

CHAPTER 5

CHILDREN**GENERAL**

5.1. (1) Under the *Children's Court Act 1973*, "child" means a boy or girl who is or was under the age of seventeen years at the time of the commission of an alleged offence but does not include any person who is of or over the age of eighteen years at the time of being brought before the court. Section 335 of the *Crimes Act 1958* provides that no child under the age of eight years can be guilty of any offence. In this Chapter, the word "child" means a child as defined in the *Children's Court Act 1973*, unless inconsistent with the context or subject matter.

(2) The *Community Welfare Services Act 1970* defines a "child" as a person under the age of fifteen years and a "young person" as one of or over the age of fifteen years and under the age of twenty-one years.

(3) The Department of Community Services is controlled by the Director-General, Community Services.

(4) For Police purposes, the Department of Community Services with respect to family welfare services is mainly concerned with children and young persons admitted to the care of the Department, as being in need of care or protection, and Reception Centres at which children are held pending the hearing of protection applications and where they are received following admission to the care of the Department.

(5) The Department of Community Services, with respect to youth welfare services, controls—

(a) Youth Training Centres for the care and welfare of—

(i) offenders committed to Youth Training Centres under the *Crimes Act 1958*, the *Children's Court Act 1973* or the *Magistrates' Court Act 1971*; and

(ii) young persons admitted to the care of the Department who, in the opinion of the Director-General, are in need of special supervision, social adjustment or training; and

(b) Remand Centres for the detention of young persons awaiting trial or sentence or in transit from or to a Youth Training Centre.

INTERVIEWING

5.2 The provisions of Standing Order 8.33, under the heading "Interviews of Children", must be adhered to where a child is detained for interview.