



ANNO VICESIMO

## ELIZABETHAE II REGINAE

A.D. 1971

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## No. 69 of 1971

An Act to consolidate and amend the law relating to the commission of offences by young persons, and to neglected and uncontrolled children; to repeal the Juvenile Courts Act, 1965-1969; to amend the Offenders Probation Act, 1913-1969; and for other purposes.

[Assented to 4th November, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

## PART I

PART I

## PRELIMINARY

1. This Act may be cited as the "Juvenile Courts Act, 1971". Short title.
2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commence-  
ment.

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a date fixed in the proclamation, or a date to be fixed by subsequent proclamation.
3. In any proceedings under this Act, a juvenile court or a juvenile aid panel shall treat the interests of the child in respect of whom the proceedings are brought as the paramount consideration and, with the object of protecting or promoting those interests, shall in exercising the powers conferred by this Act adopt a course calculated to— Interests of  
child to be  
paramount.

**PART I**

(a) secure for the child such care, guidance and correction as will conduce to the welfare of the child and the public interest;

and

(b) conserve or promote, as far as may be possible a satisfactory relationship between the child and other members of, or persons within, his family or domestic environment,

and the child shall not be removed from the care of his parents or guardians except where his own welfare, or the public interest, cannot, in the opinion of a court, be adequately safeguarded otherwise than by such removal.

**Arrangement.**

4. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—INITIAL PROCEEDINGS AGAINST CERTAIN CHILDREN UNDER THE AGE OF SIXTEEN YEARS

PART III—CONSTITUTION AND JURISDICTION OF JUVENILE COURTS

PART IV—GENERAL PROCEDURE AND POWERS OF COURTS

PART V—SPECIAL PROVISIONS RELATING TO THE HEARING AND DETERMINATION OF COMPLAINTS ETC.

PART VI—PROVISIONS RELATING MAINLY TO NEGLECTED AND UNCONTROLLED CHILDREN AND HABITUAL TRUANTS

PART VII—APPEALS FROM AND RECONSIDERATION OF PENALTY BY JUVENILE COURTS

PART VIII—GENERAL PROVISIONS.

**Interpretation.**

5. In this Act, unless the contrary intention appears—

“assessment centre” means a centre established under the Community Welfare Act for the examination of children, the evaluation of their personal circumstances and social background, and the assessment of the most appropriate treatment or rehabilitative correction or education for each child:

“child” in relation to proceedings under this Act means a person who has not attained the age of eighteen years at the time of the proceedings and, where the proceedings relate to the commission of an offence, includes a person who had not attained the age of eighteen years on the date of the alleged offence:

“guardian”, in relation to a child, means a parent of the child or any person (other than the Minister) having the immediate custody and control of the child:

“habitual truant” means an habitual truant as defined in the Education Act, 1915-1971:

“homicide” includes the offences to which sections 11, 12, 13, 14, 14a, 16, 17 and 18 of the Criminal Law Consolidation Act, 1935-1965, relate:

“home” means a home or centre within the meaning of the Community Welfare Act:

“indictable offence” includes a minor indictable offence as defined in the Justices Act, 1921-1969:

“Judge” means a Judge by whom the jurisdiction of a juvenile court is exercisable:

“juvenile aid panel” or “panel” means a juvenile aid panel constituted under Part II of this Act:

“juvenile court” means a juvenile court constituted under this Act, and includes a juvenile court constituted under the repealed Act:

“metropolitan area” means—

(a) that part of the State which is within ten miles of any part of the City of Adelaide or of the City of Port Adelaide;

and

(b) any other part of the State declared by proclamation to be included in the metropolitan area for the purposes of this Act:

“Minister” means the Minister of Community Welfare:

“neglected child” means a neglected child as defined in the Community Welfare Act:

“parent” includes, father, mother, step-father, step-mother, and an adoptive parent within the meaning of the Community Welfare Act:

**PART I**

“special justice” means a special justice appointed pursuant to the provisions of the Justices Act, 1921-1969:

“the Community Welfare Act” means the Community Welfare Act, 1971, as amended from time to time:

“the Department” means the Department for Community Welfare:

“the Director-General” means the person for the time being holding, or acting in, the office of Director-General of Community Welfare under the Community Welfare Act:

“the repealed Act” means the Juvenile Courts Act, 1965-1969:

“uncontrolled child” means an uncontrolled child as defined in the Community Welfare Act:

“youth project centre” means a centre established under the Community Welfare Act for the training and rehabilitation of children.

**Transitional provisions.**

6. (1) The Acts referred to in the first part of the schedule to this Act are repealed.

(2) The Offenders Probation Act, 1913-1969, is amended as shown in the second part of the schedule to this Act and, as so amended, may be cited as the “Offenders Probation Act, 1913-1971”.

(3) All proceedings commenced under the repealed Act, and not finally disposed of at the commencement of this Act, may be continued and disposed of in all respects as if the repealed Act were still in force and this Act had not been enacted.

(4) This Act shall not affect the validity or effect of any decisions, judgments or orders made pursuant to the provisions of the repealed Act.

(5) A panel of justices prepared for the purpose of constituting juvenile courts under the repealed Act shall be deemed to be such a panel prepared for the purposes of this Act.

(6) The provisions of the Acts Interpretation Act, 1915-1957, relating to the repeal of statutory provisions, shall, except where inconsistent with this Act, apply and have effect in relation to the repeal effected by this Act.

(7) A reference in any Act, proclamation, regulation, rule or by-law to the repealed Act or any provision of the repealed Act shall be read and construed as a reference to this Act, or the corresponding provision (if any) of this Act.

(8) Where any Act, past or future, or any rule, regulation, proclamation or by-law made under or by virtue of such an Act provides that any order may be made or jurisdiction may be exercised by a juvenile court, that Act, rule, regulation, proclamation or by-law shall, unless the Act concerned otherwise provides, be deemed to provide that the order may be made or the jurisdiction may be exercised by a juvenile court constituted under this Act and the provisions of this Act shall for that purpose be deemed to be incorporated with that Act.

(9) Where before the commencement of this Act a child was discharged by a court upon a recognizance under the Offenders Probation Act, 1913-1969, any proceedings in respect of the recognizance may be dealt with and disposed of pursuant to the provisions of that Act in all respects as if the provisions of that Act repealed by this Act had not been so repealed.

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PART II

PART II

INITIAL PROCEEDINGS AGAINST CERTAIN CHILDREN  
UNDER THE AGE OF SIXTEEN YEARS

7. (1) Subject to subsection (2) of this section, this Part shall apply in respect of— Application of Part.

(a) a child under the age of sixteen years;

and

(b) in the case of a child who is alleged to have committed an offence, a child who was under the age of sixteen years on the date of the alleged offence.

(2) This Part shall not apply in respect of—

(a) a child who is alleged to be a neglected child;

or

(b) a child who is alleged to have committed homicide.

8. (1) Where it is alleged that a child to whom this Part applies has committed an offence, the child shall not be charged with the offence but a complaint may, subject to the provisions of this section, be laid against the child, alleging that he is in need of care and control. Allegations to be referred to panels.

(2) A complaint alleging that a child is in need of care and control must also allege the commission of an offence by the child.

**PART II**

(3) Subject to this section and section 15 of this Act, where a child to whom this Part applies is alleged to have committed an offence and the child has not been arrested, no complaint shall be laid against the child but the allegation and a report of the circumstances of the alleged offence shall be referred to a juvenile aid panel to be dealt with by the panel.

(4) Subject to this section and section 15 of this Act, where a child to whom this Part applies is alleged to be an uncontrolled child, or an habitual truant, and the child has not been arrested, no complaint shall be laid against the child but the allegation and a report of the circumstances upon which it is based shall be referred to a juvenile aid panel to be dealt with by the panel.

(5) The provisions of subsection (3) and subsection (4) of this section shall not apply where the child is subject to an order or adjudication of a juvenile court and the order or adjudication, or the effect thereof, is not fully satisfied or completed.

(6) Where a child to whom this section applies is arrested and subsequently appears before a juvenile court, the court may—

(a) proceed to hear and determine the complaint;

or

(b) adjourn the hearing and, if necessary, remand the child on bail or subject to the provisions of section 30 of this Act, in custody, to be dealt with by a juvenile aid panel.

(7) Where a hearing has been adjourned to enable a child to be dealt with by a juvenile aid panel under subsection (6) of this section, the presence of the child before the court shall not be required while the court hears any further application, or makes any order for a further adjournment or remand of the child, unless the court otherwise orders.

(8) Where a hearing has been adjourned to enable a child to be dealt with by a juvenile aid panel under subsection (6) of this section, the court may, upon receipt of a report from the juvenile aid panel, dismiss the complaint, or allow it to be withdrawn, or if the panel refers the matter to the court in pursuance of the provisions of this Part, may proceed to hear and determine the complaint in accordance with the provisions of this Act.

**Panel lists.**

9. (1) The Attorney-General shall prepare a list containing the names and addresses of such persons, who are in his opinion qualified for membership of juvenile aid panels constituted under this Act, as he thinks expedient.

(2) The list must comprise the names and addresses of—

(a) justices included in a panel of justices prepared under Part III of this Act;

(b) officers of the Police Department nominated by the Commissioner of Police;

and

(c) officers of the Department nominated by the Director-General,

and approved for the purpose of inclusion in the list by the Attorney-General.

(3) The Attorney-General may from time to time revise the list prepared under this section.

10. (1) Subject to subsection (2) of this section, a juvenile aid panel shall be constituted of any two persons included in the list prepared by the Attorney-General and nominated by him to constitute the panel.

