him under the control of the Minister shall, if it does not in fact so provide, be deemed to provide, as the case may be, that the child shall be detained in such institution or that the child shall remain under the control of the Minister, subject to the provisions of the Social Welfare Act, until he attains the age of eighteen years.

(3) If any child at the time of being so committed to an institution or placed under the control of the Minister is upwards of sixteen years of age, such child may be ordered by the court to be committed to the institution or placed under the control of the Minister, as the case may be—

(*a*) until he attains the age of eighteen years ; or

(*b*) for any period not less than one year nor more than two years, provided that such period does not expire before the child attains the age of eighteen years.

(4) Before making an order under this section committing a child to an institution the court shall have regard to the welfare of the child and the desirability or otherwise of removing him from unsuitable surroundings and making proper provision for his care, training and control.

(5) Notwithstanding anything contained in subsection (2) or subsection (3) of this section, the court, upon finding that the complaint charging a child with being a neglected child or an uncontrolled child is proved, may adjourn the hearing of the case for a period not exceeding three months and for the period of the adjournment may by order remand the child in custody to an appropriate institution or place the child under the control of the Minister.

(6) Notwithstanding anything contained in subsection (5) of this section the court may on the application of an officer of the department, order that the child be brought before the court at any time during the period of the adjournment and the child shall be brought before the court accordingly.

(7) When a child is brought before a juvenile court following an adjournment under subsection (5) or upon an order made under subsection (6) of this section, the court may—

(*a*) dismiss the complaint or allow the withdrawal of the complaint if satisfied that satisfactory arrangements have been made for the child's welfare and that he is no longer a neglected child or an uncontrolled child ; or

(*b*) make an order under subsection (1) of this section.

(8) No order shall be made under subsection (1) or (3) of this section in respect of a neglected child or an uncontrolled child without notice of the complaint in question being served on the parent or guardian of the child having the immediate custody and control of the child unless the whereabouts of the parent or guardian are unknown.

(9) Such notice shall be deemed to be sufficiently served if served personally on such parent or guardian, or posted addressed to him at his last known place of abode or business a reasonable time before the date of hearing of the complaint.

Special provisions relating to complaint charging child with being a neglected or uncontrolled child.

45. (1) Notwithstanding anything contained in any Act, a complaint (whether laid before or after the commencement of this Act) charging a child with being a neglected child or an uncontrolled child shall be deemed not to be a complaint charging the child with committing an offence within the meaning of this Act or any other Act, and any child in respect of whom such a complaint is proved shall be deemed not to be guilty or convicted of an offence in respect of that complaint.

(2) When hearing a complaint charging a child with being a neglected child or an uncontrolled child—

(*a*) the court shall not be bound by the laws or rules of evidence and may admit any evidence which, in the opinion of the court, will assist it to determine the complaint in a manner which appears to the court to be in the best interests of the child; and

(*b*) the court shall determine the complaint in the manner which appears to the court to be in the best interests of the child.

Restrictions on powers of committing neglected and uncontrolled children to institutions.
cf. 1780, 1926, ss. 111, 112.

46. (1) Except as otherwise provided in this section, children found by a court to be neglected children or uncontrolled children and children liable to be committed to an institution pursuant to Part V of the Education Act, 1915-1965, shall not be committed by a court to reformative institutions, but may be committed to institutions set apart by proclamation under the Social Welfare Act for the care of neglected or uncontrolled children or to such other institutions as the court considers appropriate.

(2) Notwithstanding anything contained in subsection (1) of this section or in the Social Welfare Act, if any child found by a juvenile court constituted of a special magistrate to be an uncontrolled child ought, in the opinion of the court, to be sent to a reformative institution, such court may order the child to be committed to such an institution accordingly.

Limitation of powers of justices to commit uncontrolled children to reformative institutions.

47. (1) A juvenile court constituted of justices which finds a complaint charging a child with being an uncontrolled child proved shall not order that the child be committed to a reformative institution.

(2) If the court is of the opinion that the child ought to be committed to a reformative institution, the court shall by memorandum refer the case to the Adelaide Juvenile Court as provided by section 18 of this Act or to some other convenient juvenile court constituted of a special magistrate in which case the provisions of section 18 of this Act shall apply and have effect as if that other juvenile court were the Adelaide Juvenile Court.

