

QUEENSLAND LAW REFORM COMMISSION

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***AN EXAMINATION OF THE PROCEDURE AND PRACTICE
IN CHILDREN'S COURTS AND ON A BILL TO AMEND
THE CHILDREN'S SERVICES ACT 1965-1977***

REPORT NO. 26

30 August 1978

A Report of the Queensland Law Reform Commission

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A REPORT OF THE LAW REFORM COMMISSION

ON AN EXAMINATION OF THE PROCEDURE AND
PRACTICE IN CHILDREN'S COURTS AND
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SERVICES ACT 1965 - 1977

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SERVICES ACT 1965 - 1977

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To the Honourable W.D. Lickiss, M.L.A.,
Minister for Justice and Attorney-General,
BRISBANE.

The Law Reform Commission has carried out an examination of the procedure and practice in Children's Courts and has published a working paper which comprised a draft bill providing for amendment of the Children's Services Act 1965 - 1977 together with an explanatory commentary.

The working paper was widely circulated to persons and bodies known to be interested in these matters from whom comment and criticism were invited.

The Commission now submits its report concerning this matter. The draft bill included herewith has been amended in the light of some of the comments received and the explanatory commentary adjusted accordingly.

This examination was originally carried out by Mr. V.F. Haupt, former Chief Stipendiary Magistrate

under the terms of his secondment to the Commission and the Commission wishes to express its appreciation for his co-operation with members in this regard.

Signed: The Hon. Mr. Justice D.G. Andrews
(Chairman)

Signed: Mr. B.H. McPherson, Q.C.
(Member)

Signed: Dr. J.M. Morris
(Member)

Signed: Mr. G.N. Williams
(Member)

Signed: Mr. J.J. Rowell
(Member)

Signed: Mr. J.R. Nosworthy
(Member)

Brisbane. 30th August, 1978.

PROPOSED AMENDMENTS TO THE

CHILDREN'S SERVICES ACT

COMMENTARY

The Children's Services Act 1965 - 1977 has now been in operation for more than twelve years. Designed to promote, safeguard and protect the well-being of the children and youth of the State, the Act represented at the time it was introduced a major legislative advance in its sphere. Amendments have been made to the Act over the years aimed at correcting some weaknesses and generally bringing it up to date. However the provisions governing court procedure have remained almost entirely unchanged since the Act was passed. These provisions have shown weaknesses which have become more glaring as time has gone by.

Consequently, the Commission has been asked to examine and report on the procedure and practice in Children's Courts. A working paper (Q.L.R.C. W.P. 15) published on 23rd December, 1976 sought comment and criticism from interested persons and institutions on the proposals outlined therein. The comments and criticisms that we subsequently received convinced us that, though some of those proposals might be conveniently implemented without delay, others could not be adopted in the short term. Without prejudice to those other proposals contained in the working paper, this report deals only with proposed amendments to the Children's Services Act that might be made forthwith. On the whole, the proposed amendments deal with matters where there appears to us to be a strong case for change. The more contentious matters have been left for further consideration.

Since the Children's Services Act commenced in 1965, only two Australian States have introduced completely new legislation in relation to children, namely, South Australia (Juvenile Courts Act 1971) and Victoria (Children's Court Act 1973). It is noteworthy that each of these States has decided to enact separate Acts for court and welfare matters. We think that it would probably be desirable to have separate welfare legislation in Queensland. However, such a course would require a thorough examination and redrafting of welfare provisions, which is outside the terms of reference of this Commission. A Working Party set up within the Department of Children's Services has reported that the existing legislation is in need of review as it no longer reflects current thinking in family, child and youth welfare and does not provide an adequate legislative framework for good practice. Though we do not dispute the need for such a review, we consider that there is an urgent need for certain changes of court procedure and that these changes should not be made dependent on a more general review.

We have directed our attention to the report and recommendations made in 1975 by the Queensland Commission of Inquiry into the Nature and Extent of the Problems Confronting Youth (A.85 - 1975) and, where appropriate, have suggested amendments accordingly. When a complete review of the Queensland Act is undertaken, many of the remaining recommendations of that Commission might properly be incorporated in new legislation.

The two most important changes proposed by us relate to the constitution and the jurisdiction of Children's Courts. The constitution of Children's Courts is dealt with by a proposed new s.20. The jurisdiction of Children's Courts is dealt with by proposed new ss.23, 24 and 29.

