

(5) The Governor in Council may appoint any person to act temporarily as a member of the Board during the absence through illness or other cause of either of the appointed members thereof or during a vacancy in the office of an appointed member, and any person so appointed shall while so acting have all the powers and functions of and for all purposes be deemed to be a member of the Board.

Temporary appointments.

(6) The several members of the Board shall receive such remuneration for their services and such travelling expenses as are severally fixed by order of the Governor in Council.

Remuneration and expenses of members of Board.

29. (1) The chairman of general sessions who is a member of the Board shall *ex officio* be chairman of the Board.

Chairman.

(2) A quorum of the Board shall consist of the chairman and one other member of the Board.

Quorum.

30. (1) Meetings of the Board shall be held at such times and places as are prescribed, or in the absence of any such prescription, as are fixed by the chairman.

Meetings.

(2) Any questions of law arising before the Board shall be decided by the chairman alone.

Questions of law.

(3) Upon any other matter the decision of a majority of the members present at any meeting shall be the decision of the Board upon that matter.

Majority decisions.

(4) Subject to this Act and the regulations the Board may determine its own procedure.

Procedure.

31. (1) All courts and persons having by law or consent of parties authority to hear receive and examine evidence shall—

Judicial notice.

(a) take judicial notice of the signature of every person who is a member or the secretary of the Board attached or appended to any document by virtue of this or any other Act ; and

(b) until the contrary is proved presume that every such signature is properly attached or appended thereto.

(2) A certificate signed by the secretary of the Board purporting to record any determination or decision of the Board upon a matter within its competence shall be *prima facie* evidence of the making of that determination or decision by the Board.

Certificates of secretary of Board.

32. The

Powers duties and functions of Board.

32. The powers duties and functions of the Board shall be such as are prescribed by or under this or any other Act.

Board to have powers of commissioners under commission.

33. For the purpose of carrying out its functions and duties under this Act the Board and the chairman thereof shall respectively have and may exercise the powers conferred by sections seventeen to twenty-one of the *Evidence Act* 1958 upon commissioners under a commission issued by the Governor in Council and upon the president or chairman of such a commission and the provisions of the said sections with the necessary modifications shall apply to and in relation to the Board and the chairman thereof accordingly.

Saving of members of Board from liability.

34. No member of the Board shall be liable to any action or suit whatsoever in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power or duty conferred or imposed on the Board or on any member or members of the Board by or under this or any other Act.

Annual reports.

35. (1) The Board shall once in every year within such period as is prescribed make to the Minister a report as to—

(a) the number of persons released on parole during the prescribed period of twelve months and the number returned to youth training centres upon cancellations of parole during the said period ; and

(b) the operation and activities of the Board and of youth parole officers generally during the said period of twelve months.

Special reports.

(2) The Board shall, whenever so required in writing, furnish to the Minister a report upon any special matter relating to the exercise of any power or function of the Board.

Youth parole officers.

36. (1) Subject to the *Public Service Act* 1958 there shall be appointed a chief youth parole officer and such other stipendiary youth parole officers as the Governor in Council thinks necessary for the purposes of this Act.

Direction and control of youth parole officers.

(2) The chief youth parole officer and all other youth parole officers shall in relation to any parole order be subject to direction by the Board, but shall otherwise be under the control of the Director-General and all stipendiary youth parole officers shall be under the immediate control of the chief youth parole officer.

(3) The

(3) The functions powers and duties of the chief youth parole officer and of stipendiary youth parole officers shall be as prescribed by this Division and the regulations thereunder.

Functions powers and duties of youth parole officers.

37. Every young person sentenced by any court to be detained in a youth training centre shall thereupon become and be subject to the jurisdiction of the Board.

Young persons in youth training centres subject to Youth Parole Board.

38. (1) Where immediately before the commencement of this Act any young person within the meaning of this Act is imprisoned in a gaol he shall upon the said commencement unless the Adult Parole Board considers it inappropriate so to do having regard to the nature of the offence for which such young person is imprisoned and to his age character and antecedents be transferred to a youth training centre.

Young persons in gaol may be transferred to youth training centre.

(2) Upon the recommendation of the Adult Parole Board or the Director-General that it is appropriate in the interests of any young person imprisoned in a gaol that he should be transferred to a youth training centre the Minister may direct that such young person be transferred to a youth training centre and thereupon such young person shall be so transferred.

