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CHILD WELFARE ORDINANCE 1958-1960.*

An Ordinance relating to the Welfare of Children

PART I.—PRELIMINARY.

Short title.
Short title
amended:
No. 17, 1938,
s. 4.

1. This Ordinance may be cited as the *Child Welfare Ordinance* 1958-1960.*

Commence-
ment.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.†

Repeal.

3.—(1.) The *State Children Ordinance* 1934 and the *State Children Ordinance* 1952 are repealed.

(2.) The Acts of the State of South Australia specified in the Schedule to this Ordinance cease, to the extent specified in that Schedule, to apply to the Northern Territory.

Parts.

Amended by
No. 21, 1960,
s. 2.

4. This Ordinance is divided into Parts, as follows:—

- Part I.—Preliminary (Sections 1-5).
- Part II.—Administration (Sections 6-17).
- Part III.—Institutions (Sections 18-20).
- Part IV.—Children's Courts (Sections 21-30).
- Part V.—Destitute, Neglected, Incurable and Uncontrollable Children (Sections 31-42).
- Part VI.—Affiliation Proceedings (Sections 43-56).
- Part VII.—State Children (Sections 57-68).
- Part VIII.—Offences in Respect of Children (Sections 69-74).
- Part IX.—Employment of Children (Sections 75-76).
- Part X.—Miscellaneous (Sections 77-98).

* The *Child Welfare Ordinance* 1958-1960 comprises the *Child Welfare Ordinance* 1958 as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date of Assent by Administrator.	Date of Notification of Governor-General's Assent in Northern Territory Government Gazette.	Date of Commencement.
<i>Child Welfare Ordinance</i> 1958	No. 20, 1958	14th November, 1958	..	2nd February, 1959
<i>Administrator's Council Ordinance</i> 1959	No. 22, 1959	7th July, 1959	28th April, 1960
<i>Child Welfare Ordinance</i> 1960	No. 21, 1960	..	21st December, 1960	21st December, 1960

† The date fixed was 2nd February, 1959—see table above.

5 In this Ordinance, unless the contrary intention appears—

“care” includes custody and control;

“child” means—

(a) a boy or girl under the age of eighteen years; or

(b) in the absence of positive proof as to age, a boy or girl apparently under the age of eighteen years;

“confinement expenses” means reasonable medical and nursing expenses attendant upon the confinement of the woman claiming the expenses and the cost of clothing necessary for the child born of the confinement during two months after its birth;

“Court” means a Children’s Court established under this Ordinance or a Court of Summary Jurisdiction exercising under section twenty-seven of this Ordinance the jurisdiction of a Children’s Court established under this Ordinance;

“destitute child” means a child who has no sufficient means of subsistence apparent to the Court and whose near relatives are, in the opinion of the Court—

(a) in indigent circumstances and unable to support the child;

(b) dead, unknown or unable to be found;

(c) out of the jurisdiction; or

(d) in the custody of the law;

“guardian” means either the mother or the father of a child or a person having the immediate custody and control of a child;

“institution” means a mission station, reformatory, orphanage, school, home or other establishment—

(a) approved by the Administrator in Council in accordance with this Ordinance; or

(b) established by the Commonwealth as an institution for the purposes of this Ordinance;

“Justice” means a Justice of the Peace for the Northern Territory;

“maintenance” includes the provision of food, clothing, lodging, nursing, medical treatment, necessaries, training and education;

Definitions.

Amended by
No. 22, 1959,
s. 6 and First
Schedule; and
No. 21, 1960,
s. 3.

Child Welfare Ordinance
1958-1960.

“ maintenance order ” means an order made by a court having jurisdiction to do so under this Ordinance for payment of money by a near relative in respect of a child;

“ medical practitioner ” means a person registered as a medical practitioner under the law in force in the Commonwealth or a State or Territory of the Commonwealth;

“ near relative ” means—

(a) in the case of a child other than an illegitimate child—the father, mother, stepfather or stepmother of the child;

(b) in the case of an illegitimate child—

(i) a person admitting himself or adjudged by a Court to be the father of the child;

(ii) the husband of the mother of the child, if the child was born before the husband's marriage to the mother of the child; or

(iii) the mother of the child; or

(c) in the case of any child—a person, not being a person specified in paragraph (a) or (b) of this definition, who is by law liable to maintain the child, including an adopting parent or a guardian but not including any other person whose liability to maintain the child is occasioned by or under this Ordinance;

“ neglected child ” means a child—

(a) who habitually begs or receives alms, whether under the pretext of sale or otherwise, or frequents a public place for the purpose of so begging or receiving alms;

(b) who frequents a public place or wanders about and does not satisfy a court having jurisdiction in respect of neglected children under this Ordinance that he has a home or settled place of abode;

(c) who resides in a reputed brothel or associates or dwells with a person known to the police or reputed to be a prostitute, whether that person is the mother of the child or not;

- (d) who associates or dwells with a person who—
 - (i) has been convicted of vagrancy;
 - (ii) is known to the police as of bad repute; or
 - (iii) has been or is reputed to be a thief or habitual drunkard;
- (e) whose home is, by reason of the neglect or cruelty or depravity of his parents or either of them, an unfit place for the child;
- (f) who—
 - (i) is not provided with necessary food, clothing, lodging, medical aid or nursing; or
 - (ii) is neglected, ill-treated or exposed, by his parents or either of them;
- (g) who is of school age and—
 - (i) is an habitual truant from day school; or
 - (ii) whose parents have been convicted at least twice of neglecting to cause him to attend school;
- (h) who endangers his life or limb by participating in a public exhibition or performance or any preparation, training or rehearsal for a public exhibition or performance;
- (i) who is engaged in street trading within the meaning of this Ordinance between the hours of ten o'clock in the evening and six o'clock in the morning or at any time on a Sunday;
- (j) who is living under conditions that indicate that he is lapsing or likely to lapse into a career of vice or crime;
- (k) who is under incompetent or improper guardianship;
- (l) who is destitute; or
- (m) who is falling into bad associations or is exposed to moral danger;

“place of safety” means an institution, police station, dwelling of a police officer, hospital or other place the occupier of which is willing temporarily to receive a child or young person;

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- “ police officer ” means a member of the Northern Territory Police Force;
- “ probation officer ” means a person appointed under this Ordinance to be a probation officer;
- “ public place ” includes a vessel, vehicle, room, field or other place to which the public for the time being have, or are permitted to have, access, whether on payment of money or otherwise;
- “ Special Magistrate ” means a person appointed under the *Justices Ordinance* 1928-1957 to be a Special Magistrate for the Territory;
- “ State Act ” means an Act of the State of South Australia in force in the Northern Territory as a law of the Northern Territory;
- “ State child ” means a child—
- (a) committed to the care of the Director or sent to an institution, in accordance with an order of a court having jurisdiction to do so under this Ordinance;
 - (b) declared to be a State child under sub-section (2.) of section thirty-six of this Ordinance; or
 - (c) committed directly to the control and custody of an authorized body, received into or committed to an institution or apprenticed or placed out under the authority of an Ordinance or State Act in force immediately before the commencement of this Ordinance, for a period which has not expired;
- “ street trading ” includes the hawking of newspapers, matches, flowers or other articles, the blacking of shoes and any other like occupation carried on in a public place;
- “ superintendent ” means a person appointed to the position of superintendent of an institution;
- “ the Council ” means the Child Welfare Council established under this Ordinance;
- “ the Director ” means the Director of Child Welfare appointed under this Ordinance and includes an Acting Director so appointed;
- “ ward ” means a person in respect of whom a declaration, made under section fourteen of the *Welfare Ordinance* 1953-1957, is in operation;
- “ welfare officer ” means a person appointed under the *Welfare Ordinance* 1953-1957 to be a welfare officer.

PART II.—ADMINISTRATION.

6—(1.) The Minister shall appoint a Director of Child Welfare who, under the Administrator, is responsible for the administration of this Ordinance. Appointment of Director.

(2.) In the event of—

- (a) the illness of the Director;
- (b) the temporary inability of the Director to perform the duties of his office; or
- (c) the absence of the Director from the Territory,

the Minister may appoint a person to be the Acting Director of Child Welfare during the illness, temporary inability, or absence of the Director.

(3.) An Acting Director has all the powers and may perform all the functions of the Director.

7. The Director—

- (a) is the guardian, to the exclusion of the parent or other guardian, of every State child; and
- (b) is responsible for the care, management and control of every State child and of the property of every State child.

Director to be guardian of State children, &c.

8.—(1.) The Director may, by instrument in writing, delegate to a person or authority all or any of his powers, functions and authorities under this Ordinance (except this power of delegation) in relation to a matter or class of matters or to a district or part of the Northern Territory so that the delegated powers, functions and authorities may be exercised by the delegate with respect to the matter or class of matters or the district or part of the Northern Territory specified in the instrument of delegation.

Delegation by Director.

(2.) A delegation under the last preceding sub-section is revocable in writing at will and does not prevent the exercise of a power, function or authority by the Director.

9.—(1.) For the purposes of this Ordinance there shall be a Council to be called the Child Welfare Council.

Child Welfare Council.

(2.) The Council shall consist of the Director and—

- (a) a welfare officer;
- (b) two persons representing the interests of the Christian Missions in the Northern Territory;
- (c) two persons representing the interests of the Christian Churches in the Northern Territory apart from the interests of those Churches in the Christian Missions in the Northern Territory;

- (d) a Legal Officer of the Public Service of the Commonwealth;
- (e) a representative of the Police Force of the Northern Territory not below the rank of Sergeant; and
- (f) four persons, of whom—
 - (i) at least two are women; and
 - (ii) none is a member specified in any of the last five preceding paragraphs.

