeat the ends of justice; or
- (b) where the offence is alleged to have been committed in respect of a child, would tend to cause injury or danger to the child,

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

85. Where steps have been taken under this Ordinance to secure the safety or well-being of a child and a charge against a person for an offence in relation to the child has been heard and determined, the Court hearing the charge may make such order as it thinks fit for the care of the child. Court may make order for care of child.

86. A person shall not hinder or obstruct a person in the exercise of the last mentioned person's duty under this Ordinance. Obstructing person in course of duty an offence.

Penalty: Five pounds or imprisonment for ten days, or both.

87. A person shall not, in an application under this Ordinance, make a wilfully false statement as to— Making false statement as to property, &c., an offence.

- (a) his property or income; or

(b) the income, property or earnings of a member of his family.

Penalty: Fifty pounds or imprisonment for three months, or both.

Obtaining benefits improperly an offence.

88.—(1.) A person shall not make, whether orally or in writing, a false or misleading statement to obtain or increase a benefit or remove or decrease a liability under this Ordinance, whether for himself or for any other person.

(2.) A person shall not receive and retain any money purporting to be paid in respect of a child under the provisions of this Ordinance after the person has become disentitled to receive that money.

Penalty: Fifty pounds or imprisonment for three months, or both.

General penalty.

89.—(1.) A person guilty of an offence under this Ordinance is liable on summary conviction, where no other penalty is expressly provided, to a penalty not exceeding One hundred pounds or imprisonment for twelve months or both.

(2.) A penalty imposed by this Ordinance or a regulation under this Ordinance may be recovered in a summary manner before a Court.

Reasonable excuse.

90. It is sufficient defence to a charge of committing an offence under this Ordinance if the person charged satisfies the Court hearing the charge that he had a reasonable excuse for the act or omission which constitutes the offence charged.

Warrant to search premises.

91.—(1.) If it appears to a Justice, on complaint made before him on oath, that there is reason to believe that, in a house, building or place—

(a) a person is offending against a provision of this Ordinance; or

(b) a provision of this Ordinance is being infringed,

the Justice may issue a warrant authorizing a welfare officer or police officer named in the warrant to search at any hour of the day or night, if need be by force, a house, building or place specified in the warrant, for the purpose of ascertaining whether there is or has been, in or on the house, building or place, an infringement of the provisions of this Ordinance.

(2.) The welfare officer or police officer named in the warrant may be accompanied by—

(a) a medical practitioner; and

(b) unless the Justice otherwise directs, the person making the complaint, if that person desires to accompany the welfare officer or police officer.

92.—(1.) If it appears to a Justice, on complaint made before him on oath by a person who, in the opinion of the Justice, is acting in good faith in the interest of a child, that there is reasonable cause to suspect that the child is a neglected child or has been or is being ill-treated or neglected in a manner likely to cause the child unnecessary suffering or to be injurious to his health or welfare, the Justice may issue a warrant authorizing a welfare officer or police officer named in the warrant to—

Power of search and arrest, &c.

- (a) search for the child and take him to and detain him in a place of safety until he can be brought before a Court; and
- (b) apprehend any person whom the welfare officer or police officer believes, on reasonable grounds, to have committed an offence in respect of the child.

(2.) A person authorized by warrant under this section to search for a child and 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 may remove the child from that house, building or place.

(3.) A warrant issued under this section shall be addressed to and executed by the welfare officer or police officer named in the warrant.

(4.) A welfare officer or police officer executing a warrant under this section may be accompanied by—

- (a) a medical practitioner; and
- (b) unless the Justice otherwise directs, the person making the complaint, if that person desires to accompany the welfare officer or police officer.

(5.) It is not necessary to name a particular child in a warrant issued under this section.

93. Where a child is brought before a Court in accordance with the last preceding section, the Court may—

Court may make order as to care of child.

- (a) commit the child to the care of a person named by the Court; or
- (b) make such other order as to the care of the child as the Court thinks fit.

94.—(1.) A person authorized in writing by the Director to act under this sub-section may at any time order that a child admitted to an establishment under the control of the Director be examined to obtain information concerning the child's medical, physical or mental characteristics.

Medical, &c., examination and treatment of certain children.

(2.) The Director or a person authorized in writing by the Director to act under this sub-section in relation to a particular child on a particular occasion may consent to a surgical or other operation on a State child, notwithstanding the objection of a

parent of the child, if the Director or authorized person is advised by a medical practitioner that the operation is necessary in the interests of the health or welfare of the child.

Child believed to be suffering from venereal disease.

95.—(1.) If a Court has reason to believe that a child is or may be suffering from venereal disease, the Court may at any time order the child to be examined by a medical practitioner.

(2.) Where a child suffering from venereal disease—

- (a) has been sentenced according to law by a judge who has directed that the child be detained in an institution; or
- (b) is sent to an institution in accordance with an order under this Ordinance,

the child shall not be released from the institution, either before or after he attains the age of eighteen years, 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.

Right to punish child.

96.—(1.) Subject to this section, nothing in this Ordinance shall be construed to take away or affect the right of a parent, teacher or other person having the lawful care of a child to administer punishment to the child.

(2.) The Administrator may authorize the superintendent of an institution to administer corporal punishment or cause it to be administered to a State child who is in that institution.

(3.) Subject to such conditions relating to the administration of corporal punishment as are prescribed, but not otherwise, a superintendent so authorized may administer corporal punishment or cause it to be administered to a State child who is in an institution of which he is the superintendent.

Restriction of liability of Director, &c.

97.—(1.) A suit or action shall not be commenced against the Director or an officer of the Public Service of the Commonwealth or the Northern Territory for or on account of an act, matter or thing done by him or under his direction and purporting to be done for the purpose of carrying out the provisions of this Ordinance—

- (a) if the Director, officer or employee acted in good faith and with reasonable care; or
- (b) more than six months after—
 - (i) the time when the alleged cause of action arose; or
 - (ii) the person aggrieved by the act, matter or thing ceased absolutely to be a State child,
 whichever last occurs.

(2.) If, pending a suit or action against the Director or an officer of the Public Service of the Commonwealth or the Northern Territory for or on account of an act, matter or thing done by

the Director or officer or under the direction of the Director or officer and purporting to be done for the purpose of carrying out the provisions of this Ordinance—

(a) application to stay the suit or action is made to the court in which the suit or action is pending or commenced; and

(b) the court is satisfied that—

(i) there is no reasonable ground for alleging want of good faith or reasonable care; or

(ii) the suit or action was commenced out of time,

the court may stay the proceedings in the suit or action on such terms as to costs or otherwise as the court thinks fit.

98. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which 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 for prescribing penalties not exceeding Fifty pounds for breaches of the regulations.

THE SCHEDULE.

Section 3.

STATE ACTS WHICH CEASE TO APPLY IN THE NORTHERN TERRITORY.

Short Title of State Act.	Extent to which State Act ceases to apply in the Northern Territory.
The State Children Act, 1895.	The whole.
The Affiliation Law Amendment Act, 1898.	The whole.
The Children's Protection Act, 1899.	Sections 4, 5, 6, 7, 8, 9, 15.
The State Children Act, 1900.	The whole.
The State Children Act, 1903.	The whole.
The Destitute Persons and State Children Acts Amendment Act, 1903.	Section 3.
The State Children Act, 1909.	The whole.

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