(3) The provisions of sub-section (3) of section twelve of this Act shall, so far as applicable, apply to any transfer pursuant to the provisions of this section.

39. Where immediately before the commencement of this Act any young person within the meaning of this Act is under committal pursuant to the provisions of section twenty-eight of the *Children's Court Act* 1958 to the care of the Children's Welfare Department or to a juvenile school he shall upon the said commencement be deemed to be detained in a youth training centre as if such committal was a sentence of detention in a youth training centre and shall thereupon become and be subject to the jurisdiction of the Board.

Young persons under committal to Children's Welfare Department or a juvenile school deemed detained in a youth training centre.

40. Any young person transferred from a gaol to a youth training centre pursuant to the provisions of section thirty-nine of this Act shall thereupon become and be subject to the jurisdiction of the Board for the unexpired portion of his term of imprisonment in all respects as if the sentence of imprisonment imposed upon him was a sentence of detention in a youth training centre : Provided that where a minimum term has been fixed in relation to such young person pursuant to the provisions of section five hundred and thirty-four of the *Crimes Act* 1958 he shall not be eligible to be released on parole by the Board until he has served such minimum term either in a gaol or a youth training centre or both in a gaol and a youth training centre.

Young persons transferred to youth training centres to be subject to Youth Parole Board.

41. (1) The

Release on parole from youth training centre.

41. (1) The Board may in its discretion by order in writing (hereinafter called a "parole order") direct that any young person detained in any youth training centre (hereinafter called a "trainee") be released on parole at the time specified in the order and he shall be released accordingly :

Provided that the Board may revoke amend or vary any parole order before the trainee has been released thereunder, and any order so amended or varied shall apply accordingly.

Requirements of parole order.

(2) Any trainee so released shall during the period from his release until the expiration of the period of his detention (hereinafter called the "parole period") be under the supervision of a youth parole officer and shall comply with such requirements as are specified in the parole order in accordance with the regulations.

Assignment of youth parole officers.

(3) The chief youth parole officer shall assign a youth parole officer to supervise the trainee during the parole period and may from time to time so assign another youth parole officer in lieu of the youth parole officer previously assigned.

Trainees on parole deemed still under sentence.

42. If the parole period elapses without the making by the Board of an order cancelling the trainee's parole or the commission by the trainee, whether in Victoria or elsewhere, of any offence for which he is sentenced to imprisonment or detention (whether during or after the parole period) the trainee shall be regarded as having served his period of detention and shall *ipso facto* be wholly discharged therefrom ; but until the parole period so elapses or until he is otherwise discharged from his sentence of detention, a trainee released on parole shall be regarded as being still under sentence and as not having suffered the detention to which he was sentenced.

Cancellation of parole by order of the Board.

43. (1) Where a trainee is released on parole as aforesaid the Board may in its discretion at any time before the expiration of the parole period by order cancel his parole.

Cancellation of parole by conviction.

(2) Where the trainee is sentenced to a term of imprisonment or to a further period of detention in a youth training centre in respect of any offence committed during the parole period, whether in Victoria or elsewhere, his parole shall *ipso facto* be cancelled notwithstanding that the parole period may already have elapsed.

Warrant for return of trainee to youth training centre.

(3) Where a trainee's parole is cancelled by order of the Board or he is sentenced to a further period of detention in a youth training centre the Board may, whenever necessary, by warrant signed by any two members of the Board authorize any member of the police force or other officer to apprehend the

trainee

trainee and return him to a youth training centre to serve the unexpired portion of the period of his detention, and such warrant shall be sufficient authority for his apprehension and return to a youth training centre accordingly.

(4) Where a trainee's parole is cancelled the original warrant of commitment or other authority for his detention shall again be in force and no part of the time between his release on parole and his recommencing to serve the unexpired portion of the period of his detention shall be regarded as time served in respect of that period : Provided that in any case where sub-section (1) of section forty-eight of this Act applies the warrant or other authority shall in all respects be regarded as and taken to be a warrant or other authority for committal of the trainee to gaol.

Where parole cancelled time on parole not to count as part of sentence.

44. The Board may again release a trainee on parole notwithstanding that his parole has been cancelled on any prior occasion or occasions under the foregoing provisions of this Division in respect of the same period of detention.

Authority to release on parole more than once.

