

When and as often as a subsequent order varying or discharging the maintenance order is filed in the registry of the Supreme Court of Queensland or is made by a Children's Court the registrar or, as the case may require, clerk of the court shall forward an office copy of that subsequent order to the appropriate clerk of the court.

Every such office copy shall be made and forwarded as prescribed free of charge and may be so forwarded by prepaid registered post or by delivering the same to the appropriate clerk of the court at his office.

(3) Upon the receipt of an office copy of a maintenance order forwarded to him pursuant to this section the clerk of the court shall enter the same in a register to be kept by him for the purpose and thereupon the maintenance order shall, subject to any further order varying or discharging the same, be of the same force and effect and may be enforced under "*The Maintenance Acts, 1949 to 1954*," or any Act passed in substitution therefor and all proceedings and remedies for the enforcement thereof may be taken as if such order were a maintenance order made pursuant to "*The Maintenance Acts, 1949 to 1954*," or, as the case may require, any Act passed in substitution therefor by a Magistrates Court and containing a direction that the payment of maintenance be made to the clerk of the court and, notwithstanding anything to the contrary in this Act contained, it shall, for the purpose of taking all such proceedings and remedies for the enforcement thereof be deemed to be enforceable and remain in full force and effect until the direction referred to in subsection (1) of this section is suspended, varied or rescinded by the court or the maintenance order which includes such direction is discharged by the court.

A Magistrates Court shall not have or exercise any power to vary, suspend or discharge any such order or, while it subsists, to substitute a new order in its stead.

(4) The court may at any time suspend, vary or rescind a direction made pursuant to this section.

(5) The provisions of this section shall operate so as not to prejudice the jurisdiction, powers and authority of the court or the enforcement of any maintenance order in any other manner provided by law.

95. Power of court to remove guardian. The court may, in its discretion, if it is satisfied that it is in the best interests of the infant concerned, remove from his office any testamentary guardian or any guardian appointed pursuant to this Part and, if the court is satisfied that it is in the best interests of the infant concerned, appoint another guardian in place of the guardian so removed.

96. Production of infant. (1) When a parent of an infant applies to the court for a writ or order for the production of such infant and the court is of opinion that such parent has abandoned or deserted the infant or that he has otherwise so conducted himself that the court should not enforce his right to the custody of the infant, the court may, in its discretion, refuse to issue such writ or make such order.

(2) If, upon such an application, it appears to the court that the applicant—

(a) has abandoned or deserted such infant; or

- (b) has allowed such infant to be brought up by a person or persons other than the applicant at such person's or persons' expense for such a period and under such circumstance that the court is satisfied that the applicant was unmindful of his parental duties,

the court shall not order the delivery of such infant to the applicant unless the applicant satisfies the court that, having regard to the welfare of the infant, he is a fit person to have the custody of the infant.

(3) If at the date of such an application such infant is being or has been brought up by a person or persons other than the applicant the court may, if it issues the writ or makes the order applied for, further order that the applicant pay to such other person or persons the whole of the costs properly incurred by him or them in bringing up such infant (the amount of which costs may be determined by the court) or such portion of such costs as the court thinks just and reasonable having regard to all the circumstances of the case.

97. Power of court as to infant's religious education. If, upon an application by a parent of an infant for the production or custody of such infant it appears to the court that—

- (a) the applicant ought not to have custody of such infant; and
 (b) the infant is being brought up in a religion different to that in which the applicant has a legal right to require that the infant should be brought up, the court may, in its discretion, if the applicant so requires it, make such an order as it thinks fit to secure that such infant be brought up in the religion in which the applicant so requires.

The provisions of this section shall not be construed to prejudice—

- (a) the power of the court to inform itself of and to have regard to the wishes of such infant as to what order, if any, should be made; or
 (b) the right of such infant to make a free choice in relation to the matter.

98. Disputes between joint guardians. When two or more persons who are joint guardians of an infant do not agree on any matter affecting the welfare of such infant, any of them may apply to the court for its direction and the court may make such order regarding the matter in difference as it thinks proper.

