

- (c) any race-course cricket-ground football-ground or other such place to which the public (whether upon or without payment for admittance) have or are permitted to have access ;
- (d) any public vehicle plying for hire and licensed pursuant to the provisions of any Act ; and
- (e) any open place to which the public (whether upon or without payment for admittance) have or are permitted to have access.

" Street trading."

No. 6385 s. 4.

" Street trading " means the selling offering or exposing for sale any newspaper or magazine card book ticket programme or other printed matter or any picture if the selling offering or exposing for sale is done in a public place but does not include the occasional selling of any article aforesaid if the net proceeds thereof are wholly applied for the benefit of a church or school or for a cultural or charitable purpose.

Allowing unauthorized child to engage in employment. No. 6219 s. 69.

76. Any person who causes or procures or, having the guardianship thereof, allows any child who is not the holder of a permit or licence for the purpose in force under this Division to engage—

- (a) in employment (whether for reward or not) ; or
- (b) in street trading—

shall be guilty of an offence.

Penalty : \$100 or imprisonment for one month.

Application for permit or licence.

77. (1) Application for a permit or licence shall be made in the prescribed form by or on behalf of the parent or guardian of the child.

Grant of permit or licence.

(2) The Director-General may grant a permit authorizing any child to engage in employment for the purposes therein specified but no such permit shall be granted in respect of any child under the age of seven years unless in the opinion of the Director-General special circumstances make it desirable so to do.

(3) The Director-General may grant a licence authorizing any male child over the age of twelve years to engage in street trading.

(4) The Director-General shall not grant a permit under sub-section (2) or a licence under sub-section (3) unless he is satisfied—

- (a) that the health education and moral and material welfare of the child will not suffer from such employment or street trading ;
- (b) that such child is fit to be so engaged ; and

(c) that

(c) that in the course of such employment or street trading the child shall not be subjected to any form of exploitation.

(5) A permit or licence under this section shall have effect for such times during such periods and subject to such conditions as are prescribed or as the Director-General specifies and such times periods and conditions shall be endorsed on or appended to the permit or licence.

Conditions.

(6) The Director-General shall not grant a permit or licence authorizing any child to engage in employment or street trading after the hour of eleven o'clock at night or before the hour of six o'clock in the morning.

Restrictions as to employment at night.

(7) The Director-General may by notice in writing served on the parent or guardian of the child at any time cancel or vary a permit or licence.

Cancellation or variation.

78. Any person who causes or procures or having the care or guardianship thereof allows any child to be in any place whatsoever for the purpose of—

Offence to allow child to beg alms &c.

No. 6219 s. 69.

(a) begging or receiving alms ;

(b) inducing the giving of alms under the pretence of singing playing performing selling or offering anything for sale or otherwise—

shall be guilty of an offence.

Penalty : \$100 or imprisonment for one month.

79. (1) Any officer duly authorized in that behalf by the Director-General may enter any place or premises which he believes is being used for the employment of children or for street trading for the purpose of ascertaining whether any child is engaged in employment or street trading therein in contravention of the provisions of this Act.

Entry and inspection.

(2) The street-trading provisions of this Division shall apply only within such portion or portions of Victoria as are specified by proclamation of the Governor in Council published in the *Government Gazette* and the Governor in Council may by the like proclamation revoke or vary any such proclamation.

80. (1) Every person who causes a child to be employed in a public exhibition or performance or in a preparation training or rehearsal for any such exhibition or performance whereby the life or limbs of the child is or are endangered and the parent or guardian or person having the care or guardianship of the child who aids or abets such person shall be guilty of an offence.

Offence to cause child to take part in public exhibition or performance.

No. 6219 s. 70.

Penalty : \$1,000 or imprisonment for twelve months.

(2) Where

Injury to child
deemed
assault.

(2) Where in the course of a public exhibition or performance or during the preparation training or rehearsal therefor which in its nature is dangerous to the life or limbs of a child employed therein any accident causing actual bodily harm to the child occurs the employer of the child (whether he is the parent of the child or not) shall be liable to be proceeded against for and to be convicted of assault and on conviction shall be liable to a penalty of not more than \$1,000 or to imprisonment for a term of not more than twelve months and if such employer is not the parent of the child the court before which the employer is convicted may award as compensation an amount of not more than \$200 to be paid by the employer to the child or to some person named by the court on behalf of the child for the bodily harm so occasioned.