45. Where a trainee undergoing a sentence of detention in a youth training centre is convicted of another offence by any court and sentenced to a further period of detention in a youth training centre the Court in passing the subsequent sentence may direct that the detention imposed thereby be made concurrent with or cumulative upon the period of the prior sentence but in the absence of any such direction the period of the subsequent sentence shall be cumulative upon the period of the prior sentence.

Sentences of detention may be made concurrent or cumulative in certain cases.

46. No young person who is convicted of any offence whilst he is serving a term of imprisonment of more than three months or which is committed whilst he is on parole from a gaol pursuant to the provisions of Part IV. of the *Crimes Act* 1958 shall be sentenced to be detained in a youth training centre for any such offence.

Young person in gaol or committing offence whilst on parole from a gaol not to be sentenced to detention.

47. (1) Where a trainee (whether undergoing detention or on parole) is sentenced to a term of imprisonment in respect of any offence the Board may direct that the trainee shall serve the unexpired portion of the period of his detention as imprisonment in a gaol in addition to the term of imprisonment imposed and thereafter the trainee shall be subject to the jurisdiction of the Adult Parole Board as if the period of detention served by him prior to such sentence or his release on parole by the Board had been a minimum term fixed pursuant to the provisions of section five hundred and thirty-four of the *Crimes Act* 1958 and the parole order pursuant to which he was released was an order of the Adult Parole Board.

Where trainee sentenced to imprisonment Board may order him to serve unexpired detention in gaol.

Suspension of service of detention where trainee sentenced to imprisonment.

(2) Where during the service of any sentence of detention in a youth training centre any young person is sentenced by any court to a term of imprisonment service of such sentence of detention shall be suspended until he has served the sentence of imprisonment in accordance with the provisions of section five hundred and thirty-five of the *Crimes Act* 1958.

Power to Minister on recommendation of Board to transfer trainees to gaol for unexpired period of detention.

48. (1) Upon the recommendation of the Board that it is appropriate, having regard to the antecedents and behaviour of any young person of or over the age of sixteen years detained in any youth training centre, that he should be transferred to a gaol to serve the unexpired portion of the period of his detention as imprisonment the Minister may direct that such young person be transferred to a gaol to serve the unexpired portion of the period of his detention as imprisonment and thereupon such young person shall be so transferred.

(2) The provisions of sub-section (3) of section twelve of this Act shall, so far as applicable, apply to any transfer pursuant to the provisions of this section.

(3) Any young person transferred to a gaol pursuant to the provisions of this section shall become and be subject to the jurisdiction of the Adult Parole Board as if the period of detention served by him prior to such transfer had been a minimum term fixed pursuant to the provisions of section five hundred and thirty-four of the *Crimes Act* 1958.

DIVISION 7.—MISCELLANEOUS PROVISIONS.

Penalty for communicating with inmates of youth training centres, trafficking, &c.

49. (1) Every person who without lawful authority or excuse—
- (a) holds or attempts to hold any communication with any ward of the Branch in any reception centre children's home or school or with any trainee in any youth training centre or any inmate of a remand centre ;
 - (b) enters any such reception centre children's home or school or any building yard or ground belonging thereto and does not depart therefrom when required so to do by any person for the time being in charge thereof ;
 - (c) delivers or in any manner attempts to deliver to any such ward trainee or inmate or introduces or attempts to introduce or causes to be introduced into any reception centre children's home school youth training centre or remand centre any article or thing not allowed by the regulations ;
 - (d) in any manner takes or receives from any ward trainee or inmate for the purpose of conveying out of or
- taking

taking away from any reception centre children's home school youth training centre or remand centre any article or thing whatsoever without the consent of the Director-General ;

- (e) delivers or causes to be delivered to any other person any article or thing whatsoever for the purpose of being introduced or conveyed as aforesaid or secretes or leaves upon or about any place where any such ward trainee or inmate is usually employed or detained any article or thing whatsoever for the purpose of being found or received by any such ward or inmate ;
- (f) at any time or in any manner contrary to the regulations conveys to or causes to be conveyed to any such ward trainee or inmate any article or thing whatsoever ; or
- (g) lurks or loiters about any reception centre children's home school youth training centre or remand centre for any of the purposes aforesaid—

shall be liable to a penalty of not more than One hundred pounds.

