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the child to be imprisoned for such period as the court may order, not exceeding in any case the maximum period fixed by the following scale :—

Where the amount of the sum or sums adjudged to be paid—	The said period shall not exceed—
Does not exceed twenty shillings . . . . .	Three days
Exceeds twenty shillings, but does not exceed forty shillings . . . . .	Seven days
Exceeds forty shillings, but does not exceed five pounds . . . . .	Fourteen days
Exceeds five pounds . . . . .	One month

Order for detention.

**50** Whenever a child is committed to the care of the Department, the order of committal shall be sufficient authority to any police officer, probation officer, or officer of the Department to take the child to such institution as the Director may direct, or in default of any such direction to such receiving home as may be nearest or most convenient.

Summary trial of children not over the age of fourteen years for certain indictable offences.

**51** Where any child whose age does not exceed fourteen years is charged before a children's court with any indictable offence other than murder or attempt to murder, rape, manslaughter, or wounding with intent to do grievous bodily harm, the court shall not commit such child for trial at the Supreme Court, but shall deal summarily with the offence and, if it finds the charge to be proved, may at its discretion deal with the case in any of the modes specified in paragraphs 1. to v. of section forty-six which the court is empowered to adopt in respect of offences referred to in that section.

Powers of children's court to deal with children over the age of fourteen years charged with certain indictable offences.

**52—(1)** When a child over the age of fourteen years is charged before a children's court with an indictable offence other than murder or attempt to murder, rape, manslaughter, or wounding with intent to do bodily harm, the children's court—

1. If it finds the charge to be proved, may—
  - (a) Release the child on probation upon such terms and conditions and for such period as the court may think fit :
  - (b) Commit the child to the care of the Department:
  - (c) Commit the child to an institution :
  - (d) Sentence the child according to law in the case of any offence for which an adult might be sentenced on summary conviction :

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(e) In the case of any indictable offence other than an offence such as is referred to in division (d) hereof, without entering a conviction, commit the child to take his trial at law : or

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ii. If, in the opinion of the court, the evidence is sufficient to put the child upon his trial for an indictable offence, or raises a strong or probable presumption of the guilt of the child, but the court is not of opinion that the charge has been proved beyond all reasonable doubt, then the court shall commit the child to take his trial according to law.

(2) Notwithstanding anything in subsection (1) of this section to the contrary, where a child is charged under that subsection with any indictable offence such as is referred to in subsection (1) of section sixty-one of the *Police Offences Act 1935*, he may elect to be, or his parent on his behalf may elect that he be, tried by a jury in any case in which an adult charged with a like offence would be entitled to so elect, and the provisions of subsection (3) of section sixty-one of the lastmentioned Act and of Part IV. of the *Justices Procedure Act 1919* shall, with the necessary modifications and in so far as such provisions are not inconsistent with this Act, apply to the procedure of the children's court in respect of such charge.

Child may elect to be tried by a jury.  
26 Geo. V. No. 44.

10 Geo.V. No. 55.

**53** Where a children's court has committed a child to take his trial according to law for any indictable offence, the Minister may, if the child has not been admitted to bail, order that, pending his presentment for trial or the sooner abandonment of the proceedings against him, the child be detained in an institution, or, if he is in legal custody awaiting his trial, that the child be transferred from such custody to an institution and there detained as aforesaid.

Child may be detained in an institution pending trial.

**54—(1)** Every order committing a child to the care of the Department or to an institution shall contain a statement of the age and religion, so far as can be ascertained, of such child, and the cause for which the child is to be detained.

Form of order.

(2) The statement in any order that the child therein named is of a certain age and religion may, for the purposes of this Act, be taken to be true, unless within six months from the date of the order the Director shall be satisfied to the contrary, and shall endorse on the order the correct age or religion.

Statement of age and religion to be *prima facie* evidence.

**55—(1)** Where any child has been convicted under this Act and discharged conditionally upon his entering into a recognisance in a nominal sum with a surety or sureties to appear before the children's court for punishment when called upon, and the said court at any time thinks fit to call upon such child to appear before the said court for punishment, such call may be effected and shall be sufficient if a notice in writing signed by the clerk of the children's court and addressed to such child and his surety or sureties is served on such surety or sureties commanding such child to so appear, and his said surety or sureties to

Procedure on requiring appearance before the court for punishment of a child who has been released on surety so to appear.  
Notice in writing.