Appointment,
&c., of
members.

10.—(1.) The Administrator may, by notice in the *Gazette*, appoint a person to be a member of the Council.

(2.) A member of the Council holds office for a period of two years unless his office is sooner vacated and shall be eligible for re-appointment.

(3.) A member of the Council shall be deemed to have vacated his office if he—

- (a) becomes bankrupt or insolvent or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his salary or remuneration for their benefit;
- (b) fails to attend three consecutive meetings of the Council without having obtained from the Administrator permission in writing for those absences;
- (c) becomes permanently incapable of performing the duties of his office;
- (d) is convicted of any felony or misdemeanour; or
- (e) resigns his office by writing under his hand addressed to the Administrator.

Remuneration
and allowances.

11. The members of the Council, other than the Director and the welfare officer, shall be paid such remuneration and allowances as are prescribed.

Chairman of
Council, &c.

12.—(1.) The Administrator shall appoint a member of the Council to be the Chairman of the Council and another member of the Council to be the Vice Chairman of the Council.

(2.) The Chairman shall preside at all meetings of the Council at which he is present.

(3.) In the absence of the Chairman from a meeting of the Council, the Vice Chairman shall preside and act as Chairman of the Council at that meeting, if he is present.

(4.) In the absence of the Chairman and the Vice Chairman from a meeting of the Council, the welfare officer shall preside and act as Chairman of the Council at that meeting.

13.—(1.) The functions of the Council shall be—

Functions of
Council.

- (a) to advise the Director on child welfare in the Northern Territory;
- (b) to report to the Director on any child welfare matter referred to the Council by the Director;
- (c) where the Council has reason to believe that a child may be in need of assistance or control under the provisions of this Ordinance, to request the Director to investigate whether the child is in need of assistance or control and report to the Council at its next meeting the investigations he has made in respect of the request and the conclusions he has drawn from those investigations;
- (d) where at least eight members of the Council are satisfied that the case of a child apparently in need of assistance or control under the provisions of this Ordinance should be considered by a Children's Court, to recommend to the Director that appropriate proceedings be taken to bring the case before a Children's Court;
- (e) to report to the Administrator—
 - (i) on or before the first day of August in each year, on—
 - (A) the working of this Ordinance; and
 - (B) any other matter relating to child welfare in the Northern Territory; and
 - (ii) on any occasion on which the Council sees fit, on any matter relating to child welfare in the Northern Territory; and
- (f) such other functions as are prescribed.

(2.) The Council may appoint one or more of its members to investigate a matter relating to the discharge of a function of the Council and to report on that matter to the Council.

(3.) Where, in the opinion of a member of the Council, a child may be in need of assistance or control under the provisions of this Ordinance and it is desirable that an investigation concerning the child be commenced without delay, the member may request the Director to investigate whether the child is in need of such assistance or control.

(4.) A member who has made such a request to the Director shall report to the Council at its next meeting the fact that he has done so.

Meetings of
Council.

14.—(1.) The Council shall hold meetings at such times and places as the Director determines.

(2.) The Administrator may at any time convene a meeting of the Council.

(3.) The presence of—

- (a) the Director and six other members of the Council;
or
- (b) the welfare officer and six other members of the Council,

is necessary to constitute a meeting of the Council for the exercise of its powers and functions.

Voting in
Council.

15.—(1.) A question arising at a meeting of the Council, not being a question under paragraph (d) of section thirteen of this Ordinance, shall be determined by a majority of the votes of the members present at the meeting.

(2.) The person presiding at a meeting of the Council has a deliberative vote and in the event of an equality of votes, has also a casting vote.

Rules for
conduct of
meetings.

16.—(1.) The Council may make rules, not inconsistent with this Ordinance, with respect to the order and conduct of its business and proceedings.

(2.) A rule made under the last preceding sub-section has no force or effect until it has been approved by the Administrator in Council.

Amended by
No. 22, 1959,
s. 6 and First
Schedule.Probation
officers.

17.—(1.) The Administrator may appoint such persons as he thinks fit to be probation officers for the purposes of this Ordinance.

(2.) Where by reason of an order made by a Court under this Ordinance a child is under the supervision of the Director, a probation officer shall, subject to any direction of the Director, exercise a general supervision over the child and, in particular, shall—

- (a) at such times or intervals as are ordered by the Court or, where no times or intervals are so ordered, at such times or intervals as he thinks fit—
 - (i) visit the child;
 - (ii) obtain reports concerning the child; and
 - (iii) report to the Court as to the behaviour of the child;
- (b) advise, assist and befriend the child; and
- (c) where necessary, endeavour to find suitable employment for the child.

PART III.—INSTITUTIONS.

18. The Administrator in Council may, subject to such conditions as are prescribed and to such further conditions as he thinks fit, approve a mission station, reformatory, orphanage, school, home or other establishment, whether within the Northern Territory or not, as an institution for the purposes of this Ordinance.

Administrator may approve institutions.

Amended by No. 22, 1959, s. 6 and First Schedule.

19. The Administrator, the Director, a welfare officer or the superintendent of the institution may—

Administrator, &c., may enter, &c., on land used or reserved for purposes of institution.

- (a) enter or remain on land used for the purposes of an institution in the Northern Territory;
- (b) enter or remain on land reserved for the purposes of an institution established by the Commonwealth in the Northern Territory; or
- (c) authorize a person to enter or remain on land specified in paragraph (a) or (b) of this section.

20.—(1.) A person shall not enter or remain on land used for the purposes of an institution in the Northern Territory or reserved for the purposes of an institution established by the Commonwealth in the Northern Territory unless—

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

- (a) he is a child who has been directed to be kept in that institution;
- (b) he is an officer or employee of the Department of Health of the Commonwealth or an agent or employee of an agent of that Department and is acting in the course and for the purposes of his duty;
- (c) he is authorized to enter or remain on that land under the last preceding section;
- (d) his action is necessary for the protection of life or property; or
- (e) he is a member of the Council.

Penalty:

For a first offence—One hundred pounds or imprisonment for six months, or both;

For a second offence—not more than Two hundred pounds or imprisonment for twelve months, or both, and not less than Fifty pounds or imprisonment for three months;

In other cases—not more than Five hundred pounds or imprisonment for two years, or both, and not less than One hundred pounds or imprisonment for six months.

(2.) An offence under this section is punishable on summary conviction.

PART IV.—CHILDREN'S COURTS.

21. The Administrator in Council may, by notice in the *Gazette*, establish special courts, to be called Children's Courts.

Children's
Courts.
Amended by
No. 22, 1959,
s. 6 and First
Schedule.

22. The Administrator in Council may, by notice in the *Gazette*—

Powers of
Administrator
in relation
to Children's
Courts.

Amended by
No. 22, 1959,
s. 6 and First
Schedule.

- (a) determine the area in and for which a Children's Court may exercise its jurisdiction and the name by which that Children's Court may be referred to;
- (b) appoint a Special Magistrate to be the magistrate of a Children's Court;
- (c) appoint such members of the Council as he thinks fit to be members of a Children's Court;
- (d) determine the respective seniorities of the members of a Children's Court who are appointed under the last preceding paragraph; and
- (e) appoint a person to be the clerk of a Children's Court.

Composition of
Children's
Courts.

23.—(1.) Subject to the next succeeding sub-section, a Children's Court is not competent to exercise its jurisdiction unless the magistrate of that Children's Court is present.

(2.) If it is not possible or convenient for the magistrate of a Children's Court to attend a sitting of that Children's Court, the magistrate of any other Children's Court may attend and act in his place.

(3.) Subject to the next succeeding sub-section, a member of the Council appointed to be a member of a Children's Court may sit and adjudicate with the magistrate of that Children's Court or a magistrate acting under the last preceding sub-section.

(4.) A person may not sit or adjudicate with a magistrate under the last preceding sub-section unless there is no other person sitting or adjudicating with the magistrate under that sub-section.

(5.) Where two or more members of the Council are appointed to be members of a Children's Court, the exercise of the right, under sub-section (3.) of this section, to sit and adjudicate with a magistrate shall be determined according to agreement of those members of the Children's Court or, failing agreement, according to seniority.

24. Where the persons sitting as a Children's Court are divided in opinion as to the decision to be given on a question, the question shall be decided according to the opinion of the magistrate.

Decisions of
Children's
Courts.

25. Subject to this Ordinance—

(a) the provisions of the *Justices Ordinance* 1928-1957 apply to the proceedings, orders and convictions of a Children's Court as if the Children's Court were a Court of Summary Jurisdiction; and

Application of
Justices
Ordinance
1928-1957.
Amended by
No. 21, 1960,
s. 4.

(b) for the purpose of this Ordinance—

- (i) every Children's Court is deemed to be a Court of Summary Jurisdiction; and
- (ii) the magistrate of a Children's Court has throughout the Northern Territory the powers of a Justice, a Special Magistrate or a Stipendiary Magistrate under the *Justices Ordinance* 1928-1957.

26.—(1.) Subject to this Ordinance, a Children's Court—

(a) has in respect of all offences committed by children, the jurisdiction which a Court of Summary Jurisdiction would have if the Administrator had not established that Children's Court; and

Powers of
Children's
Courts.

(b) shall hear and determine all complaints and applications under this Ordinance.

(2.) Where a Children's Court deals with an offence, other than homicide, committed by a child, the Court may—

Substituted by
No. 21, 1960,
s. 5.

