

In all respects not otherwise expressly provided for in this Act such institution and those within it or employed thereat shall be subject to the provisions of this Act applicable to institutions conducted and controlled by the Department.

34. Supervision of standard of care by Director. The Director shall supervise the standard attained by each licensed institution in achieving the purposes for which it exists and for this purpose shall have the right to enter (himself or by his agents) upon the premises of such institution at all reasonable hours and to inspect the same and the activities carried on therein.

35. Records of licensed institution. (1) The governing authority of each licensed institution shall cause to be kept at such institution a register of all children from time to time within such institution and to be entered therein—

- (a) the name of each such child;
- (b) the age of each such child upon admission to the institution;
- (c) the date of admission of each such child to the institution;
- (d) the names and addresses of each child's parents or, as the case may require, guardian if the same be known;
- (e) the dates and times of visits by any person to each such child; and
- (f) such other particulars as are prescribed.

(2) The person in charge of a licensed institution shall—

- (a) enter in the register required to be kept under the preceding subsection all particulars required by this Act to be entered therein; and
- (b) make such register available for inspection by the Director, Deputy Director or any person authorized in writing by the Director.

36. Director to be notified of reception of certain children. (1) The governing authority and the person in charge of a licensed institution shall forthwith notify the Director of the identity and reception into such institution of a child who, being other than a child in care—

- (a) is placed in such institution for a period to extend beyond three months; or
- (b) is in such institution for a period exceeding three months.

(2) A person shall not be convicted in respect of a non-compliance with the provisions of the preceding subsection in relation to a particular child if notification in relation to such child has been given to the Director by the governing authority of a licensed institution or by a person acting on its behalf or by the person in charge of such institution in accordance with that subsection.

37. Aid to licensed institutions. From moneys appropriated by Parliament for the purpose the Director shall pay to the governing authority of each licensed institution in respect of each child in care maintained within such institution a sum calculated at such rate as is prescribed.

The Minister may direct by writing under his hand that such sum be paid in respect of a particular child beyond the time when such child attains the age of seventeen years and the Director shall pay such sum in accordance with such direction.

38. Audit of licensed institution accounts. Upon request of the Minister the Auditor-General shall audit the accounts of any licensed institution and shall have with respect to such audit and accounts all the powers and authorities conferred on him by "*The Audit Acts, 1874 to 1965,*" and shall report thereon to the Minister.

39. Revocation of approval. If the Director is dissatisfied with the management, maintenance or condition of any licensed institution he shall give written notice of that fact to the governing authority of the institution concerned and shall thereby call upon such governing authority to show cause why such institution should not cease to be a licensed institution.

If within two months after such notice has been given the governing authority does not show cause as aforesaid sufficient to satisfy the Director he may recommend to the Minister that such institution should cease to be a licensed institution.

Upon such a recommendation the Minister may by writing under his hand revoke his approval in relation to such licensed institution and thereupon such institution shall cease to be a licensed institution.

40. Duties of persons in charge of institutions. The governing authority and person in charge of an institution (whether or not established or licensed under this Act) having in its or his custody a child shall—

- (a) provide such child with adequate food, clothing, lodging and care;
- (b) maintain every part of such institution at all times in a fit and proper state for the care of a child;
- (c) secure for such child adequate education and religious training of such a type and form as is approved by the Director or, in the absence of such an approval as is in the best interests of such child;
- (d) ensure that such child receives adequate medical and dental treatment;
- (e) do, observe and carry out all acts, requirements and directions prescribed by this Act or by any order of the Director in relation to the institution and the care of such child.

PART V—CHILDREN IN NEED OF ASSISTANCE

41. Assistance to families. When it appears to the Director that the income or resources of a family is or are inadequate to maintain or properly care for the child or children of that family or that from any other cause such child or children is or are in need of assistance the Director may in his discretion give assistance to such family in such form and for such period as he may determine.

For the purpose of securing to any person education or vocational training on a full-time basis the Minister may, in relation to a person who or whose family is receiving or would, were he a child, receive assistance under this Part, direct that such assistance may be given to such person or to his family notwithstanding that he has attained the age of seventeen years and the Director may give such assistance to such person or to his family accordingly.

