

aggrieved by a determination of or order made by a Children's Panel an appeal lies on application to a Children's Court constituted by a special magistrate who may make such order in the matter as he thinks just. .

91. The principal Act is amended by inserting a new section, to stand as section 77, as follows—

New section 77 added.

77. The provisions of this Part of this Act shall be construed so as not to prejudice or affect any civil liability incurred in respect of an act or omission that constitutes an offence. .

Civil liability.

92. The principal Act is amended by inserting a new section, to stand as section 78, as follows—

New section 78 added.

78. (1) For the purposes of this Part of this Act, the Department may make available any service that may be conducive to the welfare of a child brought before a Children's Panel, notwithstanding that the child is not committed to the care of the Department or placed under the control of the Department.

Departmental services.

(2) Where a complaint or application has been made against or concerning a child under this or any other Act the Department, with the written consent of a parent of the child or a person standing *in loco parentis* to the child, may supervise the child or cause the child to be supervised for a period of not more than six months. .

93. The principal Act is amended, as to the heading immediately preceding section 106, by deleting the words "LICENSING OF CHILDREN AND".

Heading amended.

Section 106
repealed
and
re-enacted.

94. Section 106 of the principal Act is repealed and re-enacted with amendments, as follows—

Street
trading.

106. (1) Any female child under school leaving age, and any male child who has not attained the age of twelve years, who engages in street trading shall be guilty of an offence against this Act.

(2) Any male child over the age of twelve years but under school leaving age who engages in street trading after the hour of eleven in the evening or before the hour of six in the morning, or during such time as the school which that child should attend is in session, shall be guilty of an offence against this Act unless—

- (a) he has attained the age of fourteen years; and
- (b) the trading is engaged in on a casual or part-time basis during the annual or term vacation period of his school; and
- (c) the provisions of subsection (3) of this section have not been applied to him.

(3) Where the Director is of the opinion that the moral, physical or mental welfare of a child is likely to be in jeopardy he may, by notice in writing given to that child, expressly prohibit the child from street trading or limit the participation of that child in street trading.

(4) Any child who contravenes the provisions of a notice given to him pursuant to subsection (3) of this section shall be guilty of an offence against this Act. .

Section 107
repealed
and
re-enacted.

95. Section 107 of the principal Act is repealed and re-enacted with amendments as follows—

Penalty
for
employing
children in
street
trading.

107. (1) Any person who causes, procures or employs a child to engage unlawfully in street trading, or who having the custody or

guardianship of a child allows that child to engage unlawfully in street trading, shall be guilty of an offence against this Act.

(2) It shall be a defence for a person having the custody or guardianship of a child and charged with allowing that child to engage in street trading contrary to a notice given pursuant to subsection (3) of section one hundred and six of this Act, to show that he was not aware of the imposition of the prohibition or limitation referred to in that notice and had not been informed of that notice by the Director. .

96. Section 108 of the principal Act is repealed. Section 108 repealed.

97. Section 110 of the principal Act is amended— Section 110 amended.

- (a) by deleting the passage “, and subject to the regulations,” in line two;
- (b) by deleting the words “and on”, in line six, and substituting the word “on”; and
- (c) by deleting the words “may be prescribed”, in line seven, and substituting the words “he may determine”.

98. Section 111 of the principal Act is amended— Section 111 amended.

- (a) by deleting the words “be or act as foster-mother to”, in line two, and substituting the passage “have the care, charge or custody of”;
- (b) by inserting after the word “years”, in line three, the passage “other than on a casual or day-time basis,”; and
- (c) by inserting after the word “Department”, in line four, the words “or approved by the Director in writing”.

Section 112
amended.

99. Section 112 of the principal Act is amended—

- (a) by deleting the passage “, on payment of the prescribed fee,” in lines one and two;
- (b) by deleting the words “be foster-mothers to”, in line three, and substituting the passage “have the care, charge or custody of”;
- (c) by inserting after the word “years”, in line four, the passage “other than on a casual or day-time basis,”;
- (d) by deleting the word “foster-mother”, in line six, and substituting the word “person”;
- and
- (e) by adding two new subsections as follows—

(3) If it appears to the Director that any person is incapable of providing the children in his charge with proper food or attention, or is guilty of neglecting to do so, or that the place in respect of which he is licensed is unfit for the purpose for which it is used, or that he has not complied with the regulations, or that for any other reason it is not desirable that the license granted to such person shall continue, the Director may cancel that license and remove the children, and recover the cost of and incidental to the removal from the licensee by action in any court of competent jurisdiction.

- (4) Where the license of a person is cancelled pursuant to subsection (3) of this section, the person may appeal in the prescribed manner to the Minister against the cancellation and the Minister may reverse or confirm the cancellation, and may restore the license and make such other order (including an order for the return of the children) as may be just. .

100. Section 113 of the principal Act is amended— Section 113 amended.

- (a) by deleting the words “as a foster-mother”, in lines two and three, and substituting the words “to do so”;
- (b) by inserting after the word “child”, in line five, the passage “, other than on a casual or day-time basis,”;
- (c) by deleting the words “twenty dollars”, in line eight, and substituting the words “fifty dollars”;
- (d) by deleting the words “forty dollars”, in line ten, and substituting the words “one hundred dollars”; and
- (e) by deleting the word “such”, in line one of subsection (2).

101. Section 114 of the principal Act is repealed and re-enacted with amendments, as follows— Section 114 repealed and re-enacted.

114. A person who is licensed to have the care, charge or custody of any children under this Act and who has in his care, charge or custody children in excess of the number for which he is so licensed shall be guilty of an offence against this Act. Exceeding licensed numbers.