A. Repeal of and new s.20. The existing s.20 of the Act provides that two or more justices may constitute a Children's Court in the absence of a Magistrate of Children's Courts and of a Stipendiary Magistrate. They may exercise all the powers of a Stipendiary Magistrate under the Act. Our opinion, expressed in the working paper, that justices should not deal with charges against and applications in respect of children has been supported by submissions received. The proposed new section will limit the power of a court constituted by justices to adjournment, remand and grant of bail.

B. Amendment of s.21. Submissions have been received as to problems of procedure that may arise where proceedings against a child for a simple offence have been commenced by complaint and summons. One instance is where an offence is alleged in a district remote from where a child and his parents reside and the child has returned home prior to service of the summons. Another instance is where a child fails to appear in answer to a summons at a court within the district within which he resides.

Section 21(2) of the Children's Services Act provides as follows :-

"(2) Except when it is, by this Act otherwise provided, -

(a) the provisions of "The Justices Acts, 1886 to 1964" shall, with all necessary adaptations and subject to the provisions of any Order in Council made pursuant to section twenty-two of this Act, apply to -

(i) the institution and conduct of a proceeding before a Children's Court;

(ii) the exercise by a Children's Court of its powers, authorities and jurisdiction;

and

(iii) the enforcement of an order made by a Children's Court;"

Section 139 of the Justices Act provides for adjournment of a hearing from a court at one place to a court at another place, and s.142A provides for permissible procedure in the absence of the defendant in certain cases. It is felt that by virtue of s.21(2) (above) the provisions of such sections apply to proceedings for simple offences before a Children's Court. To remove any doubt in relation to adjournment from one Children's Court to another, we propose that subpara. (i) of s.21(2)(a) be amended so as expressly to refer to the transfer of a proceeding from one Children's Court to another.

C. Repeal of and new s.23. The effect of the proposed new s.23 will be that a child charged with any offence, other than an indictable offence punishable by imprisonment for life, will be brought or summoned to appear before a Children's Court exercising summary jurisdiction in relation to the charge. He will not in the first instance be brought or summoned to appear before a tribunal that is conducting only a committal proceeding.

D. Repeal of and new s.24. The existing s.24 accords with the current practice whereby a child charged with any indictable offence is brought or summoned to appear in the first instance before a tribunal that is conducting only a committal proceeding. The proposed new s.24 would require that only a child charged with an indictable offence punishable, were he an adult, by life imprisonment

will be brought in the first instance before a tribunal conducting only a committal proceeding.

E. Repeal of and new s.24A. The existing section 24A was inserted in 1971 to enable applications under the Mental Health Acts 1962 - 1964 and other proceedings referred to therein in respect of children to be dealt with by a Magistrate of Children's Courts. That Act has been repealed and replaced by the Mental Health Act 1974. The proposed new s.24A would apply certain provisions of the Act of 1974 to a Children's Court.

F. Amendment of s.25. This minor amendment is necessary because the proposed new s.23 is extended to include indictable offences.

G. New s.28A. The 1975 Report of the Commission of Inquiry (at p.22) contained this statement:-

"As a general rule the language used in Courts is not everyday English, and a great deal of care is needed to ensure that parents and children alike understand what is happening."

The purpose of the proposed s.28A is to ensure that any necessary explanation is made to a child who is not legally represented.

H. Repeal of and new s.29. The existing s.29 has proved cumbersome and the proceeding it authorises often beyond the understanding of a child charged with an indictable offence and his parents. The proceeding commences as a committal proceeding and it is only when a prima facie case is established by the evidence that the court (in appropriate cases) is required to explain to the child and his parents that the charge may be summarily dealt with by the Children's Court if the child and his parents consent. If such consent is given, a plea is then taken. Under the proposed new s.29, a child charged with an indictable offence other than one punishable by imprisonment for life will in the first instance come before the court sitting to exercise summary jurisdiction. Before any evidence is taken, the court (in appropriate cases) will explain to the child and his parents (or guardian) that they may object to the child being summarily dealt with and may elect that he be tried before a judge and jury. If they do not object, the court will proceed summarily. If they do object, the proceeding will be by way of examination of witnesses at a committal proceeding. We consider that the proposed procedure will be less confusing to all concerned and will effect a considerable saving in court time. This procedure was recommended in the 1975 Report of the Commission of Inquiry.