(3) An award of compensation under sub-section (2) shall not deprive the child of any other legal remedy but any sum so awarded shall be taken into account in any other proceedings by or on behalf of the child for or in respect of the same bodily harm.

DIVISION 10.—MISCELLANEOUS PROVISIONS.

81. (1) Every person who—

- (a) without reasonable cause neglects to provide adequate and proper food nursing clothing medical aid or lodging for any child in his or her care or custody or causes or procures such child to be so neglected ; or
- (b) ill-treats, whether physically or mentally, or exposes any child or causes or procures any child to be so ill-treated or exposed—

shall, if such neglect ill-treatment or exposure has resulted or appears likely to result in causing bodily suffering or permanent or serious injury to the health of such child be guilty of an offence.

Penalty : \$1,000 or imprisonment for twelve months.

(2) A person is liable to a penalty under this section notwithstanding that actual bodily suffering or permanent or serious injury to health or the likelihood of such suffering or injury to health was obviated by the action of another person.

Warrant of
apprehension.

(3) If it appears to any justice on information made before him on oath that there is reasonable cause to suspect that any child is being neglected ill-treated or exposed as aforesaid in any place he may issue a warrant authorizing any person named therein

to

to search for the child and when found to take the child to the nearest children's reception centre and the child shall, as soon as practicable thereafter, be brought before a Children's Court.

(4) The justice may at the time of or after issuing such warrant issue another warrant for the arrest of any person accused of neglecting ill-treating or exposing the child and may order proceedings to be taken for prosecuting any such person according to law.

(5) Any person authorized by warrant under this section to search for any child being neglected ill-treated or exposed as aforesaid may enter, if need be by force, any house building or other place specified in the warrant and may remove the child therefrom.

Entry and search under warrant.

(6) Every warrant issued under this section shall be addressed to and executed by some senior constable sergeant or other officer of police of higher rank who shall be accompanied by the person making the information unless the justice otherwise directs.

82. (1) Any parent guardian or other person having the control or charge of a child who leaves the child without making reasonable provision for the supervision and care of the child for a time which is unreasonable having regard to all the circumstances of the case shall be guilty of an offence.

Leaving child unattended an offence.

Penalty : \$200 or imprisonment for three months.

(2) No proceedings for an offence against sub-section (1) shall be brought against—

- (a) any person who is under the age of eighteen years not being the parent or guardian of the child ; or
- (b) any other person except with the consent in writing of the Minister.

83. (1) Every person who knowing that a ward has been withdrawn or has absconded from any place in which or person under whom he is placed by the Director-General pursuant to the provisions of section 40 harbors or conceals or assists in harboring or concealing the ward or prevents the ward from returning to the place from which or the person from whom the ward has been so withdrawn or has so absconded shall be guilty of an offence.

Offence to harbor ward who has absconded, &c.

Penalty : \$250 or imprisonment for three months.

(2) Every person who directly or indirectly withdraws unlawfully a ward or counsels or induces a ward to abscond from any place in which or person under whom he is placed by the Director-General pursuant to the provisions of section 40 shall be guilty of an offence.

Offence to withdraw ward unlawfully, &c.

Penalty : \$100 or imprisonment for one month.

84. Every

Offences in relation to reception centres and children's homes.

84. Every person who without lawful authority or excuse—

- (a) holds or attempts to hold any communication with any ward of the Department in a children's reception centre or children's home ;
- (b) enters any reception centre or children's home or any building yard or ground belonging thereto and does not depart therefrom when required so to do by any person for the time being in charge thereof ;
- (c) delivers or in any manner attempts to deliver to any such ward or introduces or attempts to introduce or causes to be introduced into any children's reception centre or children's home any article or thing not allowed by the regulations ;
- (d) in any manner takes or receives from any ward for the purpose of conveying out of or taking away from a children's reception centre or children's home any article or thing whatsoever without the consent of the Director-General ;
- (e) delivers or causes to be delivered to any other person any article or thing whatsoever for the purpose of being introduced or conveyed as aforesaid or secretes or leaves upon or about any place where any such ward is likely to be any article or thing whatsoever for the purpose of being found or received by any such ward ;
- (f) at any time or in any manner contrary to the regulations conveys to or causes to be conveyed to any such ward any article or thing whatsoever ; or
- (g) lurks or loiters about a children's reception centre or children's home for any of the purposes aforesaid—

shall be guilty of an offence.

Penalty : \$200 or imprisonment for three months.