Constitution of panel.

(2) Each panel must be constituted of—

(a) a person who is a member of the panel of justices, or a person nominated for inclusion in the list by the Commissioner of Police;

and

(b) a person nominated for inclusion in the list by the Director-General.

11. A juvenile aid panel shall not sit for the purpose of exercising any of its functions under this Act in any place commonly used as a courthouse or office of police.

Places at which panels shall not sit.

12. (1) A juvenile aid panel shall refer a matter to a juvenile court if—

Panel to refer matter to court in certain circumstances.

(a) the child does not appear before the panel in accordance with the request of the panel;

(b) the child or a parent or guardian of the child requests at any stage of the proceedings that the matter be heard and determined by a juvenile court;

or

(c) the panel is of the opinion that the matter should be referred to a juvenile court because of the gravity of the alleged offence or because it is expedient in the interests of the child or of the community that the matter be so referred.

(2) A parent or guardian of a child in respect of whom proceedings are brought before a juvenile aid panel shall attend with the child at the hearing of the proceedings and, unless the panel is of the opinion that there is good reason for so doing, it shall not deal with a matter unless the parent or guardian has appeared, but shall refer the matter to a juvenile court for hearing and determination.

PART II

(3) The juvenile aid panel must inform the child, and, where present the parent or guardian of the child, that he is entitled to request at any stage of the proceedings that the matter be heard and determined by a juvenile court.

**Reports.**

**13.** (1) The investigating police officer or the Director-General shall, in the case of any matter referred to a juvenile aid panel under this Part cause to be prepared for the information and guidance of the juvenile aid panel a report setting out as far as may be reasonably ascertainable and relevant to the matter under consideration details of any alleged offence and of the personal circumstances and social background of the child to whom the allegation relates.

(2) A panel may request the Director-General to obtain any further information or reports that may be necessary or desirable for the purpose of dealing with a child under this Part and the Director-General shall, so far as is reasonably practicable, comply with such a request.

**Powers of panels.**

**14.** (1) A juvenile aid panel shall have the following powers in dealing with a child under this Part:—

- (a) the panel may warn or counsel the child and his parents or guardians;
- (b) the panel may request the child to undertake, in writing, to comply with such directions as may be given by the panel as to any training or rehabilitative programme to be undergone by the child;
- (c) the panel may request a parent or guardian of the child to undertake, in writing, to comply with such directions as may be given by the panel to assist the child in any training or rehabilitative programme;

or

- (d) the panel may refer the matter to a juvenile court if the child, or a parent or guardian of the child, refuses to make an undertaking as requested by the panel or if, in the opinion of the panel, it is otherwise expedient to do so for the purpose of the rehabilitation of the child.

(2) Where an undertaking is made by a child or the parent or guardian of a child under subsection (1) of this section and the undertaking is not observed at any time within six months after the undertaking is given, the panel may refer the matter to a juvenile court for hearing and determination.

**Reference of matter to juvenile court.**

**15.** (1) Where a matter is referred by a juvenile aid panel to a juvenile court for hearing and determination, the panel shall notify the court in writing of the reason for so referring the matter and shall also cause written notification to be given to the child and a parent or guardian of the child of the decision of the panel so to refer the matter.



(2) Except as provided in subsection (3) of this section, upon referring a matter to a juvenile court the juvenile aid panel or a member of the juvenile aid panel shall, subject to subsection (3) of this section, cause a complaint to be laid against the child alleging that he is a child in need of care and control, an uncontrolled child, or an habitual truant, as the case may require, and the child shall be dealt with by the juvenile court on the basis of that complaint.

(3) Where the panel is of the opinion that proceedings should be taken alleging a child to be an habitual truant, a complaint shall not be laid in respect of the child pursuant to subsection (2) of this section, except by, or with the authority of, the Minister of Education.

(4) Subject to subsection (5) of this section, where a matter has been referred to a juvenile court for hearing and determination, evidence of the proceedings before a juvenile aid panel in respect of the alleged offence shall not be admissible in the juvenile court.

(5) A report of proceedings before a juvenile aid panel in respect of an alleged offence shall be admissible in a juvenile court in proceedings in respect of a subsequent offence found proved against the child.

(6) Notwithstanding the provisions of the Justices Act, 1921-1969, or any other Act, a complaint may be laid against or in respect of a child under this section at any time within twelve months after the matter of the complaint arose.

16. Where a child is dealt with by a juvenile aid panel under this Act, no proceedings shall be brought before any court in respect of the offence alleged to have been committed by the child and upon which the child was dealt with by the panel, unless the matter is referred to a juvenile court by the panel pursuant to the provisions of this Part.

Child who has been dealt with by panel not liable to be again proceeded with.

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### PART III

PART III

## CONSTITUTION AND JURISDICTION OF JUVENILE COURTS

17. (1) There shall be a Judge or Judges by whom the jurisdiction of any juvenile court shall be exercisable.

Judge of Juvenile Court.

(2) The Judge or Judges shall be a person or persons appointed to judicial office pursuant to the provisions of the Local and District Criminal Courts Act, 1926-1971, upon whom the Governor has, by proclamation, conferred the jurisdiction exercisable by juvenile courts under this Act.

(3) The Judge, or where there are two or more Judges, the most senior of the Judges, may make and issue administrative directions relating to the constitution and proceedings of juvenile courts.

**PART III**

(4) For the purposes of subsection (3) of this section seniority shall be determined according to the date on which jurisdiction is conferred under subsection (2) of this section.

(5) The Governor may, by subsequent proclamation, revoke a proclamation conferring upon a Judge the jurisdiction exercisable by juvenile courts under this Act.

**Report.**

18. (1) The senior Judge shall on or before the thirtieth day of September in each year submit a report to the Minister upon the administration of this Act over the period of twelve months ending on the thirtieth day of June in that year.

(2) The Minister shall, within fourteen days after receipt of the report, lay the report before Parliament if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

(3) No proceedings of any kind shall lie against a person in relation to any comment made, in good faith and without malice, by that person on or in relation to a report referred to in subsection (1) of this section.

**Constitution of juvenile court.**

19. (1) Subject to this Act, a juvenile court shall be validly constituted if constituted of a judge, a special magistrate, a special justice, or of two justices chosen from a panel of justices prepared in accordance with the provisions of this section.

(2) The Attorney-General shall prepare for the whole of the State a panel of justices containing the names and addresses of justices who are, in his opinion, specially qualified to hear and determine proceedings against or in respect of children.

(3) The Attorney-General may, from time to time, revise the panel of justices prepared under subsection (2) of this section.

(4) Notwithstanding the provisions of subsection (1) of this section, if in the opinion of the clerk of a court of summary jurisdiction, it is not reasonably practicable for the court to be constituted a juvenile court in accordance with that subsection, the court shall be a validly constituted juvenile court if constituted of any two justices.

**Juvenile court to be constituted where possible of Judge or special magistrate.**

20. (1) A juvenile court shall not be constituted of a special justice, or of justices, where it is reasonably practicable for the court to be constituted of a Judge or a special magistrate.

(2) This section does not affect the validity or effect of any decision, judgment or order made by a court constituted in a manner contrary to the provisions of this section.

**Jurisdiction and general powers of a juvenile court.**

21. (1) A juvenile court shall be a court of summary jurisdiction and shall, subject to this Act, have and may exercise in relation to matters arising under this Act all the jurisdiction, powers and functions exercisable by a court of summary jurisdiction under the Justices Act, 1921-1969.

(2) Subject to this Act and the regulations, the provisions of the Justices Act, 1921-1969, and the rules under that Act, shall apply to and in relation to any proceedings of, or in connection with, a juvenile court.

(3) In the case of any inconsistency between the provisions referred to in subsection (2) of this section and the provisions of this Act, the provisions of this Act shall apply.

(4) The provisions of sections 27a, 27b, 27c, 27d, 57a and 70ab of the Justices Act, 1921-1969, and any other provisions of that Act or the rules made thereunder excluded by regulation made pursuant to this Act from applying to proceedings under this Act, shall not apply to any such proceedings.

(5) Except where specific provision is made for the exercise of powers under the Offenders Probation Act, 1913-1971, by a juvenile court, those powers shall not be exercisable by a juvenile court.

22. (1) So far as is reasonably practicable, a juvenile court shall not sit in any building while any court which is not a juvenile court is sitting therein.

Place of sitting.

(2) Every information, complaint, charge, summons or application which is to be heard by a juvenile court within the metropolitan area, shall be heard only in such room or place as is, from time to time, appointed or approved of by the Minister for the purpose of the hearing of such informations, complaints, charges, summonses and applications.

23. (1) Except as otherwise expressly provided by this Act or any other Act, an information, complaint or charge against a child, shall not be heard by any court of summary jurisdiction that is not a juvenile court.

Jurisdiction of juvenile courts.

(2) Except as otherwise provided by this Act, an information, complaint, charge or any application or other proceedings against a person who has attained the age of eighteen years shall not be heard by a juvenile court.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, no conviction, order or adjudication of a court shall be invalid by reason only of a contravention of those subsections.

24. No provision of this Part shall be construed as restricting the powers of any justice or special justice to sit in any convenient building, room or place for the purpose of issuing any summons, warrant or other process or of hearing an application for an adjournment of any proceedings or of hearing such evidence as may be necessary for any of such purposes.

Power of justice to issue process.  
cf. 13, 1941  
s. 6.

PART IV

## PART IV

## GENERAL PROCEDURE AND POWERS OF COURTS

Change of  
venue.

