

[AS REPORTED FROM THE EDUCATION COMMITTEE.]

House of Representatives, 10th September, 1925.

Hon. Sir James Parr.

CHILD WELFARE.

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A BILL INTITULED

Title. AN ACT to make Better Provision with respect to the Maintenance, Care, and Control of Children who are specially under the Protection of the State; and to provide generally for the Protection and Training of Indigent, Neglected, or Delinquent Children. 5

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- Short Title and commencement. 1. This Act may be cited as the Child Welfare Act, 1925, and shall come into force on the first day of *April*, nineteen hundred and twenty-six. 10
- Interpretation. 2. In this Act, unless the context otherwise requires,—
- “Child” means a boy or girl under the age of sixteen years: 15
- “Child Welfare Branch” means the Child Welfare Branch of the Department of Education, constituted by this Act:
- “Child Welfare Officer” means any person appointed by the Minister, by notice in the *Gazette*, as a Child Welfare Officer for the purposes of this Act: 15
- “Department” means the Department of Education established under the Education Act, 1914: 20
- “Director” means the Director of Education appointed pursuant to the Education Act, 1914:
- “Inmate” means a person maintained in an institution under this Act, and includes any person for the time being under the care of the Superintendent, whether he has been committed to the care of the Superintendent or not, and whether he is for the time being in an institution under this Act or elsewhere: 25
- “Institution” means an institution established by the Minister under this Act, and includes a private institution mentioned in the *First Schedule* hereto: 30
- “Minister” means the Minister of Education: 30

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“Superintendent” means the Superintendent of the Child Welfare Branch of the Department of Education, and “Deputy Superintendent” or “Deputy” means the deputy of the Superintendent appointed pursuant to this Act.

PART I.

ADMINISTRATION.

3. (1.) There is hereby created a special branch of the Department of Education to be known as the Child Welfare Branch.

Child Welfare Branch of Education Department established.

10 (2.) The Child Welfare Branch shall consist of—

(a.) The Superintendent, who, under the control of the Minister and the Director, shall be charged with the administration of this Act :

(b.) The Deputy Superintendent :

15 (c.) Such clerical officers, Managers, Matrons, Boarding-out Officers, and other officers and servants as may be required for the purposes of this Act.

4. The person who, at the commencement of this Act, holds office as Officer-in-Charge of the Special Schools Branch of the Department of Education shall, without further appointment, be deemed to have been appointed as the Superintendent of the Child Welfare Branch constituted by this Act, and shall hold office accordingly.

Superintendent Child Welfare Branch.

5. (1.) There shall from time to time be appointed a deputy of the Superintendent, who shall perform such general official duties as he is called upon to perform by the Director or by the Superintendent.

Deputy Superintendent.

25 (2.) On the occurrence from any cause of a vacancy in the office of the Superintendent (whether by reason of death, resignation, or otherwise), and in the case of the absence from duty of the Superintendent (from whatever cause arising), and so long as such vacancy or absence continues, the Deputy Superintendent shall have and may exercise all the powers, duties, and functions of the Superintendent.

30 (3.) The fact of the Deputy Superintendent exercising any power, duty, or function as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

35 6. (1.) There shall from time to time be appointed, as officers of the Public Service, such clerical officers, Managers, Matrons, Boarding-out Officers, and other officers and servants as may be necessary for the effective administration of this Act.

Other officers

40 (2.) All persons who, at the commencement of this Act, hold office in connection with the Special Schools Branch of the Department of Education shall be deemed to have been appointed to like offices in connection with the Child Welfare Branch.

PART II.

ESTABLISHMENT OF RECEIVING-HOMES AND OTHER INSTITUTIONS FOR PURPOSES OF CHILD-WELFARE WORK.

State Institutions.

Minister may establish receiving-homes and other institutions for purposes of child-welfare work.

7. (1.) The Minister may from time to time establish and maintain 5
under this Act institutions of such number and of such class or classes as
in his opinion may be required for the effective carrying-out of the
functions and duties of the Child Welfare Branch.

(2.) Any institution so established may be called by such distinctive name as the Minister may determine, to indicate generally 10
the particular purpose or purposes for which the institution has been
established, and its situation.

(3.) In particular, and without limiting the generality of the authority conferred by this section, institutions of the following kinds 15
may be established pursuant to the authority herein conferred, that is to
say :—

(a.) Receiving-homes, where children may be received and maintained pending the making of arrangements for their admission to suitable private homes, as provided for in this Act, or until they may be otherwise dealt with in accordance with this Act: 20

(b.) Probation homes, in which children may be kept for special observation or disciplinary treatment :

(c.) Training-farms and training-schools, in which children under the control of the Superintendent may be trained in the art of farming in its several branches, and in other suitable 25
occupations :

(d.) Convalescent homes, where children may be kept for special treatment while recovering from the effects of illness or to avoid illness :

(e.) Any other institution the establishment of which is in conformity 30
with and intended to promote the general purposes of this Act.

Governor-General may set apart Crown lands for purposes of State institutions under this Act.