99. Rules of Court. The power to make Rules of Court conferred upon the Governor in Council by "*The Supreme Court Act of 1921*," includes power to make such Rules in relation to the exercise by the Supreme Court of Queensland of its jurisdiction conferred by this Act.

100. (1) Children's Court not competent in certain applications. Notwithstanding any provision of this Act a Children's Court shall not be competent to hear any application made pursuant to or referred to in this Part—

- (a) if the infant in relation to whom such application is made is not a child at the date of the making of such application;
 or

- (b) the determination of which application—
- (i) involves the administration or application of any property belonging to or held on trust for an infant, or the income thereof; or
 - (ii) would or would be likely to rescind, discharge, vary or otherwise affect an order made by the Supreme Court of Queensland in respect of the infant concerned.

(2) **Venue of applications to Children's Court.** An application to be made to a Children's Court pursuant to this Part shall be made to the Children's Court in the Magistrates Courts district in which the infant, in respect of whom such application is to be made, is at the date of the making of such application.

(3) If the Magistrate constituting a Children's Court to which an application is made pursuant to this Part considers that such application could more properly or conveniently be determined by the Supreme Court of Queensland he shall refrain from dealing with such application.

An appeal shall not lie from such a decision.

101. (1) Removal of proceeding into Supreme Court. When a proceeding has been commenced pursuant to this Part in a Children's Court any party to or person likely to be affected by any order made in such proceeding may apply by originating summons to a Judge of the Supreme Court of Queensland for an order that such proceeding be removed from the Children's Court into the Supreme Court of Queensland and, if a Judge so orders, such proceeding shall be thereupon removed from the jurisdiction of the Children's Court accordingly.

Upon such an application a Judge may make an order sought or may refuse to make any order and in either case make such order as to costs as he thinks proper.

(2) **Appeal from Children's Court.** Any person who feels aggrieved by a decision or order of a Children's Court made in a proceeding commenced pursuant to this Part may, except as in this Part is otherwise provided, appeal to a Judge of the Supreme Court of Queensland.

Every such appeal shall be by way of re-hearing.

102. Inherent jurisdiction of Supreme Court preserved. No provision of this Part shall be construed to restrict or prejudice the jurisdiction of the Supreme Court of Queensland to appoint and remove guardians or otherwise in relation to infants.

PART X—FOSTER PARENTS

103. Placing of children in care. The Director may place any child in care in the charge of any person approved by him as a foster parent under this Part if the Director is satisfied that it is in the best interests of such child that he be so placed.

A child so placed shall remain in such charge until—

- (a) he ceases to be a child in care; or
- (b) the Director otherwise determines,

whichever event first occurs.

104. Approval of foster parents. (1) A person who desires to act as a foster parent to a child in care shall make an application in or to the effect of the prescribed form to the Director for his approval.

Every such applicant shall furnish to the Director a certificate of a legally qualified medical practitioner in or to the effect of the prescribed form relating to such applicant.

(2) The Director may refer such an applicant to the Director-General of Health and Medical Services for the purpose of medical examination.

The Director-General of Health and Medical Services shall cause an applicant so referred to him to be examined by a legally qualified medical practitioner and such medical practitioner to furnish a certificate in or to the effect of the prescribed form to the Director as to his findings upon such examination.

(3) The Director may, upon being satisfied that such an applicant is a fit and proper person to be a foster parent, approve of such applicant for that purpose.

(4) The Director may, at any time, revoke an approval given by him pursuant to this section.

105. Restriction on male foster parent. (1) The Director shall not approve of any male to be a foster parent unless such male is residing with and supporting his wife who is also approved by the Director as a foster parent.

(2) When foster parents in whose charge is a child in care cease to reside together as man and wife the Director may in his discretion—

- (a) resume charge of such child;
- (b) replace such child with other foster parents;
- (c) permit such child to remain in the charge of such foster mother if she is still living; or
- (d) permit such child to remain in the charge of such foster father if he is still living,

whichever course appears to the Director to be in the best interests of such child.

106. No person to be foster parent unless approved. A person shall not act or represent himself to be prepared to act as a foster parent in relation to a child in care unless such person is approved for that purpose by the Director.

