

CHILDREN'S COURT BILL.

EXPLANATORY MEMORANDUM.

OBJECTS OF BILL.

As appears from the long title of the Bill, its main object is to re-enact, with amendments, the law relating to Children's Courts. The Bill is designed particularly to bring up to date the provisions of the *Children's Court Act 1958* and to simplify the administration of the legislation. To this end the Bill proposes a number of significant changes from the 1958 Act, and these changes are dealt with in detail later in this memorandum.

As the attached comparative table clearly indicates that certain provisions of the Bill re-enact existing provisions without substantive change, this memorandum is not intended to repeat that information and is, therefore, primarily concerned with changes of substance. For convenience, the *Children's Court Act 1958* will be referred to as "the 1958 Act", and the *Magistrates' Courts Act 1971* will be referred to as "the Magistrates' Courts Act".

CLAUSES AND STRUCTURE OF THE BILL.

Clause 1 is a provision in common form as to the citation, commencement and division of the Act into Parts.

Clause 2 provides for the repeal of the 1958 Act and also provides, in the usual form, for the preservation of rights created and things done under the repealed provisions.

Clause 3 re-enacts the existing interpretation provisions with the following changes :—

The definition of "child" is amended so as to exclude any person who has attained the age of 18 years at the time of being brought before a Children's Court. In the existing definition the specified age is 19 years which has been reduced because of current trends in the community.

The definition of "Director of Probation" is new, and flows from the provisions of the *Social Welfare Act 1970*.

The definition of "Magistrate" replaces the existing definition of "Special Magistrate", because of changes of terminology in the Bill.

The definition of "Ward" or "Ward of the Department" is new. It is designed to simplify the interpretation of the Act, having regard to the provisions of the *Social Welfare Act 1970*.

PART I.—COURTS AND MAGISTRATES.

Clause 4 re-enacts section 4 and sub-sections (1) and (3) of section 8 of the 1958 Act, with amendments. The changes in the existing provisions are as follows:—

Sub-clause (1) extends the provision for holding of Children's Courts by giving to the Governor in Council a new power to order that a Children's Court shall not be held at a place where a Magistrates' Court is held. *Sub-clause (2)* is new and is an ancillary provision in relation to the books and records of a Court the subject of an order under sub-clause (1). It is based upon the provisions of section 5 of the Magistrates' Courts Act. *Sub-clauses (3), (4) and (5)* re-enact existing provisions, but with the addition in sub-clause (3) of a provision similar to section 4 (3) of the Magistrates' Courts Act, which enables a division of the Court, with the consent of the parties, to sit at some time or place other than that appointed in respect of the Court.

Clause 5 differs from section 5 of the 1958 Act in three ways. First, sub-clause (1) provides for the appointment of Children's Court Magistrates without restriction as to place, whereas the 1958 Act only enables appointment in respect of "any city town or place". Secondly, the age beyond which a Children's Court Magistrate is not capable of acting is reduced from 72 years to 65 years. Thirdly, sub-clause (3) is a transitory provision to preserve the appointment of existing Special Children's Court Magistrates.

Clause 6 is substantially a new provision in relation to the constitution of Children's Courts.

Sub-clause (1) re-enacts section 6 of the 1958 Act without substantive change, apart from verbal amendments consequential upon the change in clause 5 (1), referred to above. Sub-clauses (2) to (6) are new provisions.

Sub-clause (2) adopts the provisions of section 6 (6) of the Magistrates' Courts Act—the opinion of the majority shall be the decision of the Court; where equally divided, if the person charged has not been convicted or the information dismissed the case is to be re-heard; where the offence has been proved the chairman shall have a casting vote on the question of penalty or punishment.

Sub-clause (3) provides that every Stipendiary Magistrate appointed after commencement of the new Act shall be a Children's Court Magistrate.

Sub-clause (4) enables the Governor in Council to appoint a Stipendiary Magistrate to be a Stipendiary Children's Court Magistrate for any Children's Court or Courts to which he is assigned by the Attorney-General, and to revoke such appointment.

Sub-clauses (5) and (6) are designed to preserve the appointment and rights of an existing Stipendiary Children's Court Magistrate.

Sub-clause (7) makes provision for the appointment of a chairman where a Children's Court consists of two or more persons. Such provision is essential if full effect is to be given to sub-clause (2) of this clause.

PART II.—OFFICERS.