8. (1.) The Governor-General may from time to time by Proclamation set apart any area of available Crown land for the purposes of any institution established under this Act, or the Minister may, on behalf of His Majesty, acquire any private land for the purposes aforesaid, by 35
way either of purchase or of lease.

(2.) All lands used for the purposes of any such institution shall be deemed to form part of that institution.

(3.) Any Proclamation under this section setting apart Crown lands for the purposes of an institution under this Act may be at any time in 40
like manner altered or revoked.

Minister may close institution and arrange for transfer of inmates.

9. The Minister may at any time, in his discretion, direct the closing of any institution established under this Act, and may order the transfer of the inmates to any other like institution.

Private Institutions.

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Certain private institutions recognized for purposes of this Act.

10. (1.) The institutions mentioned in the *First* Schedule hereto (being private schools deemed to have been established under the Industrial Schools Act, 1908, and heretofore known respectively by

the names mentioned in the first column of the said Schedule) shall be deemed to be institutions established under and for the purposes of this Act, and shall as from the commencement of this Act be known respectively by the names mentioned in the second column of that

5 Schedule.
(2.) Any agreement with respect to any of the said institutions, made under the Industrial Schools Act, 1908, between the Minister and the persons or body having control of such institution, and in force at the commencement of this Act, shall continue in force under this

10 Act :
Provided that, save as otherwise provided in such agreement, the Minister may, in his discretion, from time to time vary or annul the agreement, or may enter into a new agreement in lieu thereof.

15 (3.) No person shall hereafter be appointed as manager of any of the private institutions aforesaid unless and until the approval of the Minister has been obtained.

Inspection of Institutions.

20 11. (1.) The following persons shall at all times be entitled, subject to any regulations in that behalf that may be made under this Act, to visit and inspect any institution under this Act, that is to say :—
Certain persons entitled by virtue of their offices to inspect institutions.

(a.) Members of the General Assembly :

(b.) Judges of the Supreme Court :

(c.) Stipendiary Magistrates and Justices of the Peace appointed to exercise jurisdiction in a Children's Court :

25 (d.) Inspectors of Schools and Medical Inspectors of Schools :

(e.) Any other person authorized in that behalf by or on behalf of the Minister.

(2.) Subject to regulations as aforesaid, every minister of religion shall have the right of admission to any institution under this
30 Act for the purpose of giving religious instruction to such of the inmates of the institution as belong to the denomination represented by him.

(3.) In addition to the visits of inspection provided for by the foregoing provisions of this section, it shall be the duty of such
35 officers of the Child Welfare Branch as may be appointed by the Minister for the purpose regularly to inspect all institutions established under this Act and to interview the inmates.

PART III.

ADMISSION TO INSTITUTIONS UNDER THIS ACT, AND THE GUARDIANSHIP AND CONTROL OF INMATES.

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Admission to State Institutions.

45 12. (1.) The Superintendent may, on application in that behalf made by either parent of any child or by its guardian, or by any person having for the time being the custody or control of the child, assume control of that child for such period and on such terms as to cost of maintenance and otherwise as may be agreed on by the parties.
Superintendent may agree with parent or other authorized person to assume control of child.

(2.) In respect of any child to whom any agreement under this section relates, the Superintendent shall, so long as the child is under his control, have the same powers and responsibilities in all respects as if the child had been committed to an institution under this Act *his care* in accordance with the provisions hereinafter set forth, save that the guardianship of the child shall not by virtue of such agreement be deemed to be vested in the Superintendent. 5

Child may be committed to institution by Magistrate or Justice exercising jurisdiction in Children's Court.

13. (1.) On the complaint of any constable or of any Child Welfare Officer that any child is a neglected, indigent, or delinquent child, or is not under proper control, or is living in an environment detrimental to its physical or moral well-being, any Justice may issue his summons addressed to any person having the custody of the child requiring him to appear before a Children's Court at a time to be named in the summons, either with or without the child, in order that the child may there be dealt with in accordance with the provisions of this Act. 10 15

(2.) If it appears to the Justice to whom a complaint is made under this section that the child in respect of whom the complaint is made is living in a place of ill-repute, or is likely to be ill-treated or neglected, or that for any other reason the child should be forthwith removed from its surroundings, he may issue a warrant authorizing any constable or Child Welfare Officer, or other person named in the warrant in that behalf, to take possession of the child and to convey it to any institution under this Act, and to deliver it into the custody of any person for the time being in charge of the institution, there to be detained until the matter of the complaint has been disposed of. If in any case it is not convenient or advisable, having regard to the health of the child, or to the distance from an institution, or for other sufficient cause, to place any child in an institution pending the disposal of the complaint, a warrant under this section may authorize any person named therein to receive and hold such child until the complaint has been disposed of, or to make other satisfactory provision for the temporary maintenance and care of the child. 20 25 30

(3.) For the purpose of executing any such warrant as last aforesaid any constable, Child Welfare Officer, or other person named in the warrant may enter and search any place, with or without assistance, and every person who resists or obstructs any person in the execution of the warrant, or who fails or refuses to afford to any person engaged in the execution of the warrant immediate entrance to any premises or to any part thereof, shall be guilty of an offence against this Act, and shall be liable on summary conviction to a fine of *fifty* pounds or to imprisonment for *one* month. 35 40

