

(5.) The wages due by a person on account of a ward may be sued for and recovered in the name of the Minister by the Minister or an officer authorized by the Minister for that purpose.

(6.) The Minister shall apply any moneys received by him under either of the last two preceding sub-sections on behalf of a ward or of a person who has been a ward in or towards the benefit of the ward or person at any time before he attains the age of twenty-one years, and upon a person who has been a ward attaining that age, the Minister shall pay to him the balance (if any) of those moneys.

Religious teaching of wards.

24.—(1.) A ward shall, with respect to his religious teaching, be placed under the guidance and control of clergymen of the religious faith to which his parents belong or in which he has been brought up.

(2.) Where—

(a) the parents are unknown or the religious faith of the parents is unknown or the parents are of different religious faiths; and

(b) the ward has not been brought up in any religious faith,

the ward, with respect to his religious teaching—

(c) shall, if he has attained the age of twelve years, be placed under the guidance and control of clergymen of such religious faith as the Minister directs, or, if the ward states a religious faith in which he desires to be educated, of that religious faith; or

(d) shall, if he has not attained the age of twelve years, be placed under the guidance and control of clergymen of such religious faith as the Minister directs but may, on attaining the age of twelve years, select the religious faith in which he desires to be educated.

(3.) If at any time the religious faith of a ward or of his parents becomes known to the Minister, he shall order the ward to be placed under the guidance and control, with respect to his religious teaching, of clergymen of that religious faith.

Religious faith of person to whom ward apprenticed, &c.

25.—(1.) Where a ward is to be apprenticed, boarded out, placed out or placed as an adopted boarder, the ward shall, if it is practicable to do so, be apprenticed to, or boarded out, placed out or placed as an adopted boarder with, a person of the same religious faith as the clergymen under whose guidance and control the ward is placed for religious teaching in pursuance of the last preceding section.

(2.) Where it is not practicable to apprentice, board out, place out or place as an adopted boarder a ward in accordance

with the last preceding sub-section, the ward shall not be apprenticed to, or boarded out, placed out or placed as an adopted boarder with, a person unless the person undertakes not to impede or hinder the religious teaching of the ward by the clergymen under whose guidance and control the ward is placed for religious teaching in pursuance of the last preceding section.

26. Without prejudice to section nineteen of this Ordinance, the Minister may cause a person who has been a ward to be visited and inspected during a period not exceeding two years after the date upon which the person attains the age of eighteen years.

Extension of period of supervision.

27.—(1.) An officer may, in the performance of his duties, visit a ward.

Visit by officer.

(2.) The employer or foster parent of the ward shall permit the officer to interview the ward apart from the employer or foster parent (as the case may be) and to make such inspections and examinations as the officer considers necessary.

PART VI.—ALLOWANCES IN RESPECT OF DESTITUTE CHILDREN.

28. The Minister may, out of moneys lawfully available for the purpose and subject to such conditions (if any) as are prescribed, grant an allowance for the support of a destitute child to—

Persons eligible to receive aid.

- (a) the mother of the child, where the child is living with her and the mother is—
- (i) a widow;
 - (ii) a deserted wife;
 - (iii) a wife whose husband is—
 - (A) incapacitated and unable to follow his usual or any occupation;
 - (B) in gaol; or
 - (C) receiving an age pension under the *Social Services Act 1947-1957*;
 - (iv) a single woman;
 - (v) a woman living apart from her husband—
 - (A) under a decree of judicial separation;
 - (B) under a deed of separation; or
 - (C) where a decree nisi in divorce has been made;
 - (vi) a woman whose marriage has been dissolved by a decree absolute in divorce; or
 - (vii) a woman whose marriage is void or has been annulled by a decree or order of a court;

- (b) a single woman who has adopted the child and with whom the child is living; and
- (c) the father of the child, where the child is living with him and the father is incapacitated and unable to follow his usual or any occupation and is—
 - (i) a widower;
 - (ii) a deserted husband; or
 - (iii) a husband whose wife is—
 - (A) incapacitated through physical or **mental infirmity**;
 - (B) in gaol; or
 - (C) receiving an age pension under the *Social Services Act 1947-1957*.

Limitation of allowances.

29.—(1.) An allowance under this Part in respect of a child shall not be granted or continued after the child has attained the school leaving age unless—

- (a) the child is an invalid or is otherwise incapacitated; or
- (b) in the opinion of the Minister, the case possesses unusual features which call for special consideration.

(2.) Subject to the last preceding sub-section, the Minister may allow the payment of an allowance under this Part to be continued until the person in respect of whom the allowance was granted attains the age of eighteen years.

PART VII.—LICENSING OF PLACES FOR THE RECEPTION OF CHILDREN AND OF DAY NURSERIES AND KINDERGARTENS.

Certain places to be licensed.