When such assistance involves the expenditure of money by the Director the power conferred by this section shall be subject to appropriation by Parliament of moneys for the purpose.

42. Guardianship of children assisted. The giving of assistance to a family or to any person under this Part of this Act shall not in any way affect the guardianship or custody of any person concerned at the time such assistance is given.

43. Assistance may be conditional on supervision. The Director may, in any case where he considers the circumstances warrant it, make the giving of assistance under this Part conditional upon the family or person concerned accepting such supervision over any member of such family or over such person as the Director may, from time to time, consider necessary or desirable and upon such other conditions as the Director may, from time to time, in writing, specify.

44. Director's power in respect of assistance. (1) In relation to assistance given under this Part of this Act the Director may—

- (a) cause such assistance to be paid or given to such person or persons, and, in the latter case, in such proportions, as he, from time to time, determines;
- (b) from time to time, vary the form of such assistance as he considers the circumstances of the case require;
- (c) cease all such assistance if—
 - (i) the family concerned or the person being assisted is not complying with any condition to which the giving of such assistance is subject;
 - (ii) the family concerned does not *bona fide* co-operate with the Director in securing the maintenance and proper care of any child of that family; or
 - (iii) for any other reason the Director considers that such assistance should no longer be given.

(2) In determining whether or not such assistance should cease the Director shall consider, as the paramount consideration, the well-being and proper care of the child or children of the family concerned or, as the case may be, of the person for whom such assistance is given.

45. Assistance to be given as prescribed. When the amount or quantity of assistance to be given under this Part or any other matter in relation to such assistance is prescribed the Director shall give such assistance as so prescribed.

PART VI—CHILDREN IN NEED OF CARE AND PROTECTION

46. Children in need of care and protection. (1) For the purposes of this Act a child shall be deemed to be in need of care and protection if—

- (a) not having a parent or guardian who exercises proper care of and guardianship over him, he is—
 - (i) neglected; or
 - (ii) exposed to physical or moral danger; or
 - (iii) falling in with bad associates; or
 - (iv) likely to fall into a life of vice or crime;
- (b) he is in the custody of a person who is unfit by reason of his conduct and habits to have custody of the child;
- (c) he is a person in relation to whom any of the offences mentioned in Part VIII of this Act has been committed;

- (d) he is a member of the same household as—
- (i) a child in relation to whom an offence mentioned in Part VIII of this Act has been committed; or
 - (ii) a person who has been convicted of such an offence in relation to a child; and appears to be in danger of the commission upon or in relation to him of a similar offence;
- (e) he is a member of a household a member of which has been convicted of an offence under sections two hundred and twenty-two or two hundred and twenty-three of "*The Criminal Code*";
- (f) he begs or gathers alms, whether or not accompanied with the pretext of a sale or otherwise, or he is in or adjacent to a public place for the purpose of so begging or gathering alms;
- (g) he is found apparently abandoned, or loitering or sleeping in a public place and has no visible lawful means of support or no settled place of abode;
- (h) being under the school leaving age as provided for from time to time by law and not being licensed pursuant to section one hundred and fourteen of this Act, he sells any article in any public place;
- (i) he takes part in any public exhibition or performance of a type referred to in this Act without a permit under Part XI of this Act so to do;
- (j) not being a child or ward of the licensee, he is, without lawful excuse, in a betting shop or billiard room, or the bar-room, billiard room or beer garden of any licensed premises;
- (k) he is served with intoxicating liquor in any of the premises mentioned in the last preceding paragraph;
- (l) being in the care of a person other than a parent, relative or guardian of such child, he is apparently deserted by his parent or guardian;
- (m) being under the school leaving age as provided for from time to time by law he is regularly absent from school without reasonable and adequate excuse;
- (n) being under the age of ten years, he commits an act which would, either alone or with other elements, constitute an offence on his part if he were of or over that age;
- (o) he is for any other reason in need of care and such care cannot be adequately provided by the giving of assistance under Part V of this Act.