I. Amendment of s.46. The 1975 Commission of Inquiry recommended that the proposed paragraph (p) be added to s.46.

J. Amendment of s.62. The existing s.62 provides for the orders that a court may make when a child has pleaded guilty or has been found guilty of an offence. Paragraph (g) provides that the court "may order that the child be committed to the care and control of the Director for a period not exceeding two years;". Paragraph (k)(iii) provides for an identical order. The distinction is that a conviction must be recorded before an order under para. (g) is made, but the court shall not formally convict if making the order under para. (k)(iii).

An order that the Director exercise supervision over and in relation to the child may be made under para. (h) or under para. (k)(ii). An order in relation to a child under para. (h) follows the recording of a conviction and is for a period "until he attains the age of eighteen years or for a period not exceeding two years notwithstanding that within that period the child will have attained

the age of eighteen years;". The court shall not formally convict the child if it makes an order under para. (k)(ii), and the term of the order is "for a period not exceeding two years;".

These provisions are confusing. We propose that subparas. (ii) and (iii) be omitted from para. (k), and that it be provided that a court may make orders under paras. (g) and (h) without formally convicting the child. An effect of this amendment would be that the prohibition of reference to earlier offences in s.139 will now apply only to cases where a child has been "admonished and discharged". It may perhaps be considered that such a prohibition is too narrow. On the other hand, if the prohibition is extended to all cases where a conviction is not recorded, it may be considered to be too wide. In a large number of cases before Children's Courts, a formal conviction is not recorded.

There appears to be doubt whether a court may order that a child be disqualified from holding or obtaining a driver's licence under the Traffic Act 1949 - 1977. We propose that a new paragraph numbered (1) be inserted into s.62(1) to allow a Children's Court to order disqualification. Comparable provisions appear in the Victorian and South Australian Acts.

Paragraph (c) of s.62(1) provides that the child or his parent or guardian may be ordered to pay compensation or make restitution, and para. (b) of s.62(2) provides that such order shall not be made against a parent or guardian unless he has been given an opportunity of being heard on the matter. We consider that further qualifying provisions should be included in the latter paragraph. We also consider that a limitation should be fixed on the amount that may be ordered by a Children's Court to be paid. We propose that the limit be \$2,500, which is the limit of civil jurisdiction in Magistrates Courts. This will not affect the jurisdiction of the Supreme Court or a District Court to order payment of a greater amount where it is considered appropriate.

K. Amendment of s.63. This proposed amendment provides for a paragraph to be added to s.63(2). This proposal was dealt with in detail in the working paper. Whilst we recognise that it is designed to cover instances that will rarely arise, we consider that the widest possible range of powers consistent with the welfare of children should be available.

L. Amendment of s.94. This amendment will correct an error in the reference to s.93 which occurred as a result of the insertion of a new section (s.93A) by the Amendment Act of 1971.

M. Amendment of s.138. The existing s.138 has been amended twice previously, but it appears that some uncertainty still exists as to the effect of the section. We therefore propose that subss. (1) and (2) be repealed and be replaced by new provisions dealing respectively with -

- (i) reports of proceedings in Children's Courts,
- (ii) reports concerning children in other courts, and
- (iii) publication of pictures of children concerned in court proceedings.

We consider it ought not to be the effect of the Children's Services Act or of the Justices Act that reports of proceedings in which a child is concerned in a court other than a Children's Court should be prohibited, provided that the identity of the child is not

revealed. The proposed new subss. (2), (3) and (4) should clarify the extent of prohibition.

N. Amendment of s.142. Section 142 deals with the powers of a departmental representative in relation to court proceedings. Subsection (1) provides that the Director of the Department of Children's Services or an officer or other representative of the Department may be present at proceedings in relation to a child and "may examine and cross-examine witnesses and may be heard with respect to the question of the conviction or acquittal of such child and the manner in which such child should be punished or otherwise dealt with by the court or justice.". We have received submissions to the effect that these powers should not be available in a proceeding where the child concerned is legally represented. We consider that in cases where the child is legally represented the entitlement of the Director or his representative should be limited to a right to be present only, unless the child is a child in care. It is proposed that a proviso to this effect be added to subs. (1) of s.142.