25. (1) If it appears to a juvenile court that any information, complaint, charge or any application or other proceedings before the court can be more conveniently, economically or fairly heard and determined by some other juvenile court, the first-mentioned court may desist from further proceeding with the hearing, and if the court so desists, it shall by memorandum refer the proceedings for hearing and determination by the other juvenile court on a date and at a time which shall be specified in the memorandum and notified to the parties to the proceedings.

(2) Upon so referring the proceedings, the court may, subject to the provisions of section 30 of this Act, make an order that the child be brought before the court to which the proceedings have been referred on a day and at a time specified in the order.

Procedure  
when fact that  
defendant is  
charged in  
wrong court  
becomes  
known during  
hearing.

26. (1) Notwithstanding any other provision of this Act, where, in the course of any proceedings before a court other than a juvenile court, it appears to the court that the proceeding should have been instituted in a juvenile court, the following provisions of this subsection shall apply:—

(a) The court may desist from further proceeding with the hearing of the proceedings, or it may, subject to this Act, proceed with the hearing and determination of those proceedings or, as the case requires, with the preliminary examination, as if it were a properly constituted juvenile court:

(b) If the court so desists, it shall by memorandum refer the proceedings for hearing and determination by an appropriate juvenile court upon a date and at a time which shall be specified in the memorandum and notified to the parties to the proceedings:

(c) Upon so referring the proceedings, the court may allow the child to go at large or remand him to custody in a home or other suitable place (not being a prison) or to the temporary custody of a suitable person or discharge him upon his entering into a recognizance with or without sureties to appear before the court to which the proceedings have been referred upon the date and at the time so specified.

(2) Notwithstanding any other provision of this Act, where, in the course of any proceedings before a juvenile court, it appears to the court that the proceedings should have been instituted in a court of summary jurisdiction other than a juvenile court, the following provisions of this subsection shall apply:—

- (a) The court may desist from further proceeding with the hearing of the proceedings, or it may proceed with the hearing and determination of those proceedings or, as the case requires, with the preliminary examination as a court of summary jurisdiction that is not a juvenile court:
- (b) If the court so desists, it shall by memorandum refer the proceedings for hearing and determination by an appropriate court of summary jurisdiction upon a date and at a time which shall be specified in the memorandum and notified to the parties to the proceedings:
- (c) Upon so referring the proceedings, the court may allow the defendant to go at large or remand him into suitable custody or discharge him upon his entering into a recognizance with or without sureties to appear before the court to which the proceedings have been referred upon the date and at the time so specified.

(3) The court to which any proceedings are referred under this section shall have jurisdiction to hear and determine the proceedings.

27. (1) Subject to subsection (2) of this section, a child shall not be charged in any complaint or information jointly with a person who is not a child.

Prohibition of joint charges.

(2) Subsection (1) of this section shall not apply to proceedings in which a charge against a child, is pursuant to this Act, to be heard and determined by a court other than a juvenile court.

(3) A child against whom a complaint is laid alleging that he is in need of care and control shall not be jointly charged with a child who is charged with an offence.

28. (1) Where a juvenile court, other than the Adelaide Juvenile Court, has found the offence or other matter alleged in an information complaint or charge against a child proved, and is of the opinion that it is expedient to refer the case to the Adelaide Juvenile Court in order that the child may be further dealt with by that court, the first-mentioned court may—

Reference of case to the Adelaide Juvenile Court.

- (a) adjourn the hearing, and refer the case by memorandum to the Adelaide Juvenile Court;

and

(b) transmit to the Adelaide Juvenile Court the information, complaint or charge together with the evidence, a statement of the findings of the court, and any other relevant documents.

(2) Upon so referring the case, the court may, subject to the provisions of section 30 of this Act, order that the child be brought before the Adelaide Juvenile Court on a day and at a time specified in the order.

(3) The Adelaide Juvenile Court shall consider the evidence taken by the court by which the case was so referred, the finding of that court and the reports made upon the child pursuant to any order of that court, or the Adelaide Juvenile Court, and any other relevant matters, and may make any order authorized by law in respect of the child as if the information, complaint or charge against the child had been heard and determined by the Adelaide Juvenile Court.

Attendance at court of parent, etc., of child charged with offence.

29. (1) Where a child is for any reason brought before a juvenile court, the court may order that his parents or guardian shall attend at the court before which the case is heard or determined during all the stages of the proceedings, unless sooner excused by the court.

(2) When the court makes an order under subsection (1) of this section directed to a guardian of the child who is not a parent of the child, the attendance of the father or the mother of the child, or both, may also be ordered.

(3) When the court makes an order under subsection (1) of this section, it may adjourn the hearing of the case.

(4) The clerk of court shall cause every such order to be served upon the parent or guardian named therein.

(5) The order shall be deemed sufficiently served if a notice containing a copy thereof is served personally on the parent or guardian or posted addressed to him at his last known place of abode or business a reasonable time before the date of hearing of the case.

(6) Any person who, having been served with an order under this section, fails to attend the court in compliance therewith shall be guilty of an offence and liable to a fine not exceeding one hundred dollars.

(7) Notwithstanding anything contained in this section, the court may, if it thinks it expedient and just to do so, proceed with the hearing and determination of the case in the absence of the parent or guardian.

**PART IV**

30. (1) Notwithstanding anything contained in any other Act, where the hearing of any proceedings against a child is adjourned by a juvenile court or referred by one court to another under any provision of this Act and the child is not allowed to go at large and not released on bail, any juvenile court may, from time to time, order that the child be remanded to a home or other suitable place (not being a prison) or in the temporary custody of a suitable person, for a period not exceeding in either case, twenty-one days.

Remand of child during course of proceedings.

(2) A child shall not be remanded in custody to a home unless in the opinion of a juvenile court—

(a) the child is likely to abscond;

or

(b) the child is in need of care and control for the period of the remand;

or

(c) it is desirable in the interests of the child that he be remanded in custody;

or

(d) it is necessary for the protection of the general public, or any person or property, that the child be remanded in custody.

(3) This section shall not fetter in any way the discretion of a court to allow a child to go at large, or to release a child upon bail where, in the opinion of the court it is appropriate to do so.

(4) The court which makes an order under subsection (1) of this section, or the Adelaide Juvenile Court, may at any time revoke the order and in lieu thereof make another order allowing the child to go at large, or releasing him on bail, or remanding him to a home or other suitable place (not being a prison) or in the temporary custody of a suitable person, for a period not exceeding twenty-one days.

(5) Notwithstanding the foregoing provisions of this section, the court referred to in either of those subsections, if constituted of a Judge or special magistrate, may, with the consent of the child or of the parent or guardian of the child, order that the child be remanded for a period exceeding twenty-one days but not exceeding thirty-five days.

31. (1) Where a justice is satisfied by the evidence of a legally qualified medical practitioner that the attendance before a court of any child in respect of whom an offence is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child, and shall

Extension of power to take deposition of child.

PART IV

thereupon sign the deposition and add thereto a statement of his reasons for taking it and of the day when and the place where it was taken and of the names of the persons (if any) present at the taking thereof.

(2) The justice shall, if the child is of or over the age of ten years, take the deposition on oath.

Admission of  
a deposition in  
evidence.

32. Where, in any proceedings in any court in respect of an offence against a child, the court is satisfied—

(a) by the evidence of a legally qualified medical practitioner that the attendance before the court of the child would involve serious danger to his life or health;

or

(b) that the child is dead,

any deposition of the child taken pursuant to section 31 of this Act shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to have been taken; but the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his counsel or solicitor had, or might have had, if he had chosen to be present, an opportunity of cross-examining the child making the deposition.

Examination  
as to mental  
condition of  
child.

33. A juvenile court before whom a child is brought may, if it has reason to suspect that the mental condition of a child is such as to affect the criminal responsibility of the child, cause the child to be examined by a properly qualified person, and may accept as evidence the written or oral report (whether on oath or otherwise) of that person as to the child's mental condition.

PART V

## PART V

SPECIAL PROVISIONS RELATING TO THE HEARING AND  
DETERMINATION OF COMPLAINTS, ETC.

Duty of court  
to explain  
proceedings,  
etc.

34. Where a child in respect of whom proceedings have been brought before a juvenile court, is not represented by counsel or solicitor, the court—



(a) shall satisfy itself that the child understands the proceedings and shall, if necessary, explain to him in simple language the nature of the allegations against him, including their legal implications, such as the intention to commit the offence, but no particular form of words shall be necessary;

and

(b) may ask the child questions to elicit his version of the facts and may cross-examine any witnesses,

but no order or adjudication of a court shall be regarded as invalid or defective on the ground only of failure to comply with this section.

35. (1) Where a child is charged before a juvenile court with any indictable offence or offences (other than homicide), the child at any stage of the proceedings, and whether any statement has been taken from any witness or not, may plead guilty to the charge or any of the charges laid against him.

Power of juvenile court to take plea of guilty to an indictable offence by child.

(2) The court shall, at the commencement of the proceedings, inform the child and his parent or guardian (if present) of the child's right so to plead, and may, if it thinks fit, make a statement explaining the procedure under this section.

(3) Where a child pleads guilty pursuant to this section, the procedure of the court shall, subject to this Act, be the same as the procedure of a court of summary jurisdiction, and the provisions of the Justices Act, 1921-1969, shall, so far as they are applicable and not inconsistent with this Act, apply to and in relation to the hearing and determination of the charge.

(4) If, after the child has so pleaded guilty, the court after consideration of any facts stated by the prosecutor or given in evidence, is of the opinion that the time for taking the plea should be postponed, it may order that the plea of guilty be withdrawn; and thereupon all further proceedings in respect of the offence shall, subject to this Act, be conducted in accordance with this Act and the Justices Act, 1921-1969, as if the child had not so pleaded guilty.

