

NEGLECTED CHILDREN

NEGLECTED CHILDREN'S ACT 1890.

54 Vict. No. 1121.—An Act to consolidate the Law relating to Neglected Children.

[10th July, 1890.]

"The Neglected Children's Act 1887."

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title commencement and division.

1. This Act may be cited as the *Neglected Children's Act 1890*, and shall come into operation on the first day of August One thousand eight hundred and ninety, and is divided into Parts as follows :—

PART I.—Establishment of Receiving Houses and Probationary Schools ss. 4–8.

PART II.—Officers ss. 9–17,

PART III.—Committal to the care of the Department ss. 18–24.

PART IV.—Management of Wards of the Department for Neglected Children ss. 25–33.

PART V.—Management of the Property of Wards of the Department ss. 34–40.

PART VI.—Visitors to Schools and Religious Instruction ss. 41–44.

PART VII.—Liability of Parents for Maintenance ss. 45–60.

PART VIII.—Committal to the care of Private Persons ss. 61–76.

PART IX.—Employment of Children ss. 77–79.

PART X.—Offences Penalties and Legal Proceedings ss. 80–87.

PART XI.—Regulations of the Governor in Council ss. 88–90.

Repeal.

First Schedule.

2. The Act mentioned in the First Schedule to this Act to the extent to which the same is thereby expressed to be repealed is hereby repealed. Provided that such repeal shall not affect any appointment application list order complaint declaration distress order regulation or transfer made, or any certificate or security given, or any summons issued, or any warrant granted, or any surety bond recognisance or demise entered into or executed under the said Act before the commencement of this Act.

3. In this Act, unless inconsistent with the subject-matter or context, the following words shall have the meanings hereinafter respectively assigned to them (that is to say):—

"The Neglected Children's Act 1887" s. 2.

Interpretation.

"Casual employment" shall mean employment for the purposes of gain in streets or other places in vending or exposing for sale any article whatsoever and also employment of any other kind outside the child's own home not being employment the lawful period whereof is regulated by any Act of Parliament:

"Casual employment."

"Child" shall be applicable to any person under the age of twenty-one years :

"Inmate" shall mean inmate within the meaning of the Acts relating to neglected and criminal children in force at the passing of "*The Neglected Children's Act 1887*:"

"Inmate."

"The Inspector" shall mean the Inspector of Industrial and Probationary Schools :

"The Inspector."

"The Minister" shall mean the responsible Minister of the Crown administering this Act :

"The Minister."

"The Secretary" shall mean the Secretary of the Department for Neglected Children :

"The Secretary."

"Ward of the Department" shall mean any one of whose person the secretary or the superintendent or matron of any reformatory school is guardian under the provisions of this Act or any Act for the time being in force relating to juvenile offenders :

"Ward of the Department."

"Ward of the Department for Neglected Children" shall mean any one of whose person the secretary is guardian under the provisions of this Act :

"Ward of the Department for Neglected Children."

PART I.—ESTABLISHMENT OF RECEIVING HOUSES AND PROBATIONARY SCHOOLS.

4. The Governor in Council may from time to time for the purposes of this Act establish and abolish receiving depôts and every such receiving depôt shall be occupied by and used for males or females exclusively as the Governor in Council may direct, save that boys under the age of six years may be sent to receiving depôts occupied and used for females.

*Receiving depôts.
Ib. s. 4.*

5. The Governor in Council may from time to time for the purposes of this Act establish and abolish probationary schools and every such school shall be occupied by and used for males or females exclusively as the Governor in Council may direct.

*Probationary schools.
Ib. s. 5.*

6. Any school established by private contributions and heretofore approved by the Governor in Council under section nine of the Act No. 216 as an industrial school shall unless and until such approval be withdrawn be deemed an industrial school within the meaning of this

*Industrial schools established by private persons under Act No. 216. s. 9.
Ib. s. 6.*

"The Neglected
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1887."

Act for the denomination or denominations (if any) for which the school is stated to be supported in the Order approving the same, and any person for the time being approved by the Governor in Council for that purpose shall be deemed the superintendent or matron of such school, and no child shall be sent or committed to such school who is not a member of the denomination or of one of the denominations for which the school is approved.

State aid to
private indus-
trial schools.
Ib. s. 7.

7. The managers of every school established by private contributions and approved by the Governor in Council as aforesaid as an industrial school shall be entitled to receive out of any moneys which may be appropriated by Parliament for that purpose for every ward of the Department for Neglected Children under the provisions of this Act maintained in such school during the preceding year or any part thereof a sum calculated at the rate of not more than Five shillings a week, or in case such ward be crippled or invalid or of unsound mind at such greater rate as the Minister may approve.