Power to apprehend neglected or uncontrolled child etc. without warrant.
cf. 1780, 1926, ss. 101, 110.

48. (1) Any officer of the department or member of the police force may, without a warrant, apprehend any child appearing to such officer or member or suspected by him to be a neglected child or an uncontrolled child.

(2) Any officer of the department specially authorized in writing by the Director or any member of the police force may enter into or upon any house, building, or other premises for the purpose of apprehending and may, there or elsewhere, apprehend any child who is reasonably suspected of having committed an offence or of being a neglected child or an uncontrolled child.

(3) Where a child apprehended under any provision of this section is charged with any offence or with being a neglected child or an uncontrolled child, he shall, as soon as conveniently may be, be brought before a juvenile court so that the matter alleged against him may be heard and determined.

Issue of summons or warrant on complaint against a neglected or uncontrolled child.
cf. 1780, 1926, s. 103a.

49. (1) Where a complaint is laid charging a child with being a neglected child or an uncontrolled child, any justice may summon the child to appear before a juvenile court at a time and place to be named in the summons so that the complaint against him may be heard and determined.

(2) A justice may, instead of issuing a summons, issue a warrant under his hand for the apprehension of the child and for his detention in an institution or other suitable place (not being a prison) until the hearing of the complaint.

(3) A child so apprehended shall, as soon as conveniently may be, be brought before a juvenile court so that the complaint against him may be heard and determined.

(4) Any child brought before a juvenile court and charged with being a neglected child or an uncontrolled child under this Act or the Social Welfare Act may be dealt with by the court as

provided by this Act notwithstanding that the child has not been summoned as aforesaid or that a warrant has not been issued for the apprehension of the child.

Power to take proceedings against neglected or uncontrolled children.
cf. 1933, 1930, s. 13(a).

50. (1) Any proceedings under this Act or the Social Welfare Act relating to a neglected child or an uncontrolled child may be taken by the Director or any officer of the department who is authorized by the Director to take proceedings and all such proceedings may be conducted by that officer or any other officer of the department who is so authorized.

(2) A document purporting to be signed by the Director stating that the person therein named is an officer of the department, and is authorized by the Director to take proceedings or conduct cases under this Act or the Social Welfare Act shall be evidence of the facts so stated.

(3) Where a juvenile court is aware of its own knowledge that a person is an officer of the department duly authorized as provided by this section, the court may take judicial notice of that fact, in which case no proof of identity or authorization shall be required.

Presence of child under 12 years in court on further remand.
cf. 33, 1952, s. 6.

51. Where a child under the age of twelve years is charged with being a neglected child or an uncontrolled child and is committed to custody in an institution or other place of security for any period for which he is remanded pursuant to this Act, the presence of the child before the court or justice shall not be required while the court or justice hears any application or makes any order for a further remand of the child, unless the court or justice otherwise orders.

Court may receive reports as evidence in certain cases.
cf. 1780, 1926, s. 108.

52. (1) In any proceedings relating to neglected children or uncontrolled children, the court may receive as evidence and take into consideration any report from any member of the police force or officer of the department; and the contents of such report shall be made known to the child charged and his parent or guardian (if present in court) or their counsel or solicitors who shall be permitted to cross-examine such member or officer thereon.

(2) Notwithstanding anything contained in subsection (1) of this section, the court, if it is of the opinion that the report contains material which, if disclosed to the child, may be prejudicial to the welfare of the child, may in its discretion order that the whole or any part of any such report shall not be made known to the child.

(3) The provisions of this section shall not be construed as derogating from the application or meaning of subsection (2) of section 45 of this Act.

PART VI.

APPEALS FROM AND RECONSIDERATION OF PENALTY BY JUVENILE COURTS.

Powers of Supreme Court on appeal.

53. The Supreme Court when hearing an appeal from a juvenile court may exercise the same powers and make any order or adjudication in relation to a child that could lawfully have been made by a juvenile court constituted of a special magistrate acting under the powers conferred on it by this Act.

Reconsideration of penalty by juvenile court.

54. (1) Where an order or adjudication is made by a juvenile court whereby a person is sentenced or a neglected child or an uncontrolled child is committed to an institution or placed under the control of the Minister, that court or the Adelaide Juvenile Court may, upon an application made under subsection (2) of this section, reconsider and confirm or vary the order or adjudication; but any variation of the order or adjudication shall be within the limits within which the court would have had power to act if it were making the original order or adjudication.