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produce him, before some sitting of the court at a time and place therein mentioned to receive punishment for the offence of which he had been convicted by the said court.

Service of notice.

(2) Service of the said notice may be effected by posting the same to the address of the surety or sureties mentioned in the recognisance so as to reach such address by ordinary course of post seventy-two hours before the time named in the said notice for the appearance of such child before the children's court. or as service of a summons may be effected under the *Justices Procedure Act 1919*.

10 Geo.V. No. 55.

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

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

Power of children's court to deal with children charged with murder, &c.

**56** Where a child is charged before a children's court with murder, attempt to murder, rape, manslaughter, or wounding with intent to do bodily harm, and the court is of opinion that the evidence is sufficient to put the child upon his trial for an indictable offence, or raises a strong or probable presumption of the guilt of the child, then the court shall commit the child to take his trial according to law.

How child convicted of indictable offence may be dealt with.

**57** Where a child upon his trial in the Supreme Court has pleaded guilty to or has been convicted of an indictable offence, the judge may—

- i. Discharge the child on his entering into a recognisance :
- ii. Release the child on probation upon such terms and conditions and for such period of time as the court or a judge thereof may think fit :
- iii. Commit the child to the care of the Department :
- iv. Commit the child to an institution :
- v. Order the child to pay a fine, damages, or costs :
- vi. Order the parent or guardian of the child to pay a fine, damages, or costs :
- vii. Order the parent or guardian of the child to give security for his good behaviour : or
- viii. Sentence the child according to law.

Form of committal.

**58** A court in committing a child to an institution shall do so in general terms, but may recommend to the Minister that the child be sent to an institution of a particular class.

Children to be placed in receiving home.

**59** A child on being committed to an institution may be placed temporarily in a receiving home.

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- 60** The Minister, with respect to any child who has been committed to or is an inmate of any institution, shall determine the particular institution in which the child shall be placed and detained. A.D. 1935.  
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Minister to determine particular institution.
- 61** The Minister as soon as practicable shall endorse on the order of committal the name of the institution and the place where the child is to be detained. Child placed in institution.
- 62** The Minister may direct that any child who has been committed to, or is an inmate of, any institution shall be removed to another institution, and he shall be removed accordingly and there detained. Child may be removed from one institution to another.
- 63** Except as in this Act otherwise provided, no child of the State shall be detained in any institution after attaining the age of eighteen years: Provided that, if any child at the time of being committed to an institution is upwards of sixteen years of age, such child may be ordered to be detained in an institution, or otherwise dealt with under this Act, for a period of not exceeding three years, notwithstanding that such period would extend beyond the time of such child attaining the age of eighteen years. No detention after age of eighteen.  
Child over sixteen may be detained for three years.
- 64** Any child sentenced to imprisonment under this Act may be detained during the term of his sentence in such place and under such conditions as the Governor may direct, and while so detained shall be deemed to be in legal custody. Mode of imprisonment.
- 65**—(1) A person in detention pursuant to the directions of the Governor under section sixty-four may, at any time, be released by the Governor on licence. Provisions as to release of child detained according to directions of Governor.
- (2) A licence may be in such form and may contain such conditions as the Governor may direct.
- (3) A licence may at any time be revoked or varied by the Governor, and, where a licence has been revoked, the person to whom the licence related shall, upon notice of such revocation being served upon him, return or go to such place as the Governor may direct, and, if he fails to do so, may be apprehended without warrant and taken to that place by a police officer or officer of the Department.
- 66**—(1) Notwithstanding anything in this Act to the contrary— Discharge of convicted child
- i. The Governor may, upon the recommendation of the Minister, order the discharge of any convicted child: and
- ii. The Minister may order the discharge of any child, other than a convicted child—
- from the control of the Department or from an institution, and the child shall forthwith be discharged accordingly.
- (2) Such discharge may, if the Governor or Minister, as the case may be, thinks proper, be a discharge on probation on such conditions, if any, as may be imposed, and in such case the child shall be subject

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to the care of the Department until he attains the age of twenty-one years, or for such shorter period as the Governor or the Minister, as the case may be, determines.

