

CHILD WELFARE AMENDMENT BILL (No. 2)

EXPLANATORY NOTE

This Bill provides that children who are guilty of indecent behaviour may be dealt with by the Children's Courts as delinquent children. It also provides that the parent or guardian of a delinquent child, or of a child charged with an offence, may be required to attend with the child before the Children's Court.

Clause 2 extends the meaning of the expression "delinquent child" to include any child (that is to say, a person under the age of 17) who—

- (a) Being a male, has or attempts to have carnal knowledge of a female under 16; or
- (b) Being a female, incites a male to carnally know her or to commit an indecent act upon or with her, and permits him to do so; or
- (c) Commits an indecent act upon or with any other child.

The consent of the other party to any such act is not to be a defence. The Court will thus have power, on a complaint under section 13 of the principal Act, to commit the delinquent child to the care of the Superintendent of the Child Welfare Division or place him or her under the supervision of a Child Welfare Officer.

Clause 3 provides that the parent or guardian or other person having the custody of a child alleged to be a delinquent child or charged with an offence may be required to attend with the child before the Children's Court, not to be charged but to be examined as to the upbringing and control of the child. Any such person refusing to attend when summoned will be liable to a fine.

Hon. Mr Bowden

CHILD WELFARE AMENDMENT (No. 2)

Title.	ANALYSIS
1. Short Title.	3. Duty of parent or guardian to
2. Extending meaning of expression "delinquent child".	appear before Children's Court.

A BILL INTITULED

AN ACT to amend the Child Welfare Act 1925.

Title.

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

1. This Act may be cited as the Child Welfare Amendment Act (No. 2) 1954, and shall be read together with and deemed part of the Child Welfare Act 1925 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. III, p. 1091

10 2. Section thirteen of the principal Act is hereby amended by inserting, after subsection one, the following subsections:

Extending meaning of expression "delinquent child".

15 "(1A) Without limiting the generality of the provisions of subsection one of this section, it is hereby declared that every child shall be deemed to be a delinquent child within the meaning of that subsection who—

20 "(a) Being a male, carnally knows or attempts to carnally know any female child under the age of sixteen years:

"(b) Being a female, incites a male to carnally know her or to commit any indecent act upon or with her, and permits or suffers him to do so:

25 "(c) Commits any indecent act upon or with any other child.

“(1B) Where any child is alleged to be a delinquent child within the meaning of subsection *one A* of this section, it shall not be a defence to a complaint under this section that any child consented to any act referred to in that subsection.”

Duty of parent
or guardian to
appear before
Children's
Court.

3. (1) The principal Act is hereby amended by inserting, after section twenty-nine, the following section:

“29A. (1) Where any information is laid against any child in respect of any offence, any Justice may issue his summons addressed to any parent or guardian of the child or to any person having the custody of the child, requiring him to appear before a Children's Court with the child, at a time to be named in the summons.

“(2) At the hearing of the proceedings in respect of the offence any such parent or guardian or other person as aforesaid may be examined in respect of the upbringing and control of the child.

“(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding twenty pounds who, being so required to appear, refuses or fails, without lawful excuse, so to appear.”

(2) Section thirteen of the principal Act is hereby further amended by omitting from subsection one the words “addressed to any person having the custody of the child requiring him to appear before a Children's Court at a time to be named in the summons, either with or without the child”, and substituting the words “addressed to any parent or guardian of the child or to any person having the custody of the child, requiring him to appear before a Children's Court with the child, at a time to be named in the summons”.

(3) The said section thirteen is hereby further amended by adding the following subsections:

“(10) At the hearing of any complaint under this section any parent or guardian or other person having the custody of the child may be examined in respect of the upbringing and control of the child.

“(11) Every person commits an offence and is liable on summary conviction to a fine not exceeding twenty pounds who, being required to appear before a Children's Court under subsection one of this section, refuses or fails, without lawful excuse, so to appear.”