O. Amendment of s.144. This section contains very extensive secrecy provisions and, amongst other matters, prohibits the communication by the Director or officer of the Department of any information which comes to his knowledge in his official capacity to any person except -

"(a) for the purpose of carrying this Act into effect; or

(b) to a lawfully constituted court or tribunal."

We are advised that information which he considers might be necessary for the proper defence of a child has been denied to the Public Defender under the provisions of this section. We consider that counsel defending a child charged with an indictable offence should be entitled to access to all information concerning such child and propose that a new paragraph (to be numbered (c)) be added to subs. (1) of s.144 to effect this.

PROPOSED AMENDMENTS

TO THE

CHILDREN'S SERVICES ACT 1965-1977

(herein referred to as the "Principal Act")



A. Repeal of and new s.20. The Principal Act to be amended by repealing section 20 and substituting the following section:-

"20. Constitution of Children's Courts. - A Children's Court shall be constituted by a Magistrate of Children's Courts sitting alone or, if he be not then present, by a Stipendiary Magistrate or an Acting Stipendiary Magistrate sitting alone.

If neither of such magistrates be then present, two or more justices or, if only one justice be then present, that justice may constitute a Children's Court for the purpose of adjourning a proceeding upon a complaint or application or exercising the powers conferred on Children's Courts by section 26."

B. Amendment of s.21. Section 21 of the Principal Act to be amended by adding the following words to subparagraph (i) of paragraph (a) of subsection (2):-

"and the transfer of a proceeding from one Children's Court to another".

C. Repeal of and new s.23. The Principal Act to be amended by repealing section 23 and substituting the following section:-

"23. Child charged with offence or breach of duty. - A child charged with an offence (whether indictable or not) or breach of duty other than an offence mentioned in the first paragraph of section 24 shall be brought or, as the case may require, summoned to appear before a Children's Court.

Subject to this Act, a Magistrates Court shall not have jurisdiction in respect of a child charged with an offence or breach of duty."

D. Repeal of and new s.24. The Principal Act to be amended by repealing section 24 and substituting the following section:-

"24. Child charged with serious offence. - A child charged with an indictable offence for which he would be liable, were he not a child, to imprisonment with hard labour for life shall be brought or, as the case may require, summoned to appear before a justice sitting to take an examination of witnesses in relation to the charge. Such an examination of witnesses shall be taken before a Magistrate of Children's Courts sitting alone if such a magistrate is available at the place where the examination is to be taken.

Subject to this Act, the provisions of the Justices Act 1886 - 1978 and any other Act (including this Act) applicable to a justice sitting to take an examination of witnesses in relation to an indictable offence shall, with all necessary adaptations, apply to such a magistrate so sitting."

E. Repeal of and new s.24A. The Principal Act to be amended by repealing section 24A and substituting the following section:-

"24A. Child who is mentally ill. - The provisions of the Mental Health Act 1974 applicable to justices sitting to hear and determine a charge of a simple offence shall, with all necessary adaptations, apply to a Children's Court in relation to a child charged with any offence within the jurisdiction of that Children's Court.

For the purposes of this section, any form prescribed for the purposes of the Mental Health Act 1974 may be adapted as the case requires."

F. Amendment of s.25. Section 25 of the Principal Act to be amended by omitting from subsection (1) the word "simple".

G. New s.28A. The Principal Act to be amended by inserting after s.28 the following section:-

"28A. Explanation of proceedings. - Where a child in respect of whom a proceeding has been brought before a Children's Court is not represented by counsel or a solicitor the court -

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

(b) 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."

H. Repeal of and new s.29. The Principal Act to be amended by repealing section 29 and substituting the following section:-

"29. Jurisdiction of Children's Courts. - (1) Subject to this Section, a Children's Court shall have jurisdiction to try or sentence or otherwise summarily deal with a child charged with an offence or breach of duty other than an indictable offence for which he would be liable, were he not a child, to imprisonment with hard labour for life.

(2) (a) Where a child is charged before a Children's Court with an indictable offence over which the court has jurisdiction under subsection (1), the court shall, before the defendant is called upon to plead to the charge and before any evidence is given in support of the charge, cause the defendant and any parent or guardian of the defendant who is present before the court to be informed that the defendant or such parent or guardian may object to the defendant being summarily dealt with by the court and may elect that he be tried before a judge and jury upon the charge.