Clause 8 re-enacts the substance of section 9 of the 1958 Act in relation to the appointment of Stipendiary Probation Officers. Sub-clause (1) contains amendments consequential upon the *Social Welfare Act 1970*.

Clause 9 provides for the appointment of honorary probation officers, and unlike its forerunner, section 10 of the 1958 Act, does not restrict appointment to a particular Court or Courts. For this reason it has not been necessary to re-enact sub-sections (2) and (3) of section 10.

Clause 10 re-enacts section 11 of the 1958 Act, which deals with the direction and control of probation officers. The clause differs from the existing provision only in respect of changes of language required to conform with the *Social Welfare Act 1970*.

Clause 11 sets out the duties of probation officers in relation to investigations required by a Children's Court or by the Director of Probation. The clause re-enacts the substance of section 12 of the 1958 Act, with two changes. The first of these is that paragraph (b) of sub-clause (1) extends the matters to be dealt with in a report on a child by adding "parental control" and "any other relevant matters". The second change is that the duty of a probation officer, under paragraph (d) of sub-clause (1), to supervise a child requires him to do so in consultation and co-operation with the parents of the child.

Clause 12 re-enacts the substance of section 13 of the 1958 Act, and it also contains (as sub-clause (1)) a new provision to ensure the right of the parents of a child, who is the subject of proceedings before a Children's Court, to be present in Court to the same extent as the child and to be heard on the child's behalf.

PART III.—JURISDICTION AND POWERS.

Clause 14 re-enacts the existing provisions in respect of the jurisdiction of Children's Courts, with only two substantive changes. The changes are to be found in sub-clause (1) (*d*) and sub-clause (2).

Paragraph (d) of sub-clause (1) makes express provision for jurisdiction in respect of applications for admission of children and young persons to the care of the Social Welfare Department. At present the only express provision in that regard is contained in the *Social Welfare Act 1970*.

Sub-clause (2) is a new provision enabling a Children's Court to find an offender charged with an indictable offence not guilty of that offence but guilty of an alternative offence, where that course would be available if the defendant were tried in the Supreme Court or County Court.

Clause 15 sets out the procedure in indictable cases and the first three sub-clauses re-enact the substance of the existing provisions. Sub-clause (4) is a new provision, which enables a Children's Court to dispose of a charge summarily in the absence of objection by the parent or children, where the Court had, at a previous stage of the proceedings, considered the case to be unsuitable for summary determination.

Clause 16. Sub-clause (1) re-enacts the provisions of section 17 of the 1958 Act without substantive change. Sub-clause (2) is a new provision adopting the procedure specified in the *Justices Act Rules 1963* (Statutory Rule No. 45 of 1963—Rule 5 of Chapter II.) where a child is brought before a Magistrates' Court.

Clause 17 contains new provisions in sub-clauses (4) and (5). The earlier sub-clauses re-enact the provisions of section 18 of the 1958 Act, which confers on Children's Courts the powers of Magistrates' Courts and empowers the Attorney-General to direct that charges be heard in a specified Children's Court.

Sub-clause (4) applies to Children's Courts, with appropriate modifications, the provisions of the *Crown Proceedings Act 1958* with respect to forfeiture of recognizances.

Sub-clause (5) enables the Clerk of a Magistrates' Court to issue or extend a summons for hearing in a Children's Court.

Clause 18 makes provision for a Children's Court to exclude from the court-room persons not directly interested in the case, and to impose penalties for contempt of Court. Sub-clause (1) re-enacts section 20 of the 1958 Act, with amendments to bring penalties up to date.

The remaining sub-clauses are new provisions, designed to enable a Children's Court to deal with contempts of Court.

Clause 19 extends the provisions of section 21 of the 1958 Act in relation to the exclusion from the Court of a child, if the Court considers that it is in the interest of the child to do so. Section 21, however, provides that no child shall be excluded during the hearing of evidence relating to commission of the offence with which he is charged. Clause 19 enables the child to be excluded during the hearing of such evidence if his conduct renders the continuance of the proceedings in his presence impracticable, and the matter may proceed in his absence, the Court being empowered to select a representative for the child with the consent of the parents.

Clause 20 re-enacts the provisions of section 22 of the 1958 Act with respect to the form of procedure and the proof required to satisfy the Court of guilt. In sub-section (2) the words "best information" have replaced the words "best evidence" used in the existing provision.

PART IV.—PROCEEDINGS.

