

No. 27 of 1965

An Ordinance to amend the *Child Welfare Ordinance*
1958-1964

[Assented to 16th August, 1965.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

1.—(1.) This Ordinance may be cited as the *Child Welfare Ordinance* 1965. Short title and citation.

(2.) The *Child Welfare Ordinance* 1958-1964 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Child Welfare Ordinance* 1958-1965.

2. Section four of the Principal Ordinance is amended by Parts. inserting after the words “Part IX.—Employment of children (Section 75-76)” the words “Part IXA.—Child Minding Centres (Sections 76A-76D)”.

3. Section five of the Principal Ordinance is amended— Definitions.

(a) by omitting from the definition of “child”—

(i) in paragraph (a) the word “eighteen” and inserting in its stead the word “seventeen”; and

(ii) in paragraph (b) the word “eighteen” and inserting in its stead the word “seventeen”.

(b) by omitting from the definition of “institution” the words “approved by the Administrator in Council” and inserting in their stead the words “approved by the Director”.

(c) by omitting from the definition of “welfare officer” the words “*Welfare Ordinance* 1953-1957” and inserting in their stead the words “*Social Welfare Ordinance* 1964”.

Functions of Council.

4. Section thirteen of the Principal Ordinance is amended—
(a) by omitting sub-paragraph (i) of paragraph (e) of sub-section (1.); and

(b) by inserting after paragraph (e) the following paragraph:—

“(ea) to furnish an annual report to the Administrator, for presentation to the Legislative Council for the Northern Territory, on or before the first day of August in each year, on—

(i) the working of this Ordinance; and

(ii) any other matter relating to child welfare in the Northern Territory.”.

Director may approve institutions.

5. Section eighteen of the Principal Ordinance is amended by omitting the words “The Administrator in Council” and inserting in their stead the words “The Director”.

A person not to enter, &c., without authority, on land used or reserved for purposes of institution.

6. Section twenty of the Principal Ordinance is amended—

(a) by omitting from paragraph (d) of sub-section (1.) the word “or” (last occurring); and

(b) by adding after paragraph (e) of sub-section (1.) the following word and paragraph:—

“; or

(f) where the land is or is included in a reserve within the meaning of the *Social Welfare Ordinance 1964*, he may in pursuance of that Ordinance enter and remain on the reserve.”.

Powers of Administrator in relation to Children's Courts.

7. Section twenty-two of the Principal Ordinance is amended by omitting paragraphs (c) and (d).

Composition of Children's Courts.

8. Section twenty-three of the Principal Ordinance is amended by omitting sub-sections (3.), (4.) and (5.).

Decisions of Children's Courts.

9. Section twenty-four of the Principal Ordinance is repealed.

Powers of Children's Courts.

10. Section twenty-six of the Principal Ordinance is amended—

(a) by omitting sub-paragraph (ii) of paragraph (a) of sub-section (2.) and inserting in its stead the following sub-paragraph:—

“(ii) if the child is not under the age of fourteen years, a sentence of imprisonment for not more than six months;” and

- (b) by omitting from sub-paragraph (ii) of paragraph (b) of sub-section (2.) the word "eighteen" and inserting in its stead the word "seventeen".

11. Section twenty-nine of the Principal Ordinance is amended by omitting from sub-section (1.) the words "may order" and inserting in their stead the words "shall, unless the person gives a sufficient reason why he should attend the hearing or trial, order".

Restriction of publicity of proceedings.

12. Section thirty of the Principal Ordinance is amended by omitting paragraph (a).

Restriction of publication of proceedings.

13. Section thirty-six of the Principal Ordinance is amended—

Powers of Children's Courts on hearing of application.

- (a) by omitting from sub-paragraph (ii) of paragraph (b) of sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen"; and

- (b) by omitting from sub-paragraph (iii) of paragraph (b) of sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen".

14. Section thirty-seven of the Principal Ordinance is amended by omitting from sub-section (4.) the word "eighteen" and inserting in its stead the word "seventeen".

Orders relating to children declared to be destitute, &c., children.

15. Section thirty-eight of the Principal Ordinance is amended—

Breach by child of terms of release or committal.

- (a) by omitting from paragraph (a) of sub-section (5.) the word "eighteen" and inserting in its stead the word "seventeen"; and

- (b) by omitting from paragraph (b) of sub-section (5.) the word "eighteen" and inserting in its stead the word "seventeen".

16. Section thirty-nine of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

Variation, &c., of period of probation or committal.

"(3.) A Children's Court which has made an order that a child be committed to the care of the Director may vary or terminate the period of the committal."

17. Section forty-three of the Principal Ordinance is amended—

Affiliation proceedings before birth of child.