(b) A Children's Court shall refrain from exercising its jurisdiction under subsection (1) with respect to a charge of an indictable offence if before any evidence is given in support of the charge the defendant or any parent or guardian of the defendant who is present before the court objects to the defendant being summarily dealt with by the court and elects that he be tried before a judge and jury upon the charge.

(c) The provisions of this subsection do not apply in a case where a child is charged with an indictable offence of such a kind or under such circumstances

that were he a person not a child he would not be entitled to demand that he be tried before a judge and jury upon the charge.

- (3) A Children's Court shall refrain from exercising its jurisdiction under subsection (1) with respect to a charge of an indictable offence if for any special reason the court at any stage considers that it would be unsuitable for it to deal summarily with the defendant upon the charge.
- (4) Where pursuant to this section a Children's Court refrains from exercising its jurisdiction with respect to an indictable offence charged against a child, an examination of witnesses for the purpose of determining whether the child should be committed for trial or sentence upon the charge shall be taken under the Justices Act 1886 - 1978.

In relation to such child, a magistrate who constitutes a Children's Court may exercise all such powers as he would possess by virtue of the Justices Act 1886 - 1978 and any other Act (including this Act) were he a justice taking an examination of witnesses in relation to an indictable offence charged against the child and the provisions of those Acts shall apply to such examination and to proceedings taken consequent thereon as if such magistrate were a justice taking such an examination.

- (5) (a) The provisions of The Criminal Code with respect to offences charged upon indictment, the conviction of any person so charged and the matters to be alleged or proved in relation to such a charge shall, subject to this Act, apply with respect to indictable offences charged against persons before a Children's Court as if such persons were charged upon indictment and, subject to this Act, the Children's Court, in the exercise of the jurisdiction conferred by this section, shall be subject to and may exercise the powers conferred by such provisions accordingly.

(b) A person convicted of an indictable offence before a Children's Court may appeal to the same court, against the same matters, on the same grounds and subject to the same conditions as are provided for by The Criminal Code in relation to persons convicted on indictment as if he had been convicted on indictment.

(c) Where a person is convicted or acquitted of an indictable offence before a Children's Court the Attorney-General of the State -

- (i) in the case of a person convicted, may appeal against any sentence imposed; or
- (ii) in the case of a person acquitted, may refer any point of law,

to the same court, against or in respect of the same matters, on the same grounds and subject to the same conditions as are provided for by The Criminal Code in relation to appeals and references by the Attorney-General as if such person had been convicted on indictment or, as the case may be, had been acquitted after his trial on indictment.

(d) The rights conferred on the Attorney-General or any person by paragraphs (b) and (c) are conferred

to the exclusion of any right of appeal had by the complainant or defendant in the proceeding under the Justices Act 1886 - 1978.

(e) The Court of Criminal Appeal is hereby invested with jurisdiction to hear and dispose of all appeals and references made to it pursuant to paragraphs (b) or (c) and may therein exercise all its powers provided for in The Criminal Code in relation to appeals and references made to it pursuant to the Code."

I. Amendment of s.46. Section 46 of the Principal Act to be amended by adding the following paragraph to subsection (1):-

"(p) his proper development is being avoidably prevented or neglected."

J. Amendment of s.62. Section 62 of the Principal Act to be amended by -

(a) in subsection (1),

(i) omitting paragraph (k) and substituting the following paragraph:-

"(k) may admonish and discharge the child;"

(ii) inserting after paragraph (k) as so substituted by this section the following paragraph:-

"(l) may make an order as provided for or permitted in the Act under which he is charged that the child be disqualified from holding or obtaining a driver's licence under the Traffic Act 1944 - 1977."

(iii) omitting the paragraphs following paragraph (k) and substituting the following paragraphs:-

"A court may exercise any one or more of the powers conferred on it by paragraphs (a) to (l) as it thinks appropriate to the circumstances of the case.

Before exercising a power conferred on it by paragraph (g), (h), (i) or (j), a court shall order such investigations and examinations to be made under paragraph (a) as it thinks necessary or desirable and that reports thereon be furnished to the court:

Provided that a failure by the court to comply with this paragraph shall not render invalid any such exercise of power.