(5) If any such further proceedings are taken, the child shall not, by reason of his plea of guilty be entitled to plead *autrefois convict*.

36. (1) Where a child appears before a juvenile court constituted of a Judge or special magistrate on an information charging the child with an indictable offence (other than homicide) to which the child does not plead guilty, the court may, subject to this Act, hear and determine the matter before the court in a summary way or proceed to hold a preliminary examination in respect of the alleged offence.

Procedure where child charged with indictable offence does not plead guilty.

PART V

(2) Before exercising his discretion under subsection (1) of this section, the Judge or special magistrate constituting the court shall—

(a) explain to the child and his parent or guardian (if present) the relative implications of the matter being dealt with in a summary way and of committing the child for trial before the Supreme Court or the District Criminal Court and give them an opportunity of making representations for the consideration of the Judge or magistrate;

and

(b) have regard to the nature of the charge, the age of the child, the circumstances of the case and the representations made by or on behalf of the child or his parent or guardian or by the prosecutor or an officer of the department.

(3) The matter shall be heard and determined in a summary way unless the Judge or special magistrate is satisfied having regard to all the facts and circumstances known to the court, that it is desirable, in the interests of the administration of justice, to commit the child for trial to the Supreme Court or the District Criminal Court.

(4) Where a child appears before a juvenile court constituted of justices or a special justice on an information charging the child with an indictable offence (other than homicide) to which the child does not plead guilty, the justices or special justice shall desist from further proceeding with the hearing and shall, by memorandum, refer the proceedings for hearing before a juvenile court constituted of a Judge or special magistrate upon a date and at a time specified in the memorandum and notified to the parties.

(5) The court so referring the proceedings may, subject to the provisions of section 30 of this Act, make an order that the child be brought before the court to which the proceedings have been referred on a day and at a time specified in the order.

Alternative  
verdict.

37. Where an information charging a child with an indictable offence is heard and determined in a summary way by a juvenile court and, if that offence were tried before the Supreme Court, that court would have power to record an alternative verdict to the offence charged, the juvenile court may record an alternative verdict to the offence with which the child is charged.

Procedure on  
committal for  
trial.

38. Where—

(a) a child charged on information with an indictable offence before a juvenile court does not plead guilty of that offence;

and

(b) the court does not decide to hear and determine the proceedings in a summary way,

the court shall hold the preliminary examination and, subject to this Act and the appropriate provisions of the Justices Act, 1921-1969, commit the child for trial before the Supreme Court.

39. (1) Subject to this section, a juvenile court constituted of a Judge or special magistrate which has found a child guilty of an indictable offence (other than homicide) following a plea of guilty or a summary hearing and determination may deal with the child in accordance with the powers of the court under this Act, or may commit the child to the Supreme Court.

Power of juvenile court to sentence child for indictable offence or commit to Supreme Court for sentence.

(2) Before exercising his discretion under subsection (1) of this section, the Judge or special magistrate constituting the court shall—

(a) explain to the child and his parent or guardian (if present) the nature of the discretion vested in the court and the relative implications of the child being dealt with in accordance with the powers of the juvenile court under this Act and of committing the child to the Supreme Court for sentence and give them an opportunity of making representations for the consideration of the Judge or special magistrate;

and

(b) have regard to the nature of the charge, the age of the child, the circumstances of the case and the representations made by or on behalf of the child or his parent or guardian or by the prosecutor or an officer of the department.

(3) The juvenile court shall deal with the child in accordance with the powers of the court under this Act unless the court is satisfied, having regard to all the facts and circumstances known to the court, that it is desirable, in the interests of the administration of justice, to commit him to the Supreme Court for sentence.

(4) Where a child who has pleaded guilty before a juvenile court to an indictable offence is committed to the Supreme Court for sentence—

(a) the juvenile court shall make written notes of the facts stated by the prosecutor and of any statement made by the defendant in contradiction or explanation of the facts stated by the prosecutor and shall forward those notes to the Attorney-General together with the statements (if any) of witnesses tendered by the prosecutor to the court;

and

(b) the Attorney-General shall cause the notes and the statements of witnesses to be delivered to the proper officer of the Supreme Court at the place where the child is to appear for sentence, before or at the opening of that court on the first sitting thereof, or at such other time as the Judge who is to preside in such court may order.

(5) Where a child who has been found guilty of an indictable offence following a summary hearing and determination is committed to the Supreme Court for sentence—

(a) the juvenile court shall forthwith forward the record of the case, or cause it to be delivered, to the Attorney-General together with the information, evidence, a statement of the finding by the court and other relevant documents (if any);

and

(b) the Attorney-General shall cause the record, information, evidence, statement and other relevant documents (if any) to be delivered to the proper officer of the Supreme Court at the place where the child is to appear for sentence, before or at the opening of that court on the first sitting thereof, or at such other time as the Judge who is to preside in that court may order.

(6) Upon the appearance of the child for sentence before the Supreme Court, that court may pass sentence or otherwise deal with him as if he had been committed for trial to that court and had pleaded guilty or been found guilty (as the case may be) in that court, and all the same consequences shall ensue as if he had been so committed and had so pleaded guilty or been found guilty; but if, for any reason, it appears to the Judge of that court that the plea of guilty, if any, should be withdrawn, he may advise the child, and allow him, to withdraw the plea and, if it is thereupon withdrawn, the child shall be deemed to have been committed for trial, and may forthwith, or after adjournment, and notwithstanding that no information has been filed in that court, be arraigned, and the case shall proceed in the usual course.

Remand on  
committal.

**40.** Where a child is committed by a juvenile court to the Supreme Court for trial or sentence, the juvenile court may release the child on bail or remand him to a home or to any other suitable place (not being a prison) to be there detained until he is released or delivered in due course of law.

Power to order  
examination,  
etc., of child.

**41.** (1) Where a child has pleaded guilty before a juvenile court, or the court has found that the offence with which the child is charged or other matter alleged against the child is proved, the court—

(a) may order that the child attend at an assessment centre, or if he has been remanded in custody, that he be taken to an assessment centre, so that he may be examined and an assessment made of his personal circumstances and social background and the most appropriate means of rehabilitating him;

and

(b) may order that such further examinations and reports be made or prepared as the court thinks fit.

(2) The court may consider and act upon any report on the child prepared under subsection (1) of this section and any other report on the child's character, conduct, upbringing, physical condition and past history, if the report is prepared by a person to whom those matters are personally known or who has personally investigated those matters; but, subject to subsection (3) of this section, before passing any sentence on the child—

(a) so much of the contents of any such report as is detrimental to the child shall be made known to the child or his parent, guardian, counsel or solicitor if the child, parent, guardian, counsel or solicitor so requests;

(b) the child or his parent, guardian, counsel or solicitor shall, if he so requests, be given an opportunity of cross-examining the person who prepared the report on the matters dealt with therein;

and

(c) the court shall, if so required by the child, or his parent, guardian, counsel or solicitor, procure the attendance of that person before the court for cross-examination.

(3) Notwithstanding anything contained in subsection (2) of this section, the court, if it is of the opinion that the report contains material which, if disclosed to the child, or his parent or guardian, may be prejudicial to the welfare of the child, may in its discretion order that the whole or any part of the report shall not be made known to the child, or his parent or guardian.

(4) Until the examination of the child has been completed, or a report required by the court has been procured, the court or a justice may, from time to time, adjourn the hearing and subject to section 30 of this Act, remand the child into suitable custody.

42. (1) Subject to the provisions of this section, a complaint alleging that a child is in need of care and control shall be heard and determined by a juvenile court in accordance with the following provisions:—

Complaint that  
child is in need  
of care and  
control.

- (a) When hearing a complaint alleging that a child is in need of care and control, the juvenile court shall first proceed to hear and determine the allegation that the child has committed an offence.
- (b) On being satisfied, either by an admission or upon proof, that the offence alleged against the child has been proved, the court shall record that finding and proceed to hear and determine the allegation that the child is in need of care and control.
- (c) The court, on being satisfied on the balance of probabilities, either by admission or upon proof, that the child is in need of care and control of a kind that may be provided by the court under this section, shall record its finding that the complaint laid against the child has been proved.
- (d) When hearing the allegation that a child is in need of care and control—
- (i) the court shall not be bound by the laws or rules of evidence and may admit any evidence which, in the opinion of the court, will assist to determine the allegation in a manner that appears to the court to be in the best interests of the child;
  - and
  - (ii) the court shall determine the allegation in a manner that appears to the court to be in the best interests of the child.
- (2) When a juvenile court makes a finding that a complaint alleging that a child is in need of care and control has been proved, no conviction shall be recorded, but the court may make an order or adjudication in accordance with the following provisions:—
- (a) upon being satisfied that no further order is necessary or desirable to secure adequate care and control for the child, it may dismiss the complaint and discharge the child;
  - (b) it may discharge the child upon his entering into a recognizance, with or without sureties, upon condition that he will be of good behaviour and will appear, if so required by a juvenile court, before the court to be further dealt with by the court, and upon any one or more of the following conditions that the court may think fit to include in the recognizance—
    - (i) that he will be under the supervision of an officer of the Department nominated by the Director-General and obey the directions of that officer;

(ii) that he will attend a youth project centre at such times as may be stipulated in the recognizance or required of him by the Director-General and will obey any directions that may be given him by or on behalf of the person in charge of the centre;

and

(iii) any other conditions that the court may think necessary or desirable;

or

(c) place the child under the care and control of the Minister for a period of not less than one year but expiring on or before the day on which the child attains the age of eighteen years.