(4.) On the hearing of any complaint under this section any Stipendiary Magistrate or any Justice appointed to exercise jurisdiction in a Children's Court, if satisfied as to the truth of the complaint, may, in his discretion, make an order for the committal of the child to whom the complaint relates to the care of the Superintendent, or may place the child under the supervision of a Child Welfare Officer to be named in that behalf for such period as may be fixed in the order, and in the last-mentioned case may in the order provide that for the whole or any part of such period the child shall be detained in an institution under this Act. 45 50

(5.) Any Stipendiary Magistrate or Justice appointed to exercise jurisdiction in a Children's Court may, on the application of a constable or a Child Welfare Officer, make an order under the *last preceding* subsection with respect to any child notwithstanding that a complaint has
5 not been made or summons issued under subsection *one* hereof.

(6.) The Magistrate or Justice making an order of committal as aforesaid shall not be required to specify in the order any particular institution for the reception of the child to whom the order relates, and the making of the order shall be sufficient authority for any constable or
10 Child Welfare Officer, or any other person authorized in that behalf by the Superintendent, to take the child to such institution as the Superintendent may direct or, in default of such direction, to the nearest suitable State institution under this Act available for the reception of the child.

(7.) No complaint or application made under this section shall be heard and determined unless and until a Child Welfare Officer has had an opportunity to investigate the circumstances of the case, and to report thereon to the Court. It shall be the duty of every constable who makes any complaint or application under this section forthwith to
20 advise a Child Welfare Officer of the subject-matter of the complaint or application.

(8.) A certified copy of every order made under this section shall be forthwith forwarded by the Clerk of the Children's Court to the Superintendent.

(9.) The Superintendent may, in his discretion, transfer any child from any institution under this Act to any other institution under this Act.

14. (1.) Every order of committal made under the *last preceding* section shall specify the religious denomination in whose faith and
30 doctrines the child shall be educated, and it shall be the duty of the Superintendent, in the exercise of the powers conferred on him by this Act, to take all such steps as may be reasonably necessary to ensure compliance with the provisions of the order in this respect.

(2.) The provisions of an order of committal under this Act in so far
35 as it relates to the religious instruction of any child may from time to time be varied by any Magistrate or Justice exercising jurisdiction in a Children's Court under this Act on application in that behalf made by the parents or either parent of the child or by the person (if any) who was the guardian of the child immediately prior to the making of the
40 order of committal.

(3.) In the case of an inmate over the age of sixteen years the Superintendent may, on application by the inmate, authorize the instruction of the inmate in the faith and doctrines of any religious denomination other than the denomination specified in the order of committal.

45 *Admission to Private Institutions.*

15. (1.) Where by an order of committal made under the foregoing provisions of this Act it is directed that the child to whom the order relates shall be educated in the doctrines of the Roman Catholic Church, the Superintendent may at any time transfer that child to
50 any private institution mentioned in the *First* Schedule hereto, and

Magistrate or Justice, on making order of committal, to give direction as to religious instruction.

Conditions as to transfer of children to any institution specified in First Schedule.

thereupon the child shall, subject to the provisions of this Act and of any agreement for the time being in force between the Minister and the controlling authority of the institution, be under the control and management of the Manager of that institution.

(2.) Any child transferred to a private institution as herein provided shall, at the request of the Superintendent, be returned to a State institution under this Act in accordance with the terms of that request. 5

Guardianship of Children committed to Care of Superintendent.

Superintendent to be guardian of all children committed to his charge.

16. (1.) On the making of an order committing any child to the care of the Superintendent as hereinbefore provided, the Superintendent shall have and may exercise, to the exclusion of all other persons, the same powers and rights in respect of that child as if he were the guardian of the child appointed by the Supreme Court under the provisions of Part I of the Infants Act, 1908. 10

(2.) The powers and rights so conferred on the Superintendent shall continue so long as the child remains an inmate, as defined by this Act, of any institution established under this Act, but no longer. 15

Rights of guardianship in respect of children committed under Industrial Schools Act.

17. The provisions of the *last preceding* section shall, with the necessary modifications, apply with respect to all persons in respect of whom an order of committal to an industrial school under the Industrial Schools Act, 1908, or an extension of any such order, is in force at the commencement of this Act, and the Superintendent shall have all the powers and rights of guardianship in respect of such persons accordingly. 20

Rights of Parent or other Guardian revived in certain Cases.

Rights of parent or other guardian revived in certain cases.

18. If any person so committed to the care of the Superintendent ceases to be an inmate of an institution under this Act before attaining the age of twenty-one years, then, unless some other person becomes entitled to the powers and rights of guardianship by virtue of the adoption of the child, or by appointment of the Supreme Court or otherwise, the child shall, on ceasing to be an inmate of an institution as aforesaid, be deemed to be under the guardianship of the person (if any) who would then have been his guardian if he had never been committed to the care of the Superintendent. 25 30

Boarding-out System.

Children not to be permanently maintained in institution, save in exceptional cases.