107. Duties of foster parents. (1) Every foster parent having in his charge a child in care shall—

- (a) provide such child with adequate food, clothing, medical treatment, lodging and care;
- (b) keep every part of the home at all times in a fit and proper state for the care of such child;
- (c) secure for such child adequate education and religious training of a type and form approved by the Director;
- (d) do, observe and carry out all acts, requirements and directions prescribed by this Act or by any order of the Director in relation to the home or the upbringing of such child;
- (e) accurately keep such books and records as are prescribed;
- (f) furnish to the Director correct returns in relation to all such matters and things and at such time or times as are prescribed.

(2) The Director may, by order under his hand, require every foster parent to do all such acts and to observe and carry out all such requirements and directions in relation to a child in care in his charge as are specified in such order.

(3) Every foster parent shall be responsible not only for his own acts or defaults in relation to a child in care in his charge or in relation to the home in question but also for any act or default in relation to such child or home of any member of his family or of any person employed by him in or in connection with the home.

It is immaterial for the purpose of establishing liability of a foster parent for an offence against this Act that, in respect of any such act or default, such foster parent—

(a) did not know of such act or default; or

(b) had instructed the person who has done such act or made such default not to do such act or not to make such default.

108. Payment of maintenance to foster parents. Subject to appropriation by Parliament of money for the purpose, the Director may pay to a foster parent in whose charge a child in care is, for the care and maintenance of such child, such sum as is prescribed.

109. Home of foster parents need not be registered. It shall not be necessary for foster parents who have in their charge a child in care to register under Division II of Part VIII of this Act either themselves or the premises used by them as their home.

PART XI—EMPLOYMENT OF CHILDREN

110. Employment of children in care. (1) The Director may arrange the employment or apprenticeship of any child in care and may place such child in employment or apprenticeship in accordance with this Act.

In exercising the power conferred upon him by this subsection, the Director shall—

(a) ensure, so far as he is able, that the child concerned is placed in employment or apprenticeship best suited to his capabilities;

(b) ensure that the employer or master of the child concerned, subject to this Act, pays to or to the use of such child, at the least, such wage as is required by any Act or law, industrial award or industrial agreement applicable in relation to such child and abides by all other requirements of any such Act, law, award or agreement;

(c) if there be no Act, law, industrial award or industrial agreement applicable in the circumstances, use his best endeavours to secure for the child concerned the best wage and conditions of employment he can arrange.

(2) An agreement for the employment and an indenture of apprenticeship of a child in care shall be exempt from the provisions of "*The Stamp Acts, 1894 to 1963.*"

(3) The fact that prior to his completion of a period of employment or apprenticeship a person ceases to be a child in care shall not affect the validity and effect of any agreement or indenture, entered into or any act done in relation to the arrangement of such employment or apprenticeship while such person was a child in care.

(4) When prior to his completion of a period of employment or apprenticeship the guardianship of a child in care passes from the Director to any person in accordance with this Act the person who, from time to time, is guardian of such child shall be deemed to be the guardian who is a party to any agreement or indenture entered into by the Director with respect to such employment or apprenticeship as guardian of such child in care and to be bound by the covenants and agreements therein made on the part of the Director who shall thereupon be discharged from any obligation thereunder in respect of a breach of such covenants or agreements occurring after the date such guardianship passes from the Director.

If such guardianship becomes vested in more than one person such persons shall be bound, pursuant to this section, jointly and severally.

111. Payment of wage of child in care. (1) Except as is otherwise prescribed, or required by any Act or law, a notice issued pursuant to this section or an agreement relating to the employment or apprenticeship of the child in care concerned, the employer or master of a child in care shall pay to such child all wages earned by him in his employment or apprenticeship.

(2) The Director or an officer of the Department authorized by him may, by notice in writing to a child in care, require such child to pay the whole or any part of a wage paid to him to the Director.

The Director shall deposit all money received by him pursuant to such a requisition to a Savings Bank to be held on interest bearing account on trust for such child.

(3) If a child in care to whom a notice has been given pursuant to the last preceding subsection fails to obey the requisition therein contained the Director or officer of the Department authorized by him may, by notice in writing to the employer or master of such child, require such employer or master to pay to the Director the wage, or part thereof, which, but for such requisition, would be payable to such child.