(2) The provisions of paragraph (f) of the preceding subsection do not apply to a child who is seeking aid by lawful means for any purpose of a religious, charitable, educational or sporting organization or is in or adjacent to a public place for that purpose.

47. Voluntary admission to care and protection. (1) An application may be made to the Director in or to the effect of the prescribed form to admit any child to his care and protection by any of the following persons:—

- (a) a parent of such child;
- (b) a guardian of such child;

(c) a relative of such child;

(d) a person of good repute.

Upon receipt of such an application the Director shall make such inquiry and investigation as he considers necessary and shall hear all objections made to him concerning such application.

(2) If the Director is satisfied that the child in respect of whom such an application is made is in need of care and protection and that such care and protection cannot be secured to such child by the giving of assistance under Part V of this Act he shall by writing under his hand declare such child to be admitted to his care and protection.

Such declaration shall be sufficient authority for any person acting on behalf of the Director at any time while such declaration continues in force to take the child in care into his custody and to deliver such child in care to such place as the Director, from time to time directs, and for the person in charge of any such place to receive and keep the child in care until such child in care is otherwise lawfully dealt with.

(3) No provision of this section shall be construed to render it mandatory upon the Director to take any child into his custody.

48. Duration of care and protection. Subject to a direction of the Minister given pursuant to section fifty-seven of this Act, a declaration made pursuant to the last preceding section shall continue in force until—

(a) the Director revokes such declaration; or

(b) the expiration of one month after the date on which a parent of the child in care in respect of whom the declaration was made or a person who prior to the making of such declaration was a guardian of such child in care applies to the Director to undertake the care and protection of such child; or

(c) a Children's Court makes an order, pursuant to this Part, in relation to the child in care in respect of whom such declaration was made; or

(d) the child in care in respect of whom the declaration was made attains the age of eighteen years.

49. Admission to care and protection by court order. (1) An officer of the Department authorized in that behalf by the Director or a police officer may apply to a Children's Court for an order that a child be admitted to the care and protection of the Director.

(2) An officer of the Department authorized in that behalf by the Director or any police officer may, without further authority than this Act, take into custody on behalf of the Director any child who appears or who such officer suspects on reasonable grounds to be in need of care and protection.

The person so taking a child into custody shall,—

(a) forthwith upon such taking notify the Director of that fact; and

(b) as soon as practicable after such taking apply to a Children's Court for an order that such child be admitted to the care and protection of the Director.

Pending a determination by the Children's Court of such application such person shall arrange for the care of such child in a manner consistent with the best interests of such child and, for the purpose, such person or any other person to whom such child has been delivered by him may retain custody of such child.

(3) Upon an application made to it under this section a Children's Court shall—

- (a) order such investigations and medical examinations to be made in relation to the child concerned as to the court appear necessary or desirable and, if it does so order, be furnished with reports of such investigations and examinations;
- (b) remand such child into the temporary custody of the Director until such investigations and examinations are completed;
- (c) hear any objection to such application;
- (d) if it appears to such court that the best interests of such child require it, adjourn such application to another Children's Court whereupon it shall be deemed that such application was made in the first instance to such other Children's Court.

(4) A Children's Court—

- (a) if it is satisfied that such child is in need of care and protection, may—
 - (i) order a parent or guardian (other than the Director) of such child to enter into a recognizance in such amount as the court fixes without a surety or with such surety or sureties as the court orders conditioned that such parent or guardian exercise proper care, protection and guardianship in respect of such child;
 - (ii) order that the Director shall have protective supervision over and in relation to such child;
 - (iii) subject to section fifty-two of this Act, order that such child be admitted to the care and protection of the Director;
 - (iv) make such order as to the costs of the application and of any investigation or assessment made in respect of such child pursuant to the court's order as the court thinks just;
- (b) if it is not so satisfied, shall refuse to make any order.

50. Application for court order in respect of child in care by declaration of Director. (1) The Director may at any time during the continuance in force of a declaration made by him pursuant to section forty-seven of this Act apply to a Children's Court for an order that the child in care in respect of whom such declaration was made, be admitted to his care and protection.