Clause 21 replaces the provisions in section 23 of the 1958 Act relating to the procedure after apprehension of a child. Sub-sections (1) and (3) of section 23 are re-enacted without substantive change by sub-clauses (1) and (5) respectively of the present clause. Since clause 17 of the Bill applies provisions comparable with those contained in sub-section (2) of section 23, that sub-section has not been re-enacted.

Sub-clauses (2) to (4) are new provisions, designed to ensure that where a child in custody is not released, he is appropriately placed pending completion of adjourned proceedings and the period of adjournments is limited.

Clause 22. As appears from the comparative table, the substance of the existing provisions concerning placement of a child pending a hearing (section 25 of the 1958 Act) is re-enacted in sub-clauses (1), (4), (5), (6), (8) and (9) of this clause. New provisions are as follows :—

Sub-clause (2) which enables a child, who lacks capacity or understanding to enter into a recognizance, to be released upon his parent entering into a recognizance as principal.

Sub-clause (3). A recognizance is not to be taken from a parent or other person unless the justice, magistrate or Court is satisfied that it is in the interests of the child to be released.

Sub-clause (10) enables a justice, magistrate or Children's Court to order release of a child from a reception centre, remand centre, prison or lock-up upon recognizance, or to order that he shall not be so released.

PART V.—ORDERS OF COURT.

Clause 25 deals with pre-sentence reports and other matters to be considered by a Children's Court before making an order in respect of a child. The changes from section 27 of the 1958 Act, which the clause re-enacts, are—

Sub-clause (1) now makes provision for a child brought before the Court as uncontrolled, and it also requires that consideration be given to parental control and any other relevant matters.

Sub-clause (2) is a new provision enabling the Court, unless it considers it adverse to the interests of the child, to order that a copy of a pre-sentence report be made available to the child or his counsel or solicitor.

Sub-clause (3) extends the existing provision to enable the release or placement of a child under clause 22 where a case is adjourned for the purpose of a pre-sentence report.

Sub-clause (4) adds to the existing provisions which it re-enacts a new requirement that the Court in making an order shall make such recommendations for the treatment or guidance of the child as it considers necessary.

Clause 26 re-enacts, with amendments, the provisions of section 28 of the 1958 Act, which sets out the powers of a Children's Court in dealing with a child against whom a charge has been proved. As the result of amendments effected by the *Social Welfare Act 1960*, only sub-sections (1) and (6) of the original section 28 now remain in force.

The effect of clause 26 is as follows :—

Sub-clause (1) re-enacts the substance of sub-section (1) of section 28 with the following changes:—

- (a) The provisions for orders for compensation are omitted, as they are contained in sub-clause (3) of the clause ;
- (b) The provision for adjournment in paragraph (b) of sub-clause (1) contains a new requirement that the adjournment shall not extend beyond the child's eighteenth birthday ;
- (c) The existing restriction that the period of release on probation or upon a recognizance shall not extend beyond the child's nineteenth birthday is varied by relating the period to attainment of the age of 18 years ;
- (d) The provision for discharge upon the child entering into a recognizance, which at present only applies where the child is convicted, is extended to apply where the child is not convicted ;

(e) the provision for admitting a child to the care of the Social Welfare Department has been amended to provide, as an alternative, the making of a supervision order for a period not extending beyond the child's eighteenth birthday.

Sub-clause (2) is a new provision. It empowers a Children's Court to impose a separate period of detention for each offence and to direct that the separate periods, or part thereof, be served concurrently. In the absence of such a direction the periods of detention are to be cumulative, but are not in the aggregate to exceed three years. The sub-clause also contains, in paragraph (b), a provision designed to ensure that a child will not be required to serve a period exceeding three years where he is serving a period of detention at the time when he is ordered to serve a further period of detention.

Sub-clause (3) brings together the provisions for making orders for compensation, to which reference has already been made.

Sub-clause (4) re-enacts section 28 (6) of the 1958 Act without change.

Clause 27 re-enacts section 29 (1) of the 1958 Act in relation to the powers of a Court where a child has been found to be in need of care and protection or to be uncontrolled. It amends the existing provisions by providing for the case of a child adjudged to be uncontrolled, and for supervision orders and adjournments. The provision for release on probation has been varied by limiting probation to a period not extending beyond the child's eighteenth birthday, in lieu of his nineteenth birthday.