(a) inflict as a punishment—

- (i) a fine not exceeding Fifty pounds; or
- (ii) a sentence of imprisonment for not more than six months,

and, in addition to or in lieu of any punishment inflicted under the preceding provisions of this paragraph, make an order in respect of the child as if the child had been an incorrigible or uncontrollable child; or

(b) without proceeding to conviction, proceed in any one or more of the following manners—

- (i) if the child is under the age of fourteen years, and it appears to the Court that chastisement inflicted by a guardian of that child, or some other person, would be the most suitable punishment, in the circumstances, adjourn the hearing for that purpose;
- (ii) order a guardian or the guardians of the child to give security for the good behaviour of the child until the child

attains the age of eighteen years, or during such shorter period as the Court thinks sufficient; or

- (iii) adjourn the hearing for such period as the Court thinks fit to enable the child to do such acts or things for the purpose of remedying or diminishing any damage done or injury or loss caused by the child, or to undergo such discipline or instruction for the purpose of reforming or rehabilitating the child, as the Court, on the recommendation of a probation officer, sees fit to order,

and, upon being satisfied that suitable chastisement has been inflicted, or such security given or such acts or things performed, or such discipline or instruction undergone, as the case may be, dismiss the charge and give a certificate of dismissal accordingly.

(3.) An order under paragraph (b) of the last preceding sub-section shall take effect—

- (a) where a sentence of imprisonment is awarded, immediately after the imprisonment is served; or
(b) where no sentence of imprisonment is awarded, on the making of the order,

as if the order had been made under section thirty-six of this Ordinance.

(4.) Where a court, other than a Children's Court, deals with an offence, other than homicide, committed by a child, that court may exercise the powers of a Children's Court under sub-section (2.) of this section, and an order made in the exercise of those powers shall have effect as if it were an order of a Children's Court.

27.—(1.) Subject to this section, on and after the establishment of a Children's Court the jurisdiction of every Court of Summary Jurisdiction under the *Justices Ordinance* 1928-1957 in respect of matters as to which a Children's Court has jurisdiction shall cease to be exercised within the area determined to be the area in and for which that Children's Court may exercise its jurisdiction.

(2.) Nothing in the last preceding sub-section shall abridge or prejudice—

- (a) the ministerial powers of Justices in cases of committal for trial; or
- (b) the powers of Justices to—
 - (i) take an information or complaint;
 - (ii) issue a summons;
 - (iii) grant, issue or endorse a warrant; or
 - (iv) admit to bail.

(3.) Notwithstanding sub-section (1.) of this section, where a Court of Summary Jurisdiction constituted by a Special Magistrate is satisfied that—

- (a) circumstances exist which prevent a Children's Court from exercising its jurisdiction under this Ordinance; and
 - (b) in the interests of justice the Court of Summary Jurisdiction should exercise the jurisdiction of a Children's Court under this Ordinance,
- the Court of Summary Jurisdiction may exercise that jurisdiction as if it were a Children's Court under this Ordinance.

(4.) Where no Children's Court has been established to exercise jurisdiction under this Ordinance over a particular area, a Court of Summary Jurisdiction constituted by a Special Magistrate may exercise in that area the jurisdiction of a Children's Court under this Ordinance as if it were a Children's Court under this Ordinance.

28.—(1.) Subject to this section, a Children's Court shall be held in such place as the Administrator in Council directs and in a building approved or appointed by the Administrator in Council for the holding of a Children's Court.

Where Children's Courts may be held.
Sub-section (1.) amended by No. 22, 1959, s. 6 and First Schedule.
Amended by No. 22, 1959, s. 6 and First Schedule.

(2.) The Administrator in Council shall not approve or appoint a magistrate's office or a building used for court proceedings other than proceedings of a Children's Court to be a building for the holding of a Children's Court unless in his opinion no other suitable building is available.

(3.) Where a magistrate's office or a building used for court proceedings other than proceedings of a Children's Court is approved or appointed by the Administrator in Council for the holding of a Children's Court, the Children's Court shall not be held in that office or building at a time when the ordinary business of that office or the ordinary court business of that building is being transacted.

Amended by No. 22, 1959, s. 6 and First Schedule.

Restriction of
publicity of
proceedings.

29.—(1.) A Children's Court may order a person not directly interested in a hearing or trial by the Children's Court not to remain in or enter a room or place in which the hearing or trial is being held or remain within the hearing of the Court.

(2.) A person shall not remain in or enter a room or place or remain within the hearing of the Court in contravention of an order under the last preceding sub-section.

Penalty: Five pounds or imprisonment for ten days, or both.

Restriction of
publication of
proceedings.

30. A person shall not publish a report of proceedings or the result of proceedings before a Children's Court unless—

- (a) the Court expressly authorizes the publishing; or
- (b) the publishing is done by the person in the performance of his official duties under an Act, Ordinance or State Act.

Penalty: Fifty pounds or imprisonment for three months, or both.

PART V.—DESTITUTE, NEGLECTED, INCORRIGIBLE AND UNCONTROLLABLE CHILDREN.

Power to take
child into
custody.

Amended by
No. 21, 1960,
s. 6.

31. A welfare officer, police officer or person authorized in writing by the Administrator to act under this section may, without warrant, take into custody a child appearing or suspected by him to be a destitute, neglected, incorrigible or uncontrollable child.

Placement of
child pending
hearing, &c.

32.—(1.) A child taken into custody under the last preceding section shall, pending the hearing or during an adjournment of the case, be placed—

- (a) in an institution;
- (b) with a respectable person who has made with the Director such arrangement or agreement as the Director thinks necessary or proper for the custody and maintenance of children of the class to which the child belongs;
- (c) in the dwelling of a police officer at prescribed rates of payment; or
- (d) subject to the next succeeding sub-section, in a police prison or lock-up.

(2.) A child shall not be placed in a police prison or lock-up unless there is pending against him a charge of so serious a nature that his safe custody is of paramount importance.

(3.) A person who takes a child into custody under the last preceding section shall immediately inform the Director that he has done so.

33.—(1.) Where the Director is informed that a child has been taken into custody under section thirty-one of this Ordinance, the Director shall ensure that—

Child taken into custody to be brought before Children's Court or released.

- (a) the child is, as soon as is practicable and not later than fourteen days after the time when the Director is so informed, brought before a Children's Court under an application made by a welfare officer or police officer that the child be declared a destitute, neglected, incorrigible or uncontrollable child; or
- (b) if the child has not been so brought before a Children's Court fourteen days after the time when the Director is so informed, the child is then forthwith released from custody.

(2.) The Director, or a welfare officer, a police officer or a person authorized in writing by the Administrator to act under section thirty-one of this Ordinance may make application to a Children's Court that a child taken into custody under section thirty-one of this Ordinance be declared a destitute, neglected, incorrigible or uncontrollable child.

Added by No. 21, 1960, s. 7.

(3.) The application may be in accordance with such form as is prescribed or, if no form is prescribed, such form as the Children's Court approves.

Added by No. 21, 1960, s. 7.

34.—(1.) A person having the actual care and control of a child may make application to a Children's Court that the child be declared to be a destitute, neglected, incorrigible or uncontrollable child.

Application by person having care, &c., of child. Sub-section (1.) amended by No. 21, 1960, s. 8.

(2.) A Children's Court to which application is made under the last preceding sub-section may appoint a time for the hearing of the application and order that the child be brought before the Court at the time appointed for the hearing.

35.—(1.) The guardian of a child who is brought before a Children's Court under an application that the child be declared a destitute, neglected, incorrigible or uncontrollable child or who is charged with having committed an offence shall attend the Court during the proceedings, unless the Court is satisfied that it would be unreasonable to require his attendance.

Attendance of parents at Children's Court. Sub-section (1.) amended by No. 21, 1960, s. 9.

(2.) Where a child is taken into custody under this Ordinance or is arrested, the person by whom he was taken into custody, or he was arrested or the police officer in charge of the police station to which he was brought, as the case may be, shall, if the guardian of the child can be found, cause to be served on him a notice, in the prescribed form, warning him to attend the Court at the hearing of the application or charge.

Amended by No. 21, 1960, s. 9.

Amended by
No. 21, 1960,
s. 9.

(3.) The guardian whose attendance is required under this section is the guardian having the actual care of the child.

Amended by
No. 21, 1960,
s. 9.

(4.) If that guardian is not the father of the child, the Court may direct the father to attend at the hearing or further hearing of the application or charge.

Amended by
No. 21, 1960,
s. 9.

(5.) If a guardian whose attendance at a Children's Court is required or directed under this section fails without reasonable excuse to attend the Court, the Court may direct a warrant to issue to bring him before the Court at the hearing or further hearing.

Amended by
N. 21, 1960,
s. 9.

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

Added by
N. 21, 1960,
s. 9.

(7.) If the Court finding any child guilty of any offence, or to be destitute, neglected, incorrigible or uncontrollable, is of opinion that a guardian of that child is wholly or partly responsible through some fault of, or lack of proper care or control on the part of that guardian, it may on the hearing or any adjournment thereof, and without complaint laid for that purpose, in its discretion, punish the guardian—

- (a) by imposing a fine not exceeding Two hundred pounds;
- (b) by imposing a sentence of imprisonment for twelve months;
- (c) by imposing either of the punishments specified in the last two preceding paragraphs but suspending the same upon such conditions as the Court on the recommendation of a probation officer sees fit; or
- (d) by making an order against the guardian in the same terms and having in all respects the same force and effect as an Order made under Section one hundred and forty-eight of the *Licensing Ordinance 1939-1959*,

but no guardian shall be so dealt with unless he is in attendance at the Court, and has had an opportunity of showing cause why he should not be so dealt with.

Powers of
Children's
Court on
hearing of
application.