The employer or master to whom a notice is given pursuant to this subsection shall comply with the requisition therein contained on and from the pay-day next following the receipt by him of such notice until the Director or an officer of the Department authorized by him otherwise directs or the child concerned ceases to be a child in care whichever first occurs.

112. Director's power to deal with and dispose of property of child in care. (1) The Director may, from time to time, apply property held or deposited by him for or on behalf of a child in care and interest accrued thereon, or any part thereof, for or towards any purpose which, in the Director's opinion, is for the benefit of such child in care.

The Director may, from time to time, sell any such property for the best price he can obtain either by public auction or private treaty and shall deposit the nett proceeds of such a sale, or so much thereof as is not immediately required for a purpose in this subsection mentioned, to a Savings Bank to be held on interest bearing account on trust for the child in care concerned.

The Director may exercise the powers conferred on him by this subsection notwithstanding that the owner of such property has ceased to be a child in care.

(2) When a child in care—

- (a) attains the age of eighteen years; or
- (b) ceases to be in care,

whichever is the later to occur, the Director shall pay or deliver to such person all property then held or deposited by the Director for or on behalf of such person and interest accrued thereon unless the Minister directs pursuant to the next succeeding subsection.

(3) The Minister may, by writing under his hand, direct that property held or deposited by the Director for or on behalf of any person who is or was a child in care shall continue to be so held or deposited until the owner thereof attains the age of twenty-one years and the Director shall comply with such a direction unless and until he disposes of such property and interest accrued thereon pursuant to the next succeeding subsection.

(4) If before the Director pays or delivers to a person who is or was a child in care property held or deposited by the Director for him or on his behalf—

- (a) such person becomes a patient within "*The Mental Health Acts, 1962 to 1964*," or otherwise during his lifetime, by operation of law and without appointment or declaration in that behalf on his part his property other than that so held or deposited by the Director becomes held in trust or managed for him; or
- (b) such person dies,

the Director shall—

- (c) in any case referred to in paragraph (a) of this subsection, pay or deliver such property and interest accrued thereon to the person who in law is entitled to hold such property for such person and thereupon the Director shall be absolved from the management of such property and from any liability for subsequent misapplication or non-application thereof;
- (d) in the case referred to in paragraph (b) of this subsection, sell for the best price he can obtain either by public auction or private treaty so much of such property as, in his opinion, is saleable (except such articles of a personal nature as the Minister directs, which articles shall be disposed of as the Minister in the particular case directs) and pay the nett proceeds of such a sale and all other money he is then holding or has on deposit for such person into Consolidated Revenue.

Upon the recommendation of the Minister the Governor in Council may approve that the whole or any part of such money paid into Consolidated Revenue be paid to such person or persons being a parent, relative, kinsman or beneficiary of the deceased person concerned or any person who would upon intestacy be entitled to his estate or any part thereof and in such proportions as the Governor in Council directs or to the Director for the benefit of children in care generally and the Treasurer of Queensland shall cause payment to be made accordingly.

Neither the estate of such deceased person nor any person claiming to be entitled to such estate or any part thereof as a beneficiary or upon intestacy shall be entitled to any part of property held or deposited by the Director for or on behalf of such deceased person or to any part of money paid into Consolidated Revenue pursuant to this subsection except as prescribed by this subsection.

(5) If the Director does not know of the whereabouts of a person for whom he is holding or has on deposit property pursuant to this section when he is required by this section to pay or deliver such property to such person the Director shall continue to retain such property and if, by the expiration of one year, no person has established his entitlement to such property to the satisfaction of the Director he shall sell for the best price he can obtain either by public auction or private treaty so much thereof as, in his opinion, is saleable and shall pay the nett proceeds of such a sale and all other money he is then retaining for such person and interest accrued thereon to the credit of The Trust Fund established pursuant to "The Audit Acts, 1874 to 1965," and shall dispose of all other such property as he thinks fit.

(6) In this section the expression "nett proceeds of such a sale" means the proceeds of a sale of property in question less the expenses incurred by the Director in arranging and effecting such sale.