(3) A recognizance under subsection (2) of this section shall be effective for a period, not exceeding two years, specified in the recognizance.

(4) Where an order is made placing a child under the care and control of the Minister, the court may make an ancillary order committing the child to a home for a period not exceeding twenty-one days.

43. (1) Subject to this Act, where it is alleged that a child has committed an offence and that child had attained the age of sixteen years but had not attained the age of eighteen years on the date of the alleged offence, proceeding in respect of the alleged offence shall be heard and determined before a juvenile court.

Manner in which alleged offences committed by child over age of 16 years are to be dealt with.

(2) On finding a charge proved, either by admission, or upon proof, a juvenile court may, subject to this section, make an order or adjudication in accordance with the following provisions:—

- (a) upon being satisfied that no further order is necessary or desirable to secure adequate care and control for the child, the court may dismiss the charge and discharge the child;
- (b) upon convicting the child or without convicting the child, the court may order the child to pay a fine not exceeding one hundred dollars, or if a lesser maximum fine is prescribed for the offence, a fine not exceeding that maximum;
- (c) upon convicting the child, or without convicting the child, the court may discharge the child upon his entering into a recognizance, with or without sureties, upon condition that he will be of good behaviour and will appear, if so

required by a juvenile court to be further dealt with by the court, and upon any one or more of the following conditions that the court may think fit to include in the recognizance—

(i) that he will be under the supervision of an officer of the Department nominated by the Director-General, and obey the directions of that officer;

(ii) that he will attend a youth project centre at such times as may be stipulated in the recognizance or required of him by the Director-General and will obey any directions that may be given him by or on behalf of the person in charge of the centre;

and

(iii) any other conditions that the court may think necessary or desirable;

or

(d) upon convicting the child, or without convicting the child, place him under the care and control of the Minister for a period, specified by the court, of not less than one nor more than two years.

(3) Where an order is made placing a child under the care and control of the Minister, the court may make an ancillary order committing the child to a home for a period not exceeding twenty-one days.

(4) The court may exercise its powers under both paragraph (b) and paragraph (c) of subsection (2) of this section in respect of the same offence.

(5) A recognizance under subsection (2) of this section shall be effective for a period, not exceeding two years, specified in the recognizance.

(6) The court shall, before dealing with a child under this section, have regard to all the facts and circumstances relating to the child and the offence that are known to the court, and the court may exercise its discretion on the question of penalty as provided by this section without being bound by a minimum penalty (if any) prescribed in any Act for the offence proved against the child.

Report from  
assessment  
centre.

**44.** Where a child has not previously been placed under the care and control of the Minister, or required under the terms of a recognizance to attend a youth project centre, he shall not be placed under the care and control of the Minister or so required to attend a youth project centre unless the juvenile court has pursuant to the provisions of this Part obtained a report from an assessment centre as to the most appropriate means of rehabilitating the child.



45. (1) Subject to this section, where it is alleged that a person who has attained the age of eighteen years has committed an offence and that person had not attained the age of eighteen years on the date of the alleged offence, proceedings in respect of the offence shall be commenced before a juvenile court.

Allegation against person who has, since date of offence, attained eighteen years.

(2) Where a complaint or information in respect of a person who has attained the age of eighteen years (whether he attained that age before or after the date on which the proceedings were commenced) is before a juvenile court, and the court has not determined the proceedings in respect of the complaint or information the juvenile court shall inquire as to the nature of the alleged offence, the age of the defendant when the alleged offence was committed, his present age, and any other circumstances relevant to the question of whether the matter should be heard and determined in a juvenile court, and shall take into account any preferences expressed by the complainant or informant and the defendant and, if he is present and wishes to be heard, an officer representing the Director-General.

(3) Following an inquiry under subsection (2) of this section, a juvenile court may proceed to hear and determine the complaint or information or, if it thinks that a hearing in the juvenile court will not be in the best interests of the administration of justice, it may refer the complaint or information for hearing by a court of summary jurisdiction and for that purpose it may adjourn the proceedings and remand the defendant either in custody or on bail to appear before the court of summary jurisdiction.

(4) In any proceedings in a juvenile court against a person who has attained the age of eighteen years, the court may—

(a) proceed to hear and determine the proceedings and make any appropriate order that the court has power to make under the provisions of this Act;

or

(b) proceed to hear and determine the proceedings and make any order that a court of summary jurisdiction could lawfully have made if that person had attained the age of eighteen years on the date of the offence;

or

(c) if the person is charged with an indictable offence, commit him for trial or sentence to the Supreme Court or a District Criminal Court, in which case that court may proceed as if that person had attained the age of eighteen years on the date of the offence.

46. (1) Where a child has entered into a recognizance under this Part, a juvenile court may—

Variation of recognizance.

(a) on application by the Director-General, or on application by or on behalf of the child, or on application by a person who is a surety to the recognizance, vary the conditions of the recognizance;

or

(b) on application by the Director-General or on application by or on behalf of the child and on being satisfied that the child's conduct has been such as to make it unnecessary or undesirable that he should remain subject to the conditions of the recognizance, discharge the recognizance.

(2) Subject to this section, no order shall be made under subsection (1) of this section unless—

(a) in the case of an application by the Director-General, the child has received reasonable notice of the application and has been given a reasonable opportunity of calling such evidence and making such representation to the juvenile court as the court considers relevant to the application;

or

(b) in the case of an application by or on behalf of the child, the Director-General has received reasonable notice of the application and has been given a reasonable opportunity of calling such evidence and making such representations to the juvenile court as may be relevant to the application;

or

(c) in the case of an application by a person who is a surety to the recognizance, the child and the Director-General have received reasonable notice of the application and have been given a reasonable opportunity of calling such evidence and making such representations to the juvenile court as may be relevant to the application.

(3) In the case of any application under this section to vary the conditions of a recognizance the juvenile court may, before making an order, and in the exercise of its discretion, order that reasonable notice of the application be given by the Director-General to any person who is a surety to the recognizance so that he may be given a reasonable opportunity of calling such evidence and making such representations to the court as may be relevant to the application.

(4) Where pursuant to subsection (2) of this section or an order under subsection (3) of this section—

(a) the Director-General is required to give notice of an application to a child or to a person who is a surety to the recognizance;

or

- (b) a person who is a surety to the recognizance is required to give notice to a child,

and the Director-General or the person so required to give notice satisfies the juvenile court that it is not reasonably practicable to give the required notice, the court may waive compliance with the provision of subsection (2) of this section or an order under subsection (3) of this section and proceed to hear and determine the application.

(5) Where an order is made under this section varying the conditions of a recognizance, the recognizance shall have effect as varied in accordance with the order.

(6) An application may be made under this section for an order varying the conditions of a recognizance, or discharging the recognizance, by a person subject to the recognizance who has attained the age of eighteen years, and in such a case the court may deal with the application in all respects as if the applicant were a child.

47. Where a child enters into a recognizance, or the conditions of a recognizance are varied, under this Act the clerk of the juvenile court shall furnish the child with a notice in writing stating in simple language the conditions that the child is required to observe.

Child to receive explanation of recognizance.

48. (1) If a complaint upon oath alleging that a child who is subject to a recognizance under this Part has failed to observe any of the conditions of his recognizance comes before a juvenile court, the court may—

Breach of recognizance.

(a) issue a warrant for the apprehension of that child;

or

(b) issue a summons to that child, and to any other person who is a surety to the recognizance, requiring the child or other person to appear before a juvenile court at such time as may be specified in the summons or summonses.

(2) Where a warrant has been issued and the child apprehended he shall be brought before a juvenile court.

(3) Subject to this section, the juvenile court may, upon being satisfied that the child subject to the recognizance has failed to observe any of its conditions, make an order adjudging the recognizance to be forfeited and—

(a) without further proof, make any order that a juvenile court had power to make in dealing originally with the complaint or information upon which the recognizance was ordered;

and

(b) make an order for the payment of any amounts due under the recognizance.

(4) No order shall be made under subsection (3) of this section in the absence of any child or person sought to be bound thereby unless that child or person is present at the hearing or unless the court is satisfied that a summons was duly served upon that child or person at least seven clear days before the return thereof or unless the court is satisfied by other means that that child or person had due and proper notice of the proceedings.

(5) Any order under this subsection against a child for the payment of any amount due under a recognizance may be enforced subject to the provisions of this Act, and an order under this subsection against a person who has attained the age of eighteen years for the payment of any amount due under a recognizance may be enforced as if it were an order for the payment of money made by justices upon summary conviction of that person.

(6) Where a person, in respect of whom a complaint may be made alleging that he has failed to observe any of the conditions of a recognizance entered into as a result of an order of a juvenile court, is of or above the age of eighteen years the complaint shall not be laid in a juvenile court but may be laid in a court of summary jurisdiction which may deal with that person in all respects as if the recognizance were a recognizance under the Offenders Probation Act, 1913-1971.

Limitation upon powers of court constituted of justices.

49. (1) A juvenile court constituted of justices or a special justice shall not order that a child be placed under the care and control of the Minister.

(2) If a juvenile court so constituted is of the opinion that the child should be placed under the care and control of the Minister, it shall, by memorandum, and in accordance with the appropriate provisions of this Act, refer the case to the Adelaide Juvenile Court or to some other juvenile court constituted of a Judge or special magistrate.

Power of juvenile court to disqualify child from holding or obtaining a driver's licence.