Clause 28 does not involve any substantive change of the existing provision relating to wards of the Social Welfare Department, other than to include the case of an uncontrolled child.

Clause 30 re-enacts sections 31 and 32 of the 1958 Act, which deal with orders in respect of parents. The only substantive change introduced by this clause is the requirement that the Court must be satisfied "beyond reasonable doubt by relevant and admissible evidence" before convicting the parent.

Clause 31 re-enacts the substance of section 33 of the 1958 Act in respect of orders for payment against parents—it extends the existing provision by enabling an order that a parent contribute towards a payment to be made by his child.

PART VI.—ADJOURNMENTS ETC.

Clause 32. This new provision specifies in detail the procedure to be adopted when there is a breach of the conditions upon which proceedings have been adjourned under the specified sections of the *Social Welfare Act 1970*. The clause sets out the manner in which the child is to be brought before the Court.

The main features of this clause are—

- (a) notice, requiring the child to appear before the Court, is to be given to the parent and to the child if not less than 15 years of age. If the child has attained that age and is not living with a parent, notice to the child only is sufficient ;
- (b) if the child does not appear after notice, or service cannot be effected, the Court may issue a warrant of apprehension. Upon apprehension the child is to be taken before the Court as soon as practicable and in the meantime may be placed as provided by the Act (see clause 22 of the Bill) ;
- (c) the Court is empowered, upon appearance of the child, to deal with him in relation to the offence or circumstances which gave rise to the adjourned proceedings ;
- (d) provision is made for the Court to deal with a breach of a good behaviour bond, without notice, where the child appears before the Court for some other reason before the expiration of the period of adjournment of the original proceedings ;
- (e) where the child has attained the age of 18 years at the time of appearing before a Children's Court under this clause, the matter is to be remitted to a Magistrates' Court.

Clause 33 is a new interpretation provision necessitated by amendments in respect of the probation service made by the *Social Welfare Act 1970*.

Clauses 35 to 40 almost completely revise the provisions of the 1958 Act relating to probation.

The amendments incorporate features of the adult probation system e.g. the Court is given power to amend the terms of a probation order. In each case a "supervising" Court will be appointed, and this can be changed if the probationer changes his place of residence. Many of the matters now included in the regulations under the 1958 Act are included in the Bill. Clauses 39 and 40 set out in detail the procedure to be followed in respect of alleged breaches of probation, and the powers of the supervising Court where it is satisfied that a breach of probation has occurred.

Briefly, the scheme of these clauses is :—

Clause 35 deals with the formal requirements as to probation orders, the assignment of a probation officer to the case of a child and the obligation of the parent to permit the probation officer to visit the child and carry out his duties.

Clause 36 makes provision for the appointment of a supervising Court and the substitution of another supervising Court when the need arises.

Clause 37 enables a supervising Court to amend a probation order, other than by extending the period of probation. Provision is made for application for amendment of a probation order by the Director of Probation, the probation officer assigned to the case or by the child or some person on his behalf, together with provision for appropriate notification as to the application and any amendment of the order.

Clause 38 deals with the application and termination of probation orders. It re-enacts the substance of sub-sections (1) and (3) of section 36 of the 1958 Act, with verbal amendments flowing from the provision for supervising Courts. However, it omits the existing provision in section 36 (2) for extending the period of probation.

Clause 39, relating to the procedure on breach of a probation order, provides that where it appears that a child has failed to observe any condition of a probation order, notice may be given to the child, directing him to appear before the supervising Court. The provisions as to giving of the notice and for issue of a warrant of apprehension are similar to provisions contained in clause 32. The present clause also enables the issue of a warrant of apprehension by a justice and enables the Director of Probation to cause a child to be apprehended without warrant, where the child appears to have broken a condition of probation. In either case the child is to be taken before the supervising Court as soon as practicable and in the meantime may be placed in accordance with the Act. Where the Director of Probation causes the apprehension he is required to give notice of apprehension to the appropriate Court.

Clause 40 empowers a Court to deal with breaches of probation, subject to provisions similar to those contained in sub-clauses (4) to (6) of clause 32 in relation to breaches of conditions of adjournment.

Clause 41. Although section 38 of the 1958 Act pre-supposes power to make a supervision order, no provision for such an order is made in the Act. This clause is designed to provide for cases where a probation order is inappropriate e.g. where parents have not provided proper food and clothing for a baby or young child. The clause proposes that the Court may impose conditions for the welfare of the child to be observed by the parents, and that a probation officer may supervise the child and give reasonable directions to the parents in the interests of the welfare of the child. The clause incorporates in relation to breaches of supervision orders the same procedure as applies to breaches of probation orders.