113. Unauthorized street-trading by children prohibited. Any person who employs in street trading a child who—

- (a) being of or over the age of twelve years and under the school leaving age as provided for from time to time by law is not licensed under the next succeeding section of this Act; or
- (b) being licensed under the next succeeding section of this Act, is employed by him in street trading of a description or at a time not authorized by such licence, or otherwise than in compliance with the conditions set forth in such licence; or
- (c) is under the age of twelve years,

commits an offence against this Act.

114. Licence for street-trading. (1) The Director or an officer of the Department authorized by him may issue to any child of or above the age of twelve years and under the school leaving age as provided for from time to time by law a licence in writing authorizing such child to engage in a description of street-trading specified therein in accordance with this Act.

Any such licence issued shall be issued for a term not exceeding six months but, subject to a like limitation, may be renewed from time to time.

The Director or such officer may specify conditions to be applicable to any licence issued by him pursuant to this subsection and if he does so he shall set forth such conditions in such licence.

(2) The Director or, as the case may be, officer of the Department called upon to issue or renew such a licence shall not issue or renew the same unless he is satisfied that the physical and spiritual welfare and education of the child concerned will not suffer by the description of street-trading in question.

(3) The Director may at any time cancel a licence issued pursuant to this section.

(4) A child to whom a licence under this section is, for the time being, issued shall—

- (a) while he is engaging in street-trading, carry such licence upon his person;

- (b) upon demand of the Director, an officer of the Department or a police officer, produce such licence to the person demanding it;
- (c) upon notice from the Director that his licence has been cancelled, surrender such licence to the Director.

115. Offence to employ children in certain occupations. Any person who counsels or procures or, having the custody of the child concerned, allows a child—

- (a) to be in any place for the purpose of begging or receiving alms or inducing the giving of alms whether under the guise or pretence of singing, playing, performing, selling or otherwise; or
- (b) who is under the school leaving age as provided for from time to time by law to be employed or engaged—
 - (i) in any work in or about racing stables;
 - (ii) in connection with the training of any quadruped for racing;
 - (iii) as a jockey in any horse or pony race;
- (c) to engage in any dangerous or indecent performance;
- (d) who is not the holder of a permit issued for the purpose pursuant to the next succeeding section of this Act to be employed or used—
 - (i) as a performing artist in any place being used for a broadcast or television performance or for the photographing of scenes to be depicted in a cinematographic film;
 - (ii) in any premises licensed under law for public entertainment;
 - (iii) in any circus;
 - (iv) in any place set apart for spectators at any sporting event or in or near any way of access to or egress from any such place,

commits an offence against this Act.

It is a defence to a charge of an offence against subparagraph (ii) of paragraph (b) of this section that the person, club or association under whose management the racing for which the quadruped concerned was being trained would be conducted did not permit betting on such racing and that the defendant believed on reasonable grounds that betting on such racing would not occur.

It is a defence to a charge of an offence against subparagraph (iii) of paragraph (b) of this section that the person, club or association under whose management the race in which the child concerned was employed or engaged as a jockey was conducted did not permit betting on such race and that the defendant believed on reasonable grounds that betting on such race would not occur.

It is a defence to a charge of an offence against paragraph (d) of this section that the charge relates to an occasion of entertainment the proceeds of which were, at the time of the occurrence thereof, to be applied or substantially applied to any church, school, charitable or patriotic purpose and have been so applied.

116. Director may issue permits. (1) Subject to this section, the Director may, upon application made by or on behalf of a child, issue a permit to any child authorizing such child to be employed or used in any of the places or premises specified in paragraph (d) of the last preceding section of this Act.

(2) When the Director issues a permit pursuant to the preceding subsection he shall issue the same subject to such conditions as are prescribed in relation to the issue of such permit and subject to such conditions as he specifies in a particular case.

Without limiting the conditions which may be prescribed or so specified such conditions may include—

- (a) the purpose for which such permit is issued;
- (b) the period for which such permit is to continue in force;
- (c) the hours within which the holder of such permit may be employed or used.

The Director shall set forth in each such permit the conditions applicable to such permit.