PART III.—YOUTH WELFARE DIVISION.

DIVISION 1.—ADMINISTRATION AND FUNCTIONS.

Youth Welfare Division.
No. 6651 s. 8.

85. (1) There shall be a Division of the Department to be known as the "Youth Welfare Division".

Director of Youth Welfare.

(2) Subject to the *Public Service Act 1958* there shall be appointed an officer to be called the "Director of Youth Welfare".

(3) The person holding office immediately prior to the commencement of this Act as Director of Youth Welfare under the *Social Welfare Act 1960* shall be Director of Youth Welfare for the purposes of this Act.

(4) The

(4) The Director of Youth Welfare shall administer the Youth Welfare Division subject to the control and direction of the Director-General.

86. (1) The functions of the Youth Welfare Division shall be—

- (a) to deal with the social welfare of young persons ;
- (b) to promote co-operation with and between voluntary organizations Government Departments and persons concerned with the welfare of young persons ;
- (c) to control and supervise young persons in remand centres, youth training centres, youth hostels, and youth welfare services and those admitted to the care of the Department who in the opinion of the Director-General are in need of special supervision social adjustment or training ;
- (d) to manage and control all State institutions appointed under this Act as remand centres, youth training centres, youth hostels, and youth welfare services ; and
- (e) to provide after-care for young persons under the supervision of the Department.

Functions of
Youth Welfare
Division.
No. 6651 s. 9.

(2) The Youth Welfare Division may—

- (a) promote and encourage the work of the Youth Advisory Council in the establishment development and assistance of youth clubs and organizations concerned with the moral intellectual and physical welfare and development of young persons and assist in the co-ordination of their activities ;
- (b) provide officers for the Youth Advisory Council to assist and guide youth clubs and voluntary organizations concerned with the welfare of young persons ;
- (c) provide facilities required by the Youth Advisory Council for the discharge of its functions under Division 2 of this Part ; and
- (d) establish counselling and preventive services for young persons.

DIVISION 2.—YOUTH ADVISORY COUNCIL.

87. For the purposes of this Act the Minister shall constitute a Youth Advisory Council consisting of not more than twelve members.

Youth Advisory
Council.
No. 6421 s. 4.

88. (1) Such

Constitution of
Council.
No. 6421 s. 5.

88. (1) Such members shall be appointed by the Minister and shall consist of—

- (a) a person having experience in the training and management of youth or in the conduct of some youth organization who shall be appointed as chairman of the Council ;
- (b) the Director of Youth Welfare under this Part ;
- (c) a person nominated by the Minister of Education to represent the Education Department ;
- (d) a person nominated by the Minister of Health to represent the Health Department ;
- (e) a person nominated by the Chief Secretary to represent the Chief Secretary's Department ; and
- (f) not more than seven other persons representative of activities connected with the moral intellectual or physical training development or welfare of youth—

and the Minister may at any time remove any person so appointed and may, subject to this Act, appoint another person in his stead.

Term of
office.

(2) Members of the Council shall be appointed for such term not exceeding three years as the Minister determines but upon the expiration of the term for which any member is appointed he shall be eligible for re-appointment if then qualified.

Existing
Council to
continue.

(3) The members of the Youth Advisory Council holding office immediately prior to the commencement of this Act under section 5 of the *Youth Organizations Assistance Act* 1958 shall be entitled to continue in office for the remainder of the terms for which they were appointed and shall be eligible for re-appointment if then qualified.

Quorum.

(4) A quorum of the Council shall consist of not less than half the whole number of members for the time being in office and subject to the presence of a quorum the Council may act notwithstanding any vacancy in its membership.

Chairman.

(5) At any meeting of the Council the chairman or in his absence a member elected by the members present to be the chairman of the meeting shall preside.

Chairman to
have casting
vote.

(6) The decision upon any matter of the majority of the members at any meeting shall be the decision of the Council on that matter and in the event of an equality of votes on any matter the chairman of the meeting shall have a second or casting vote.

(7) Subject to this Act the Council may regulate its own proceedings

(8) The

(8) The secretary of the Council shall be an officer of the Youth Welfare Division selected by the Director-General. Secretary of Council.

(9) The members of the Council shall not as such be subject to the *Public Service Act 1958*.

(10) Each member of the Council shall be paid such fees and travelling allowances as are prescribed. Fees.