Clause 42 re-enacts, without substantive change, the provisions of sections 37 to 39 of the 1958 Act relating to breaches of recognizances. The re-enacted provisions are contained in sub-clauses (1) to (5). Sub-clause (6) is a new provision, requiring a Children's Court to remit to a Magistrates' Court the case of a child who has attained the age of 18 years.

PART VII.—MISCELLANEOUS.

Clause 43. This clause re-enacts section 40 of the 1958 Act in respect of the register of a Children's Court, with two amendments. The first of these appears in sub-clause (4) which now gives to the counsel or the solicitor of a party to proceedings the right to inspect the Court register in relation to those

proceedings. The second amendment is the new provision in sub-clause (5) prohibiting any person from furnishing information relating to Children's Court proceedings except when authorized in writing by the Attorney-General, or by a Stipendiary or Children's Court Magistrate.

Clause 44 deals with the recovery of money ordered to be paid by children. Sub-clause (1) is substantially similar to section 41 (1) of the 1958 Act, and the remaining sub-clauses are new provisions. Broadly, the effect of the new provisions is that if orders for fines, damages or compensation are not complied with, the default periods fixed for non-payment shall be cumulative, but subject to the overriding provision as to a maximum of three years' detention in the aggregate. (Provision for such a maximum is contained in clause 26 (2) (b) of the Bill.) If the child is serving a youth training sentence the default periods are cumulative with such sentence. Provision is made for pro-rata detention when portion of the moneys due is paid.

Clause 46 is a new provision for service of notices by registered post.

Clause 47 re-enacts, with amendments, the provisions of section 42 of the 1958 Act which imposes restrictions as to evidence of previous appearances before a Children's Court. The amendments are directed towards ensuring that questions are not asked in Court proceedings in relation to charges or applications where a child has not been found guilty of an offence. This is achieved primarily by exclusion of questions about other types of application, as provided in paragraph (b) of sub-clause (1), and also by the references in that sub-clause and in sub-clause (2) to applications "on the ground that such person has committed an offence". It will, however, be noted that sub-clause (1) concludes by giving a discretion where the Court or magistrate considers that the interests of justice require that the question be asked.

Clause 48 re-enacts the provisions of section 43 of the 1958 Act as to restrictions on reports of proceedings in Children's Courts, but the existing penalty of \$200 has been increased to \$2,000.

Clause 49, which provides for the establishment and maintenance of a Children's Court clinic, re-enacts the existing provisions without change except to include a reference to children proved to be uncontrolled.

Clause 51 re-enacts the provisions of the 1958 Act for remission of cases to a Magistrates' Court where the Children's Court does not have jurisdiction. Sub-clause (1) re-enacts the substance of section 47 of the 1958 Act, but sub-clause (2) is a new provision. Its purpose is to enable a Magistrates' Court to deal with an offence where originally the matter before a Children's Court was adjourned or a child released on probation or upon a recognizance to be of good behaviour, but the child has broken a condition upon which he was released by the Children's Court and has attained the age of 18 years.

Clause 52 deals with appeals to the County Court. Sub-clauses (1) and (2) substantially re-enact the provisions of section 48 of the 1958 Act, but sub-clauses (3) to (6) are new provisions.

Sub-clause (3) enables a parent or other person to enter into an appeal recognizance where the child does not have the capacity or understanding to do so.

Sub-clause (4) enables a Children's Court, where appropriate in the interests of the child, to order that pending appeal a child shall not be released from the care of the Social Welfare Department or only released to a specified person.

Sub-clause (5) provides, in effect, that no objection shall be taken to the jurisdiction of the County Court on appeal from a finding that a child is in need of care and protection if the Children's Court had jurisdiction (having regard to the age of the child) when it heard the application.

Sub-clause (6) enables the County Court, on appeal from an aggregate sentence, to order that the child be detained for a period, or for separate periods in respect of different offences, but in any event not exceeding the aggregate period ordered to be served by the Children's Court.

CHILDREN'S COURT BILL.

TABLE OF COMPARISON WITH CHILDREN'S COURT ACT 1958.