Inspection of premises by probation officers.

- 67** When a child has been released on probation under this Act—
- i. The child and the premises wherein he resides shall be subject to inspection by the probation officers of the court which released such child, or officers appointed in that behalf by the court, or any officer of the Department: and
  - ii. If any person having the custody or control of a child so released as aforesaid ill-treats or neglects such child, the Minister may remove the child from such custody or control.

State children absconding, &c., may be apprehended without warrant.

**68** Any child of the State who absconds from any institution, or from his foster-mother, or foster-parent, or from any person in whose custody he is placed, or who, whilst liable to detention, refuses or neglects forthwith to return to such institution or custody as the Director may order, may be apprehended without a warrant by any police officer, or by an officer of the Department, and conveyed to such institution or custody as the Director may direct.

The Department or managers may apprentice children.

**69**—(1) The Director, or the managers of any certified institution, as the case may be, may, by indentures of apprenticeship, bind any child of the State apprentice to be taught such trade or calling as the Director or such managers approve.

(2) Such indentures shall be as effectual without being executed by the child as if the child were of full age at the date thereof, and had voluntarily executed the same.

Director or governing authority may place out children.

**70**—(1) Subject to this Act, the Director or the managers of any certified institution, as the case may be, may place out any child of the State for such period as the Director or managers think fit.

(2) A child of the State shall not be placed out with any person who is the holder of an hotel or public-house licence.

(3) Nothing in this section shall authorise the placing out of any child for any time extending beyond the period of detention of such child.

State children to attend school regularly.  
23 Geo. V. No. 22.

**71**—(1) Every child of the State over the age of seven years shall be sent regularly to a State school in compliance with the *Education Act 1932*, or be regularly and efficiently instructed in some other manner until such child attains the age of fourteen years, or such later age as the Minister in any case directs.

(2) No child of the State shall be apprenticed or placed out for hire—

- i. If he is under the age of fourteen years: or
- ii. Unless a medical certificate of physical fitness for employment has been obtained in respect of such child.

(3) Any parent or foster-parent committing or permitting any breach of this section shall be guilty of an offence against this Act, unless for good cause shown he be specially exempted by the Minister

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**72** No child who is suffering from enthetic disease shall be placed out. **A.D. 1935.**

**73** The apprenticing or placing out of a child of the State by the managers of any institution shall be subject in all respects to the regulations.

Certain children not to be placed out.

The apprenticing or placing out of children to be subject to regulations.

**74**—(1) All agreements for the placing out for hire of children of the State under this Act shall be in a form approved by the Minister.

Provisions in indentures.

(2) All indentures of apprenticeship shall be in the form prescribed by or under the *Wages Boards Act 1920* (hereinafter called "the said Act"), whenever applicable, but otherwise shall be in such form as the Minister shall approve.

11 Geo.V. No. 51.

(3) All such agreements and indentures shall, in addition to the provisions, if any, prescribed under the said Act, contain provisions respecting the maintenance of such children, and for the due payment of such wages as may be payable thereunder, and shall be exempt from stamp duty.

(4) Any indentures executed in conformity with the provisions of this Act shall be good and valid indentures for all purposes under the said Act and enforceable in the same manner as if the same were in a form prescribed under the said Act.

**75**—(1) All wages earned by a child of the State, except such part thereof as the employer is required to pay to the child personally as pocket-money, shall be paid by the employer to the guardian of the child or other person mentioned in the indentures or agreement.

Wages may be paid into savings bank.

(2) The guardian or such person shall deposit every amount so paid in a savings bank in trust for the child.

**76**—(1) All or any part of the money so deposited, and any interest thereon, may be expended for the benefit of the child when and in such manner as his guardian may deem advisable.

Moneys banked may be expended for the child's benefit.

(2) When a child of the State is discharged, his guardian shall pay to him or expend for his benefit, as the guardian thinks fit, such portion of the money earned by the child as aforesaid, and then in the savings bank, as the guardian thinks advisable.

(3) Any such payments may be made by instalments if considered advisable.

(4) Any balance not so paid to the child or applied for his benefit shall remain in the savings bank at interest until the child attains the age of twenty-one years, and shall then be transferred to the child on application and proof of his identity.