50. (1) In addition to the powers of a court of summary jurisdiction contained in the Road Traffic Act, 1961-1969, or any other Act, to make an order disqualifying a person from holding or obtaining a licence to drive a motor vehicle, a juvenile court may, in addition to any other order it may make upon a charge for any offence being proved against a child, make an order disqualifying the child from holding or obtaining a licence to drive a motor vehicle—

(a) as from a day or time specified in the order;  
and

(b) either for a period specified in the order or until further order,

if the court is satisfied, having regard to all the facts and circumstances before the court, that the child is not a fit and proper person to hold or obtain such a licence.

(2) The powers of the court under subsection (1) of this section may be exercised upon the charge being proved and with or without a conviction being recorded.

(3) An order made under this section shall have the same force and effect as if it were an order made by the court under section 168 of the Road Traffic Act, 1961-1969.

(4) Where a juvenile court constituted of a Judge or special magistrate, is satisfied that it is just and expedient to do so, it may, at any time, upon application by or on behalf of a child disqualified from holding or obtaining a licence under this section, vary or revoke an order under this section.

(5) The powers conferred on a juvenile court under subsection (4) of this section are in addition to, and do not in any way derogate from, the powers exercisable under section 172 of the Road Traffic Act, 1961-1969.

51. (1) A juvenile court, constituted otherwise than of a Judge, shall not exercise the powers conferred under section 77 or section 77a of the Criminal Law Consolidation Act, 1935-1969.

Exercise of powers in relation to sexual offences.

(2) The powers referred to in subsection (1) of this section may be exercised by a juvenile court constituted of a Judge upon proof of the commission by a child of any of the offences to which those provisions apply whether or not a conviction is recorded.

52. (1) In addition to or in lieu of exercising any other powers of a juvenile court, a juvenile court constituted of a Judge or special magistrate may, subject to this section, on the application of the prosecutor, order a child against whom any charge for an offence before that court has been proved or the parent or guardian of that child or any two or more of those persons to pay compensation, or make restitution in respect of any damage or loss occasioned by the offence to any person who has suffered that damage or loss.

Power of juvenile court to order compensation or restitution.

(2) The amount that a court may order any child or person to pay under this section shall not exceed—

(a) where the juvenile court is constituted of a Judge, eight hundred dollars;

or

(b) where the juvenile court is constituted of a special magistrate, four hundred dollars.

(3) Before making an order under this section, the court may require proof of the amount of loss or damage occasioned by the offence.

(4) If the court, after hearing evidence, is of the opinion that the evidence is not sufficient to enable it to determine the amount of the damage or loss, it may decline to make an order.

(5) Subject to subsection (2) of this section, an order under this section may direct the child, parent or guardian to pay such sum as the court thinks reasonable either as one payment or by instalments, and when making the order, the court shall have regard to the means of the child, parent or guardian against whom the order is made and, in the case of the parent or guardian, the extent, if any, to which the parent or guardian has, by his conduct or neglect or otherwise, conduced to the commission of the offence.

(6) Any order under this section may be enforced against the person against whom it is made in the same manner as if it were an order for the payment of money made by justices upon summary conviction of that person.

(7) An order under this section may be made against a child, parent or guardian present at the hearing in question, or against any parent or guardian who, having been required to attend the court during the hearing pursuant to an order of the court, has failed to do so but otherwise no such order shall be made without giving the child, parent or guardian an opportunity of being heard.

(8) An order under this section shall not be a bar to any other proceedings by or on behalf of the person who suffered the damage or loss, but such person shall not be entitled to recover, in respect of such damage or loss, a greater amount than the amount of the damage or loss suffered by him.

(9) The powers of a juvenile court under this section may be exercised upon the relevant charge being proved and with or without a conviction being recorded against the child.

(10) It shall not be competent for a juvenile court to exercise powers conferred under the Criminal Injuries Compensation Act, 1969.

**53.** (1) Where a child is committed to the Supreme Court for trial and found guilty of an offence (other than homicide) the Court may, in its discretion—

(a) make any order in relation to the child or his parent or guardian that may be made by a juvenile court constituted of a Judge;

or

(b) remand the child to appear before a juvenile court constituted of a Judge or special magistrate to be dealt with as provided by this section.

(2) Where the Supreme Court remands a child to appear before a juvenile court under this section—

(a) it may give such directions as it thinks necessary for the custody of the child or for his release on bail and shall cause to be transmitted to the juvenile court a certified copy of the proceedings in the case and a certificate certifying—

- (i) the nature of the offence;
- (ii) that the child has been found guilty of that offence;
- (iii) that the child has been remanded in custody or on bail to be dealt with in pursuance of this section;

and

- (iv) any other matters that the Supreme Court thinks ought to be brought to the notice of the juvenile court;

and

(b) the juvenile court may deal with the child as if the child had been tried and found guilty of the offence by that court.

**54.** Where a child has been charged with homicide (other than homicide amounting to murder) and been found guilty by the Supreme Court, that court may exercise its discretion on the question of penalty within the limits provided for the offence under the Criminal Law Consolidation Act, 1935-1969, or the court may make any order that could be made by a juvenile court constituted of a Judge against a child who has been convicted by that court of an offence punishable by imprisonment.

Punishment of children for homicide.

**55. (1)** On conviction of a child for murder the Supreme Court shall, by order, sentence him to be detained during the Governor's pleasure, and if so sentenced, he shall be detained in such place and under such conditions as the Governor may direct.

Punishment of children for murder.

(2) Where an order is made under subsection (1) of this section, the child shall, until the Governor has given directions as to the detention of the child, be detained in a home or some other suitable place specified by the court.

(3) A person detained pursuant to the directions of the Governor under this section shall, while so detained, be deemed to be in lawful custody.

(4) Any person so detained may, at any time, be discharged by the Governor on licence which may be in such form and may contain such conditions as the Governor directs, and may, at any time, be revoked or varied by the Governor.

PART V

(5) Where a licence has been revoked, the person to whom the licence related shall return to such place as the Governor directs, and, if he fails to do so, may be apprehended without warrant and taken to that place and there detained.

PART VI

## PART VI

## PROVISION RELATING MAINLY TO NEGLECTED AND UNCONTROLLED CHILDREN AND HABITUAL TRUANTS

Neglected and uncontrolled children and habitual truants.

56. (1) Subject to this Act, where a juvenile court finds a complaint alleging that a child is a neglected child, or an uncontrolled child proved, the court may, by order, place the child under the care and control of the Minister.

(2) Subject to subsection (3) of this section, where a child is placed under the care and control of the Minister, the order shall, if it does not in fact so provide, be deemed to provide that the child shall remain under the care and control of the Minister until he attains the age of eighteen years.

(3) If any child at the time of being placed under the care and control of the Minister is of or above the age of sixteen years the child may be committed to the control of the Minister—

(a) until he attains the age of eighteen years;

or

(b) for not less than one year nor more than two years.

(4) Before making an order under this section placing a child under the care and control of the Minister the court shall consider the welfare of the child and the desirability of removing him from his existing social environment and, in the case of an uncontrolled child, shall not make any order until a report on the child has been made by an assessment centre.

(5) The court, upon finding a complaint alleging that a child is a neglected or uncontrolled child proved, may adjourn the case for a period not exceeding three months, and for the period of the adjournment may place the child under the care and control of the Minister.

(6) Notwithstanding anything contained in subsection (5) of this section the court may on the application of an officer of the department, order that the child be brought before the court at any time during the period of the adjournment and the child shall be brought before the court accordingly.



(7) When a child is brought before a juvenile court following an adjournment under subsection (5) or upon an order made under subsection (6) of this section, the court may—

(a) dismiss the complaint or allow the withdrawal of the complaint if satisfied that satisfactory arrangements have been made for the child's welfare and that he is no longer a neglected child or an uncontrolled child;

or

(b) make an order under subsection (1) of this section.

(8) No order shall be made under subsection (1) or (3) of this section in respect of a neglected child or an uncontrolled child without notice of the complaint in question being served on the parent or guardian of the child having the immediate custody and control of the child unless the whereabouts of the parent or guardian are unknown.

(9) The notice shall be deemed to be sufficiently served if served personally on such parent or guardian, or posted addressed to him at his last known place of abode or business a reasonable time before the date of hearing of the complaint.

(10) Where pursuant to this section, a juvenile court makes an order placing a child under the care and control of the Minister, it may make an ancillary order committing the child to a home for a period not exceeding twenty-one days.

57. (1) Where a juvenile court finds a complaint that a child is an habitual truant proved, it may, subject to this section, make any order or adjudication that it is empowered to make upon finding a complaint that a child is in need of care and control proved.

Habitual  
truancy.

(2) Where a court pursuant to subsection (1) of this section orders that a child be placed under the care and control of the Minister, the order shall, if it does not in fact so provide, be deemed to provide that the child shall remain under the care and control of the Minister until he reaches an age at which he is no longer required by law to attend school.

(3) Where a juvenile court proposes to make an order placing an habitual truant under the care and control of the Minister, the provisions of section 56 of this Act shall, subject to this section apply *mutatis mutandis* in respect of the child in the same manner as they apply in respect of an uncontrolled child.

58. (1) Notwithstanding anything contained in any Act, a complaint (whether laid before or after the commencement of this Act) alleging that a child is a neglected child, or an uncontrolled child or an habitual truant shall be deemed not to be a complaint charging the child with committing an offence within the meaning

Special  
provisions  
relating to  
complaint  
charging child  
with being a  
neglected or  
uncontrolled  
child.

**PART VI**

of this Act or any other Act, and any child in respect of whom such a complaint is proved shall be deemed not to be guilty or convicted of an offence in respect of that complaint.