(2) Upon such an application the court shall—

- (a) order such investigations and medical examinations to be made in relation to such child in care as to the court appear necessary or desirable and, if it does so order, be furnished with reports of such investigations and examinations;
 - (b) hear any objection to such application,
- and may—
- (c) make the order sought;
 - (d) make any other order or orders it could make upon an application made under section forty-nine of this Act; or
 - (e) refuse to make any order.

(3) If upon such an application the court does not make the order sought the court may and, if the Director has custody of the child in care in respect of whom such application is made, shall name the person or persons into whose custody such child in care shall be given and until the right to custody of such child in care passes elsewhere according to law the same shall pass to and vest in such named person or persons accordingly.

If the guardianship of such child thereafter vests in the Director according to law the right to custody of such child shall likewise pass to and vest in the Director.

51. Application to revoke or substitute court order. (1) An application may be made to the Children's Court which has made an order referred to in subparagraphs (i), (ii) or (iii) of paragraph (a) of subsection (4) of section forty-nine of this Act upon an application made pursuant to that section or pursuant to section fifty of this Act to revoke such order or to make another order in substitution for it.

Such an application may be made by—

- (a) the Director;
- (b) a parent or guardian of the child or child in care concerned;
- or
- (c) a person who was guardian of the child or child in care concerned immediately before such order was made.

(2) Upon such an application the court shall—

- (a) order such investigations and medical examinations to be made in relation to the child or child in care as to the court appear necessary or desirable and if it does so order, shall be furnished with reports of such investigations and examinations;
 - (b) hear any objection to such application,
- and may—
- (c) make an order that the order the subject of the application be revoked;
 - (d) make any order in substitution for such order as the court may make upon an application made pursuant to section forty-nine of this Act; or
 - (e) refuse to make any order.

(3) The court shall not entertain any such application in respect of any child or child in care within six months of the date of the hearing of a previous such application in respect of the same person except when such subsequent application is made by the Director who is exercising supervision over such person.

(4) If upon such an application the court revokes an order that a child be admitted to the care and protection of the Director or in substitution for such an order makes any other order the court may and, if the Director has custody of the child in care in respect of whom such application is made, shall name the person or persons into whose custody such child in care shall be given and until the right to custody of such child in care passes elsewhere according to law the same shall pass to and vest in such named person or persons accordingly.

If the guardianship of such child thereafter vests in the Director according to law the right to custody of such child shall likewise pass to and vest in the Director.

52. Limitation on court's admitting to care and protection. (1) A Children's Court shall not order that a child be admitted to the care and protection of the Director unless such court—

- (a) is satisfied that such child is in need of care and protection; and
- (b) is not satisfied that such care and protection can be secured to such child by any other order it may make.

(2) Upon every application made to a Children's Court under this Part the court shall determine the matter in the manner which appears to the court to be in the best interests of the child or child in care concerned.

53. Duration and effect of certain orders. (1) Subject to any direction of the Minister given pursuant to section fifty-seven of this Act an order made by a Children's Court that a child be admitted to the care and protection of the Director or that the Director shall have protective supervision over and in relation to any child shall continue in force until—

- (a) the child in relation to whom such order is made attains the age of eighteen years; or
- (b) a Children's Court otherwise orders; or
- (c) the Director releases the child or child in care from the operation of such order.

(2) An order that a child be admitted to the care and protection of the Director shall be sufficient authority for any person acting on behalf of the Director, at any time while such order continues in force, to take the child in care into his custody and to deliver such child in care to such place as the Director, from time to time, directs and for the person in charge of any such place to receive and keep such child in care until such child in care is otherwise lawfully dealt with.

54. Director may release child. The Director may, by writing under his hand, release any child or child in care from the operation of an order made by a Children's Court that the child concerned be admitted to the care and protection of the Director or that the Director have protective supervision over and in relation to the child concerned.