36.—(1.) Upon the hearing of an application that a child be declared a destitute, neglected, incorrigible or uncontrollable child, a Children's Court may, on being satisfied that the application should be granted—

- (a) declare the child to be a destitute, neglected, incorrigible or uncontrollable child; and

(b) order a child so declared to be—

- (i) committed to the care of the Director;
- (ii) committed to the care of a person who is willing to undertake the care on such terms and conditions as the Court thinks fit until the child attains the age of eighteen years or during such shorter period as the Court thinks fit;
- (iii) sent to an institution specified in the order and detained or otherwise dealt with there under this Ordinance until the child attains the age of eighteen years or during such shorter period as the Court thinks fit; or
- (iv) released on probation on such conditions (if any) as the Court orders.

(2.) Where a Children's Court declares a child to be a destitute or neglected child and makes in relation to the child an order made under, or having effect as if it were made under, sub-paragraph (ii) of paragraph (b) of the last preceding subsection, the Court may declare the child to be a State child during the period to which the order relates.

37.—(1.) Where, in accordance with the provisions of this Ordinance, an order is made that a child be released on probation—

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

- (a) the court making the order shall forward to the Director a copy of the order; and
- (b) while the order is in force—
 - (i) the child is subject to the supervision of the Director for the period specified in the order; and
 - (ii) a person authorized in writing by the Director to do so may enter the premises where the child resides and may inspect them and the child.

(2.) Where, in accordance with the provisions of this Ordinance, an order is made that a child be committed to the care of a person who is willing to undertake the care—

- (a) the court making the order shall not commit the child to the care of a person of a religious faith to which the father or other person having the right to direct in what religion the child shall be educated objects;

(b) the court making the order shall forward to the Director a copy of the order; and

(c) while the order is in force—

(i) the person to whose care the child is committed is entitled to the care of the child; and

(ii) a person authorized in writing by the Director to do so may enter the premises where the child resides and may inspect them and the child.

(3.) Where, in accordance with the provisions of this Ordinance, an order is made that a child be committed to the care of the Director, the child is subject to the supervision of the Director while the order is in force.

(4.) An order made or having effect as if it were made under the last preceding section or an order made under section sixty-two of this Ordinance ceases to be in force when the period specified in the order expires or the child named in the order attains the age of eighteen years, whichever first occurs.

Breach by
child of
terms of
release or
committal.

38.—(1.) In this section, “child” includes a person, who, as a child, has under this Ordinance been released on probation or committed to the care of a person.

(2.) Where a child who has, under this Ordinance, been released on probation or committed to the care of a person breaks or is reasonably suspected of having broken the terms or conditions of his release or the terms or conditions on which he was committed to the care of a person, the child may without warrant be taken into custody by a police officer or person authorized in writing by the Administrator to act under this section and detained until he can be brought before a Children’s Court.

(3.) The provisions of section thirty-two of this Ordinance apply to and in relation to a child taken into custody under this section as if the child had been taken into custody under section thirty-one of this Ordinance.

(4.) Where a police officer or person authorized in writing by the Administrator to act under this section makes oath before a Justice that a child who has under this Ordinance been released on probation or committed to the care of a person has broken the terms or conditions of his release or the terms or conditions on which he was committed to the care of a person, the Justice may issue his summons for the appearance of the child before a Children’s Court.

(5.) If it is proved that a child brought before a Children's Court under this section, or appearing before a Children's Court in answer to a summons under this section, has broken the terms or conditions on which he was committed to the care of a person, the Court may—

(a) where the child has not attained the age of eighteen years, exercise in respect of the child any of the powers specified in paragraphs (a) and (b) of sub-section (1.) of section thirty-six of this Ordinance; or

(b) where the child has attained the age of eighteen years, order him to pay a fine not exceeding Fifty pounds or, in default, to be imprisoned for not more than six months.

(6.) An order made under paragraph (a) of the last preceding sub-section shall have effect as if it were made under section thirty-six of this Ordinance.

Amended by
No. 21, 1960,
s. 10.

39.—(1.) A Children's Court may at any time vary the period or conditions, or terminate the period, of probation or of committal to the care of a person which it has imposed on a child.

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

(2.) A Children's Court which has made an order that a child be released on probation to, or committed to the care of, a person, may, upon the application of a person authorized by the Director to make the application, vary the order by substituting another person for a person named in the order.

40. Where, in accordance with the provisions of this Ordinance, a child is committed to the care of the Director, the order of committal is sufficient authority to a police officer or person approved in writing by the Director to do so to take the child to an institution nominated for the reception of the child by the Director or, if the Director does not nominate an institution for that purpose, to the nearest or most convenient institution.

Authority of
order of
committal.

41.—(1.) A person who—

(a) wilfully interrupts the proceedings of a Court;
(b) conducts himself disrespectfully to the magistrate or a member of a Court during the sittings of the Court;

(c) obstructs or assaults a person in attendance at a Court or an officer of a Court—

(i) in the execution of his duty; and
(ii) in view of the Court; or

Contempt of
Court.

(d) wilfully disobeys an order made by a Court that all witnesses (except the parties and any of their witnesses whom the Court see fit to except) shall go and remain outside and beyond the hearing of the Court until required to give evidence,
is guilty of an offence.

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Penalty: Five pounds or imprisonment for ten days.

(2.) A person who in the opinion of the Court wilfully prevaricates in giving evidence to a Court is guilty of an offence.

Penalty: Five pounds or imprisonment for ten days.

(3.) A Court in whose presence an offence under this section is committed may forthwith convict the person guilty of the offence either on its own view or on the oath of a credible witness and may issue its warrant of commitment accordingly.

(4.) Every warrant of commitment under this section shall be good and valid in law without any other order, summons or adjudication.

(5.) If a person convicted of an offence under sub-section (1.) of this section makes to the convicting Court, before the rising of the Court, such apology for the interruption or misbehaviour as the Court in its uncontrolled discretion deems satisfactory the Court may, if it thinks fit, remit the penalty either wholly or in part.

Appeals.

42.—(1.) A Children's Court may, at discretion, reserve for the consideration of the Supreme Court any question of law arising on or out of the hearing or determination of an information, complaint or application, and may state a special case or cases for the opinion of the Supreme Court.

(2.) There shall be an appeal to the Supreme Court from any conviction, order or adjudication of a Children's Court, including a conviction of a minor indictable offence or an order dismissing a complaint of a simple offence.

(3.) The provisions of the *Justices Ordinance 1928-1957* relating to appeals from Courts of Summary Jurisdiction shall apply, so far as they are applicable, to an appeal from a Children's Court under this section, whether by way of special case or otherwise.

PART VI.—AFFILIATION PROCEEDINGS.

43.—(1.) Where a single woman is with child by a man who has not made adequate provision for the payment of confinement expenses in connexion with the birth of the child, a

complaint may be made before a Justice in accordance with this section—

- (a) by the woman; or
- (b) with the consent of the woman, by—
 - (i) the Director; or
 - (ii) a person authorized in writing by the Director to make a complaint under this Part.

(2.) A complaint under this section—

- (a) shall be—
 - (i) in writing; and
 - (ii) on oath; and
- (b) shall state—
 - (i) that the woman is with child;
 - (ii) the name of the man by whom she is with child; and
 - (iii) that the man specified in the last preceding sub-paragraph has not made adequate provision for the payment of the confinement expenses in connexion with the birth of the child and is over the age of eighteen years.

(3.) In this section, “man” means a male person over the age of eighteen years at the time of the making of the complaint.

(4.) An allegation in a complaint under this section that a specified person was at the time of the making of the complaint over the age of eighteen years shall in any proceedings under this Part be deemed to be proved in the absence of proof to the contrary.

44.—(1.) Where the father of an illegitimate child has left it without means of support and the father is over the age of eighteen years a complaint may be made before a Justice in accordance with this section by—

- (a) the mother of the child;
- (b) the Director; or
- (c) a person authorized in writing by the Director to make a complaint under this Part.

(2.) A complaint under this section—

- (a) shall be—
 - (i) in writing; and
 - (ii) on oath; and

Affiliation proceedings after birth of child.

(b) shall state—

- (i) the name of the mother of the child;
- (ii) the name of the child;
- (iii) the name of the father of the child; and
- (iv) that the male person named as the father of the child has left the child without means of support and is over the age of eighteen years.

(3.) An allegation in a complaint under this section that a specified person was at the time of the making of the complaint over the age of eighteen years shall in any proceedings under this Part be deemed to be proved in the absence of proof to the contrary.

Justice may issue summons or warrant.

45. Where—

- (a) a complaint is made in accordance with section forty-three of this Ordinance or the last preceding section; and
- (b) the person making the complaint produces evidence on oath, either oral or on affidavit, in corroboration of some material particular as to the paternity of the child,

the Justice before whom the complaint is made may summon the male person complained against to appear before a Court to answer the complaint or, if satisfied that the circumstances require it, issue a warrant for the male person's apprehension.

Order for payment of confinement expenses.

46.—(1.) Where a Court hearing a complaint under section forty-three of this Ordinance is satisfied—

- (a) by the evidence of a medical practitioner or the certificate of a medical practitioner admitted as evidence with the consent of the defendant, that the woman is with child;
- (b) that the defendant is the male person by whom the woman is with child; and
- (c) that the defendant is over the age of eighteen years, the Court may, unless it is satisfied that at the time the child was begotten the woman was a common prostitute, order the defendant to pay to the Director for confinement expenses such sum, not exceeding Seventy-five pounds, as the Court thinks fit.

(2.) A Court shall not make an order under the last preceding sub-section on the evidence of the woman unless that evidence is corroborated in some material particular.

Order for payment of maintenance.

47. A Children's Court ordering a defendant to pay for confinement expenses under the last preceding section may at the same time order the defendant to pay to the Director weekly such sum for maintenance of the child as the Court thinks fit.