**77** The wages or earnings due by any person on account of any child of the State may be sued for and recovered by and in the name of the guardian of the child or of any other person named for that purpose in the indenture or agreement as aforesaid, for the benefit of the child,

Guardian may recover wages.

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Disposal at death.

Indentures of apprenticeship, agreement, or placing-out may be assigned with consent of Director.

Minister may order return of child apprenticed or placed out.

Change of residence to be notified by foster-parent.

Notice to be given if child absconds, becomes ill, or dies.

Department to have general supervision of State children. Children of the State to be visited.

**78** On the death of a child of the State, the money held in trust to the credit of the child in any savings bank pursuant to this Act shall, after payment thereof of any funeral or other expenses approved by the Minister, be paid to the personal representative of such child.

**79**—(1) The foster-parent of any child of the State may, by an assignment bearing the consent of the Director or the managers, as the case may be, but not otherwise, assign the indentures of apprenticeship or agreement for placing out in relation to such child to any fit and proper person.

(2) Every such assignment shall be executed in duplicate by the assignor and assignee, and one part of the assignment so executed shall be forthwith forwarded to the Director or managers by the assignor, and thereafter the indentures or agreement for placing out shall, for the purposes of this Act, be read and construed as if the assignee had originally been party thereto in the place of the assignor.

(3) Any foster-parent who assigns any indentures of apprenticeship or agreement without such consent as aforesaid shall be guilty of an offence against this Act, and the assignment shall be null and void.

**80**—(1) The Minister may at any time by order require any child of the State placed out or apprenticed forthwith to surrender himself at any institution or to any person to be named in the order.

(2) The Minister may, by the same or a separate order, and without incurring any liability for breach of contract or otherwise, cancel the indentures of apprenticeship or agreement relating to any child of the State, and require the person with or to whom such child is placed out or apprenticed forthwith to deliver such child at an institution or some person to be named in the order.

(3) Any police officer or officer of the Department may, without warrant, take into custody such child and bring him to the institution or person named in the order, and for such purpose may enter upon or into any land, house, building, or vessel whereon or wherein the child is or is supposed to be.

**81** No person with or to whom a child of the State is placed out or apprenticed shall change his place of residence without giving to the Director or the managers the prescribed notice.

**82** If a child of the State apprenticed or placed out absconds, becomes ill, meets with an accident, or dies, the person with or to whom such child is placed out or apprenticed shall immediately give such notice and do all such further acts and things as may be prescribed.

**83** The Department shall have general supervision over all children of the State detained in any institution or placed out or apprenticed.

**84**—(1) The Director where practicable shall cause every child of the State to be visited once at least in every three months by an officer of the Department, or person appointed for that purpose by the Director, to ascertain whether the conditions of the indentures of apprentice-

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ship or agreement respecting such child have been fulfilled, and whether the treatment, education, and care of such child are satisfactory. A.D. 1935.

(2) The managers of any institution or any person authorised by such managers may, for the like purpose, visit any child of the State apprenticed or placed out by such managers.

(3) Every person, with or to whom a child of the State is placed out or apprenticed, shall, at the request of any such officer, managers, or person—

- i. Produce the child and his outfit, or show cause to the satisfaction of the officer, managers, or person for the non-production or absence of such child :
- ii. Permit an examination to be made of such outfit and the sleeping and other accommodation, and food provided for such child : and
- iii. Permit such officer, managers, or person, out of the presence and hearing of such firstmentioned person, to examine and question such child.

**85** The Minister may, out of any moneys which may be appropriated by Parliament for that purpose, pay to the foster-mother of any child for the care and maintenance of such child such sum as he thinks reasonable and proper. Payments for maintenance of State children to foster-mother.

## PART VI.

## MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

**86** The undermentioned near relatives of any child of the State shall be liable to pay or contribute towards the maintenance of such child according to their ability respectively, and in the following order of priority, namely :— Order of liability of near relatives for maintenance of any child.

- i. In the case of a legitimate child—Father, mother, stepfather, stepmother, brothers and sisters, grandparents :
- ii. In the case of an illegitimate child—Father, mother.

**87**—(1) Upon complaint that any persons are near relatives of any child of the State, and are able to pay or contribute towards the maintenance or past maintenance of such child, such persons or any of them may be summoned to appear before a children's court at a time and place to be named in such summons, to show cause why they or he should not pay for or contribute towards the past or future maintenance of such child. On complaint court to issue summons.