(3) The Director shall not issue a permit pursuant to subsection (1) of this section—

- (a) unless he is satisfied that the child concerned is physically fit to be employed or used for the purpose proposed in the application for such permit and that the physical and spiritual welfare and education of such child will not be prejudiced by such employment or use;
- (b) which permit authorizes a child to be employed or used between the hours of eleven o'clock at night and six o'clock in the morning or on a Sunday:

Provided that the Director may grant such a permit to a child authorizing such child to be employed or used in a broadcast or television performance on a Sunday between the hour of eight o'clock in the forenoon and the hour of eight o'clock in the afternoon for the purposes of a religious programme sponsored by a church or religious body.

(4) The Director may at any time cancel a permit issued pursuant to subsection (1) of this section and may, from time to time, vary the conditions applicable to such a permit.

The Director shall cause written notice of any such cancellation or variation to be given to the holder of the permit in question or to such holder's guardian.

The holder of a permit which has been cancelled by the Director shall, upon notice from the Director of such cancellation being given to him or his guardian, surrender such permit to the Director.

(5) A child to whom a permit under this section is, for the time being, issued shall—

- (a) while he is employed or used in any place in relation to which he should, pursuant to this Part, hold such a permit, carry such permit upon his person;
- (b) upon demand of the Director, an officer of the Department or a police officer, produce such permit to the person demanding it.

117. Holder of a permit to be employed in accordance therewith. Any person who counsels or procures or, having custody of the child concerned, allows a child who is the holder of a permit issued under section one hundred and sixteen of this Act to be employed or used otherwise than in accordance with such permit commits an offence against this Act.

118. Power of entry and search. (1) The Director or an officer of the Department authorized by him or a police officer may at all reasonable hours of the day or night enter any place referred to in section one hundred and fifteen of this Act in which a child is employed or being used or in which the Director or such officer or police officer reasonably suspects that a child is employed or being used and may make all such investigations and enquiries in relation to such child as he thinks desirable.

The Director or such officer of the Department may be accompanied by a police officer and a legally qualified medical practitioner and such police officer may be accompanied by a legally qualified medical practitioner.

(2) A person who—

- (a) fails to answer truthfully to the best of his knowledge and belief any question asked of him by the Director or an officer of the Department authorized by the Director or a police officer in the course of an investigation or enquiry being made pursuant to the preceding subsection; or
- (b) wilfully obstructs the Director or such officer or police officer in making an entry, investigation or enquiry pursuant to the preceding subsection,

commits an offence against this Act.

PART XII—MAINTENANCE BY RELATIVES OF CHILDREN IN NEED OF ASSISTANCE AND CHILDREN IN CARE

119. (1) Definition of "relative" and "child". In this Part the term "relative" means a person bearing to the child concerned one of the relationships referred to in the next succeeding section and the term "child" means a person in respect of whom the Director is giving assistance pursuant to Part V of this Act and a child in care.

(2) **Application of this Part.** The provisions of this Part are in addition to and not in substitution for any other provision of law providing for the securing of maintenance of any person.

120. Priority in liability of relatives. The undermentioned relatives of a child shall be liable to pay or contribute to the maintenance of such child according to their respective abilities and in the following order of priority:—

- (i) father;
- (ii) mother;
- (iii) step-parent:

Provided that if both the father and mother of a child are living and are able to contribute towards such maintenance a step-parent of such child shall not be liable under the provisions of this section.

121. Maintenance order. (1) Upon complaint that any person is a relative of a child and is able to pay or contribute to the maintenance of such child any justice may issue his summons directed to such person and requiring him to appear before a Magistrates Court at a time and place to be stated in the summons.

(2) In addition to the powers and jurisdiction exercisable by a Magistrates Court under "*The Justices Acts, 1886 to 1964*," the court by which the matter of such complaint is heard or is to be heard may from

time to time cause a summons to be issued and directed to any person alleged to be a relative of the child concerned requiring him to appear before the court at a time and place to be stated in the summons.

(3) If the court is satisfied that the person summoned or, where there are two or more persons summoned, any one or more of such persons, is a relative of the child concerned and is able to pay or contribute to the past or future maintenance of such child the court may order the person or persons in respect of whom it is so satisfied to pay to the Director—

(a) such sum for the past maintenance of the child as to the court seems sufficient, either by way of a lump sum payment or instalments as the court directs; **and**

(b) future maintenance at such rate per week as to the court seems sufficient and at such times and in such manner as the court directs.