48.—(1.) Where a Court hearing a complaint under section forty-four of this Ordinance is satisfied that the child is illegitimate and that the defendant is the father of the child, is over the age of eighteen years, and has left the child without means of support, the Court may, unless it is satisfied that at the time the child was begotten the woman was a common prostitute, order the defendant to pay to the Director weekly such sum for maintenance of the child as the Court thinks fit.

Order on complaint after birth of child.

(2.) A Court ordering a defendant to pay for maintenance of a child under the last preceding sub-section may at the same time order the defendant to pay to the Director such sum, not exceeding Seventy-five pounds, for confinement expenses, as the Court thinks fit.

(3.) A Court shall not make an order under sub-section (1.) of this section on the evidence of the mother of the child unless that evidence is corroborated in some material particular.

49. An order for maintenance under section forty-seven of this Ordinance or the last preceding section—

Duration of order for maintenance.

- (a) is not enforceable until notice of the date of birth of the child is served on the defendant; and
- (b) relates to maintenance of the child from the date of birth of the child until—
 - (i) the child dies;
 - (ii) the order is discharged by a court of competent jurisdiction; or
 - (iii) the child attains the age of sixteen years, whichever first occurs.

50.—(1.) Subject to the next succeeding sub-section, the Director shall—

Disposal of money paid for confinement expenses or maintenance.

- (a) retain any sum paid to him under section forty-six of this Ordinance until the child is born and then apply the sum towards payment of the confinement expenses;
- (b) apply any sum paid to him under sub-section (2.) of section forty-eight of this Ordinance towards payment of the confinement expenses; and
- (c) apply any sum paid to him under section forty-seven or sub-section (1.) of section forty-eight of this Ordinance towards payment of the cost of maintaining the child.

(2.) Where any doubt or question arises as to the disposal of money paid under this Part or Part VII. of this Ordinance for confinement expenses or maintenance, a Court may, on application by the Director or the mother of the child, by order give directions as to the disposal of the money.

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

51.—(1.) If at the hearing of a complaint in respect of the maintenance of an illegitimate child, a male person over the age, or apparently over the age, of eighteen years admits or says that he had sexual intercourse with the mother of the child at any time which is such that, in the opinion of the Court, the male person may possibly be the father of the child, the Court may, upon the hearing and without complaint made for the purpose, order the male person to pay to the Director weekly a sum for or towards maintenance of the child and may also, if the Court thinks fit, at the same time order the male person to pay to the Director a sum for or towards confinement expenses in respect of the child; but no order shall be made under this sub-section unless the male person is given an opportunity to be heard by the Court in respect of the making of the order.

(2.) An order may be made under the last preceding sub-section against each of any number of male persons.

(3.) If on the hearing of a complaint in respect of the maintenance of an illegitimate child it is proved to the satisfaction of the Court that the defendant had sexual intercourse with the mother of the child at any time which is such that, in the opinion of the Court, the defendant may possibly be the father of the child, and the defendant is over the age, or apparently over the age, of eighteen years, the Court may (without limiting the powers of the Court to make any other order which it is empowered to make by this or any other section of this Ordinance) order the defendant to pay to the Director weekly a sum for or towards maintenance of the child and may also, if the Court thinks fit, at the same time order the defendant to pay to the Director a sum for or towards confinement expenses in respect of the child.

(4.) An order made under this section shall be deemed to be—

- (a) an order under sub-section (1.) of section forty-eight of this Ordinance, if the order is an order to pay for or towards maintenance of the child; or
- (b) an order under sub-section (2.) of section forty-eight of this Ordinance, if the order is an order to pay for or towards confinement expenses in respect of the child.

(5.) The amount of a sum ordered by a Court to be paid under this section to the Director—

- (a) weekly for or towards maintenance of an illegitimate child; or
- (b) for or towards confinement expenses in respect of an illegitimate child,

shall be such as the Court thinks just, but so that neither the total of the sums ordered to be paid weekly under this Ordinance for or towards maintenance of the child nor the total of the sums ordered to be paid under this Ordinance for or towards confinement expenses in respect of the child exceeds respectively the sum to be paid weekly for maintenance of the child or the sum to be paid for confinement expenses in respect of the child which the Court would have ordered if the hearing had been the hearing of a complaint under section forty-four of this Ordinance and the defendant had been the defendant at that hearing.

(6.) A Court shall not make an order under this section to pay for or towards maintenance of an illegitimate child or confinement expenses in respect of an illegitimate child if the Court is satisfied that at the time the child was begotten the mother of the child was a common prostitute.

(7.) Where an application is made to a Court for the making of an order under this section and the Court refuses the application, the Court shall make a memorandum of the refusal.

52.—(1.) The Director or a person authorized in writing by the Director to make a complaint under this Part may make a complaint against a male person over the age of eighteen years at the time of the making of the complaint alleging that the male person had sexual intercourse with the mother of an illegitimate child at a time which is such that the male person may possibly be the father of the illegitimate child.

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

(2.) A Justice may summon a male person against whom a complaint is made under the last preceding sub-section to appear before a Court and show cause why he should not pay for or towards past or future maintenance of the illegitimate child and confinement expenses in respect of the illegitimate child; or, if satisfied that the circumstances require it, issue a warrant in the first instance for the apprehension of that male person.

(3.) If at the hearing of the complaint the Court is satisfied that the male person had sexual intercourse with the mother of the illegitimate child at a time which is such that the male person may possibly be the father of the child and that the male person was over the age of eighteen years at the time of the making of the complaint, the Court may order the male person to pay to the Director weekly a sum for or towards maintenance of the child and may also, if the Court thinks fit, at the same time order the male person to pay to the Director a sum for or towards confinement expenses in respect of the child.

(4.) A complaint or order under this section may be made against each of any number of male persons.

(5.) An order made under this section shall be deemed to be—

- (a) an order under sub-section (1.) of section forty-eight of this Ordinance, if the order is an order to pay for or towards maintenance of the child; or
- (b) an order made under sub-section (2.) of section forty-eight of this Ordinance, if the order is an order to pay for or towards confinement expenses in respect of the child.

(6.) A Court hearing a complaint under this section may vary an order made under this Ordinance for the payment of a sum weekly for or towards maintenance of the child or a sum for or towards confinement expenses in respect of the child.

(7.) The amount of a sum ordered by a Court to be paid under this section to the Director—

- (a) weekly for or towards maintenance of an illegitimate child; or
- (b) for or towards confinement expenses in respect of an illegitimate child,

shall be such as the Court thinks just, but so that neither the total of the sums ordered to be paid weekly under this Ordinance for or towards maintenance of the child nor the total of the sums ordered to be paid under this Ordinance for or towards confinement expenses in respect of the child exceeds respectively the sum to be paid weekly for maintenance of the child or the sum to be paid for confinement expenses in respect of the child which the Court would have ordered if the hearing had been the hearing of a complaint under section forty-four of this Ordinance and a male person against whom an order is made or varied under this section had been the defendant at that hearing.

(8.) A Court shall not make an order under this section to pay for or towards maintenance of an illegitimate child or confinement expenses in respect of an illegitimate child if the Court is satisfied that at the time the child was begotten the mother of the child was a common prostitute.

(9.) In any proceedings under this section, an allegation in a complaint that a specified person was at the time of the making of the complaint over the age of eighteen years shall be deemed to be proved in the absence of proof to the contrary.

53—(1.) Where an illegitimate child dies, the Court may, on application by the Director or the mother of the child, by order—

Payment of funeral expenses of illegitimate child.

- (a) direct a person admitting himself or adjudged by a Court to be the father of the child to pay such sum to the Director as the Court considers reasonable for or towards the funeral expenses of the child; and
- (b) direct the Director as to the disposal of that sum.

(2.) Where the mother of an illegitimate child (including a child which has been still-born after the commencement of the sixth month of pregnancy) dies during parturition or in consequence of parturition, a Court may, on the application of the Director, by order—

- (a) direct a person admitting himself or adjudged by a Court to be the father of the child to pay such sum to the Director as the Court considers reasonable for or towards the funeral expenses of the mother; and
- (b) direct the Director as to the disposal of that sum.

(3.) For the purposes of this section a person against whom an order is made under section forty-six, forty-seven, forty-eight or fifty-one of this Ordinance or the last preceding section is deemed to be adjudged by the Court making the order to be the father of the child.

54.—(1.) On complaint in writing and on oath being made to a Justice by the Director or a person authorized in writing by the Director to make a complaint under this Part that a person against whom an order relating to confinement expenses, maintenance or funeral expenses has been made under this Ordinance—

Complaint on refusal, &c., to comply with order, &c.

- (a) has refused, failed or neglected to comply with the order; or
- (b) is attempting to leave the Northern Territory without making arrangements satisfactory to the Director for future payments under the order,

the Justice may summon the person complained against to appear before a Court to answer the complaint, or, if satisfied that the circumstances require it, issue a warrant in the first instance for the apprehension of the person complained against.

(2.) If at the hearing of a complaint under this section the Court is satisfied that the person complained against has refused, failed or neglected to comply with the order or is attempting to

leave the Northern Territory without making arrangements satisfactory to the Director for future payments under the order, the Court may—

- (a) commit the person complained against to prison for a period not exceeding twelve months, with or without hard labour; or
- (b) require the person complained against to find security satisfactory to the Court that he will—
 - (i) in future comply with the order; or
 - (ii) not leave the Northern Territory without making arrangements satisfactory to the Director for future payments under the order,
 as the case requires.

(3.) A Court may commit to prison for a period not exceeding twelve months, with or without hard labour, a person required to find security under paragraph (b) of the last preceding sub-section if the person does not find that security to the satisfaction of the Court.

Director to return money paid for confinement expenses where no child is born.