A court may exercise a power conferred on it by paragraph (a), (b), (c), (d), (f), (g), (h) or (l) without formally convicting the defendant of the material offence and shall not formally convict the defendant of the material offence if it exercises the power conferred on it by paragraph (k) of this subsection, and if, in the result, the defendant is not formally convicted of that offence a conviction shall not be recorded against the defendant in respect of that offence.

Save as is provided in this Act a child who has been convicted of an offence shall not be sentenced to

imprisonment.";

- (b) in subsection (2), omitting paragraph (b) and substituting the following paragraph:-

"(b) An order to pay compensation, restitution or costs shall not be made against a parent or guardian of a child unless -

- (i) such parent or guardian has been given an opportunity of being heard on that matter; and
- (ii) the court is satisfied that such parent or guardian by his conduct, neglect or otherwise conduced to the commission of the offence.

A court in making such order shall have regard to the means of the parent or guardian against whom the order is made.

A Children's Court shall not order a parent or guardian to pay by way of compensation and restitution a sum exceeding \$2,500 in relation to the one offence.";

- (c) in subsection (3), omitting the words "or paragraph (k)";
- (d) in subsection (4), omitting the words "or paragraph (k)".

- K. Amendment of s.63. Section 63 of the Principal Act to be amended by, in subsection (2), adding the following paragraph:-

"Notwithstanding the provisions of section 66, the Governor in Council may at any time order the release of a child so detained without discharging him from the care and control of the Director."

- L. Amendment of s.94. Section 94 of the Principal Act to be amended by omitting, in subsection (1), the words "of the last preceding section" and substituting the words "of section 93".

- M. Amendment of s.138. Section 138 of the Principal Act to be amended by -

- (a) omitting subsections (1) and (2) and substituting the following subsections:-

- "(1) Report of proceedings in Children's Courts prohibited. -

Where there is or has been a proceeding before a Children's Court -

- (a) a report shall not be made of the proceeding or any part thereof unless -
 - (i) the court, for good and sufficient reason shown, orders to the contrary;
 - (ii) the report is made for the purposes of an appeal arising from the proceeding; or
 - (iii) the report is made to or on behalf of the Department, or the Department of Justice or the Police Department for the purposes of the department to or on behalf of which it is made;
- (b) a report of the proceeding or any part thereof made on the order of the court shall not reveal the name, address, school or place of employment of any child

concerned in the proceeding or any other particular likely to lead to identification of such child unless and to such extent as the court, for good and sufficient reason shown, orders to the contrary.

(2) Restriction on reports concerning children in other courts. -

Where there is or has been a proceeding before a court other than a Children's Court or before a justice taking an examination of witnesses in relation to an indictable offence in which a child is concerned, a report of the proceeding or any part thereof shall not be published in any newspaper or broadcast by means of wireless or television that reveals the name, address, school or place of employment of the child or any other particular likely to lead to identification of the child unless and to such extent as the court or justice, for good and sufficient reason shown, orders to the contrary.

(3) Restriction on publication of pictures. - Where there is

or has been a proceeding before any court or before a justice taking an examination of witnesses in relation to an indictable offence in which a child is concerned, there shall not be published in a newspaper or by television or otherwise any picture as being or including a child concerned in the proceeding unless and to such extent as the court or justice, for good and sufficient reason shown, orders to the contrary.

(4) For the purposes of this section, a child is concerned in a proceeding if the child is the person against or in respect of whom the proceeding is taken or is a witness therein or is a person in respect of whom an offence is alleged therein to have been committed.

(5) A person who makes a report or publishes any matter to which subsections (1), (2) or (3) apply that contravenes the applicable subsection commits an offence against this Act.";

(b) renumbering subsection (3) as subsection (6).

N. Amendment of s.142. Section 142 of the Principal Act to be amended by, in subsection (1), adding the following paragraph:-

" Provided that when a child is legally represented the entitlement of the Director or his representative is limited to being present at the proceeding, unless the child is a child in care."

O. Amendment of s.144. Section 144 of the Principal Act to be amended by, in subsection (1), adding the following paragraph:-

"(c) to the counsel or solicitor representing a child charged with an indictable offence, so far as it relates to or concerns such child."