(2) The court may adjourn the hearing, and may summon any other persons alleged to be near relatives to appear at the adjourned hearing.

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Court may order  
payment of  
maintenance.

(3) If the court is satisfied that the persons summoned, or any of them, are near relatives, and are able to, and in the opinion of the court should, pay for or contribute towards the past or future maintenance of such child, the court may order payment to be made to the Director or to the managers of an institution or to such other person as the court thinks fit by such near relatives, or some one or more of them, and, if by more than one, in such proportions, as the court thinks fit—

- I. Of such sum for past maintenance of the child: and
- II. Of such sum for future maintenance, and for such period, and by such instalments—

as the court deems sufficient.

(4) If a maintenance order is made against two or more near relatives, one order may be made against all of them, or separate orders may be made against each or any of them jointly or severally, as to the court seems fit.

Order to take  
effect from  
pronouncement.

**88** Every maintenance order shall be served personally upon the persons against whom the same is made, or in such manner and at such place as may be prescribed, or as the children's court shall direct; and the order shall take effect from the time of its pronouncement, notwithstanding that the formal order has not been signed or served.

Allegations in  
complaint *prima*  
*facie* evidence.

**89** Upon the hearing of any complaint under this Act in respect of the maintenance of a child of the State, whose paternity is not in question, the averment in the complaint that any person therein mentioned is a near relative liable to maintain, and is able to pay or contribute towards the maintenance of, such child, and that any sum has been expended upon, or is due, or owing for or in respect of, maintenance, shall be sufficient evidence of the facts so averred.

Application of  
certain sections  
of 12 Geo. V.  
No. 40.

**90** Sections sixty-three to sixty-five of the *Maintenance Act 1921* (hereinafter called "the said Act") shall apply to and in respect of maintenance orders made under this Part, in the same manner as if those sections had been incorporated in this Part, and for the purpose of such application any reference in such sections—

- I. To the said Act, shall be deemed to be a reference to this Part:
- II. To a court, shall be deemed to be a reference to a children's court: and
- III. To the clerk of the court, shall be deemed to be a reference to the clerk of such children's court.

Court may  
require security  
for compliance  
with order.

**91**—(1) A children's court, on the hearing of a complaint that any person liable upon any maintenance order made under this Act has made default thereunder, may order that the person liable for the maintenance shall find good and sufficient security that he will comply with the order made against him.

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(2) The children's court may, by such lastmentioned order or by a further order on the same complaint, adjudge that, in default of such security being found, such person shall be imprisoned for any period not exceeding six months, if the order for security is not sooner complied with. A.D. 1935.

(3) The children's court may determine upon the sufficiency of any proposed security, and in what manner the security shall be given.

**92** The amount of the periodical payments payable in respect of maintenance, under any order made under this Act, may, by any subsequent orders made by a children's court, be increased or diminished upon sufficient cause being shown to the satisfaction of the court. Power to increase amount.

**93**—(1) On the complaint of a near relative liable upon a maintenance order under this Act, all or any of the persons alleged to be near relatives, may be summoned to appear before a children's court. Orders may be varied, &c., on further inquiry.

(2) At the hearing, or at any adjourned hearing, the court may make further inquiry as to the means and ability of the complainant, and as to the relationship to the child of the persons summoned, and as to their ability respectively to maintain or contribute towards the maintenance of such child, and may make such order increasing, reducing, or varying the periodical sum to be thenceforth paid by the complainant, or suspending for a specified time or annulling the previous order, or directing that the persons so summoned, or some or one of them, shall thenceforth pay for or contribute towards the maintenance of the child, or may make such other order in the matter as to the court seems just.

**94** Subject to the provisions of a maintenance order, any officer of the Department, and any police officer when so directed by the Commissioner of Police, may demand, collect, and receive from any person liable to pay the same all sums of money due to the Director under any maintenance order, and the receipt in writing of any such officer for moneys paid to him shall be a sufficient discharge therefor. Collection by the police of moneys due to the Director.

**95** All complaints under this Part, except where otherwise provided, shall be made by the Director or an authorised officer. Who may complain.