30. A person shall not use a place for—

- (a) the reception and care of children under the age of seven years, apart from the mother or other parent of each of the children, or of one such child; or
- (b) a day nursery or kindergarten,

unless there is in force a licence granted to that person by the Minister under this Part in respect of that place.

Grant and cancellation of licences.

31.—(1.) The Minister shall, upon receiving an application in a form approved by the Minister for a licence under this Part, direct an officer to make inquiries and furnish to him a report concerning the place in respect of which the application is made.

(2.) Upon receiving the report, the Minister may grant a licence, subject to such conditions and requirements (if any) as he specifies in the licence, or may refuse to grant a licence.

(3.) A licence granted under this Part shall specify the purpose for which the licence is granted and the maximum number of children who may be received and cared for at, or who may attend, the place referred to in the licence.

(4.) The Minister may cancel a licence granted under this Part if he is satisfied—

(a) that the place in respect of which the licence was granted is no longer a fit and proper place to be licensed; or

(b) that the person holding the licence has failed to comply with the conditions and requirements of the licence.

(5.) A provision in a licence granted under this Part relating to the maximum number of children who may be received and cared for at, or who may attend, the place referred to in the licence may be varied by the Minister.

(6.) The Minister shall cause particulars of a variation made under the last preceding sub-section to be endorsed on the licence.

(7.) A person to whom a licence is granted under this Part shall comply with the conditions and requirements specified in the licence.

32.—(1.) For the purpose of making an inquiry and report in pursuance of the last preceding section or for the purpose of ensuring that the conditions and requirements contained in a licence granted under this Part are being complied with, an officer may at any time enter a place used or proposed to be used for a purpose specified in section thirty of this Ordinance and inspect it and the children who are in that place. Officer may inspect place.

(2.) The person in charge of a place being inspected under this section shall afford all reasonable facilities for the inspection.

(3.) An officer making an inspection under this section may, if he thinks it necessary, be accompanied by a medical practitioner or a member of the Police Force or both.

(4.) Where he is satisfied that an inspection is unnecessary, the Minister may exempt a place licensed under this Part from inspection in pursuance of this section.

33.—(1.) The person in charge of a place licensed under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance shall keep a register in which he shall enter such particulars as are prescribed. Register to be kept.

(2.) An officer authorized by the Minister to act under this section may require the person in charge of a place licensed

under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance to produce, at a reasonable time, the register kept under this section, and may examine it and make copies of any entries made in it.

(3.) A person shall not fail to produce a register when required under this section to do so.

Licence may be cancelled where conditions, &c., not complied with.

34.—(1.) Where, upon an inspection by an officer of a place licensed under this Part, it appears to the Director that any of the conditions or requirements contained in the licence are not being complied with, the Director may give such directions to the person in charge of the place as the Director thinks necessary in order to ensure compliance with the conditions and requirements.

(2.) A person shall not fail to comply with a direction given to him under this section.

(3.) Where a person is convicted of an offence against this section the Court may cancel the licence.

(4.) Where the Court cancels a licence under this Part in respect of a place used for a purpose specified in paragraph (a) of section thirty of this Ordinance, the Court may order that a child who is an inmate of the place be—

(a) restored to the custody of a parent;

(b) released to the custody of the Minister to be dealt with as a ward admitted to government control;
or

(c) released to the care of any other person.

Unlicensed places.

35. Where a person uses, for a purpose specified in paragraph (a) of section thirty of this Ordinance, a place in respect of which he does not hold a licence under this Part, a child who is an inmate of that place may, by authority of the Director, be removed from it, taken to a shelter and kept there until the Court orders him to be—

(a) restored to the custody of a parent;

(b) released to the custody of the Minister to be dealt with as a ward admitted to government control;
or

(c) released to the care of any other person.

Removal of child.

36. Where a child is removed from a place licensed under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance otherwise than in pursuance of either of the last two preceding sections, the person in charge of the place shall—

(a) notify the Minister that the child has been removed;
and

- (b) enter in the register kept under this Part the date on which the child was removed and the name, address and occupation of the person to whom the child was delivered and, if that person is a married woman, the address and occupation of her husband.

37.—(1.) A person shall not, without an order of the Court specifying the terms on which the child may be received, receive into his care a child under the age of seven years to rear, nurse or otherwise maintain, apart from his mother or other parent, in consideration of the payment of a sum of money or other valuable consideration otherwise than by way of periodical instalments. Reception of children under seven years.

(2.) The Court may make an order under this section and, having made an order, shall cause a copy of it to be forwarded to the Director.

(3.) A person shall not, without the consent of the Director, pay, receive or agree to receive an instalment referred to in sub-section (1.) of this section for more than four weeks in advance or at a rate in excess of the prescribed rate.