19. Children committed to the care of the Superintendent pursuant to this Act, or in respect of whom the Superintendent assumes control by agreement as hereinbefore in this Act provided, shall not, save in exceptional cases to be determined by the Superintendent, be permanently maintained in any institution under this Act. 35

Children to whom this Act relates to be placed in suitable homes or situations subject to approved conditions.

20. (1.) The Superintendent or any officer of the Child Welfare Branch authorized by the Superintendent in that behalf may, subject to such conditions as may be prescribed by regulations under this Act, arrange for any suitable person to take charge of any child committed to the care of the Superintendent or in respect of whom the Superintendent has assumed control, on such terms as to the maintenance, education, training, and employment of the child and of the payment (if any), to be made by the Superintendent in respect of its maintenance, and, in the case of children whose services are to be paid for, the payment of 40 45

wages, as may be agreed on between the parties, with the approval of the Minister. The approval of the Minister given pursuant to this subsection may be general in its application, or may apply to any particular child or children or classes of children.

5 (2.) The Superintendent, or any officer of the Child Welfare Branch acting with the authority of the Superintendent, may at any time, in his absolute discretion, cancel any arrangement or agreement made under this section, and may thereupon take possession of the child, by force if necessary, and may place it in an institution under this Act or
10 may arrange for its being taken charge of by any other suitable person.

(3.) Where the person in whose charge any child is placed pursuant to this section is the parent of the child no payment in respect of its maintenance shall be made under this section, save with the express approval of the Minister.

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Discharge of Inmates.

21. Save as provided in the *next succeeding* section, every inmate of an institution under this Act who has not been discharged as provided in section *twenty-three* hereof shall be deemed to be discharged from the institution on attaining the age of twenty-one years, and
20 thereupon all the powers and authorities of the Superintendent in relation to such inmate shall determine.

Save in exceptional cases, inmates deemed to be discharged on attaining age of twenty-one years.

22. (1.) Where, in the opinion of the Superintendent, any inmate of an institution under this Act is morally degenerate, or is otherwise not a fit person, for his own sake or in the public interest, to be free
25 from control, the Superintendent may apply to a Magistrate exercising jurisdiction in a Children's Court under this Act for an order extending the period during which he may exercise in respect of such person the powers and rights of guardianship and the special powers conferred on him by this Act in respect of inmates of institutions.

Period of control by Superintendent may be extended in certain cases.

30 (2.) On receipt of such application, the Magistrate shall assign counsel to the inmate, and such counsel shall be given all reasonable means of ascertaining the full facts of the case.

(3.) If on hearing the evidence the Magistrate is satisfied that the
35 inmate should remain under control, he may issue an order extending by four years from the time at which the inmate attains the age of twenty-one years the time within which he shall be under the control of the Superintendent.

(4.) Within six months of the expiry of such period of extension like
40 proceedings may be taken, and the Magistrate may make an order for the extension of that period by a further term not exceeding four years, and so in like manner proceedings may be taken and an order made within six months of the expiry of any period of extension.

(5.) During the currency of any order of extension under this
45 section, this Act shall continue to apply to the inmate in the same manner in all respects as if he were under the age of twenty-one years.

23. The Superintendent may, subject to the approval of the
50 Minister, discharge any inmate from an institution under this Act at any time before he has attained the age of twenty-one years if he is satisfied that it is in the best interests of the inmate so to do, but not otherwise, and thereupon all the powers and authorities of the Superintendent in relation to such person shall determine.

In certain cases inmate may be discharged from institution before attaining age of twenty-one years.

Offences.

24. (1.) Every person commits an offence against this Act, and is liable on summary conviction to a fine of *fifty* pounds or to imprisonment for *three* months, who—

- (a.) Ill-treats or (being an officer, servant, or other person employed in or about an institution under this Act, or being a person to whom the care of an inmate as defined by this Act has been entrusted by the Superintendent) wilfully neglects any such inmate ; or 5
- (b.) Induces or knowingly assists any inmate to escape from any institution under this Act, or from the custody or control of any person who for the time being has been lawfully entrusted with the care of the inmate ; or 10
- (c.) Without lawful authority removes any inmate from any institution under this Act or from the custody or control of any person as aforesaid ; or 15
- (d.) Harbours or conceals any person who has escaped or been removed without lawful authority as aforesaid from any institution, or from the custody or control of any person as aforesaid ; or 20
- (e.) Without lawful authority or excuse holds or attempts to hold any communication with any inmate of an institution under this Act, or enters any such institution, or any building or yard belonging thereto, and does not depart therefrom when required so to do by the manager or other officer or servant of the institution. For the purposes of this paragraph the residence or premises of any person with whom any inmate for the time being resides by virtue of an arrangement or agreement under section *twenty* hereof shall be deemed to be a part of an institution under this Act, and that person shall be deemed to be an officer of the institution. 25 30

Struck out.