(2) Subject to subsections (6) and (9) of this section, an application for reconsideration of the order or adjudication may be made by—

(*a*) the person against whom the order or adjudication was made;

(*b*) a parent or guardian of such person;

(*c*) the complainant or informant in the proceedings in relation to which the order or adjudication was made; or

(*d*) an officer of the department,

and shall be in the prescribed form and delivered to the clerk of the court to which the application is made within one month after the date of the order or adjudication.

(3) When an application for reconsideration is received by the clerk of the court, he shall, if necessary, call for and obtain the original information or complaint and all other relevant documents, set a date for the hearing of the application and notify the applicant and all other parties concerned with the application of the date of the hearing.

(4) Subject to subsection (1) of this section, the court shall, upon hearing the application, reconsider the original order or adjudication and make an order confirming or varying the order or adjudication.

(5) Where an order has been made under this section confirming or varying an original order or adjudication, that order or adjudication shall have effect as so confirmed or varied.

(6) Where an appeal to the Supreme Court is instituted in respect of the original order or adjudication, no application to a juvenile court for reconsideration of that order or adjudication shall thereafter be made.

(7) Where an application for reconsideration of an original order or adjudication is made to a juvenile court under this section, no appeal shall lie to the Supreme Court against that order or adjudication.

(8) Subject to subsection (9) of this section, an appeal shall lie to the Supreme Court from any order of a juvenile court confirming or varying an original order or adjudication under this section.

(9) The Adelaide Juvenile Court may hear and determine an application for reconsideration under this section made by an officer of the department notwithstanding that such application is not made within one month from the date of the original order or adjudication; but there shall be no right fo appeal to the Supreme Court from any order of the Adelaide Juvenile Court confirming or varying an original order or adjudication following an application heard and determined pursuant to this subsection.

Cases where person wrongly believed to be over or under 18 years of age. cf. 13, 1941, ss. 21, 22.

55. (1) Where a court, other than a juvenile court makes an order against a person who is under the age of eighteen years, (whether sentencing him to imprisonment or otherwise) in the belief that that person is of or over that age, that order shall not be invalid but shall have full force and effect, and anything done thereunder shall be lawful, but the provisions of subsection (3) of this section shall apply to and in relation to such order.

(2) Where any court makes an order against a person who is of or over the age of eighteen years in the belief that that person is under that age, that order shall not be invalid but shall have full force and effect, and anything done thereunder shall be lawful, but the provisions of subsection (3) of this section shall apply to and in relation to such order.

(3) The court by which any order referred to in subsection (1) or subsection (2) of this section was made or any court to which an appeal against the order or an application for reconsideration of the order has been or could have been brought or made shall, on an application by the person against whom the order was made, or by or on behalf of the Minister, have power to reconsider and vary the order and, for that purpose, to give any directions and make any order which the court deems proper.

PART VII.

GENERAL PROVISIONS.

Power to exclude persons from court.
cf. 1780, 1926, s. 177; 13, 1941, s. 11.

56. (1) The room or place in which a juvenile court sits shall not be open to the public and at the hearing before a juvenile court of any information, complaint, charge or other proceedings against a child, the court may order that all persons not directly interested in the case shall be excluded from the court or place of hearing.

(2) A juvenile court may, in its discretion, order a child or the parent or guardian of a child to retire from the court or place of hearing during the hearing of any part of the proceedings in relation to the child.

Age of criminal responsibility
cf. 13, 1941, s. 23.

57. It shall be conclusively presumed that no child under the age of eight years can be guilty of an offence.

Convicted children only to be sent to reformative institutions.
cf. 1780, 1926, s. 111.

58. Except as in this Act or any other Act otherwise expressly provided, convicted children only shall be ordered to be sent to reformative institutions.

Mandate for detention.
cf. 1780, 1926, s. 116.

59. (1) Whenever a child is ordered by a court to be sent to an institution, the court shall issue a mandate for the taking of the child to that institution and for his detention, subject to the Social Welfare Act, during the period for which he has by virtue of the order, been sent to that institution.

(2) Every such mandate shall be executed and obeyed by all persons to whom it is directed and delivered, and shall be forwarded with the child to the superintendent or matron of the institution and shall be a sufficient warrant for the taking and detention of the child named therein according to the tenor thereof, and no other warrant for such taking and detention shall be necessary.