(4.) The Director shall, if required by a person wishing to place a child under the age of seven years in the care of the person in charge of a place licensed under this Part, receive from the first-mentioned person a sum of money from which he shall make to the person in charge such periodical payments as are agreed upon, being payments at a rate not exceeding the rate applicable under the last preceding sub-section.

(5.) This section does not apply to the person in charge of—

- (a) a place approved by the Director and supported wholly or in part by public subscription or by private charity where the place is open to inspection by the Department or controlled by the Department; or
- (b) a day nursery or kindergarten.

38. A person who receives into his care in a place licensed under this Part which is used for a purpose specified in paragraph (a) of section thirty of this Ordinance a child under the age of seven years to rear, nurse or otherwise maintain shall, within seven days, forward to the Director such particulars relating to the child and his parents as are prescribed. Particulars of children under seven years.

39. A person in charge of a place licensed under this Part and used for a purpose specified in paragraph (a) of section thirty of this Ordinance who changes his place of abode shall, within seven days, notify the Director of the change. Change of address to be notified.

Death of child to be notified.

40.—(1.) The person in charge of a place licensed under this Part and used for a purpose specified in paragraph (a) of section thirty of this Ordinance shall, immediately after the death of a child in that place, notify the death to the Director and the officer in charge of the nearest police station.

(2.) The officer in charge of the police station where notice under this section is given shall make inquiry and report to a coroner or magistrate whether he considers that an inquest or magisterial inquiry respecting the cause of death is necessary.

Notices under this Part.

41. Where a person is required under this Part to notify or forward particulars to the Director, the notification or particulars shall be in writing and, unless delivered personally by that person, shall be forwarded by registered post.

Exemption from this Part.

42. The provisions of this Part do not apply to the Canberra Community Hospital, to a place controlled by the Department, to a private hospital registered under the Public Health (Private Hospitals) Regulations, or to a person by reason of his having the care of a child where that person—

- (a) is a relation by blood of the child;
- (b) is a person to whom the custody of the child has been given by a court or by deed or will; or
- (c) is a person in whose care the child has been placed by the Minister in pursuance of Part V. of this Ordinance.

PART VIII.—LYING-IN HOMES.

Register to be kept.

43. The person in charge of a lying-in home shall—

- (a) keep a register of births for the purposes of this section; and
- (b) enter in the register such particulars as are prescribed relating to a child (including a still-born child) born in that home and to the mother of such a child.

Particulars to be furnished to Director.

44.—(1.) The person in charge of a lying-in home shall, within twenty-four hours after the birth of a child (including a still-born child) in that home, forward to the Director such particulars as are prescribed.

(2.) The Minister may exempt the person in charge of a lying-in home from the provisions of the last preceding subsection.

Officer may inspect lying-in home.

45. An officer authorized by the Minister for the purpose may at all reasonable times enter a lying-in home for the purpose of inspecting the register kept in pursuance of this Part and, where necessary, interviewing a mother and examining a child.

46. A person in charge of a lying-in home shall not, except with the consent of the Director, permit a child to be removed from the lying-in home otherwise than in the charge of the mother of the child.

PART IX.—NEGLECTED CHILDREN, UNCONTROLLABLE CHILDREN AND YOUNG PERSONS AND JUVENILE OFFENDERS.

47. A magistrate may, upon oath being made before him by a member of the Police Force or an officer that, having made due inquiry, the member of the Police Force or the officer believes a child or young person to be a neglected child or an uncontrollable child or young person—

- (a) issue his summons for the appearance of the child or young person before the Court; or
- (b) in the first instance, issue his warrant directing the child or young person to be apprehended.

48. A member of the Police Force or an officer may, whether or not the warrant is at the time in his possession, apprehend a child or young person for whose apprehension a warrant has been issued under the last preceding section.

49. An officer authorized by the Minister to act under this section or a member of the Police Force may, without warrant, apprehend a child or young person—

- (a) who is in a brothel;
- (b) who is in a place where opium or a preparation of opium is smoked; or
- (c) who he has reason to believe is a neglected child or an uncontrollable child or young person,

and cause him to be detained until he may be brought before the Court.

50. A child or young person who is apprehended in pursuance of this Part shall be brought before the Court as soon as practicable after his apprehension.

51. Where a child or young person is found in a brothel or a place where opium or a preparation of opium is smoked, the keeper or person in charge of the brothel or place is guilty of an offence against this section.

52. A child or young person who solicits a person for immoral purposes or otherwise behaves in an indecent manner shall be deemed an uncontrollable child or young person.

53.—(1.) A person having the care of a child or young person may apply to the Court to have the child or young person dealt with as an uncontrollable child or young person.

(2.) A child or young person in respect of whom an application is made under this section may be detained in a shelter pending the determination of the application by the Court.

Attendance of
parents at the
Court.