(4) When a court proposes to make a maintenance order under this section against two or more relatives of a child it shall make a separate order against each of them and shall fix the amounts or proportions payable by each such relative.

(5) A court shall not make a maintenance order for the payment in advance of future maintenance otherwise than by periodical instalments not exceeding four weeks in advance unless with the consent of the Minister first had and obtained.

(6) Every maintenance order shall be served upon the relative or relatives against whom it is directed in such manner as is prescribed or as the court which makes such order in any case directs:

Provided that every such order shall operate from its pronouncement notwithstanding that a formal order has not been drawn up, signed or served.

(7) (a) A complaint made pursuant to this section may be made—

(i) in relation to the maintenance of any number of children provided such children, where there are two or more, have at least one common relative;

(ii) in respect of any number of persons alleged to be relatives of the child or children concerned.

(b) When, pursuant to this section, a court makes a maintenance order in relation to the maintenance of two or more children it shall direct separately the rates per week of the respective payments thereunder for the maintenance of each child concerned.

122. Powers of court in proceeding concerning illegitimate children.

Upon the hearing of a complaint made pursuant to this Act in relation to the maintenance of an illegitimate child—

(a) the court shall not be satisfied that a particular male person is the father of the child on the uncorroborated evidence of the mother;

(b) the court shall not make a maintenance order against any person alleged to be the father of the child if it is satisfied that at about the time the child was conceived the mother was a common prostitute or had had sexual intercourse with a man other than such person.

123. Undertaking to pay maintenance. (1) Any person, whether a relative of the child concerned or not, may undertake in writing to pay or contribute to the maintenance of a child.

Every such undertaking shall be signed by the person who gives the same.

Such an undertaking may be accepted—

(a) if a complaint has been made in relation to the maintenance the subject of such undertaking, by the Magistrates Court in which such complaint is filed; or

(b) if such a complaint has not been made, by the Director or an officer of the Department,

and upon acceptance such undertaking shall in relation to the person giving such undertaking be deemed to be a maintenance order made by a Magistrates Court pursuant to this Part against the person giving such undertaking.

The acceptance of such an undertaking shall be evidenced by an endorsement made on such undertaking which endorsement shall be signed—

(c) in the case of an acceptance by a Magistrates Court, by the justice who constitutes or the justices who constitute such court;

(d) in any other case, by the Director or, as the case may be, the officer of the Department who has accepted such undertaking.

(2) In any proceeding under this Part against any person for failure to comply with an undertaking given pursuant to the preceding subsection or for securing his compliance with such an undertaking a document purporting to be such an undertaking given by a person of the same name as the person against whom such proceeding is taken and claimed, either in the complaint by which such proceeding is commenced or in evidence adduced in relation to such complaint, to be the undertaking on which the proceeding is founded shall be evidence and, in the absence of evidence in rebuttal thereof, conclusive evidence—

(a) of the particulars stated in such document; and

(b) that the signature appearing thereon as the signature of the person who gave such undertaking was affixed thereto by the person against whom such proceeding is taken.

124. Enforcement of liability to pay maintenance. (1) Upon complaint that any person liable under a maintenance order made pursuant to this Part has made default in complying with such order or that the complainant reasonably suspects that any such person intends to evade compliance therewith a justice may issue his summons directed to such person and requiring him to appear before a Magistrates Court at a time and place to be stated in the summons.

(2) Upon the hearing of any such complaint the court may order the person so liable to find security sufficient in the opinion of the court that he will comply with the order for default under which or for intent to evade which he has been summoned and the court may further order, by the same or a subsequent order, that in default of such person's finding sufficient security within the time specified by the court such person be imprisoned for a period not exceeding six months unless the order to find security is sooner complied with.

The court which orders the finding of security may determine the sufficiency of any proposed security and in what manner such security is to be given.