Clause of Bill.	Section of 1958 Act.	Subject-matter.	Comment.
1	1	Citation, &c.	
2	2	Repeal	
3	3	Interpretation	No substantive change except substitution of age of eighteen years for age of nineteen years in definition of "Child", new definitions of "Director of Probation" and "Ward" or "Ward of the Department", and replacement of the definition of "Special Magistrate" by the definition of "Magistrate".
4	4, 8	Establishment of Courts	Clause 4 (1) differs from section 4 of the 1958 Act in that it enables an order that a Children's Court not be held at a place where a Magistrates' Court is held. Clause 4 (2) is a new provision. Clauses 4 (3), 4 (4) and 4 (5) re-enact sections 8 (1) and 8 (3) of the 1958 Act, the last-mentioned provision having been amended to accord with section 4 (3) of the <i>Magistrates' Courts Act 1971</i> . (Section 8 (2) is re-enacted by clause 7.)
5	5	Appointment of Children's Court Magistrates	No substantive change, except that power of appointment in sub-clause (1) is not restricted, as in existing provision, to appointment for "any city town or place" and that sub-clause (2) fixes the age of 65 years, in lieu of 72 years, for retirement of Children's Court Magistrates. However the right of existing magistrates to act until the age of 72 years is preserved by sub-clause (3).
6	6	Constitution of Children's Courts	Sub-clause (1) re-enacts section 6 the only substantive change being verbal amendments consequential upon the changed power of appointment in clause 5 (1). The succeeding sub-clauses are new provisions.
7	7, 8	Place of sitting	This clause re-enacts sections 7 and 8 (2) without substantive change.
8	9	Appointment of stipendiary probation officers	Sub-clause (1) re-enacts section 9 (1) with amendments consequential upon the <i>Social Welfare Act 1970</i> . Sub-clause (2) re-enacts section 9 (2) without substantive change.
9	10	Appointment of honorary probation officers	The existing provision has been amended by omitting the provision for appointment to a particular Court or Courts, with the consequential omission of sub-sections (2) and (3) of section 10.
10	11	Probation officers to comply with directions of Court	Section 11 re-enacted with amendments consequential upon the <i>Social Welfare Act 1970</i> .
11	12	Probation officers to make certain investigations, &c.	No substantive change except extension of range of matters to be dealt with in reports of probation officers, and requirement of supervision of a child in consultation and co-operation with parents.
12	13	Right of parent to be present	Sub-clause (1) is a new provision—otherwise no change.
13	14	Appointment of officer in charge of Children's Courts	No substantive change.
14	15	Jurisdiction of Children's Courts	Sub-clause (2) and paragraph (d) of sub-clause (1) are new provisions—otherwise no substantive change.
15	16	Procedure in indictable cases	Sub-clause (4) is a new provision—otherwise no substantive change.
16	17	Jurisdiction of other Courts superseded	Sub-clause (2) is a new provision—otherwise no substantive change.
17	18, 19	Children's Courts to have powers of Magistrates' Courts	Sub-clauses (4) and (5) are new provisions—otherwise no substantive change.
18	20	Exclusion of public from Court	Sub-clause (1) re-enacts section 20, with amendments as to penalties. The succeeding sub-clauses are new provisions.
19	21	Exclusion of child in certain circumstances	No substantive change except for provision to exclude child, by reason of his conduct, during hearing of evidence relating to commission of the offence charged.