(2) Every person who without lawful authority or excuse enters any youth training centre or remand centre may be apprehended by any member of the police force or officer of the Branch without warrant and may by such member or officer be detained and kept in safe custody until he can be brought before a court of petty sessions which may hear and determine such offence ; and every such offender shall be liable to a penalty of not more than One hundred pounds or to imprisonment with or without hard labour for a term of not more than six months or to both such penalty and imprisonment.

50. (1) The Director-General may at any time order that any ward of the Branch or other person lawfully in his custody be examined to determine his medical physical or mental characteristics or defects.

Director-General may order persons in his custody to be medically examined.

(2) The Minister, the Director-General or any person authorized by the Minister in that behalf and notwithstanding the objection of any parent may consent to any surgical or other operation upon any person under the age of eighteen years lawfully in the custody of the Director-General which he is advised by a legally qualified medical practitioner is necessary in the interest of the health or welfare of any such person.

Consent to surgical operations, &c. on persons in custody of the Director-General.

(3) Arrangements may be made between the Minister and the Minister of Health whereby any necessary medical dental psychiatric and pharmaceutical services may be provided for any persons whatsoever in the custody care or control of the Director-General or the Branch or such voluntary organizations persons or classes of persons as are prescribed.

Arrangements for provision of medical, dental services, &c.

51. (1) The

Director-General may permit temporary leave to any person in his custody.

51. (1) The Director-General may, as he thinks fit, by writing under his hand permit any person in his legal custody to temporarily leave, with or without escort or supervision, the place where he is imprisoned detained or held in custody.

(2) Any permit under this section may contain such conditions limitations or restrictions as the Director-General thinks proper.

(3) Any person permitted temporary leave in accordance with the provisions of this section shall during such temporary leave be deemed to continue to be in legal custody.

(4) Any person who fails to return to the place of custody from which he was so released or is guilty of any contravention or of failure to comply with any other condition limitation or restriction contained in any such permit shall be deemed to have escaped from legal custody.

Obstructing, &c., officers in the execution of their duties an offence.

52. Every person who obstructs or hinders the Director-General or any officer of the Branch in the execution of his duties under this Act shall be guilty of an offence against this Act.

General offences and penalties.

53. (1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations shall for every such contravention or failure be guilty of an offence against this Act.

(2) Every person guilty of an offence against this Act for which no penalty is specially provided shall be liable to a penalty of not more than Fifty pounds.

Regulations.

54. (1) The Governor in Council may make regulations for or with respect to—

(a) meetings of the Training Council and fees and allowances to be paid to members thereof ;

(b) prescribing courses of instruction and training necessary to qualify for certificates of qualification issued by the Training Council ;

(c) prescribing fees to be paid—

(i) by persons attending lectures classes courses schools and other activities conducted by the Branch ;

(ii) by candidates at examinations conducted by the Training Council and for the issue of diplomas and certificates of competency ;

(iii) for the provision of any services to be rendered by any Division of the Branch ;

(d) prescribing

- (d) prescribing such forms and documents as are necessary or expedient for the administration of this Act ;
- (e) the conduct management and supervision of youth training centres, remand centres and such other homes and institutions as are established under and pursuant to this Act or under the control of the Branch ;
- (f) the correction and control of young persons in youth training centres ;
- (g) providing for the admission of ministers of religion to youth training centres remand centres and other homes and institutions established under and pursuant to this Act for the purposes of the spiritual welfare and pastoral care of their respective inmates ;
- (h) the provision by the Branch of any services to the public or any persons or bodies of persons engaged in social welfare activities ;
- (i) prescribing the functions powers and duties of youth parole officers ;
- (j) prescribing the terms and conditions to be included in parole orders made under this Act ; and
- (k) generally any matter or thing authorized or required to be prescribed by this Act or necessary or expedient to be prescribed for carrying this Act into effect.

(2) All such regulations made under this Act shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament, and a copy of such regulations shall be posted to each member of Parliament.

Publication of regulations.

PART II.—SUPPLEMENTARY.

55. The *Children's Court Act* 1958 shall be amended as follows :—

Amendment of No. 6218 s. 3.