89. The functions of the Youth Advisory Council shall be— Functions of Youth Advisory Council.

- (a) to recommend to the Minister measures for the promotion establishment and assistance of youth clubs and organizations and for the furtherance of the moral intellectual and physical welfare and development of youth ; No. 6421 s. 6.
- (b) to recommend to the Minister the making of payments out of the Youth Organizations Assistance Fund for or towards the establishment maintenance and assistance of youth clubs and organizations and other bodies concerned with the welfare of youth and in particular for or towards the training of youth leaders for such clubs organizations or bodies ; and
- (c) generally to promote assist and co-ordinate the activities of such clubs organizations and bodies and any other activities which the Council considers to be for the welfare of youth.

90. (1) There shall be a Fund to be kept in the Treasury in the Public Account as part of the Trust Fund to be called the " Youth Organizations Assistance Fund ". Youth Organizations Assistance Fund. No. 6421 s. 7.

(2) Into the Fund there shall be paid—

- (a) any moneys made available by Parliament for the purpose ;
- (b) any moneys which are paid or payable to the Fund by way of gift donation bequest or otherwise ; and
- (c) any other moneys lawfully available for distribution pursuant to the provisions of this Division.

(3) Out of the Fund there shall be paid all such moneys as the Minister, after consideration of a report of the Council, directs for or towards the establishment maintenance and assistance of youth clubs and organizations and other bodies concerned with the welfare of youth and in particular for or towards the training of youth leaders for such clubs organizations or bodies.

91. Notwithstanding anything in any Act the Minister of Education at the request of the Council may authorize any youth club or organization or any person duly authorized by any such **club** Use of school buildings for youth activities. No. 6421 s. 8.

club or organization, subject to such conditions as he thinks fit to impose, to use any land or building vested in him as Minister of Education for all or any of the purposes of that club or organization or for the training and instruction of youth leaders for any such club or organization during any hours during which the land or building is not required for use under the *Education Act* 1958.

DIVISION 3.—REMAND CENTRES, YOUTH TRAINING CENTRES, YOUTH HOSTELS, AND YOUTH WELFARE SERVICES.

Establishment
of remand
centres &c.
No. 6651 s. 10.

92. For the purposes of this Act the Governor in Council may from time to time by notice published in the *Government Gazette* appoint places establishments or institutions in Victoria to be—

- (a) remand centres for the detention of young persons awaiting trial or sentence or in transit to or from a youth training centre children's home or children's reception centre ;
- (b) youth training centres for the care and welfare of—
 - (i) young persons committed to youth training centres pursuant to the provisions of the *Crimes Act* 1958, the *Children's Court Act* 1958, or the *Justices Act* 1958 ;
 - (ii) young persons admitted to the care of the Department who in the opinion of the Director-General are in need of special supervision social adjustment or training ;
- (c) youth hostels for the accommodation of young persons who have been placed under the control or supervision of the Department or who have been inmates of a youth training centre, remand centre, children's reception centre, or children's home ;
- (d) youth welfare services for the treatment of children or young persons referred pursuant to the provisions of section 28 of the *Children's Court Act* 1958 as a condition of a probation order—

and may in the like manner revoke or alter any such appointment but the appointment of any place establishment or institution not wholly maintained by the State shall not be revoked or altered unless the persons having the care and management thereof have first had an opportunity of being heard in relation to such revocation or alteration.

Construction of
remand centres,
No. 6651 s. 10.

93. (1) Every remand centre shall be so constructed and shall provide such facilities that any persons or class of persons detained therein may be segregated from other persons or classes of persons.

(2) The

- (2) The Director-General may, as he thinks fit—
- (a) determine what persons or classes of persons shall be segregated from other persons or classes of persons in any remand centre ;
 - (b) set aside appropriate portions of any remand centre for the accommodation of any class of persons ;
 - (c) cause any person remanded to a remand centre to be detained in that portion of the centre which is appropriate for a person of his antecedents behaviour and history and to be kept apart from persons of any other class.

Director-General to control segregation.

94. (1) The Director-General or any officer or person authorized by him may at any time visit any youth training centre or youth hostel not wholly maintained by the State and make such examinations and inspections as appear to be necessary regarding the state and management thereof and the condition and treatment of the inmates who are under the control and supervision of the Department.

Visiting of private institutions.

(2) The person in charge of such youth training centre or youth hostel shall afford the Director-General or such officer or person all reasonable facilities for such examinations and inspections.

DIVISION 4.—DETENTION OF YOUNG PERSONS.