Age and religion of child to be stated in mandate.
cf. 1780, 1926, s. 118.

60. (1) Every mandate by a court for the committal of a child to an institution and every order of a court placing a child under the control of the Minister shall contain a statement of the age and religion, so far as they are known, of the child, and where applicable, the cause for which, and institution in which, the child is to be detained or placed under such control.

(2) If there is no statement by the court in the mandate as to the age or religion of the child named therein, the Director may indorse on the mandate a statement of the age or religion of the child, so far as the same is known to him.

Punishment of child for non-compliance with order.
cf. 1780, 1926, s. 113(2); 57, 1956, s. 5.

61. (1) A court shall not order a person who at the time of the making of the order is under the age of eighteen years to be imprisoned for default in payment of a fine or monetary penalty imposed by the court or for failure to comply with an order of the court for the payment of money, but may for any such default or failure order such person to be detained in a remand home or to be placed under the control of the Minister until the person attains the age of eighteen years or for such lesser period as the court in its discretion deems proper.

cf. 57, 1956 s. 5.

(2) Where a justice is satisfied that—

(*a*) a warrant or mandate has been issued—

(i) committing a person under the age of eighteen years to the custody and control of the Children's Welfare and Public Relief Board;

(ii) placing any such person under the control of the Minister; or

(iii) committing any such person to detention in an institution,

by reason of default in compliance with an order or judgment of a court of summary jurisdiction;

(*b*) the person has attained the age of eighteen years; and

(*c*) the warrant or mandate has not been executed,

the justice may withdraw the warrant or mandate and issue a warrant of commitment in place of the first-mentioned warrant or mandate.

(3) Notwithstanding anything contained in the order or judgment, the warrant of commitment so issued shall order that the person be taken to a prison and there detained for such term of imprisonment as the justice deems proper, being a term of imprisonment which could have been ordered had the order or judgment been made in respect of a person who was, at the time of the making of the order or judgment, over the age of eighteen years, and the warrant shall be sufficient authority for its execution according to the tenor thereof by any person to whom it is directed.

(4) Where—

(*a*) a warrant or mandate—

(i) committing a person under the age of eighteen years to the custody and control of the Children's Welfare and Public Relief Board;

or

(ii) placing any such person under the control of the Minister,

for any period by reason of default in compliance with an order or judgment of a court of summary jurisdiction has been executed ; and

(*b*) the person attains the age of eighteen years before the expiration of the period,

notwithstanding anything contained in any Act, that person shall be under the control of the Minister for the remainder of the period, and the warrant or mandate shall be sufficient authority for that purpose, notwithstanding that the person has attained the age of eighteen years.

(5) Where—

(*a*) a warrant or mandate committing a person under the age of eighteen years to detention in an institution for any period by reason of default in compliance with an order or judgment of a court of summary jurisdiction has been executed ; and

(*b*) the person attains the age of eighteen years before the expiration of the period,

notwithstanding anything contained in any Act, that person may be detained in an institution for the remainder of the period, and the warrant or mandate shall be sufficient authority for that purpose, notwithstanding that the person has attained the age of eighteen years.

(6) In this section, unless the context otherwise requires, "institution" includes an institution within the meaning of the Maintenance Act, 1926-1963, as in force before the commencement of the Maintenance Act Amendment Act, 1965.

Parent or guardian of child may be punished in certain cases. cf. 1780, 1926 s. 105, as am. by 44, 1941, s. 11 ; 47, 1948, s. 7.

62. (1) If, on the hearing of any information or complaint before a juvenile court, any child is found guilty of any offence or is found to be a neglected child or an uncontrolled child, and the court is of the opinion that such child is guilty of such offence or is a neglected child or uncontrolled child wholly or partly in consequence of some fault of or lack of proper care or control on the part of the parent or guardian of such child, the court may, on the hearing or any adjournment thereof, and without any complaint made for that purpose, in its discretion punish such parent or guardian by a fine not exceeding fifty pounds, or by imprisonment for any term not exceeding six months.

(2) Notwithstanding anything contained in section 62c of the Justices Act, 1921-1965, the court may, under this section, punish a parent or guardian who, having been served with a notice under this section, has failed to attend the hearing, but, save as aforesaid, the court shall not punish the parent or

guardian under this section without giving the parent or guardian an opportunity of being heard.