(2.) Every person commits an offence against this Act, and is liable on summary conviction to a fine of *one* hundred pounds or to imprisonment for *twelve* months, who has or attempts to have sexual intercourse with any female inmate of any institution, whether with her consent or not. It shall be a good defence in any prosecution for an offence against this subsection if the defendant proves that at the time of the commission of the alleged offence he did not know and had no reasonable cause to believe or suspect that the person with whom the act was committed was an inmate of an institution under this Act. 35 40

New

(2.) It shall be an offence against this Act, punishable on summary conviction by a fine of *one* hundred pounds or by imprisonment for twelve months,— 45

(a.) For any person to have or attempt to have sexual intercourse with any female inmate who is at the time of the offence resident in an institution ; or

(b.) For any person in whose charge a female inmate has been placed pursuant to this Act, or for the husband, to have sexual intercourse with such inmate at any time while she continues to be under such charge. 50

(2A.) It shall be no defence in a prosecution for an offence under the *last preceding* subsection that the inmate consented to the act or acts the subject-matter of the prosecution. 55

(3.) Nothing in this section shall be so construed or shall so operate as to take away or restrict the liability of any person for any offence punishable independently of this section, but no person shall, in respect of the same act or omission, be convicted both of an offence against this section and of any other offence.

25. Every inmate of an institution who escapes or is removed therefrom, or from other lawful custody as such inmate, or who refuses or neglects to return to an institution or to other lawful custody when directed so to do by the Superintendent or a Child Welfare Officer, or by a person acting with the authority of the Superintendent, may be arrested without warrant by any constable or by any Child Welfare Officer to be dealt with in such manner as the Superintendent may direct in accordance with the provisions of this Act.

Absconders from institutions may be arrested without warrant.

PART IV.

CHILDREN'S COURTS.

26. (1.) The Governor-General may from time to time, by Warrant under his hand, establish for the purposes of this Act such number of Children's Courts as he deems necessary, and by the same or any other Warrant shall define the district or area within which any such Children's Court shall have jurisdiction.

Governor-General may establish Children's Courts.

(2.) Any Warrant under this section may be at any time in like manner altered or revoked.

27. (1.) For every Children's Court established under this Act the Governor-General shall from time to time appoint one or more Stipendiary Magistrates or one or more Justices of the Peace, and no Stipendiary Magistrate or Justice shall exercise jurisdiction in a Children's Court unless he is appointed so to do under this section.

Appointment of Magistrates and Justices to exercise jurisdiction in Children's Courts.

(2.) The Governor-General may also from time to time appoint one or more persons of either sex, to be associated with the Children's Court, either specially for the purposes of any particular case or class of case or generally in relation to all matters that may be dealt with by that Court. Such persons shall be appointed on the ground of special knowledge or experience deemed to be of advantage to the Court in the exercise of its discretionary powers under this Act.

Associate members of Court.

(3.) The decision of the Court in any case shall not be dependent on the concurrence of any persons so associated with the Court, but in all other respects all persons so associated with a Children's Court shall be deemed to be members of that Court.

(4.) A notice in the *Gazette* of the appointment of any person to exercise jurisdiction in a Children's Court shall be sufficient evidence of his authority so to do.

28. The premises in which any Children's Court room is situated shall, so far as is practicable, be separate from the premises in which any other Court usually exercises jurisdiction.

Children's Court room to be separate from other Court premises.

29. (1.) Save as hereinafter in this section provided, all judicial proceedings within the jurisdiction of a Stipendiary Magistrate or of Justices and relating to the committal of children to the care of the Superintendent under this Act, or to offences committed by or against children, or otherwise relating primarily to any child or children, whether such proceedings have arisen under this Act or not, shall, so far as they may involve the attendance of children at any Court, be heard and determined in a Children's Court established under this Act by a Stipendiary Magistrate or by a Justice or Justices appointed to exercise jurisdiction in that Court.

Proceedings specially affecting children to be heard by Children's Court.

(2.) In any such proceedings in a district or area for which a Children's Court has not been established, the presiding Magistrate or Justices shall, if practicable, arrange that the proceedings be heard in a room other than a room in which the ordinary proceedings of the Court are held.

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(3.) Any jurisdiction conferred by this or any other Act on a Children's Court or on a Stipendiary Magistrate or Justices exercising jurisdiction in a Children's Court shall be exercisable, in any district or area for which a Children's Court has not been established, by any Stipendiary Magistrate (whether appointed to exercise jurisdiction in a Children's Court or not) but shall not, save with the special authority of the Minister, be exercisable by Justices.

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(4.) Failure on the part of any Stipendiary Magistrate or Justices to comply with any of the provisions of this Part of this Act shall not invalidate any proceedings taken under this or any other Act.

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Proceedings in
Children's Court not
to be open to public.

30. (1.) No person shall be entitled or permitted to be present at the hearing of any proceedings in a Children's Court, save the following:—

(a.) Any officer or member of the Court:

(b.) The persons immediately concerned with the proceedings and their counsel (if any): 20

(c.) The parents or guardian of any child in respect of whom the proceedings are taken, or any other person whom the Court may admit as the personal representative of the child:

(d.) Any Child Welfare Officer: 25

(e.) Any person representing a social-welfare agency engaged in work for the benefit of children:

(f.) Any other person specially permitted or required by the Court to be present.