55. Where an order for payment of confinement expenses is made under this Part and no child is born, within nine months after the date of the order, to the woman in respect of whom the order is made, the Director shall return to the person against whom the order is made any money paid by that person to the Director under the order.

Lapse of order not to affect money due at time of lapsing.

56. The lapse of an order for maintenance under this Ordinance does not affect the liability of the person against whom the order was made to pay any money due under the order at the time the order lapsed.

PART VII.—STATE CHILDREN.

Liability for maintenance of State children.

57.—(1.) The near relatives specified in the next succeeding sub-section are liable to pay for or contribute towards the maintenance of a State child in accordance with their ability and in the order specified in that sub-section.

(2.) The liability specified in the last preceding sub-section lies—

- (a) on the father of the child;
- (b) if the father is dead or unable to pay for all the cost of maintaining the child, on the mother of the child;
- (c) if the father is dead and the mother is dead or unable to pay for all the cost of maintaining the child, on the stepfather (if any) of the child; and

(d) if the mother is dead and the father is dead or unable to pay for all the cost of maintaining the child, on the stepmother (if any) of the child.

(3.) In this section—

(a) “father”—

(i) includes, in the case of an adopted child, an adopting father and the husband of an adopting mother; and

(ii) means, in the case of an illegitimate child who is not adopted, a person admitting himself to be, or adjudged by a Court to be, the father of the child;

(b) “mother” includes, in the case of an adopted child, an adopting mother and the wife of an adopting father;

(c) “stepfather” means a man who marries the mother of the child after the death of the father of the child;

(d) “stepmother” means a woman who marries the father of the child after the death of the mother of the child.

58.—(1.) The Director or a person authorized by him in writing to act under this section may make a complaint that a person liable to pay for or contribute towards the cost of maintaining a State child is able but refuses to do so.

Enforcement proceedings.

(2.) On complaint being made under the last preceding subsection a Justice may summon the person specified in the complaint to appear before a Court at a time and place appointed in the summons to show cause why he should not pay for or contribute towards the past or future maintenance of the child.

59. Where at a hearing a Court is satisfied that a person summoned under this Part—

Order for payment of maintenance of State child.

(a) is a near relative of and liable to pay for or contribute towards the cost of the maintenance of the State child specified in the summons; and

(b) is able to pay for or contribute towards the cost of the past or future maintenance of the child but refuses to do so,

the Court may order the person to pay to the Director such sum for or towards the cost of the past maintenance of the child, not being maintenance of the child after the child has attained the age of sixteen years, as the Court thinks appropriate or such weekly sum for or towards the cost of the future maintenance of the child for such period until the child attains the age of sixteen years as the Court thinks appropriate, or both.

Allegations to
be *prima facie*
evidence.

60. Subject to the next succeeding section, upon the hearing of a complaint in respect of the maintenance of a State child, an allegation in the complaint—

- (a) that the person complained against is a near relative liable and able to pay for or contribute towards the cost of the maintenance of the child; or
- (b) that a specified sum—
 - (i) has been expended upon; or
 - (ii) is due or owing for or in respect of, the cost of the maintenance of the child,

shall, be *prima facie* evidence of the matter alleged.

Evidence as
to paternity.

61.—(1.) Upon the hearing of a complaint against a person in respect of the maintenance of an illegitimate State child, an allegation in the complaint that the person is the father of the child is not evidence of the matter alleged; but a Court hearing the complaint may, subject to the next succeeding sub-section, adjudge him to be the father of the child and make an order against him under this Part.

(2.) A person shall not be adjudged under the last preceding sub-section to be the father of an illegitimate State child—

- (a) upon the evidence of the mother, unless her evidence is corroborated in some material particular;
- (b) if the Court hearing the complaint is satisfied that at the time the child was begotten the mother was a common prostitute; or
- (c) if the evidence adduced, including evidence of the results of serological tests, indicates that it is impossible or unlikely that he is the father of the child.

State child
absconding
or illegally
removed from
proper custody.

62.—(1.) A State child who absconds from his proper custody is guilty of an offence.

(2.) A Justice may issue a warrant for the arrest of a State child who has absconded or been illegally removed from his proper custody.

(3.) A Court finding a State child guilty of an offence under sub-section (1.) of this section may—

- (a) order the child to be—
 - (i) committed to the care of the Director;
 - (ii) committed to the care of a person who is willing to undertake the care on such terms and conditions as the Court thinks fit until the child attains the age of eighteen years or during such shorter period as the Court thinks fit;

(iii) sent to an institution specified in the order and detained or otherwise dealt with there under this Ordinance until the child attains the age of eighteen years or during such shorter period as the Court thinks fit; or

(iv) released on probation on such conditions (if any) as the Court orders; or

(b) return the State child to his former custody.

(4.) The Director shall ensure that a State child who has been arrested on a warrant issued under sub-section (2.) of this section is, as soon as practicable—

(a) brought before a Court, if the child has absconded from his proper custody; or

(b) placed in an institution or the dwelling of a police officer, if the child has been illegally removed from his proper custody.

(5.) A State child who—

(a) has been temporarily released from his proper custody; and

(b) fails to return to that custody in accordance with the conditions of his temporary release,

shall be deemed to have absconded from his proper custody.

63.—(1.) The Director or a person authorized in writing by the Director to act under this section may—

State child
may be
apprenticed.

(a) by indenture bind a State child or cause a State child to be bound as an apprentice; or

(b) place the State child in suitable employment without apprenticeship, if in the opinion of the Director it is not possible or desirable to take action under the last preceding paragraph.

(2.) Where, in accordance with this section, a State child is apprenticed or placed in employment without apprenticeship, the indentures of apprenticeship or agreement relating to the employment—

(a) shall be in such form as is prescribed; and

(b) shall contain provisions satisfactory to the Director for—

(i) the maintenance of the child; and

(ii) the due payment of such wages as are payable under the indentures or agreement, as the case may be.

(3.) A person who has agreed to pay wages to a State child shall pay—

- (a) to the child such part of the wages as are agreed to be paid to the child himself; and
- (b) to the Director the remaining part of the wages.

(4.) The Director shall hold on behalf of the State child money paid to him under the last preceding sub-section, and shall apply that money in such manner as is prescribed.

(5.) The Director or a person authorized in writing by the Director to act under this section may in the name of the Director sue for and recover wages due by a person on account of a State child.

Procedure on complaint that condition relating to State child not observed.

64.—(1.) Where a complaint is made by a person authorized in writing by the Director to make a complaint under this section that a person with whom a State child has been placed under indentures of apprenticeship or an employment agreement—

- (a) is not observing or performing a condition he undertook in the indentures or agreement to observe or perform; or
 - (b) is unfit to have further care of the State child,
- a Justice may summon the last mentioned person to answer the complaint.

(2.) At the hearing of a complaint under the last preceding sub-section, a Court may—

- (a) order the agreement to be terminated; and
- (b) direct the child to be sent to a place of safety pending arrangements for further employment.

Offences in relation to State children.

65.—(1.) A person shall not—

- (a) ill-treat, terrorize, overwork or injure a State child;
- (b) counsel or cause or attempt to cause a State child—
 - (i) to be withdrawn or abscond from an institution or the charge of a person with whom the State child is boarded out, placed out or apprenticed;
 - (ii) to escape from his proper custody; or
 - (iii) to be or remain absent without leave from his proper custody;
- (c) knowing a State child to have been so withdrawn or to have so absconded or escaped or to be so absent—
 - (i) harbour or conceal that State child; or
 - (ii) prevent him from returning to that institution, charge or custody; or

(d) if he has the care of a State child—

- (i) illegally discharge, dismiss or attempt to discharge or dismiss the State child from an institution;
- (ii) illegally detain the State child in an institution;
- (iii) neglect the State child; or
- (iv) fail or neglect to observe, perform or keep a covenant, condition or agreement which is contained in an indenture or agreement he has entered into respecting the State child and which by the indenture or agreement he has bound himself or agreed to observe, perform or keep.

Penalty: One hundred pounds or imprisonment for six months, or both.

66.—(1.) A State child shall not be apprenticed, boarded out or placed out unless he has been—

Medical examination of State child.

- (a) examined by a medical practitioner; and
- (b) certified by the medical practitioner to be free from venereal disease or no longer liable to convey venereal infection.

(2.) A medical practitioner examining a State child under the last preceding sub-section shall forward a certificate of the result of his examination to the Director and the Director shall retain the certificate.

67—(1.) When a State child is or becomes entitled in possession to land, the Director—

Director to control, &c., certain lands of State children.

- (a) has the control and management of the land;
- (b) may apply the whole or any part of the income from the land or the proceeds of the sale of the land, or both, for the maintenance or benefit of the State child; and
- (c) has and may exercise in respect of the land the same rights and powers as if the land formed part of an intestate estate of which he was duly appointed the administrator and was the share of the State child in that estate.

(2.) Where a child becomes a State child under this Ordinance at the commencement of this Ordinance, this section extends to and in respect of land to which the child was entitled in possession immediately before that commencement or becomes entitled in possession at any time while he is a State child after that commencement.

State child
may be sent
to place
within the
Commonwealth.

68.—(1.) The Director may, with the approval of the Administrator, send a State child to a place within the Commonwealth in order that the child may be there placed under control, trained, educated, cared for and maintained in accordance with arrangements made by the Director.

(2.) In exercising the power conferred by the last preceding sub-section, the Director may, with the approval of the Administrator, authorize, in writing, a person to take charge of and convey a State child to a place within the Commonwealth.

(3.) Where under this section a State child is sent to a place within the Commonwealth, the Director may, for the maintenance of the child, pay to the authority or person under whose control the child is placed an amount at such rate per week as the Administrator determines.

