

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

Suspension of order of committal to institution.

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

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

Appearance of child or young person released on recognizance.

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

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

Child or young person dealt with according to law.

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

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

Transfer of child or young person for examination.

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

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

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

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

(a) confirm the order of committal; or

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

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

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

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

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

Child or young person charged with certain indictable offences.

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

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

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

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

66. Where a child or young person upon his trial has pleaded guilty to or has been convicted of an indictable offence (other than an offence against a law of the Commonwealth), the Supreme Court may exercise any of the powers conferred on the Court by section fifty-seven of this Ordinance or may sentence him according to law and in the latter case may direct that the child or young person be detained in an institution for the period specified in the sentence.

Remission of matter by Supreme Court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variation, &c.,
of period of
probation.

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

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

Placing in
shelter.

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

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

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

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

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

PART X.—MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

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

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

“ near relative ” means—

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

(b) in relation to an illegitimate child—

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

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

(iii) the mother of the child; and

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

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

(a) to the care of a person; or

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

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

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

(a) in the case of a legitimate child—

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

(b) in the case of an illegitimate child—

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

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

**Contribution
order.**

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

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

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

(3.) The Court shall—

(a) in making a contribution order, have regard to the order of priority in which the near relatives of a child are liable to maintain, or contribute towards the maintenance of, the child; and

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

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

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

(a) in the case of a ward—at or after the time at which he becomes a ward; and

(b) in any other case—at or after the time at which the order of committal is made.

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

(a) the Court shall not make a contribution order unless the near relative consents or has been afforded an opportunity to show cause why a contribution order should not be made; and

(b) if a near relative so desires, the hearing, so far as it relates to the making of a contribution order, shall be adjourned to a date to be fixed by the Court.

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

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

Duration of contribution order.

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

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

Recovery of money expended for past maintenance of wards.

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

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

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

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

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

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

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

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

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

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

(a) where payments under the order are made to the Minister—as soon as practicable after the child becomes self-supporting; or

(b) in any other case—as soon as practicable after the Director receives the notice referred to in the next succeeding sub-section,

for the discharge of the order.

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

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

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

Complaint may include several wards or children.

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

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

Summons.

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

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

PART XI.—EMPLOYMENT OF CHILDREN.

Interpretation.

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

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

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

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

Street trading licences.

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

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

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

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

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