(2) When hearing a complaint alleging that a child is a neglected child, an uncontrolled child or an habitual truant—

(a) the court shall not be bound by the laws or rules of evidence and may admit any evidence which, in the opinion of the court, will assist it to determine the complaint in a manner which appears to the court to be in the best interests of the child;

and

(b) the court shall determine the complaint in the manner which appears to the court to be in the best interests of the child.

Limitation upon powers of justices.

**59.** (1) A juvenile court constituted of justices or a special justice shall not make an order placing a child who has been found to be a neglected or uncontrolled child or an habitual truant under the care and control of the Minister.

(2) If a juvenile court constituted of justices or a special justice is of the opinion that a neglected or uncontrolled child or an habitual truant should be placed under the care and control of the Minister, the court shall, by memorandum and in accordance with the appropriate provisions of this Act, refer the case to a juvenile court constituted of a Judge or special magistrate.

Power to apprehend neglected or uncontrolled child, etc., without warrant.

**60.** (1) Any officer of the department or member of the police force may, without a warrant, apprehend any child appearing to him or suspected by him to be a neglected child, an uncontrolled child, a child liable to proceedings under this Act as a child in need of care and control, or an habitual truant.

(2) A member of the police force may enter into or upon any house, building, or other premises for the purpose of apprehending and may, there or elsewhere, apprehend any child who is reasonably suspected of having committed an offence or of being a neglected child, an uncontrolled child or an habitual truant.

(3) Where a child apprehended under any provision of this section is charged with any offence or with being a neglected child, an uncontrolled child, a child in need of care and control or an habitual truant he shall, as soon as conveniently possible, be brought before a juvenile court so that the matter alleged against him may be heard and determined.

**PART VI**

**61.** (1) Where a complaint is laid alleging that a child is a neglected child, an uncontrolled child, a child in need of care and control or an habitual truant, any justice may summon the child to appear before a juvenile court at a time and place to be named in the summons so that the complaint against him may be heard and determined.

Issue of summons or warrant on complaint.

(2) A justice may, instead of issuing a summons, issue a warrant under his hand for the apprehension of the child and for his detention in a home or other suitable place (not being a prison) until the hearing of the complaint.

(3) A child so apprehended shall, as soon as conveniently possible, be brought before a juvenile court so that the complaint against him may be dealt with in accordance with the provisions of this Act.

(4) Any child brought before a juvenile court and alleged to be a neglected child, an uncontrolled child, a child in need of care and control, or an habitual truant may be dealt with by the court as provided by this Act notwithstanding that the child has not been summoned or that a warrant has not been issued for the apprehension of the child.

**62.** (1) Any proceedings under this Act relating to a neglected child or an uncontrolled child may be taken by the Director-General or any officer of the department who is authorized by the Director-General to take proceedings and all such proceedings may be conducted by that officer or any other officer of the department who is so authorized.

Power to take proceedings against neglected or uncontrolled children.

(2) A document purporting to be signed by the Director-General stating that the person therein named is an officer of the department, and is authorized by the Director-General to take proceedings or conduct cases under this Act shall be evidence of the facts so stated.

(3) Where a juvenile court is aware of its own knowledge that a person is an officer of the department duly authorized as provided by this section, the court may take judicial notice of that fact, in which case no proof of identity or authorization shall be required.

**63.** Where a child under the age of twelve years is alleged to be a neglected child, an uncontrolled child, a child in need of care and control, or an habitual truant, and is remanded to a home in pursuance of this Act, the presence of the child before the court or justice shall not be required while the court or justice hears any applications or makes any order for a further remand of the child unless the court or justice otherwise orders.

Remand of child under twelve years.

**PART VI**

Court may receive reports as evidence in certain cases.

64. (1) In any proceedings relating to neglected children, uncontrolled children, or habitual truants, the court may receive as evidence and take into consideration any report from any member of the police force or officer of the department, and the contents of such a report shall be made known to the child and his parent or guardian (if present in court) or their counsel or solicitors who shall be permitted to cross-examine the person by whom the report was made.

(2) Notwithstanding anything contained in subsection (1) of this section, the court, if it is of the opinion that the report contains material which, if disclosed to the child, or his parent or guardian, may be prejudicial to the welfare of the child, may in its discretion order that the whole or any part of the report shall not be made known to the child or his parent or guardian.

**PART VII****PART VII****APPEALS FROM AND RECONSIDERATION OF PENALTY BY JUVENILE COURTS**

Powers of Supreme Court on appeal.

65. The Supreme Court when hearing an appeal from a juvenile court may exercise the same powers and make any order or adjudication in relation to a child that could lawfully have been made by a juvenile court constituted of a Judge acting under the powers conferred on it by this Act.

Reconsideration of penalty by juvenile court.

66. (1) Subject to this section, where a finding is made by a juvenile court that an allegation, complaint, information or charge against a child is proved, and an order or adjudication is made against the child in consequence of that finding, that court or the Adelaide Juvenile Court may, upon an application made under subsection (2) of this section, reconsider and confirm, discharge, or vary the order or adjudication; but any variation of the order or adjudication shall be within the limits within which the court would have had power to act if it were making the original order or adjudication.

(2) Subject to subsections (6) and (9) of this section, an application for reconsideration of the order or adjudication may be made by—

(a) the person against whom the order or adjudication was made;

- (b) a parent or guardian of that person;
  - (c) the complainant or informant in the proceedings in relation to which the order or adjudication was made;
- or
- (d) an officer of the department,

and shall be in the prescribed form and delivered to the clerk of the court to which the application is made within one month after the date of the order or adjudication.

(3) When an application for reconsideration is received by the clerk of the court, he shall, if necessary, call for and obtain the original information or complaint and all other relevant documents, set a date for the hearing of the application and notify the applicant and all other parties concerned with the application of the date of the hearing.

(4) Subject to subsection (1) of this section, the court shall, upon hearing the application, reconsider the original order or adjudication and make an order confirming, discharging, or varying the order or adjudication.

(5) Where an order has been made under this section confirming, discharging, or varying an original order or adjudication, that order or adjudication shall have effect as so confirmed or varied.

(6) Where an appeal to the Supreme Court is instituted in respect of the original order or adjudication, no application to a juvenile court for reconsideration of that order or adjudication shall thereafter be made.

(7) Where an application for reconsideration of an original order or adjudication is made to a juvenile court under this section, no appeal shall lie to the Supreme Court against that order or adjudication.

(8) Subject to subsection (9) of this section, an appeal shall lie to the Supreme Court from any order of a juvenile court confirming, discharging, or varying an original order or adjudication under this section.

(9) The Adelaide Juvenile Court may hear and determine an application for reconsideration under this section made by an officer of the department notwithstanding that the application is not made within one month from the date of the original order or adjudication; but there shall be no right of appeal to the Supreme Court from any

PART VII

order of the Adelaide Juvenile Court confirming or varying an original order or adjudication following an application heard and determined pursuant to this subsection.

(10) Where the original order or adjudication was made by a juvenile court constituted of justices, or a special justice, an application for reconsideration of the order or adjudication shall be heard by a juvenile court constituted of a Judge or special magistrate.

(11) Where the original order or adjudication was made by a juvenile court constituted of a Judge or special magistrate, an application for reconsideration of the order or adjudication shall be heard by a juvenile court constituted of a Judge.

PART VIII

## PART VIII

## GENERAL PROVISIONS

Determination  
of questions of  
age, etc.

67. (1) In determining the age of any person for the purpose of deciding whether he is a child within the meaning of this Act or otherwise for the purposes of the provisions of this Act, a person who desires to institute proceedings under this Act, a juvenile aid panel, or any court shall act upon the best information or evidence reasonably available and if there is no satisfactory information or evidence upon which to act, upon his or its own estimate of the age of the person in respect of whom proceedings are contemplated, or have been brought.

(2) No proceedings, decision or action of a juvenile aid panel, and no proceedings, decision, order or adjudication of any court shall be invalid by reason only of the fact that the panel or court has acted in the mistaken belief, or on the mistaken assumption that the person in respect of whom the proceedings are taken is, or is not, a child, or, in the case of proceedings under this Act, that that person, had, or had not, attained a certain age at a particular time.

(3) A juvenile court constituted of a Judge, or any other court to which proceedings by way of appeal against an order or adjudication, or for the review or reconsideration of an order or adjudication have been brought—

(a) where an order or adjudication has been made in proceedings that should have been commenced under this Act, but were not so commenced, may, by order, vary or revoke the order or adjudication or substitute for it such other order or adjudication as may be just in the circumstances;

or

(b) where the order or adjudication was made under this Act in a mistaken belief, or on a mistaken assumption as to the age of the person in respect of whom the order or adjudication was made, may by order vary or revoke the order or adjudication or substitute for it such other order or adjudication as may be just in the circumstances.

(4) An application for an order under subsection (3) of this section may be made by or on behalf of the person against whom the order or adjudication was made, or by the Director-General.

68. (1) The room or place in which a juvenile court sits shall not be open to the public and at the hearing before a juvenile court of any information, complaint, charge or other proceedings against a child, the court may order that all persons not directly interested in the case shall be excluded from the court or place of hearing.

Power to exclude persons from court.

(2) A juvenile court may, in its discretion, order a child or the parent or guardian of a child to retire from the court or place of hearing during the hearing of any part of the proceedings in relation to the child.

69. It shall be conclusively presumed that no child under the age of eight years can commit an offence.

Age of criminal responsibility.

70. (1) A juvenile court constituted of a Judge or special magistrate may recommend to the Minister that a child who has attained the age of seventeen years and who has committed repeated serious offences be held in custody in a prison while he remains under the care and control of the Minister.