Approval of
private
industrial
school how
withdrawn.
Ib. s. 8.

8. If at any time upon the report of the Inspector the Governor in Council is dissatisfied with the condition management or regulations of any school established by private contributions he may withdraw his approval from such school, and from and after publication of such withdrawal in the *Government Gazette* the school shall cease to be an industrial school within the meaning of this Act and to be entitled to receive aid from the consolidated revenue. Provided nevertheless that the Governor in Council shall not withdraw his approval of any school as aforesaid until after the lapse of two months from the transmission of a duplicate of the report aforesaid to the superintendent matron or managers of such school.

PART II.—OFFICERS.

Secretary.
Ib. s. 9.

9. The person holding the office of Secretary of the Department for Neglected Children at the commencement of this Act shall unless and until removed in accordance with the provisions of the *Public Service Act* 1890 by the Governor in Council be the Secretary of the Department for Neglected Children under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of the *Public Service Act* 1890 from time to time appoint some fit and proper person to be Secretary of the Department for Neglected Children and remove every such Secretary. It shall be the duty of the Secretary under the direction of the Minister to carry into operation the provisions of this Act so far as the execution thereof is not expressly committed to any other person.

Report of the
Secretary.
Ib. s. 10.

10. The Secretary shall on or before the thirtieth of June in each year submit to the Minister a report of his proceedings and accounts of the receipts and expenditure under the powers or for the purposes of this Act during the past year, with returns showing the number of children received and discharged their ages religion parentage birthplace location and cost of maintenance and the sums contributed by relatives toward their support together with any general remarks he may think fit to make, and there shall be annexed to such report a

summary of the reports sent in by the ladies' visiting committees and reports by the superintendent matron or managers of every industrial or probationary school upon the state and requirements of such schools which such superintendents matrons and managers are hereby required to furnish to the Secretary on or before the thirty-first day of March in every year for that purpose. And the Minister shall lay such report of the Secretary with the reports annexed to it before both Houses of Parliament within three weeks after the presentation thereof, if Parliament be then sitting or if not then sitting within three weeks from the next assembling of Parliament.

11. The person holding the office of Inspector of Industrial and Probationary Schools at the commencement of this Act shall unless and until removed in accordance with the provisions of the *Public Service Act* 1890 by the Governor in Council be the Inspector of Industrial and Probationary Schools under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of the *Public Service Act* 1890 from time to time appoint some fit and proper person to be Inspector of Industrial and Probationary Schools and remove every such Inspector.

The Inspector.
Ib. s. 11.

12. It shall be the duty of the Inspector to visit and inspect every industrial and probationary school and receiving depôt as often as occasion may require and not less often than the Governor in Council may by regulation direct, and when specially required by the Minister any house or place where any ward of the Department for Neglected Children is boarded out or placed, and to report to the Minister thereon and upon all matters connected therewith, and the Inspector shall have control over any officers appointed to visit such wards in such houses or places.

Duties of Inspector.
Ib. s. 12.

13. Subject to the provisions of the *Public Service Act* 1890 the Governor in Council may from time to time appoint for every probationary school for males a superintendent, and for every probationary school for females a matron, and may remove every such superintendent and matron; and it shall be the duty of the superintendent and matron of every such school to carry into execution all the provisions of this Act and the regulations in force thereunder so far as the same relate to such school and the wards of the Department for Neglected Children for the time being detained there.

Superintendents and matrons.
Ib. s. 13.

14. It shall be the duty of the teachers officers and servants of every industrial and probationary school to obey all lawful and reasonable orders and directions of the superintendent or matron as the case may be in the execution of this Act.

Teachers officers and servants.
Ib. s. 14.

15. The Secretary shall be deemed to be appointed under this Act with the same classification salary and emoluments subject to be altered in the same manner and no other as would have been the case if "*The Neglected Children's Act* 1887" or this Act had not passed, and save as aforesaid nothing in this Act shall be deemed to alter or repeal the *Public Service Act* 1890, and all appointments and removals

Application of the Public Service Act 1890.
Ib. s. 15.

"*The Neglected Children's Act 1887.*"

to be made by the Governor in Council under the powers contained in this Act shall be made subject to the provisions of the *Public Service Act 1890* or any Act for the time being in force relating to the Public Service.

Power to appoint temporary officers.
Ib. s. 16.

16. In case of the absence on leave or temporary incapacity of any officer appointed under the provisions of "*The Neglected Children's Act 1887*" or of this Act the Governor in Council may appoint some fit and proper person to act in his stead, and every such person when so acting may exercise all the powers and duties of the officer in whose place such person is appointed.

Judicial notice to be taken of signatures.
Ib. s. 17.