95. Every person who is detained in a remand centre or a youth training centre shall be deemed to be in the legal custody of the Director-General whilst he is so detained.

Legal custody.
No. 6651 s. 11.

96. (1) The Director-General may by warrant under his hand cause the removal of any person—

- (a) from any remand centre to any other remand centre or to a youth training centre ;
- (b) from a youth training centre to any other youth training centre or to a remand centre ;
- (c) from a prison or lock-up to a remand centre or youth training centre ;
- (d) from a remand centre or youth training centre to a prison or lock-up ;
- (e) from a children's reception centre or children's home to a remand centre or youth training centre ;
- (f) from a remand centre or youth training centre to a children's reception centre or children's home.

Removal of persons, transfers &c.
No. 6651 s. 12.

(2) Upon

(2) Upon every such removal every such person shall be subject to be kept at the remand centre youth training centre prison lock-up children's reception centre or children's home aforesaid for the residue of the period of his detention in custody or until removed by legal authority.

Legal custody of person in course of removal transfer &c.

(3) Every person to whom this section applies—

(a) while being removed from or to a remand centre youth training centre prison lock-up children's reception centre or children's home ; and

(b) while returning to the remand centre youth training centre prison lock-up children's reception centre or children's home from which he was originally removed—

shall be deemed to be in the legal custody of any member of the police force or other officer having the custody of such person and acting under the warrant who shall in due course deliver or return such person into the custody of the officer in charge of the remand centre youth training centre prison lock-up children's reception centre or children's home in accordance with the terms of the warrant.

Removal of persons to Court for trial sentence &c.
No. 6651 s. 13.

97. (1) When any person in a remand centre or youth training centre is required to appear at any court for an offence with which he is charged or to give evidence in or upon legal proceedings he may upon an order made by a judge of the court or by the justices or one of the justices or by the proper officer of the court before which he is to appear be brought before such court so often as is necessary in order that he may be tried sentenced or otherwise dealt with according to law or give such evidence without a writ of *habeas corpus* or other writ for that purpose and such person in due course shall be returned to the custody from which he was brought.

(2) Every person so being removed and every person ordered to be removed or committed to a youth training centre shall for and during the time of his being removed from or through a remand centre or youth training centre be deemed to be in the legal custody of the member of the police force or other officer having the custody of such person.

(3) No proceeding either criminal or civil shall be maintained by such person or any other person against any member of the police force or against any other person by reason of any such removal.

Absconders guilty of offence.
No. 6651 s. 14.

98. (1) Any person lawfully detained in a remand centre or youth training centre who escapes attempts to escape or without lawful authority is absent from such remand centre or youth training

centre

centre or from the custody of any member of the police force or other officer in whose custody he may be shall be guilty of an offence and upon conviction therefor shall be liable to imprisonment for a term of not more than six months or to detention in a youth training centre for a term of not more than six months.

(2) Any such person so escaping or attempting to escape or who is unlawfully absent may be arrested by any member of the police force and placed in a prison or lock-up until he is removed to a remand centre or youth training centre.

(3) Magistrates' courts shall have jurisdiction to hear and determine offences against this section.

Magistrates' courts to have jurisdiction.

99. (1) Every term of detention imposed on an offender in default of payment of a fine or sum of money shall notwithstanding anything to the contrary in any Act be cumulative upon any uncompleted sentence of detention in default of payment of a fine or sum of money previously imposed.

Detention in default of payment of fine &c.

(2) Where an offender is undergoing detention in a youth training centre and there is delivered to the Director-General any warrant for the committal of the offender to prison in default of payment of a fine or sum of money the offender shall not commence to serve the term of imprisonment specified in the warrant until the completion of any term of detention he is then serving or becomes liable to serve before being entitled to be discharged or otherwise released.

(3) Where two or more warrants of commitment for the imprisonment of an offender in default of payment of fines or sums of money are delivered to the Director-General whilst the offender is undergoing detention in a youth training centre, the terms of imprisonment specified in the warrant shall, subject to sub-section (2), be served as far as practicable in the sequence in which the fines were imposed or the sums of money became due and payable.

(4) Where a trainee is undergoing detention in a youth training centre and there is delivered to the Director-General a warrant for the committal of the trainee to prison in default of payment of a fine or sum of money the Director-General may direct that the period of the default be served in a youth training centre instead of a prison and upon any such direction the foregoing provisions of this section shall apply as if the default were detention in a youth training centre instead of imprisonment.

DIVISION