(a) In sub-section (1) of section three—

(i) after the interpretation of "Age" there shall be inserted the following interpretation :—

“ “Branch” means the Social Welfare Branch of the Chief Secretary's Department.” ;

(ii) the interpretation of Department shall be repealed ;

(iii) the

- (iii) the interpretations of " Juvenile school " and " reception centre " shall be repealed ;
- (iv) after the interpretation of " Regulations " there shall be inserted the following interpretations :—
 " " School " and " reception centre " respectively mean school and reception centre under the *Children's Welfare Act 1958.* ' ; and
- (v) after the interpretation of " Special magistrate " there shall be inserted the following interpretation :—
 " " Youth training centre " and " Remand centre " respectively mean youth training centre and remand centre under the *Social Welfare Act 1960.* ' ;

Amendment of No. 6218 s. 9. Probation officers, &c., subject to Director-General of Social Welfare.

Amendment of No. 6218 s. 10. Chief Secretary may transfer probation officers.

Amendment of No. 6218 s. 26.

Amendment of No. 6218 s. 28. Power to Court to order payment of damages, &c.

Lower age for payment of higher fine.

Power to order payment of damages, &c.

- (b) In sub-section (1) of section nine after the words " subject to the Minister " there shall be inserted the words " and to the Director-General of Social Welfare and the *Social Welfare Act 1960* " ;
- (c) In sub-section (3) of section ten for the words " The Attorney-General " there shall be substituted the words " The Chief Secretary " ;
- (d) In sub-section (1) of section twenty-six for the words " or juvenile school " there shall be substituted the words " or remand centre " ;
- (e) In section twenty-eight—
 (i) in sub-section (1)—
 (a) in paragraph (c) after the word " birthday " there shall be inserted the expression—" and, in addition, if it thinks fit, order that the child pay such damages compensation and costs or any one or more of them as the Court thinks reasonable " ;
 (b) in paragraph (e)—
 (i) for the words " fifteen years " (where twice occurring) there shall be substituted the words " fourteen years " ; and
 (ii) after the word " years " (where second occurring) there shall be inserted the words—

words—“ and, if it thinks fit, order that the child pay such damages compensation and costs or any one or more of them as the Court thinks reasonable” ;

(c) for paragraph (f) there shall be substituted the following paragraph :—

Commitment to care of Branch or youth training centre, &c.

“(f) upon convicting him for an offence for which apart from this section a sentence of imprisonment may be imposed otherwise than in default of payment of a fine—

(i) if he is under the age of fourteen years at the date of conviction, admit him to the care of the Branch ; or

(ii) if he is of or over the age of fourteen years at the date of conviction, sentence him to be detained in a youth training centre for a period of not more than two years :

Provided that where the child has been convicted in the same proceedings of more than one such offence the Court may direct that he be detained for an aggregate period

of

of not more than three years in respect of all such offences” ;

Repeal of power to imprison child over age of sixteen years.

(d) paragraph (g) shall be repealed ;

(e) in paragraph (h) for the word “ Department ” there shall be substituted the word “ Branch ” ; and

Repeal of provisions as to parole.

(ii) sub-sections (2) (3) (4) and (5) shall be repealed ;

Amendment of No. 6218 s. 29. Probation not to extend beyond nineteenth birthday.

(f) In sub-section (1) of section twenty-nine—

(i) for the word “ Department ” there shall be substituted the word “ Branch ” ; and

(ii) at the end of paragraph (b) there shall be inserted the words “ and not extending beyond his nineteenth birthday ” ;

(g) In section thirty for the word “ Department ” (where twice occurring) there shall be substituted the word “ Branch ” ;

Amendment of No. 6218 s. 34.

(h) In section thirty-four after the word “ he ” there shall be inserted the words “ shall be under the supervision of a probation officer assigned by the chief probation officer and ” ;

Amendment of No. 6218 s. 35. Child released on probation or bond to be under supervision of probation officer.

(i) In section thirty-five—

(i) in sub-section (1) for the words “ the supervision of a probation officer of the Court making such order or of a probation officer of some other Court who shall for that purpose be deemed to be a probation officer of the Court making the order as if he had been appointed for that Court ” there shall substituted the words “ the supervision of a probation officer assigned by the chief probation officer ” ;

(ii) for sub-section (2) there shall be substituted the following sub-section :—

“ (2) Where the Court releases a child on probation the chief probation officer may assign a probation officer to be the probation officer in the case and may from time to time assign another probation officer in lieu of the probation officer previously assigned.” ; and

(iii) for

Chief probation officer may assign probation officers.