Transfer of child to prison.

(2) The Minister shall, before forwarding any such recommendation to the Governor, obtain a report from the Director-General as to whether it is expedient in the interests of the child or the public interest to implement the recommendation and to any other matters upon which the Minister may desire information or advice.

(3) The Governor may, upon receipt of the recommendation of the Minister, order that the child be held in the custody of the Comptroller of Prisons.

(4) The Comptroller may detain a child in respect of whom an order has been made under subsection (3) of this section in any prison that he thinks appropriate.

(5) A child so detained shall, subject to the provisions of the Prisons Act, 1936-1969, be eligible for remission of portion of the period for which he is to be so detained, and may be released upon parole, in all respects as if he had been sentenced to imprisonment for the period for which he was placed under the control of the Minister commencing on the day on which the order was made placing him under the care and control of the Minister.

(6) A child shall not cease to be under the care and control of the Minister by reason of the fact that he is transferred to, or released from, a prison under this section.

Mandate for  
detention.

71. (1) Whenever a child is ordered by a court to be sent to a home, the court shall issue a mandate for the taking of the child to that home and for his detention, subject to the Community Welfare Act, during the period for which he has by virtue of the order, been sent to that home.

(2) Every such mandate shall be executed and obeyed by all persons to whom it is directed and delivered, and shall be forwarded with the child to the superintendent or matron of the home and shall be a sufficient warrant for the taking and detention of the child named therein according to its terms, and no other warrant for the taking and detention of the child shall be necessary.

Mandate.

72. Every mandate by a court remanding a child to a home, or placing a child under the care and control of the Minister, shall contain a statement of the age and religion, so far as they are known, of the child, and where applicable the cause for which, and the home in which, the child is to be placed under such care and control.

Procedure  
when order for  
payment of  
money not  
complied with.

73. (1) A court shall not order a person who at the time of the making of the order is under the age of eighteen years to be imprisoned for default in payment of a fine or monetary penalty imposed by the court or for failure to comply with an order of the court for the payment of money, but may for any such default or failure order such person to be detained in a remand home or to be placed under the care and control of the Minister until the person attains the age of eighteen years or for such lesser period as the court in its discretion deems proper.



(2) Where an order has been made against a child under subsection (1) of this section, the child may at any time before execution of a warrant or mandate issued to enforce the order apply to a juvenile court for an extension of the time fixed for payment of the fine or monetary penalty or to satisfy the order for payment of money.

(3) Where a justice is satisfied that—

(a) a warrant or mandate has been issued—

(i) placing any such person under the care and control of the Minister;

or

(ii) committing any such person to detention in a home,

by reason of default in compliance with an order or judgment of a court;

(b) the person has attained the age of eighteen years;

and

(c) the warrant or mandate has not been executed,

the justice may withdraw the warrant or mandate and issue a warrant of commitment in place of the first-mentioned warrant or mandate.

(4) Notwithstanding anything contained in the order or judgment, the warrant of commitment so issued shall order that the person be taken to a prison and there detained for such term of imprisonment as the justice deems proper, being a term of imprisonment which could have been ordered had the order or judgment been made in respect of a person who was, at the time of the making of the order or judgment, over the age of eighteen years, and the warrant shall be sufficient authority for its execution according to the tenor thereof by any person to whom it is directed.

(5) Where a warrant or mandate placing any such person under the care and control of the Minister for any period by reason of default in compliance with an order or judgment of a court has been executed, and that person attains the age of eighteen years before the expiration of that period, notwithstanding anything contained in any Act, that person shall be under the care and control of the Minister for the remainder of the period, and the warrant or mandate shall be sufficient authority for that purpose, notwithstanding that the person has attained the age of eighteen years.

## (6) Where—

(a) a warrant or mandate committing a person under the age of eighteen years to detention in a home for any period by reason of default in compliance with an order or judgment of a court of summary jurisdiction has been executed;

and

(b) the person attains the age of eighteen years before the expiration of the period,

notwithstanding anything contained in any Act, that person may be detained in a home for the remainder of the period, and the warrant or mandate shall be sufficient authority for that purpose, notwithstanding that the person has attained the age of eighteen years.

(7) This section shall apply *mutatis mutandis* to a warrant or mandate issued before the commencement of this Act in respect of a child for default in payment of a fine or monetary penalty imposed by the court or for failure to comply with an order of the court for payment of money.

Parent or guardian of child may be punished in certain cases.

74. (1) If, on the hearing of any proceedings by a juvenile court, any child is found guilty of any offence, is found to be a neglected or an uncontrolled child, a child in need of care and control or an habitual truant and the court is of the opinion that the circumstances upon which the finding is based arise wholly or partly in consequence of some fault of or lack of proper care or control on the part of the parent or guardian of the child, the court may, on the hearing or any adjournment thereof, and without any complaint made for that purpose, in its discretion, punish the parent or guardian by a fine not exceeding one hundred dollars, or by imprisonment for any term not exceeding six months.

(2) Notwithstanding anything contained in section 62c of the Justices Act, 1921-1969, the court may, under this section, punish a parent or guardian who, having been served with a notice under this section, has failed to attend the hearing, but otherwise the court shall not punish the parent or guardian under this section without giving the parent or guardian an opportunity of being heard.

(3) A notice under this section shall be addressed to the parent or guardian and shall specify the time when and place where the information or complaint is to be heard, and may be given by the complainant or a member of the police force or an officer of the department.

(4) Any such notice shall be deemed sufficiently served if served personally on the parent or guardian or if posted addressed to him at his last known place of abode or business a reasonable time before the date of the hearing of the information or complaint.

75. At the hearing of any complaint or information against, or any application in respect of, a child, the Director-General or some other officer of the department authorized in writing by the Director-General, may be present and examine and cross-examine witnesses, and be heard in relation to any order or adjudication in respect of the child.

Right of officer of the department to appear at trials of children.

76. (1) Unless otherwise ordered by the court before which the proceedings are held, the result of any proceedings in a juvenile court or the result of any proceedings in the Supreme Court on an appeal or committal from a juvenile court may, subject to this section, be published or reported in a newspaper or by radio or television, and, for that purpose, the court shall, at the request of a person desiring so to publish or report the result of any such proceedings, make that result available to him.

Restriction on reports on proceedings of juvenile courts.

(2) Unless permitted by virtue of an order of the court under subsection (4) of this section, a person shall not publish or report, whether by newspaper, radio, television or otherwise, the result of any proceedings in a juvenile court or of any proceedings in the Supreme Court on an appeal or committal from a juvenile court revealing the name, address or school, or including any particulars calculated to lead to the identification, of any child concerned in those proceedings, whether as the person against whom those proceedings were taken or as a person in respect of whom those proceedings were taken or as a witness in those proceedings, nor shall any person publish or show any picture or film as being or including the picture of any child concerned in those proceedings.

(3) A person who publishes or reports any matter in contravention of this section or in contravention of an order of a court under this section shall be guilty of an offence and liable to a fine not exceeding two hundred dollars.

(4) The court before which any proceedings referred to in subsection (2) of this section are taken may by order dispense with the requirements of that subsection to such extent as may be specified in the order.

77. (1) The forms prescribed by regulations under this Act or any other Act, or forms to the like effect, may be used, with such modifications as the circumstances may require, and shall be sufficient for the purposes to which they are respectively applicable.

Forms.

PART VIII

(2) When no form is so prescribed, a form reasonably adapted to the circumstances of the case may be used, and shall be sufficient for its purpose.

(3) Every complaint, information, summons, conviction, application, mandate, order, notice or warrant shall be deemed valid and sufficient if it is in any of the forms prescribed by or under the Act or regulations which may be applicable, with such modifications as the circumstances may require.

(4) No conviction, application, mandate, order, notice or warrant under this Act or any other Act shall be held to be void or insufficient for any mere matter of form or any technical error therein.

Issue of  
warrant by  
justice.

78. No warrant for the apprehension of a child shall be issued under this Act by a justice before whom a complaint or information is laid against the child unless the complaint or information is substantiated to the satisfaction of the justice on oath made before him.

Regulations.

79. The Governor may make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act, including (but without limiting the generality of the foregoing) regulations for the purpose of—

- (a) prescribing the practice and procedure to be observed by, before, or in relation to, juvenile aid panels;
- (b) regulating the practice and procedure of juvenile courts;
- (c) prescribing the duties of clerks of juvenile courts;
- (d) prescribing forms to be used under this Act;
- (e) prescribing penalties, not exceeding one hundred dollars in each case, for breaches of the regulations;
- (f) preventing a child while detained in a police station, or while being conveyed to or from any court, or while waiting before or after attendance in any court, from associating with an adult (not being a relative) who is charged with or found guilty of any offence;
- (g) ensuring that a girl (being a child) shall, while so detained, conveyed or waiting, be under the care of a woman;

and

(h) prescribing all such other matters and things as are contemplated by this Act, or necessary or expedient for the purposes of this Act.

80. All proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings for offence.

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**THE SCHEDULE****FIRST PART**

The following Acts are repealed:—

the Juvenile Courts Act, 1965-1966;

the Juvenile Courts Act Amendment Act, 1969.

**SECOND PART**

The following provisions of the Offenders Probation Act, 1913-1969, are amended as follows:—

Section 4. (a) by striking out paragraph (b) of subsection (3) and the word “and” immediately preceding that paragraph;

(b) by striking out from subsection (4) the passage “or, if he is under the age of sixteen years, his parent or guardian”.

Section 9. by striking out subsection (5).

Section 11. by striking out the whole of section 11.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. M. NAPIER, Lieutenant-Governor