102. Section 115 of the principal Act is amended by deleting the words “licensed foster-mother”, in line two, and substituting the passage “person licensed to have the care, charge or custody of children”. Section 115 amended.

103. Section 116 of the principal Act is repealed. Section 116 repealed.

104. Section 117 of the principal Act is amended— Section 117 amended.

- (a) by deleting the passage commencing with the word “licensed”, in line one, and ending with the passage “say:—”, in line seven and substituting the passage “person licensed

under this Act to have the care, charge or custody of children shall keep, so far as such particulars are capable of being ascertained, a register setting out in respect of each child received the following particulars —”; and

- (b) by deleting subsection (2) and substituting two new subsections as follows—

(2) The register required to be kept by subsection (1) of this section shall be regularly maintained and shall be at all times available for inspection by the Department or an authorised officer.

(3) A person so licensed shall maintain and make available for inspection such further or other particulars and records as the Director requires and shall submit to the Director from time to time such returns and information as the Director requires. .

Section 118
repealed.

105. Section 118 of the principal Act is repealed.

Section 118A
amended.

106. Section 118A of the principal Act is amended—

- (a) by deleting the passage “without limiting the operation of section one hundred and sixteen of this Act, a” in lines one and two and substituting the word “A”;
- (b) by deleting the words “child minding”, in line five of subsection (1), line four of subsection (2), lines two and three of subsection (3), and lines one and two and line nine of subsection (5), and substituting in each case the words “day care”;
- (c) by deleting subsection (4); and
- (d) by deleting the passage “kindergarten pursuant to a permit issued under the Education Act, 1928, notwithstanding that the kindergarten”, in lines six to eight of subsection (5), and substituting the

passage "pre-school centre pursuant to a permit issued under the Pre-School (Education and Child Care) Act, 1973, notwithstanding that it".

107. Section 119 of the principal Act is amended by deleting subsection (1), subsection (3) and subsection (4). Section 119 amended.

108. Section 120 of the principal Act is amended— Section 120 amended.

- (a) by deleting the passage "-1945, and amendments, adopts or", in lines four and five;
- (b) by adding after subsection (1) the passage "Penalty: Fifty dollars."; and
- (c) by deleting subsection (2) and subsection (3).

109. Section 121 of the principal Act is amended— Section 121 amended.

- (a) by deleting the word "Justices", in line two, and substituting the words "a Court of Petty Sessions"; and
- (b) by inserting before the word "acquittal", in line seven, the passage "remand,".

110. Section 123 of the principal Act is amended— Section 123 amended.

- (a) by inserting after the section designation "123." the subsection designation "(1)"; and
- (b) by adding a new subsection as follows—
 - (2) Where a complaint or application is being made against or concerning a child the court may cause a copy or notice of the complaint or application to be served upon a parent of or a person standing *in loco parentis* to the child if that is practicable prior to the hearing of the complaint or application. .

Section 124
repealed.

111. Section 124 of the principal Act is repealed.

Section 125
amended.

112. Section 125 of the principal Act is amended—

- (a) by inserting after the word “ward”, in line three, line seven, line ten, line eleven and line seventeen, the words “or child placed under the control of the Department”;
- (b) by deleting the words “the ward”, in line four, and substituting the word “he”;
- (c) by deleting the word “ward”, in line fourteen, and substituting the word “person”;
- (d) by deleting the words “the ward”, in line eighteen, and substituting the words “such person”; and
- (e) by deleting the words “One hundred”, in line twenty-two and substituting the words “Two hundred”.

Section 126
amended.

113. Section 126 of the principal Act is repealed and re-enacted with amendments as follows—

Disclosure
of
convictions
etc.
restricted.

126. Subject to the provisions of section twenty-three of this Act, where—

- (a) a complaint against a child is dismissed by a Children’s Court or a Children’s Panel under this Act;
- (b) a child is convicted of an offence; or
- (c) a child is ordered to be committed to the care of the Department or placed under the control of the Department,

a person, other than the child, shall not disclose the fact of the dismissal of the complaint, the conviction, or the order except to a court of law, to a person acting in the performance of his duties pursuant to any Act, or to a person who as part of his duties is concerned with the custody or welfare of the child. .

114. The principal Act is amended by inserting after section 126 a new section, to stand as section 126A, as follows—

Section 126A added.

126A. (1) Where a conviction is deemed not to have been made pursuant to section forty of this Act then in any proceedings, other than proceedings for that or a subsequent offence in the Children's Court or on indictment, no evidence of that conviction shall be admissible.

Disclosure of convictions of rehabilitated persons.

(2) Except for the purposes of this Act or of any court of law, a person, other than the child, shall not disclose the fact of a conviction which by virtue of section forty of this Act is deemed not to have been a conviction.

115. Section 127 of the principal Act is amended—

Section 127 amended.

- (a) by deleting the words "an institution", in line four, and substituting the words "the Departmental Centre or Departmental facility, in which a child is detained";
- (b) by deleting the words "any inmate", in line six, and substituting the words "that child";
- (c) by deleting the word "institution", in line seven, and substituting the words "Departmental Centre or Departmental facility"; and
- (d) by deleting the passage "superintendent, matron, or any officer or servant of such institution", in lines ten, eleven and twelve, and substituting the words "officer or other person for the time being in charge thereof".

116. Section 128 of the principal Act is amended—

Section 128 amended.

- (a) by deleting the words "an institution", in line two, and substituting the words "a Departmental Centre or Departmental facility";