(4.) When a child sent under this section outside the Northern Territory ceases to be a State child, he shall, on application being made in such manner and within such time as are prescribed, be entitled to be returned to the Northern Territory at the expense of the Director.

PART VIII.—OFFENCES IN RESPECT OF CHILDREN.

Failure to
provide food,
&c., for child
an offence.

69.—(1.) A person shall not without reasonable excuse fail or neglect to provide adequate and proper food, clothing, lodging, nursing aid and medical aid for a child in his care, whether the person is or is not the parent of the child.

Penalty: Two hundred pounds or imprisonment for twelve months, or both.

(2.) An offence under this section is punishable on summary conviction.

Assaulting, &c.,
child an offence.

70.—(1.) A person who—
(a) assaults, ill-treats or exposes a child; or
(b) causes or procures a child to be assaulted, ill-treated or exposed,
is guilty of an offence.

Penalty: Fifty pounds or imprisonment for three months, or both.

(2.) A person who—
(a) assaults, ill-treats or exposes a child; or
(b) causes or procures a child to be assaulted, ill-treated or exposed,

in such a manner that the assault, ill-treatment or exposure has resulted or appears likely to result in bodily suffering or permanent or serious injury to the health of the child is guilty of an offence.

Penalty: Two hundred pounds or imprisonment for twelve months, or both.

(3.) An offence under this section is punishable on summary conviction.

(4.) The same complaint may charge a person, either together or separately, with all or any of the offences of assault, ill-treatment or exposure of the child and may charge the person with committing all or any of these offences in such a manner that bodily suffering or permanent or serious injury to the health of the child has resulted or appears likely to result, either alternatively or together; but if two or more of those offences are charged together the person charged shall not, if he is convicted, be liable to a separate penalty for each.

71.—(1.) A person shall not—

- (a) without the authority or permission of the Director or the superintendent or person in charge of the institution, hold or attempt to hold any communication with a child placed in an institution in the Northern Territory under the provisions of this Ordinance; or
- (b) having entered an institution, or premises belonging to an institution, in the Northern Territory, fail or neglect to depart from the institution or premises when required to do so by the superintendent or person in charge of the institution.

Unauthorized communication with child in institution an offence.

Penalty: Five pounds or imprisonment for ten days, or both.

(2.) A person who holds or attempts to hold any communication directly or indirectly with a child placed in an institution in the Northern Territory under the provisions of this Ordinance, after having been forbidden to do so by the Director or the superintendent or person in charge of the institution, is guilty of an offence, and is punishable on conviction by a fine of not more than Fifty pounds or by imprisonment for not more than three months, or both.

72.—(1.) Where a police officer or a person authorized in writing by the Director to act under this section believes on reasonable grounds that an offence has been committed in respect of a child he may take the child to a place of safety.

Certain children may be detained in places of safety.

(2.) A child—

- (a) taken to a place of safety in accordance with the last preceding sub-section; or
 - (b) seeking refuge in a place of safety,
- may be detained in the place of safety until he can be brought before a Court or until a period of fourteen days has elapsed, whichever first occurs.

Care of child pending charge for offence in respect of child.

73.—(1.) Where a Court or Justice is of the opinion that—

- (a) an offence has been committed in respect of a child brought before the Court or Justice; and
- (b) the health, welfare or safety of the child is likely to be endangered unless an order is made under this section,

the Court or Justice may, without prejudice to any other power under this Ordinance, make such order as the Court or Justice thinks fit for the care of the child for a reasonable period.

(2.) The period specified in the last preceding sub-section shall not exceed the period reasonably required for bringing and disposing of a charge in respect of the offence considered to have been committed.

(3.) An order under this section may be enforced notwithstanding the claim of any person to be entitled to the custody of the child.

Care of child on determination of charge for offence in respect of child.
Substituted by No. 21, 1960, s. 11.

74. Where steps have been taken under this Ordinance to secure the safety or well-being of a child and a charge against a person for an offence in respect of the child has been heard and determined, the court before which the charge is brought may at any time make such order as it thinks fit for the care of the child.

PART IX.—EMPLOYMENT OF CHILDREN.

Endangering life or limb of child by public exhibition, &c., prohibited.

75.—(1.) A person shall not cause or allow a child to take part in—

- (a) a public exhibition or performance; or
- (b) any preparation, training or rehearsal for a public exhibition or performance,

if by so taking part the child would endanger his life or limb.

Penalty: One hundred pounds or imprisonment for six months, or both.

(2.) A parent or a person having the care of a child shall not aid or abet a person in the contravention of the provisions of the last preceding sub-section.

Penalty: One hundred pounds or imprisonment for six months, or both.

(3.) Where—

- (a) a public exhibition or performance or any preparation, training or rehearsal for a public exhibition or performance is in its nature dangerous to the life or a limb of a child taking part in it; and

- (b) in the course of that exhibition, performance, preparation, training or rehearsal an accident causes actual bodily harm to a child employed to take part in the exhibition, performance, preparation, training or rehearsal,

the employer, whether the employer is or is not a parent of the child, is guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months, or both.

(4.) If an employer guilty of an offence under the last preceding sub-section is not a parent of the child, a Court convicting the employer of the offence may order the employer to pay, as compensation for the bodily harm caused to the child, a sum not exceeding One hundred pounds to the child or a person named by the Court to receive the payment on behalf of the child.

(5.) The recovery of compensation awarded under the last preceding sub-section does not deprive a child of any other legal remedy, but a 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.

76.—(1.) A child shall not engage in street trading—

(a) between the hours of ten o'clock in the evening and six o'clock in the morning; or

(b) at any time on a Sunday.

Child not to engage in street trading at certain times.

Penalty: Ten shillings.

(2.) A person shall not cause or procure a child under the age of fifteen years to engage in street trading—

(a) between the hours of ten o'clock in the evening and six o'clock in the morning; or

(b) at any time on a Sunday.

(3.) The penalty for an offence under the last preceding sub-section is a fine of not more than Thirty pounds or imprisonment for not more than two months, or both.

PART X.—MISCELLANEOUS.

77.—(1.) Where a maintenance order is in force under this Ordinance, the Director, the mother of the child in respect of whom the order is in force or a person liable to pay money under the order may from time to time make application to a Court for the alteration, variation, suspension or discharge of the order.

Application to vary, &c., order.

(2.) The application shall be by way of complaint—

(a) in writing;

(b) on oath; and

(c) stating the name of the complainant, the child, and all persons liable to pay for or contribute towards the maintenance of the child.

(3.) A Justice before whom a complaint is made under this section may summon all or any of the persons stated in the complaint to be liable to pay for or contribute towards the maintenance of the child to appear before a Court at a time and place named in the summons.

(4.) A complaint under this section may be heard by—

- (a) the Court which made the original order; or
- (b) the Court nearest to the place of residence of a person liable to make payments under the order, if the last mentioned Court is satisfied that increased convenience would thereby result to the parties.

(5.) At the hearing of a complaint under this section the Court may alter, vary, suspend or discharge the order or make a new order as it thinks just in the light of fresh evidence adduced.

Welfare officer,
&c., may
receive money
due to Director.

78.—(1.) Where under a maintenance order made under this Ordinance a sum of money is due to the Director—

- (a) a welfare officer; or
- (b) a police officer authorized in writing by the Superintendent of Police so to do,

may, subject to the provisions of the order, demand, collect and receive that sum from the person liable to pay it.

(2.) The receipt of the Receiver of Public Moneys is a sufficient discharge for money paid under the last preceding sub-section.

Enforcement of
maintenance
orders.

79.—(1.) Where—

- (a) an order for the past or future maintenance of a child has been made under this Ordinance;
- (b) default has been made by the defendant in making the payments directed by the order; and
- (c) an amount of more than Ten pounds is due under the order,

the Director or a person authorized in writing by the Director to do so may apply to a Court for a certificate as to the amount due under the order at the date of the certificate.

(2.) If after hearing the application the Court is satisfied as to the matters specified in paragraphs (a), (b) and (c) of the last preceding sub-section, the Court may grant the certificate applied for.

(3.) The Director may file the certificate or cause it to be filed in a Local Court.

(4.) Where a certificate has been so filed the Local Court shall enter judgment for the person to whom the defendant is ordered to make payments under the order for maintenance for the amount stated to be due in the certificate, together with the fees paid for the certificate and for filing the certificate and entering judgment.

(5.) The judgment so entered may be enforced in any manner in which a final judgment in an action may be enforced.

80. At the hearing of—

(a) a complaint, information, application or proceeding under this Ordinance against or in respect of a child; or

(b) an appeal in respect of a matter specified in the last preceding paragraph,

the Director or an officer authorized in writing by the Director to act for him under this section is entitled to appear and be heard.

Director may appear and be heard.

81. Where a person is charged before a Court with an offence under this Ordinance in respect of a child alleged in the charge to be under a specified age and the child appears to the Court to be under that age, the child shall be deemed to be under that age unless the contrary is proved.

Allegation as to age of child, &c.

82.—(1.) In any prosecution for an offence or any other proceeding under this Ordinance a child shall not knowingly give false unsworn evidence or make a false statement.

False unsworn evidence by child.

(2.) A Court finding a child guilty of an offence under this section may make such order as it might make if it had declared the child to be a destitute or neglected child under this Ordinance; and an order so made shall have effect as if it were an order under section thirty-six of this Ordinance.

(3.) No prosecution shall be instituted for an offence under this section without the leave of the Court in which the unsworn evidence was received.

83.—(1.) Where a Justice is satisfied by the evidence of a medical practitioner that the attendance before a Court of a child in respect of whom an offence under this Ordinance is alleged to have been committed would be injurious or dangerous to the health of the child, the Justice may take in writing the statement of the child.