- (a) by omitting from paragraph (iii) of paragraph (b) of sub-section (2.) the word "eighteen" and inserting in its stead the word "seventeen";

(b) by omitting from sub-section (3.) the word "eighteen" and inserting in its stead the word "seventeen"; and

(c) by omitting from sub-section (4.) the word "eighteen" and inserting in its stead the word "seventeen".

Affiliation proceedings after birth of child.

18. Section forty-four of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen";

(b) by omitting from sub-paragraph (iv) of paragraph (b) of sub-section (2.) the word "eighteen" and inserting in its stead the word "seventeen"; and

(c) by omitting from sub-section (3.) the word "eighteen" and inserting in its stead the word "seventeen".

Order for payment of confinement expenses.

19. Section forty-six of the Principal Ordinance is amended by omitting from paragraph (c) of sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen".

Order on complaint after birth of child.

20. Section forty-eight of the Principal Ordinance is amended by omitting from sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen".

Liability of person admitting sexual intercourse with mother of illegitimate child.

21. Section fifty-one of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen"; and

(b) by omitting from sub-section (3.) the word "eighteen" and inserting in its stead the word "seventeen".

Power to lay complaint for support of illegitimate child by one or more persons.

22. Section fifty-two of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the word "eighteen" and inserting in its stead the word "seventeen";

(b) by omitting from sub-section (3.) the word "eighteen" and inserting in its stead the word "seventeen"; and

(c) by omitting from sub-section (9.) the word "eighteen" and inserting in its stead the word "seventeen".

23. Section sixty-two of the Principal Ordinance is amended— is State child absconding or illegally removed from proper custody.

- (a) by omitting from sub-paragraph (ii) of paragraph (a) of sub-section (3.) the word "eighteen" and inserting in its stead the word "seventeen"; and
- (b) by omitting from sub-paragraph (iii) of paragraph (a) of sub-section (3.) the word "eighteen" and inserting in its stead the word "seventeen".

24. Section sixty-eight of the Principal Ordinance is amended— is State child may be sent to place within the Commonwealth.

- (a) by omitting from sub-section (1.) the words "with the approval of the Administrator,"; and
- (b) by omitting from sub-section (2.) the words "with the approval of the Administrator,".

25. After Section seventy-six of the Principal Ordinance the following Part is inserted:—

" PART IXA.—CHILD MINDING CENTRES.

" 76A. In this Part, unless the contrary intention appears— Definitions.

'child minding centre' means any house or place where the business of child minding is carried on but does not include a residence in which a person undertakes to mind children who normally reside in that residence;

'proprietor', in relation to any child minding centre, includes the owner, occupier and any person who has the care and management of the centre and in relation to any proposed child minding centre includes the person who proposes to carry on the business of child minding at that centre;

'registered child minding centre' means any child minding centre in respect of which a certificate of registration as a child minding centre under this Part is in force.

" 76B.—(1.) A person shall not carry on the business of child minding except in a registered child minding centre and in accordance with the regulations made under this Part. Business of child minding to be controlled.

" (2.) A person shall be deemed to carry on the business of child minding if he, for fee or reward, receives or offers to receive for custody or care three or more children who—

- (a) are not children of a relative, neighbour or friend; and
- (b) are under the age of six years.

Offences.

“ 76C. Any person who contravenes or fails to comply with any of the provisions of this Part or of the regulations under this Part or any of the restrictions, terms or conditions endorsed on a certificate of registration shall be guilty of an offence against this Ordinance and shall be liable to a penalty of not more than Two hundred pounds and in the case of a continuing offence to a further daily penalty of not more than Twenty pounds per day.

Regulations.

“ 76D. The regulations may include provisions relating to—

- (a) the registration of child minding centres and the cancellation of such registration;
- (b) the construction (including provision for the storage and preparation of food), cleanliness, sanitation, lighting, heating, ventilation and safety of child minding centres;
- (c) the maintenance of child minding centres in a proper state of repair;
- (d) the play space in and around child minding centres and the facilities and equipment for play to be provided;
- (e) limiting the number of children who may be received into any child minding centre or into any class of child minding centre having regard to the available facilities, space and staff of such centre;
- (f) the operation of child minding centres;
- (g) the suitability of persons operating child minding centres and of the staff employed in such centres and fixing the numbers of such staff;
- (h) generally ensuring the proper conduct of child minding centres and the health and safety of the children therein;
- (i) the display of the name of the proprietor and details of the registration of any child minding centre; and
- (j) any matter or thing which by this Part is required or permitted to be prescribed or which is necessary or expedient to be prescribed for giving effect to this Part.”

Child believed to be suffering from venereal disease.

26. Section ninety-five of the Principal Ordinance is amended by omitting from sub-section (2.) the word “ eighteen ” and inserting in its stead the word “ seventeen ”.