55. Guardianship of child admitted to care and protection. (1) When the Director has declared a child to be admitted to his care and protection or a Children's Court has ordered that a child be admitted to the care and protection of the Director the guardianship of such child in care shall pass to and, for so long as the declaration or, as the case may be, order continues in force, vest in the Director.

(2) When a declaration made by the Director that a child be admitted to his care and protection ceases to be in force the guardianship of such child in care shall—

- (a) where such declaration has ceased to be in force by reason of the order of a Children's Court that the child in care in respect of whom such declaration was made be admitted to the care and protection of the Director, remain vested in the Director for so long as such order continues in force;
- (b) in any other case, pass to and vest in the person or persons who, but for such declaration, would in law be guardian of such child in care.

(3) When an order of a Children's Court that a child be admitted to the care and protection of the Director ceases to be in force, the guardianship of such child in care shall pass to and vest in the person or persons who, but for such order would in law be guardian of such child in care.

56. Protective supervision order. (1) When a Children's Court orders that the Director shall have protective supervision over and in relation to any child—

- (a) such court shall, in its order, specify the matters and objects in relation to which the Director is to exercise his supervision;
- (b) the Director may, pursuant to such order, order the child concerned, a parent or guardian of such child or any two or more of such persons to do or refrain from doing any act or thing which, in the Directors' opinion, pertains to a matter or object specified in such court order.

(2) Every order issued pursuant to paragraph (b) of the preceding subsection shall be in writing under the hand of the Director or some person authorized by him in that behalf.

(3) Any person who contravenes or fails to comply with an order issued pursuant to paragraph (b) of subsection (1) of this section commits an offence against this Act.

57. Extension of care and supervision by direction of Minister. When he considers that the best interests of the child or child in care require it the Minister may, by writing under his hand, direct that any child or child in care in respect of whom the Director has made a declaration pursuant to section forty-seven of this Act or a Children's Court has made an order that such child be admitted to the care and protection of the Director or that the Director have protective supervision over and in relation to such child shall remain subject to such declaration or, as the case may be, order for such period as the Minister in any particular case directs, but not extending beyond the date such child or child in care attains the age of twenty-one years, notwithstanding that such child or child in care, within such period, shall have attained the age of eighteen years and thereupon and until such direction is revoked by the Minister such declaration or, as the case may be, order shall continue in force accordingly.

58. Duty of Director to child admitted to care and protection. (1) When a child is admitted to the care and protection of the Director either by declaration of the Director or by order of a Children's Court it shall be the duty of the Director to utilize his powers and the resources of the Department so as to further the best interests of such child in care and, in the performance of that duty and without limiting the Director's discretion in that regard, the Director may, from time to time, make use of such facilities and services as may be available or be made available by—

- (a) any parent of such child in care;
- (b) a relative or friend of such child in care;
- (c) any person approved by the Director;
- (d) placing such child in care in an institution established or licensed pursuant to Part IV of this Act;
- (e) placing such child in care in a boarding school, hostel or any other place considered by the Director to be in the best interests of such child in care.

The Director may impose such conditions upon the use he makes or proposes to make of any of such facilities and services as he considers to be in the best interests of the child in care concerned.

(2) A child admitted to the care and protection of the Director shall not be placed, while so admitted, in a child training centre except with the approval of the Minister first had and obtained.

59. Preservation of rights of guardians. Except as is expressly provided in this Part the provisions of this Part or the making of an order pursuant to this Part or the fact that such an order has ceased to be in force shall not be construed or taken to avoid, or prejudice the rights of any person who, except for the provisions of this Part would be, in law, guardian of any person.

PART VII—CHILDREN IN NEED OF CARE AND CONTROL

60. Child in need of care and control. For the purposes of this Act a child shall be deemed to be in need of care and control if—

- (a) he is falling or is likely to fall into a life of vice or crime or addiction to drugs;
- (b) he is exposed to moral danger;
- (c) he is or appears to be uncontrollable.

61. Committal to care and control. (1) An officer of the Department authorized in that behalf by the Director, a police officer or a parent or guardian of the child concerned may apply to a Children's Court for an order that a child be committed to the care and control of the Director.