125. Variation of maintenance order. (1) Upon complaint of any person liable under a maintenance order made pursuant to this Part or of the Director or of an officer of the Department authorized by the Director in that behalf a justice may issue his summons directed—

- (a) in the case of a complaint of a person liable under such an order, to the Director or an officer of the Department;
- (b) in any other case, to the person or persons liable under the order the subject of the complaint,

requiring the person or persons to whom it is directed to appear before a Magistrates Court at a time and place to be stated in such summons to show cause why such order should not be discharged, suspended, varied or, as the case may require, why another order should not be made in substitution therefor.

(2) Upon the hearing of a complaint made pursuant to the preceding subsection a Magistrates Court may exercise all or any of the following powers:—

- (a) cause a summons to be issued to any person who appears to the court to have an interest in the matter of the complaint requiring him to appear before the court at a time and place to be stated in the summons;
- (b) enquire into the ability of the complainant, being a person liable under such an order, and of any other person summoned to appear before the court to pay or contribute to the maintenance of the child concerned;
- (c) enquire into the relationships existing between the persons before the court or summoned to appear before the court and the child concerned;
- (d) discharge or suspend for a specified time any order previously made under this Part under which any of the persons before the court or summoned to appear before the court is liable to pay or contribute to the maintenance of the child concerned;
- (e) increase or reduce the periodical sum ordered to be paid or contributed by any or all of such persons for or towards the maintenance of the child concerned;
- (f) make a further order or orders against all or any of such persons in relation to the maintenance of the child concerned;
- (g) in the case of an undertaking accepted pursuant to section one hundred and twenty-three of this Act, order that such undertaking cease to operate;
- (h) make an order to pay maintenance in lieu of any such undertaking.

When a Magistrates Court has ordered that an undertaking accepted pursuant to section one hundred and twenty-three of this Act shall cease to operate the person theretofore liable under such undertaking shall not be liable thereunder for any maintenance of the child concerned accruing after the date the undertaking ceases to operate in accordance with such order.

126. Hearing of complaints in camera. Notwithstanding the provisions of any other Act or of any rule of law or practice a Magistrates Court shall, upon the hearing of a complaint made pursuant to this Part, exclude from the court all persons except—

- (i) officers of the court;
- (ii) parties to the complaint and their respective counsel or solicitors;
- (iii) persons summoned pursuant to this Part to appear upon the hearing of such complaint and their respective counsel or solicitors;
- (iv) the Director or, in his stead, an officer of the Department;
- (v) a child in relation to whose maintenance such complaint is made if such child is present.

127. (1) Husband or wife compellable witnesses. In any proceeding commenced pursuant to this Part a husband and a wife shall be competent and compellable witnesses both on his or her own behalf and for or against the other of them, but an admission or statement then made by either of them shall not be used on any other occasion except in proceedings for perjury alleged to have been committed in the course of giving evidence in such proceeding.

(2) Defaulter under maintenance order and his employer compellable to adduce evidence. A court before which a person is charged with failure to comply with a maintenance order made pursuant to this Part may—

- (a) order the defendant to attend before the court at a time specified in the order and to be examined concerning his means and ability to comply with the maintenance order;
- (b) order the defendant to state to the court or to give to the court within a specified period a statement signed by him specifying—
 - (i) the name and address of his employer or, if he has more than one employer, of each of his employers;
 - (ii) particulars as to his earnings; and
 - (iii) such particulars as are necessary to enable him to be identified by each of his employers; and
- (c) order any person who appears to the court to be indebted to the defendant or to be an employer of the defendant to give to the court, within a time fixed by the court, a statement signed by him or on his behalf containing such particulars as are specified in the order of his indebtedness to the defendant or, as the case may be, of all earnings of the defendant payable by that person during a period specified by the court.

A document purporting to be a statement referred to in the preceding paragraph shall be received in the proceeding wherein the statement was ordered to be given as evidence of its contents and shall be deemed to be such a statement until the contrary is proved.

(3) A person who—

- (a) fails to comply with an order made against him pursuant to subsection (2) of this section; or
- (b) in any statement made or given to a court under an order made pursuant to subsection (2) of this section makes a statement which to his knowledge is false or misleading in a material particular or which he does not believe on reasonable grounds to be true,

commits an offence against this Act.