(3) A notice under this section shall be addressed to the parent or guardian and shall specify the time when and place where the information or complaint is to be heard, and may be given by the complainant or a member of the police force or an officer of the department.

(4) Any such notice shall be deemed sufficiently served if served personally on such parent or guardian or if posted addressed to him at his last known place of abode or business a reasonable time before the date of the hearing of the information or complaint.

Right of officer of the department to appear at trials of children. cf. 1780, 1926, s. 179(1).

63. At the hearing of any complaint or information against, or any application in respect of, a child, the Director or some other officer of the department authorized in writing by the Director, may be present, and examine and cross-examine witnesses, and be heard touching the acquittal or punishment of the child, or any other order in respect of the child.

Restriction on reports on proceedings of juvenile courts. cf. 13, 1941, s. 12.

64. (1) Unless otherwise ordered by the court before which the proceedings are held, the result of any proceedings in a juvenile court or the result of any proceedings in the Supreme Court on an appeal or committal from a juvenile court may, subject to this section, be published or reported in a newspaper or by radio or television.

(2) Unless permitted by virtue of an order of the court under subsection (4) of this section, a person shall not publish or report, whether by newspaper, radio, television or otherwise, the result of any proceedings in a juvenile court or of any proceedings in the Supreme Court on an appeal or committal from a juvenile court revealing the name, address or school, or including any particulars calculated to lead to the identification, of any child concerned in those proceedings, whether as the person against whom those proceedings were taken or as a person in respect of whom those proceedings were taken or as a witness in those proceedings, nor shall any person publish or show any picture or film as being or including the picture of any child concerned in those proceedings.

(3) A person who publishes or reports any matter in contravention of this section or in contravention of an order of a court under this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(4) The court before which any proceedings referred to in subsection (2) of this section are taken may by order dispense with the requirements of that subsection to such extent as may be specified in the order.

Forms.
cf. 1780, 1926 ss. 200, 202.

65. (1) The several forms prescribed by regulations under this Act or any other Act, or forms to the like effect, may be used, with such modifications as the circumstances may require, and shall be sufficient for the several purposes to which they are applicable respectively.

(2) When no form is so prescribed, a form reasonably adapted to the circumstances of the case may be used, and shall be sufficient for its purpose.

(3) Every complaint, information, summons, conviction, application, mandate, order, notice or warrant shall be deemed valid and sufficient if the same is in any of the forms prescribed by or under the Act or regulations which may be applicable, with such modifications as the circumstances may require.

(4) No conviction, application, mandate, order, notice or warrant under this Act or any other Act shall be held to be void or insufficient for any mere matter of form or any technical error therein.

Issue of warrant by justice.
cf. 1780, 1926 s. 205.

66. No warrant for the apprehension of a child shall be issued under this Act by a justice before whom a complaint or information is laid against the child unless the complaint or information is substantiated to the satisfaction of the justice on oath made before him.

Regulations.
cf. 13, 1941 s. 16.

67. The Governor may make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act, including (but without limiting the generality of the foregoing) regulations for the purpose of—

(*a*) regulating the practice and procedure in juvenile courts;

(*b*) prescribing the duties of clerks of juvenile courts;

(*c*) prescribing forms to be used under this Act;

(*d*) prescribing penalties, not exceeding fifty pounds in each case, for breaches of the regulations;

(*e*) preventing a child while detained in a police station, or while being conveyed to or from any court, or while waiting before or after attendance in any court, from associating with an adult (not being a relative) who is charged with or found guilty of any offence;

(*f*) ensuring that a girl (being a child) shall, while so detained, conveyed or waiting, be under the care of a woman; and

(*g*) prescribing all such other matters and things as are necessary or required to be prescribed for the purposes of this Act.

68. All proceedings in respect of offences against this Act shall be disposed of summarily.

Summary proceedings for offences.
cf. 1780, 1926, s. 204

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.

THE SCHEDULE.

Section 3 (2).

First column. Short Title of Act.	Second Column. Citation.	Third Column. Manner Amended.
Justices Act, 1921-1965	Justices Act, 1921-1965	Subsection (3) of section 75, and sections 92a, 92b, 123a, 161 and 161a are repealed.