TABLE OF COMPARISON WITH CHILDREN'S COURT ACT 1958—*continued.*

Clause of Bill.	Section of 1958 Act.	Subject-matter.	Comment.
20	22	Court not bound by legal forms, &c.	No substantive change, except substitution of words " best information " for words " best evidence " in sub-clause (2).
21	23	Procedure after apprehension of child	Sub-clauses (1) and (5) re-enact the substance of sub-sections (1) and (3) of section 23, sub-section (2) having been omitted because of comparable provisions applied by clause 17. Sub-clauses (2) to (4) are new provisions.
22	25	Placement pending trial	Sub-section (1) is re-enacted, with amendments, by sub-clauses (1) and (4). Sub-sections (2) and (3) are re-enacted, without substantive change, by sub-clauses (5) and (6). Sub-sections (4) and (5) are re-enacted by sub-clause (8), with amendments, and sub-clause (9) respectively. The other sub-clauses are new provisions.
23	24	Parent to be notified of charge or application	No substantive change.
24	26	Child may be brought before Court on fresh charge, &c.	No substantive change.
25	27	Pre-sentence reports to be considered	Sub-clause (2) is a new provision. The other substantive changes are to provide in sub-clause (1) for child brought before the Court as uncontrolled, to provide in sub-clause (3) for release or placement of child where hearing adjourned and the addition in sub-clause (4) of provision for recommendations for the treatment or guidance of the child.
26	28	Powers of dealing with offender	Sub-sections (2)–(5) repealed by Act No. 6651. Sub-section (1) re-enacted with amendments, by sub-clauses (1) and (3). Sub-section (6) re-enacted without change by sub-clause (4). Sub-clause (2) is a new provision.
27	29	Power to make orders with respect to child in need of care and protection, &c.	The clause re-enacts sub-section (1), with amendments to provide for case of child adjudged to be uncontrolled and for supervision orders and adjournments.
28	30	Wards of Department charged with offences	Sub-section (2) omitted in view of provisions of clause 39.
29	31	Parent contributing to child's offence	No substantive change, other than extension of provision to uncontrolled children.
30	31, 32	Procedure on information against parent	No substantive change.
31	33	Power to order parent to pay penalty, &c.	No substantive change except requirement that Court be satisfied beyond reasonable doubt by relevant and admissible evidence.
32	..	Procedure on breach of condition for release	No substantive change except to empower Court to order parent to contribute towards penalty.
33	..	Interpretation	New provision.
34	34	Conditions of probation may include residence with a fit and proper person	New provision.
35	35	Requirements as to order	No substantive change.
36	..	Supervising Court to be appointed for child released on probation	Substantially a new provision, although portion of sub-section (2) is re-enacted in sub-clause (3).
37	..	Amendment of probation order	New provision.
38	36	Probation order to apply although child attains age of seventeen years	New provision.
39	37 (1)	Procedure on breach of probation order	This clause omits sub-section (2) of section 36, and re-enacts the other provisions of the section with amendments.
40	37 (2)	Power of Court to deal with breach of probation	This clause is substantially a new provision, replacing the provisions of section 37 (1) as to breaches of probation orders. As to the provisions of section 37 in relation to breaches of recognizance, see clause 42.
41	38	Power of Court to make supervision order	Substantially a new provision, replacing section 37 (2) so far as it relates to breaches of probation.

TABLE OF COMPARISON WITH CHILDREN'S COURT ACT 1958—*continued.*

Clause of Bill.	Section of 1958 Act.	Subject-matter.	Comment.
42	37, 39	Procedure upon breach of recognizance to be of good behaviour	Sub-clauses (1) to (5) of this clause re-enact, without substantive change, the provisions of sections 37 and 39 relating to breaches of recognizance. Sub-clause (6) is a new provision.
43	40	Clerk to keep separate register for Children's Court	Sub-clauses (1) to (4) re-enact section 40 without substantive change, except the extension of sub-clause (4) to enable the counsel or solicitor of a party to inspect the register. Sub-clause (5) is a new provision.
44	41 (1)	Recovery of moneys ordered to be paid by children	Sub-clause (1) is substantially similar to section 41 (1). Other sub-clauses are new provisions.
45	41 (2)	Enforcement of orders to pay moneys	No substantive change.
46	..	Service may be effected by registered post	New provision.
47	42	Restrictions as to evidence of previous appearance in Children's Court	Paragraph (b) of sub-clause (1) is a new provision. Other provisions of clause re-enact section 42 with amendments.
48	43	Restrictions on reports of proceedings in Children's Courts	No substantive change, except increase of penalty to \$2,000.
49	44	Establishment of Children's Court clinic	No change other than inclusion of reference to "uncontrolled" children or young persons
50	46	Application of other Acts, &c.	No substantive change.
51	47	Remission of cases where Children's Court has no jurisdiction	Sub-section (2) is a new provision, but otherwise no substantive change.
52	48	Appeal to County Court	Section 48 is substantially re-enacted by sub-clauses (1) and (2). The succeeding sub-clauses are new.
53	49	Exclusion of public from appeals	No substantive change.
54	50	Authority to attend Children's Courts	No substantive change except addition of reference to Stipendiary Children's Court Magistrate.
55	51	Supreme Court or County Court may exercise powers of Children's Court	No change.
56	52	Power to Governor in Council to make regulations	No substantive change.
Schedule	Second Schedule	Form of register	No change except to omit redundant fees column.