(2.) Save with the special consent of the presiding Magistrate or Justices, it shall not be lawful for any person to publish a report of any proceedings taken before a Children's Court, and in no case shall it be lawful to publish the name of any child, or of its parents or guardian, or any other name or particulars likely to lead to the identification of the child. 30

(3.) Every person who commits a breach of the *last preceding* subsection shall be guilty of contempt of Court and shall be liable accordingly, and, in addition, shall be liable on summary conviction to a fine of *one hundred pounds*.

Special powers of
Court in dealing with
children charged
with offences.

31. When a child is brought before a Children's Court charged with any offence, it shall not be necessary for the Court to hear and determine the charge, but the Court may, in its discretion, after taking into consideration the parentage of the child, its environment, history, education, mentality, disposition, and any other relevant matters, make an order committing the child to the care of the Superintendent, or make any other order in relation to the child that the Court would have power to make if a complaint in respect of the child had been made under section *thirteen* hereof. 40 45

Charges against
young persons may
be referred to
Children's Court, to
be dealt with under
this Act.

32. Where any young person over sixteen years of age and not more than eighteen years of age appears before the Supreme Court or an inferior Court charged with any offence, that Court may, in its discretion, refer the case to a Children's Court, and thereupon the Children's Court shall have jurisdiction to deal with the case, and may deal with the person so charged in the manner provided by the *last preceding* section as if he were a child under the age of sixteen years. 50 55

33. In any proceedings before a Children's Court, no child shall be required to give evidence on oath, and in any such case the provisions of section fifty-three of the Evidence Act, 1908, shall apply as in the case of children under the age of twelve years.

In proceedings in Children's Court children not required to give evidence on oath.

New.

33A. (1.) In so far as the provisions of this Part of this Act are inconsistent with the provisions of any other Act relating to offences committed by children, or to the trial or punishment of children, the provisions of this Part of this Act shall prevail.

Provisions of this Part to supersede inconsistent provisions of other Acts.

(2.) In particular, the provisions of Part III of the Justices of the Peace Act, 1908, and of sections two hundred and twenty-nine and two hundred and thirty of that Act shall have no application in any proceedings before a Children's Court, unless the Magistrate or Justices exercising jurisdiction in that Court expressly determine that those provisions shall be applicable.

PART V.

FINANCIAL PROVISIONS.

Cost of Establishment and Maintenance of Institutions.

34. (1.) All moneys required for the purchase of land or buildings, or for the establishment of institutions under this Act (including the cost of the initial equipment and furnishing thereof), shall be paid out

Cost of establishment and maintenance of institutions.

Struck out.

of moneys to be appropriated by Parliament for the purpose out of the Public Works Fund.

New.

without further appropriation than this section, be paid out of the Education Loans Account established under the Education Purposes Loans Act, 1919."

(2.) Save as provided in the last preceding subsection, all costs incurred in the administration respect of this Act shall be paid out of moneys to be appropriated by Parliament for the purpose out of the Consolidated Fund.

Recovery of Cost of Maintenance of Inmates.

35. (1.) Every institution established under this Act (including the private institutions mentioned in the First Schedule hereto) shall be deemed to be a public institution within the meaning of the Destitute Persons Act, 1910, and every inmate, as defined, of any such institution shall, while he remains an inmate and for six months thereafter, be deemed to be a destitute person within the meaning of that Act.

Application of Destitute Persons Act, 1910.

Struck out.

(2.) In addition to the persons specified in section twenty-six of the Destitute Persons Act, 1910, the term "parent" as used in that Act in relation to any child shall, for the purposes of this Act, include any man who, not being her husband, cohabits with the mother or the adoptive mother of that child:

Provided that a maintenance order shall not be made against any such person for the maintenance of any such child save in respect of a period during which he has continued so to cohabit with the mother or adoptive mother of the child, as the case may be.

Orders in respect of past maintenance against near relatives of inmates of institutions.

(3.) The Magistrate hearing a complaint under Part I of the Destitute Persons Act, 1910, in respect of the maintenance of an inmate of an institution under this Act may, in his discretion, if he is satisfied that the defendant is of sufficient ability, order him to pay on account of the past maintenance of the inmate by the institution, a sum not exceeding *fifty* pounds, at such time or times and in such manner as the Magistrate thinks fit. 5

(4.) It shall be the duty of the Superintendent in all cases where satisfactory arrangements have not been made for the payment of the cost of the maintenance of any inmate, to apply for a maintenance order under the Destitute Persons Act, 1910, to be made against some person liable under that Act for the maintenance of the inmate, unless he is satisfied that there is no such person of sufficient ability to contribute towards the cost of the maintenance of the inmate. 10

Earnings of Inmates.

Wages of inmates.