(2) An officer of the Department authorized in that behalf by the Director or any police officer may, without further authority than this Act, take into custody on behalf of the Director any child who appears or who such officer suspects on reasonable grounds to be in need of care and control.

The person so taking a child into custody shall—

- (a) forthwith upon such taking notify the Director of that fact: and
- (b) as soon as practicable after such taking apply to a Children's Court for an order that such child be committed to the care and control of the Director.

Pending a determination by a Children's Court of such application such person shall arrange for the care of such child in a manner consistent with the best interests of such child and, for this purpose, such person or any other person to whom such child has been delivered by him may retain custody of such child.

(3) Upon an application made to it under this section a Children's Court shall—

- (a) order such investigations and medical examinations to be made in relation to the child concerned as to the court appear necessary or desirable and, if it does so order, be furnished with reports of such investigations and examinations;

- (b) remand such child into the temporary custody of the Director until such investigations and examinations are completed;
 - (c) hear any objection to such application;
 - (d) if it appears to such court that the best interests of such child require it, adjourn such application to another Children's Court whereupon it shall be deemed that such application was made in the first instance to such other Children's Court.
- (4) A Children's Court—
- (a) if it is satisfied that such child is in need of care and control, may—
 - (i) order a parent or guardian (other than the Director) of such child to enter into a recognizance in such amount as the court fixes without a surety or with such surety or sureties as the court orders conditioned that such parent or guardian exercise proper care, protection and guardianship in respect of such child.
 - (ii) order that the Director exercise supervision over and in relation to such child; or
 - (iii) subject to the next succeeding subsection, order that such child be committed to the care and control of the Director;
 - (b) if it is not so satisfied but is satisfied that such child is in need of care and protection, may make any order which pursuant to subparagraphs (i), (ii), or (iii) of paragraph (a) of subsection (4) of section forty-nine of this Act the court may make were the application before the court an application made under section forty-nine of this Act and were the court satisfied that the child concerned is in need of care and protection;
 - (c) if it is not satisfied that such child is in need of care and control or care and protection, shall refuse to make any order;
 - (d) in any case may make such order as to the costs of the application and of any investigation or assessment made in relation to such child pursuant to the court's order as the court thinks fit.
- (5) A Children's Court shall not order that a child be committed to the care and control of the Director unless such court—
- (a) is satisfied that such child is in need of care and control; and
 - (b) is not satisfied that such care and control can be secured to such child by any other order it may make.
- (6) (a) An order made pursuant to paragraph (a) of subsection (4) of this section shall continue in force until—
- (i) the child in respect of whom the order is made attains the age of eighteen years; or
 - (ii) the Minister orders the discharge of such child from the care and control of the Director.
- (b) An order made pursuant to paragraph (b) of subsection (4) of this section shall be deemed to be an order made upon an application made pursuant to Part VI of this Act and shall be subject to the provisions of that part accordingly.

62. Orders on children guilty of offences. (1) Notwithstanding the provisions of any Act or of any rule of law a court shall not sentence to imprisonment a child who has pleaded guilty to or has been found guilty of a charge of any offence save as is provided for in this Act, but may exercise one or more of the following powers in respect of that child, his parent and guardian:—

- (a) order such investigations and medical examinations to be made in relation to a child who has pleaded or been found guilty, as aforesaid as to the court appear necessary or desirable and, if it does so order, shall be furnished with reports of such investigations and examinations;
- (b) remand such child in the custody of the Director or, if the court is satisfied that such child is so unruly or his character is otherwise such that he should be detained in custody other than that of the Director, in such other custody as the court may order until such investigations and examinations are completed;
- (c) order a parent or guardian (other than the Director) of such child to enter into a recognizance in such amount as the court fixes without a surety or with such surety or sureties as the court orders and in respect of such period as the court orders conditioned that such parent or guardian exercise proper care, protection and guardianship in respect of such child;
- (d) impose a fine upon such child as provided for or permitted in the Act under which he was charged;
- (e) order such child or a parent or guardian of such child or any two or more of such persons to pay compensation or make restitution in respect of the damage or loss occasioned by the offence to a charge of which such child has pleaded guilty, or of which he has been found guilty;
- (f) order such child or a parent or guardian of such child or any two or more of such persons to pay the costs of the proceedings before such court and of any investigation or examination made in relation to such child pursuant to the court's order:

Provided that this provision shall not be construed to authorize the making of an order as to costs in any case where, apart from this provision, the making of such an order would be unlawful;

- (g) order that such child be committed to the care and control of the Director for a period not exceeding two years;
- (h) order that the Director exercise supervision over and in relation to such child until such child attains the age of eighteen years or for a period not exceeding two years notwithstanding that within such period such child will have attained the age of eighteen years and, if the court thinks fit, order that such child shall during the period of such supervision attend such attendance centres maintained for the purposes of this Act as the Director, from time to time, orders;
- (i) if the court is satisfied that the child is so unruly or his character is otherwise such that he should be detained in custody other than in a home or institution under the control of the Director, order that such child be imprisoned for a period not exceeding two years;

- (j) if such child has been convicted of an offence of a sexual nature committed upon or in relation to a child, make such orders in relation to and deal with the child so convicted pursuant to "*The Criminal Law Amendment Act of 1945*," as if he were not a child and, where such child is before a Children's Court, as if such court were a Magistrates Court;
- (k) refrain from convicting such child, and—
- (i) admonish and discharge him; or
 - (ii) order that the Director exercise supervision over and in relation to such child for a period not exceeding twelve months; or
 - (iii) order that such child be committed to the care and control of the Director for a period not exceeding two years.

(2) (a) If a person who is required, by an order made pursuant to the preceding subsection, to pay a fine, compensation, restitution or costs fails to pay such fine, compensation, restitution or costs forthwith or within the time allowed him in that behalf the Crown or, where the Court has ordered such compensation, restitution or costs to be paid to any person other than the Crown and other than a person or authority on behalf of the Crown, that other person may cause a copy of the order to be filed in the registry of a court which has jurisdiction in relation to a personal action arising otherwise than out of an accident in which a motor vehicle is involved in which the amount claimed is not more than the amount required by such order to be paid.

Such copy order shall, at the time of being so filed, be endorsed with or be accompanied by a statement of the amount of fine, compensation, restitution or costs which the person thereunto required by the order has failed to pay and such endorsement or, as the case may be, statement shall be certified as correct—

- (a) in the case of an order whereunder such person is required to make payment to the Crown or to a person or authority on behalf of the Crown,—
- (i) if made by the Supreme Court of Queensland, under the hand of the Registrar or a Deputy Registrar of that court;
 - (ii) if made by a District Court, under the hand of the Registrar of that court;
 - (iii) if made by a Children's Court, under the hand of the clerk of the court at the place where the order was made;
- (b) in the case of an order whereunder such person is required to make payment of compensation or restitution to a person other than the Crown and other than a person or authority on behalf of the Crown, under the hand of the person to whom payment is required to be made.

Upon the expiration of thirty days after the filing of a copy of an order in the registry of a court of competent jurisdiction such order shall be of the same force and effect and all proceedings and remedies for the enforcement thereof with costs may be taken as if such order were a judgment of the court in the registry of which such copy order is filed ordering payment of the amount of fine, compensation, restitution or costs required to be paid together with costs.

(b) An order to pay compensation, restitution or costs shall not be made against a parent or guardian of a child unless such parent or guardian has been given an opportunity of being heard on that matter.

(c) An order to pay compensation, restitution or costs may be made against a parent or guardian of a person dealt with by a court on the basis that he is a child notwithstanding that he is not under or apparently under the age of seventeen.

(3) A court may order that a child be committed to the care and control of the Director for any period permitted by paragraph (g) or paragraph (k) of subsection (1) of this section notwithstanding that before the expiration of such period such child shall have attained the age of eighteen years.

Such a child shall, subject to this Act, remain in the care and control of the Director until the expiration of the period for which he was ordered to be so committed.