Statement of child too ill to attend Court.

(2.) Where in a proceeding in relation to an offence under this Ordinance a Court is satisfied by the evidence of a medical practitioner that the attendance before the Court of a child in respect of whom the offence is alleged to have been committed would be injurious or dangerous to the health of the child, a deposition of the child or a statement taken under the last preceding sub-section may be received in evidence and shall have effect as if it were proved that—

- (a) the child was so ill as not to be able to travel; or
- (b) in the case of a statement, there was no reasonable probability that the child would ever be able to travel or give evidence.

(3.) Notwithstanding the provisions of the last preceding sub-section, a deposition or statement of a child shall not be received in evidence unless the Court is of the opinion that the child is possessed of sufficient intelligence to justify the reception of the deposition or statement and understands the duty of speaking the truth.

(4.) Where in a proceeding in relation to an offence under this Ordinance a Court is satisfied by the evidence of a medical practitioner that—

- (a) the attendance for the purpose of giving evidence before the Court of a child in respect of whom the offence is alleged to have been committed would be injurious or dangerous to the health of the child; and
 - (b) the evidence of the child is not essential to the just hearing of the case,
- the case may be proceeded with and determined in the absence of the child.

Arrest without
warrant in
certain cases.

84.—(1.) A police officer may arrest without warrant a person who commits or whom the police officer reasonably suspects of having committed an offence under this Ordinance if the name and residence of the person are not known to and cannot by reasonable inquiry be ascertained by the police officer.

(2.) Where an arrest has been made under the last preceding sub-section the officer in charge of the police station to which the person arrested is taken shall, unless the officer in charge believes the release on bail of the person arrested—

- (a) would tend to defeat the ends of justice; or
- (b) where the offence is alleged to have been committed in respect of a child, would tend to cause injury or danger to the child,

release the person arrested upon his entering into a recognizance, with or without sureties, to attend upon the hearing of the charge.

* * * * *

Section 85 repealed by No. 21, 1960, s. 12.

86. A person shall not hinder or obstruct a person in the exercise of the last mentioned person's duty under this Ordinance. Penalty: Five pounds or imprisonment for ten days, or both.

Obstructing person in course of duty an offence.

87. A person shall not, in an application under this Ordinance, make a wilfully false statement as to—

Making false statement as to property, &c., an offence.

- (a) his property or income; or
- (b) the income, property or earnings of a member of his family.

Penalty: Fifty pounds or imprisonment for three months, or both.

88.—(1.) A person shall not make, whether orally or in writing, a false or misleading statement to obtain or increase a benefit or remove or decrease a liability under this Ordinance, whether for himself or for any other person.

Obtaining benefits improperly an offence.

(2.) A person shall not receive and retain any money purporting to be paid in respect of a child under the provisions of this Ordinance after the person has become disentitled to receive that money.

Penalty: Fifty pounds or imprisonment for three months, or both.

89.—(1.) A person guilty of an offence under this Ordinance is liable on summary conviction, where no other penalty is expressly provided, to a penalty not exceeding One hundred pounds or imprisonment for twelve months or both.

General penalty.

(2.) A penalty imposed by this Ordinance or a regulation under this Ordinance may be recovered in a summary manner before a Court.

90. It is sufficient defence to a charge of committing an offence under this Ordinance if the person charged satisfies the Court hearing the charge that he had a reasonable excuse for the act or omission which constitutes the offence charged.

Reasonable excuse.

91.—(1.) If it appears to a Justice, on complaint made before him on oath, that there is reason to believe that, in a house, building or place—

Warrant to search premises.

- (a) a person is offending against a provision of this Ordinance; or

(b) a provision of this Ordinance is being infringed, the Justice may issue a warrant authorizing a welfare officer or police officer named in the warrant to search at any hour of the day or night, if need be by force, a house, building or place specified in the warrant, for the purpose of ascertaining whether there is or has been, in or on the house, building or place, an infringement of the provisions of this Ordinance.

(2.) The welfare officer or police officer named in the warrant may be accompanied by—

(a) a medical practitioner; and

(b) unless the Justice otherwise directs, the person making the complaint, if that person desires to accompany the welfare officer or police officer.

Power of search
and arrest, &c.

92.—(1.) If it appears to a Justice, on complaint made before him on oath by a person who, in the opinion of the Justice, is acting in good faith in the interest of a child, that there is reasonable cause to suspect that the child is a neglected child or has been or is being ill-treated or neglected in a manner likely to cause the child unnecessary suffering or to be injurious to his health or welfare, the Justice may issue a warrant authorizing a welfare officer or police officer named in the warrant to—

(a) search for the child and take him to and detain him in a place of safety until he can be brought before a Court; and

(b) apprehend any person whom the welfare officer or police officer believes, on reasonable grounds, to have committed an offence in respect of the child.

(2.) A person authorized by warrant under this section to search for a child and take him to and detain him in a place of safety may enter, if need be by force, a house, building, or other place specified in the warrant and may remove the child from that house, building or place.

(3.) A warrant issued under this section shall be addressed to and executed by the welfare officer or police officer named in the warrant.

(4.) A welfare officer or police officer executing a warrant under this section may be accompanied by—

(a) a medical practitioner; and

(b) unless the Justice otherwise directs, the person making the complaint, if that person desires to accompany the welfare officer or police officer.

(5.) It is not necessary to name a particular child in a warrant issued under this section.

93 Where a child is brought before a Court in accordance with the last preceding section, the Court may—

Court may make order as to care of child.

- (a) commit the child to the care of a person named by the Court; or
- (b) make such other order as to the care of the child as the Court thinks fit.

94.—(1.) A person authorized in writing by the Director to act under this sub-section may at any time order that a child admitted to an establishment under the control of the Director be examined to obtain information concerning the child's medical, physical or mental characteristics.

Medical, &c., examination and treatment of certain children.

(2.) The Director or a person authorized in writing by the Director to act under this sub-section in relation to a particular child on a particular occasion may consent to a surgical or other operation on a State child, notwithstanding the objection of a parent of the child, if the Director or authorized person is advised by a medical practitioner that the operation is necessary in the interests of the health or welfare of the child.

95 —(1.) If a Court has reason to believe that a child is or may be suffering from venereal disease, the Court may at any time order the child to be examined by a medical practitioner.

Child believed to be suffering from venereal disease.

(2.) Where a child suffering from venereal disease—

- (a) has been sentenced according to law by a judge who has directed that the child be detained in an institution; or
- (b) is sent to an institution in accordance with an order under this Ordinance,

the child shall not be released from the institution, either before or after he attains the age of eighteen years, unless he has been examined by a medical practitioner and certified by the medical practitioner to be free from venereal disease or no longer liable to convey infection.

96.—(1.) Subject to this section, nothing in this Ordinance shall be construed to take away or affect the right of a parent, teacher or other person having the lawful care of a child to administer punishment to the child.

Right to punish child.

(2.) The Administrator may authorize the superintendent of an institution to administer corporal punishment or cause it to be administered to a State child who is in that institution.

(3.) Subject to such conditions relating to the administration of corporal punishment as are prescribed, but not otherwise, a

superintendent so authorized may administer corporal punishment or cause it to be administered to a State child who is in an institution of which he is the superintendent.

Restriction
of liability
of Director, &c.

97.—(1.) A suit or action shall not be commenced against the Director or an officer of the Public Service of the Commonwealth or the Northern Territory for or on account of an act, matter or thing done by him or under his direction and purporting to be done for the purpose of carrying out the provisions of this Ordinance—

- (a) if the Director, officer or employee acted in good faith and with reasonable care; or
- (b) more than six months after—
 - (i) the time when the alleged cause of action arose; or
 - (ii) the person aggrieved by the act, matter or thing ceased absolutely to be a State child,

whichever last occurs.

(2.) If, pending a suit or action against the Director or an officer of the Public Service of the Commonwealth or the Northern Territory for or on account of an act, matter or thing done by the Director or officer or under the direction of the Director or officer and purporting to be done for the purpose of carrying out the provisions of this Ordinance—

- (a) application to stay the suit or action is made to the court in which the suit or action is pending or commenced; and
- (b) the court is satisfied that—
 - (i) there is no reasonable ground for alleging want of good faith or reasonable care; or
 - (ii) the suit or action was commenced out of time,

the court may stay the proceedings in the suit or action on such terms as to costs or otherwise as the court thinks fit.

Regulations.
Amended by
No. 21, 1960,
s. 13.

98. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to, this Ordinance, and in particular for prescribing penalties not exceeding Fifty pounds for breaches of the regulations.

Child Welfare Ordinance
1958-1960.

THE SCHEDULE.*

Section 3. **Amended by
No. 21, 1960,
s. 14.***

STATE ACTS WHICH CEASE TO APPLY IN THE NORTHERN TERRITORY

Short Title of State Act.	Extent to which State Act ceases to apply in the Northern Territory.
The State Children Act, 1895.	The whole.
The Affiliation Law Amendment Act, 1898.	The whole.
The Children's Protection Act, 1899.	Sections 4, 5, 6, 7, 8, 9, 15.
The State Children Amendment Act, 1900.	The whole.
The State Children Further Amendment Act, 1903.	The whole.
The Destitute Persons and State Children Acts Amendment Act, 1903.	Section 3.
The State Children Amendment Act, 1909.	The whole.

The Schedule was amended by sub-section (1.) of section 14 of the *Child Welfare Ordinance* 1960. Sub-section (2.) of that section reads as follows:—

“(2.) The amendments effected by the last preceding sub-section shall be deemed to have come into operation on the date on which the *Child Welfare Ordinance* 1958 came into operation.”