36. (1.) All wages payable to or in respect of any inmate of an institution under this Act shall be paid to the Superintendent, or to a Child Welfare Officer or other person authorized by the Superintendent to receive the same. 15

(2.) Out of the moneys so received or payable there may be paid to the inmate for his personal use such amount as the Superintendent approves, and the balance shall be paid into the Post Office Savings-bank, to an account in the name of the Superintendent, in trust for the inmate. 20

(3.) The Superintendent may without further authority than this section withdraw from any such account and pay into the Ordinary Revenue Account of the Consolidated Fund an amount not exceeding the amount of public moneys expended by or by direction of the Superintendent for purposes of the initial equipment of the inmate for service or employment, or thereafter expended on his behalf for any purpose. 25 30

(4.) All moneys standing to the credit of an inmate in any such account in the Post Office Savings-bank may be paid to the inmate on his discharge from the institution, or at any time prior to his discharge, or the Superintendent may in any case, with the approval of the Minister, continue to hold the whole or any part of such moneys in trust for the inmate after his discharge, to be paid to him at such times and in such manner as the Superintendent thinks fit, or may, in any special 35

Struck out.

case, with the like approval, pay the whole or any part of such moneys into the Ordinary Revenue Account of the Consolidated Fund. 40

New.

In the event of the death of any inmate, or if any inmate cannot be found, any moneys standing to his credit as aforesaid may, with the like approval, be paid into the Ordinary Revenue Account of the Consolidated Fund. 45

Other Property of Inmates.

Public Trustee may be appointed to administer property on behalf of inmate.

37. (1.) If any inmate is or at any time becomes entitled to any real or personal property in New Zealand, or to any interest therein, the Public Trustee shall be entitled, on the application of the Minister, to take possession of such property and to apply the same for the maintenance and benefit of the inmate. 50

5 (2.) Thereupon the Public Trustee shall have and may exercise in respect of all such property the same rights and powers as if such property formed part of an intestate estate of which he was duly appointed the administrator, to be administered by him for the benefit and maintenance of the inmate.

PART VI.

MISCELLANEOUS.

10 38. (1.) Subject to the provisions of this Act, all the provisions of the Justices of the Peace Act, 1908, with respect to complaints and orders shall, so far as applicable, apply to complaints and orders under this Act. Application of Justices of the Peace Act to proceedings under this Act.

(2.) No stamp duty shall be chargeable on any statutory declaration or other instrument made for the purposes of this Act, and no Court fees shall be payable in respect of any proceedings under this Act.

15 39. (1.) If in any judicial proceedings under this Act the age of any child or young person is in question the Court shall, in the absence of sufficient evidence, fix the age of such child or young person, and the age so fixed shall for all the purposes of this Act be deemed to be the true age of such child or young person. In absence of evidence Court may fix age of child.

20 (2.) Every order made under this Act for the committal of any child to the care of the Superintendent shall specify the age of the child and shall disclose whether the age so specified has been proved and, if so, by what evidence, or whether the age has been fixed by the Court pursuant to the authority of this section.

25 40. (1.) Forthwith after the notification of the fact of the birth of an illegitimate child, given pursuant to section sixteen of the Births and Deaths Registration Act, 1924, it shall be the duty of the Registrar to notify a Child Welfare Officer, nominated by the Superintendent for the purpose, of the fact of such birth, and of the name and address of the mother. Notification of birth of illegitimate child to be given to approved Child Welfare Officer.

New.

35 On receipt of a notice under this section it shall be the duty of the Child Welfare Officer to make such inquiries as may be necessary to ascertain the condition of the child and its mother, and, if satisfied that the case is one in which the welfare of the child requires that it should be cared for as provided by this Act, shall report such case to the Superintendent, who shall, after investigation, direct, if he thinks necessary, that all steps necessary in pursuance of this Act be taken.

40 (2.) If the notification of any such birth has not disclosed the fact of the illegitimacy of the child the notice required by the *last preceding* subsection shall be given by the Registrar forthwith after the registration of the birth of the child pursuant to section seventeen of the said Act.

45 (3.) Every Child Welfare Officer who receives a notification under this section shall maintain, and aid in maintaining, the secrecy of all particulars contained in such notification, and shall not communicate any such particulars to any other person save so far as may be necessary for the proper performance of his duties under this Act.

New.

50 Every Child Welfare Officer who fails to observe the obligation of secrecy imposed

by this section may, if such failure is established to the satisfaction of the Public Service Commissioner, be dismissed from office without notice.

Change of name of adopted child.

41. Section twenty-one of the Infants Act, 1908, is hereby amended by omitting from subsection one the words "in addition to the proper name of the child," and substituting the words "with such proper or Christian name as the Judge, on the application of the adopting parent, may fix." 5

Extension of provisions of Infants Act, 1908, as to unauthorized persons receiving infants.

42. (1.) Section forty-one of the Infants Act, 1908, is hereby amended by omitting from subsection one the words "in consideration of any payment or reward." 10

Consequential amendmnt.

(2.) Section fifty-three of the said Act is hereby amended by omitting the words "section forty-one or."

New.

Agreements for maintenance of children may be enforced as maintenance orders under Destitute Persons Act.