(4) Before the expiration of any period for which a person is committed to the care and control of the Director pursuant to paragraph (g) or paragraph (k) of subsection (1) of this section or pursuant to an application made under this subsection the Director may cause such a person who has not attained the age of eighteen years to be brought before the court which ordered him to be so committed or before a court of like jurisdiction.

If the Director satisfies such court that the best interests of such person require it such court shall order that such person be committed to the care and control of the Director for a further period not exceeding two years.

A court shall not order a person to be so committed for a period which would extend beyond the date such person attains the age of nineteen years.

(5) A child ordered pursuant to paragraphs (i) or (j) of subsection (1) of this section to be imprisoned or detained shall by virtue of such order be deemed to have been ordered by the court to be committed to the care and control of the Director.

63. Order on children convicted of serious offences. (1) Notwithstanding the provisions of any other Act or the foregoing provisions of this Act or of any rule of law when a child is convicted of an offence for which he would be liable, were he not a child, to imprisonment with hard labour for life or is convicted of—

- (a) an offence of attempting to commit an offence defined in section 212, 317, 319, 319A, or 467 or in subsection (1) of section 467A of "The Criminal Code";
- (b) an offence of attempting to commit an offence defined in section 469 of "The Criminal Code" when, to establish the offence of which he is convicted, a circumstance of aggravation referred to in special case I or II under that section is relied upon;
- (c) an offence defined in section 214, 321, 349, 412, 462 or 470 of "The Criminal Code".

the court before which he is so convicted may in its discretion order that such child be detained during Her Majesty's pleasure in such place and on such conditions as the Minister may, from time to time, direct.

A child so ordered to be detained shall continue to be detained in such place and on such conditions as the Minister from time to time directs notwithstanding that in the meantime such child has attained the age of eighteen years:

Provided that when the Minister has directed, either before or after the commencement of this Act, that such a child be detained in a prison within the meaning of "The Prisons Acts, 1958 to 1964," whether a

particular prison is thereby specified or not, until the Minister directs that he be detained elsewhere, such child shall be detained in such prison within the meaning of those Acts, as the Comptroller-General of Prisons from time to time orders.

In this section the term "place" includes any prison within the meaning of "*The Prisons Acts, 1958 to 1964*," and any hospital, institution or any place declared by the Governor in Council by Order in Council to be a "place" within the meaning of this section.

(2) A child ordered pursuant to this section to be detained shall, by virtue of such order be deemed to have been ordered by the court to be committed to the care and control of the Director.

64. (1) Guardianship of person committed to care and control. When a court orders that a person be committed to the care and control of the Director the guardianship of such person shall thereupon pass to and, for so long as such order continues in force, vest in the Director.

When such an order ceases to be in force the guardianship of the child in care shall pass to and vest in the person or persons who, but for such order, would in law be guardian of such child in care.

(2) Effect of order of committal to care and control. Except in relation to a child in care—

(a) who is, for the time being, lawfully imprisoned or otherwise detained pursuant to an order of any court other than an order whereby he is only committed to the care and control of the Director; or

(b) to whom section sixty-three of this Act applies,

an order committing a child to the care and control of the Director shall be sufficient authority for any person acting on behalf of the Director at any time while such order continues in force to take such child in care into his custody and to deliver such child in care to such place as the Director from time to time directs and for the person in charge of any such place to receive and keep such child in care so delivered until he is otherwise lawfully dealt with.

65. Duty of Director to child committed to care and control. When a person is committed to the care and control of the Director it shall be the duty of the Director to utilize his powers and the resources of the Department so as to further the best interests of such child in care and, in the performance of that duty and without limiting the Director's discretion in that regard, the Director may from time to time make use of such facilities and services as may be available or be made available by—

(a) any parent of such child in care;

(b) a relative or friend of such child in care;

(c) any person approved by the Director;

(d) placing such child in care in an institution established or licensed pursuant to Part IV of this Act;

(e) placing such child in care in a hostel or any other place considered by the Director to be in the best interests of such child.

The Director may impose such conditions upon the use he makes or proposes to make of any of such facilities and services as he considers to be in the best interests of the child in care concerned.