54.—(1.) The parent of a child or young person who is brought before the Court as, or is charged with being, a neglected child or an uncontrollable child or young person or is charged with having committed an offence shall attend the Court during the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.

(2.) Where a child or young person is arrested, or is apprehended and taken to a shelter, the member of the Police Force in charge of the police station to which he was brought or the person by whom he was taken to the shelter, as the case may be, shall cause the parent of the child or young person, if he can be found, to be warned to attend the Court when the child or young person appears.

(3.) If a parent fails without reasonable excuse to attend the Court, the Court may direct a warrant to issue to bring him before the Court at the hearing or further hearing.

(4.) A parent in respect of whom a warrant is issued may be admitted to bail on entering into a recognizance, with or without a surety or sureties, to attend the Court at the hearing of the matter or charge.

(5.) The parent whose attendance is required under this section is the parent having the actual care of the child or young person.

(6.) If the person required to attend the Court is not the father of the child or young person, the attendance of the father may also be required.

(7.) The attendance of the parent of a child or young person shall not be required under this section where the child or young person was, before the institution of the proceedings, removed from the custody or charge of that parent by an order of the Court.

(8.) During an adjournment of the hearing of a matter or charge under this Part the child or young person may be—

- (a) detained in a shelter;
- (b) permitted to go home with a parent or with any other person who is willing to take care of him during the adjournment; or
- (c) admitted to bail, with or without a surety or sureties.

(9.) If the Court is not in a position to decide whether an order and, if so, what order should be made under this Part, it may make such interim order as it thinks fit with respect to the child or young person before it for his detention or continued

detention in a shelter or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(10.) An interim order made under the last preceding subsection shall not remain in force—

(a) if it is an order for detention or continued detention in a shelter—for more than fourteen days; or

(b) if it is an order for committal to a fit person—for more than twenty-eight days,

but the Court may, before or after the expiry of the order, make a further interim order.

55. Where the Court finds that a child or young person is a neglected child or an uncontrollable child or young person, it may—

Powers of the Court where child or young person found to be neglected or uncontrollable.

(a) admonish and discharge the child or young person;

(b) release the child or young person on probation on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;

(c) commit the child or young person to the care of a person who is willing to undertake the care on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;

(d) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to government control; or

(e) commit the child or young person to an institution, either generally or for a specified term (whether expiring before or after the date on which the child or young person attains the age of eighteen years) not exceeding three years.

56. The Court may, where a child or young person is charged before the Court with an indictable offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth), hear and determine the charge in a summary manner.

Indictable offence triable summarily.

Powers of the
Court
respecting
indictable
offences.

57.—(1.) Where a child or young person is charged before the Court with an indictable offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth) and the charge is heard and determined in a summary manner, the Court may, if the child or young person admits the offence or if the Court finds the charge proved—

- (a) release the child or young person on probation on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (b) commit the child or young person to the care of a person who is willing to undertake the care on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (c) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to government control;
- (d) commit the child or young person to an institution, either generally or for a specified term (whether expiring before or after the date on which the child or young person attains the age of eighteen years) not exceeding three years; or
- (e) in addition to or in substitution for a committal under the last preceding paragraph, require the child or young person to enter 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, for a term of not less than twelve months or more than three years.

(2.) The Court may, if a child or young person does not enter into a recognizance as required in pursuance of paragraph (e) of the last preceding sub-section, direct that the child or young person be detained or further detained in a shelter for a period not exceeding thirty days or in an institution for a period not exceeding three months unless the recognizance is sooner entered into.

58. Where a child or young person is charged before the Court with an offence triable summarily (other than an offence against a law of the Commonwealth), the Court may, if the child or young person admits the offence or if the Court finds the charge proved—

Powers of the Court respecting summary offences.

- (a) release the child or young person on probation on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (b) commit the child or young person to the care of a person who is willing to undertake the care on such terms and conditions as are prescribed or as the Court, in a special case, thinks fit and for such period of time (whether expiring before or after the date on which the child or young person attains the age of eighteen years) as the Court thinks fit;
- (c) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to government control;
- (d) commit the child or young person to an institution, either generally or for a specified term (whether expiring before or after the date on which the child or young person attains the age of eighteen years) not exceeding three years; or
- (e) deal with the child or young person according to law.

59. Where a child or young person is charged before the Court with an offence (other than homicide, rape or any other offence punishable by death or an offence against a law of the Commonwealth) and the child or young person admits the offence or the Court finds the charge proved, the Court, if it considers that, having regard to all the circumstances and to the welfare of the child or young person, it is inexpedient to make an order under either of the last two preceding sections, may, without proceeding to a finding of guilt—

Order without finding of guilt.

- (a) dismiss the charge;
- (b) admonish and discharge the child or young person; or
- (c) discharge the child or young person conditionally on his entering into a recognizance, with or without a surety or sureties, to be of good behaviour, to comply with such terms and conditions as the