42A. Where any agreement with respect to the cost of maintenance of a child has been made, whether before or after the passing of this Act, pursuant to section forty-six of the Infants Act, 1908 (relating to children maintained by foster-parents), or pursuant to section one hundred and twenty-seven of the Education Act, 1914 (relating to children maintained in special schools established under that Act), or pursuant to section *twelve* of this Act, the Superintendent may cause a certified copy of the agreement to be registered in the prescribed manner in the office of a Magistrate's Court, and thereupon the agreement shall be of the same force and effect and all proceedings may be taken thereon in the same manner as if it were, and at all times since the execution thereof had been, a maintenance order made by a Magistrate acting under the authority of the Destitute Persons Act, 1910. 15 20 25

Regulations.

43. The Governor-General may, from time to time, by Order in Council, make regulations—

(a.) Providing for the establishment, management, maintenance, and inspection of institutions under this Act : 30

(b.) Prescribing the duties of officers and servants of institutions :

(c.) Regulating the appointment and prescribing the duties of Child Welfare Officers :

(d.) Regulating the classification, treatment, control, and discipline of inmates : 35

(e.) Prescribing forms of complaints, orders, agreements, and other instruments required for the purposes of this Act :

New.

(ee.) Providing for the registration of agreements of the classes referred to in the *last preceding* section, and for their enforcement under the Destitute Persons Act, 1910. 40

(f.) Regulating the employment of children *in street trading and places of public entertainment* (whether inmates of an institution under this Act or not); and also regulating and restricting the attendance of children at places of entertainment : 45

(g.) Generally for giving effect to the provisions of this Act.

Repeals and Savings.

50

Repeals and savings.

44. (1.) The enactments specified in the *Second* Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply :—

- 5 (a.) All appointments, regulations, orders, licenses, warrants, agreements, records, instruments, and generally all acts of authority which originated under any such enactment or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- 10 (b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.
- 15 (2.) All schools established under the Industrial Schools Act, 1908, and subsisting as such at the commencement of this Act shall be deemed to be institutions established under this Act.

New.

and all references in any Act to an industrial school shall hereafter be construed as references to an institution established under this Act."

20 45. (1.) Nothing in this Act shall be construed to limit the authority conferred by section thirteen of the Prevention of Crime (Borstal Institutions Establishment) Act, 1924, in respect of the transfer of inmates of industrial schools to a Borstal institution under that Act, and all references in that Act to an industrial school shall be read as references to an institution established under this Act.

Saving provisions authorizing transfer of inmates to Borstal institutions.

(2.) The said section thirteen is hereby amended by omitting from subsection three all words after the words "the age of sixteen years."

Consequential amendment.

30 46. (1.) Any institution established under this Act shall be deemed to be a "place of safety" within the meaning and for the purposes of Part IV of the Infants Act, 1908.

Miscellaneous amendments of Infants Act, 1908.

(2.) Section twenty-seven of the Infants Act, 1908, is hereby amended by repealing the definition of the expression "place of safety."

35 (3.) The Infants Act, 1908, is hereby further amended in the manner indicated in the *Third* Schedule hereto.

(4.) Section two of the Infants Amendment Act, 1908, is hereby amended by omitting from subsection two the word "Secretary" and substituting the word "Superintendent."

SCHEDULES.

Schedules.

FIRST SCHEDULE.

PRIVATE SCHOOLS RECOGNIZED AS INSTITUTIONS UNDER THIS ACT.

Former Name.	Name for Purposes of this Act.
St. Mary's Industrial School, Auckland	St. Mary's School, Auckland.
St. Joseph's Industrial School, Wellington	St. Joseph's School, Upper Hutt.
St. Mary's Industrial School, Nelson	St. Mary's School, Nelson.
St. Vincent de Paul's Orphanage and Industrial School, Dunedin	St. Vincent de Paul's School, Dunedin.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Title of Enactment.	Extent of Repeal.
1908, No. 83.—The Industrial Schools Act, 1908	The whole Act.
1909, No. 14.—The Industrial Schools Amendment Act, 1909	The whole Act.
1917, No. 28.—The Statute Law Amendment Act, 1917	Section 10.
1918, No. 10.—The War Legislation and Statute Law Amendment Act, 1918	Section 38.
1922, No. 51.—The Finance Act, 1922	Section 48.

THIRD SCHEDULE.

MISCELLANEOUS AMENDMENTS OF INFANTS ACT, 1908.

Section affected.	Nature of Amendment.
Section 24	By repealing the section.
Section 39	By repealing the definition of the term "Secretary," and substituting the following definition:— " 'Superintendent' means the Superintendent of the Child Welfare Branch of the Department of Education."
Section 42	By omitting the word "Secretary," and substituting the word "Superintendent."
Section 43, subsection (1)	By omitting the word "Secretary," and substituting the word "Superintendent."
Section 44, subsection (1)	By omitting the words "or he may issue a Warrant for the admission of any such infant to an industrial school."
Section 44, subsection (2)	By repealing the subsection.
Section 46	By omitting the word "Secretary" wherever it occurs, and in every case substituting the word "Superintendent."
Section 47	By omitting the word "Secretary," and substituting the word "Superintendent."
Section 49	By omitting the word "Secretary," and substituting the word "Superintendent."
Section 50, subsection (5)	By omitting the word "Secretary," and substituting the word "Superintendant."