17. All Courts Judges and persons acting judicially shall take judicial notice of the signature of the Minister the Secretary the Inspector and of any superintendent or matron or clerk of a Court or of any person acting in any of such offices to every document required to be signed for the purposes of this Act.

PART III.—COMMITTAL TO THE CARE OF THE DEPARTMENT.

What children to be deemed "neglected."
Ib. s. 18.

18. Every child who answers to any of the following descriptions shall be deemed a "neglected child" within the meaning of this Act, that is to say every child apparently under the age of seventeen years—

- (1) Found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms :
- (2) Found wandering about or frequenting any street thoroughfare tavern or place of public resort or sleeping in the open air and who has not any home or settled place of abode or any visible means of subsistence :
- (3) Associating or dwelling with any person known or reputed to be a thief or drunkard or with any person convicted of vagrancy under any Act now or hereafter to be in force whether the person so known reputed or convicted is the parent of the child or not :
- (4) Having committed an offence punishable by some less punishment than imprisonment :

and every child apparently under the age of ten years found engaged in any casual employment during the months of May June July August or September after the hour of seven o'clock in the evening, or at any other part of the year after the hour of nine o'clock in the evening.

Neglected children may be taken before justices.
Ib. s. 19.

19. Every child found by any constable or person authorized by the Governor in Council under circumstances which make such child a "neglected child" may be immediately apprehended by such constable or person without any warrant and forthwith taken before some two or more neighbouring justices to be dealt with according to

this Act, and until the charge is heard and disposed of such child shall be detained under such care and in such manner as may be provided by regulations made or in force hereunder. "The Neglected Children's Act 1887."

20. Whenever any child is brought before any two or more justices charged with being a "neglected child" they shall proceed to hear the charge, and if it be established to their satisfaction may direct such child to be forthwith committed to the care of the Department for Neglected Children, or if in the opinion of such justices such child has been leading an immoral or depraved life to a reformatory school. Neglected children how dealt with. *Ib. s. 20.*

21. Every child apparently under the age of sixteen years found by any senior constable sergeant of police or officer of police of superior grade to a sergeant or by any person specially authorized by the Governor in Council in that behalf residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not shall be immediately apprehended by such constable sergeant or officer or person without any warrant, and forthwith taken before some two or more neighbouring justices to be dealt with according to this Act. Child residing in a brothel or with a prostitute to be taken before justices. *Ib. s. 21.*

22. Whenever any child apparently under the age of sixteen years is brought before any two or more justices charged with residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not they shall proceed to hear the said charge, and if the same be established to their satisfaction shall direct such child forthwith to be committed to a reformatory school, or if in the opinion of such justices such child has not been leading an immoral or depraved life to the care of the Department for Neglected Children. Provided always that in case special and exceptional circumstances are proved which satisfy them that it would be inadvisable to commit such child, they may order such child to be discharged. How dealt with. *Ib. s. 22.*

23. If the guardian of any child under the age of fifteen years represents to two or more justices and proves to their satisfaction that he is unable to control such child such justices may order that upon such guardian entering into security to the satisfaction of the clerk of the Court for payment of such sum as such justices may fix for the maintenance of such child such child be committed to the care of the Department for Neglected Children, and if in pursuance of such order such guardian enter into such security the clerk of the Court shall sign a memorandum upon such order to that effect and thereupon the child named in such order shall be deemed to be committed to the care of the Department for Neglected Children, and for the purpose of determining whether such child has been duly committed to the care of the Department such memorandum shall be conclusive evidence that the security has been duly given to the satisfaction of the clerk of the Court. The word "guardian" in this section shall include the father as natural guardian or the mother in case the child has neither father nor guardian. Power to commit to the care of the Department a child who is not controllable by its guardian. *Ib. s. 23.*

24. Every order committing a child to the care of the Department for Neglected Children or to a reformatory school may be in such one Form of order committing a child to the care

"The Neglected Children's Act 1887" s. 24.

of the Department or a reformatory.

Second Schedule.

of the forms in the Second Schedule hereto as may be applicable or in any form which may be substituted therefor by the regulations of the Governor in Council for the time being in force or to the like effect, and such order or an office copy thereof without any warrant shall be sufficient authority for any constable to take such child to the reformatory school named therein, or in case of a child committed to the care of the Department for Neglected Children to the place to which the Secretary may direct such child to be taken, or in default of any such direction to such receiving depôt for children of the same age and sex as may be nearest or most convenient.

PART IV.—MANAGEMENT OF WARDS OF THE DEPARTMENT FOR NEGLECTED CHILDREN.

Secretary to be guardian of the person of children committed to the care of the Department.

Ib. s. 26.

25. Whenever any child is committed or transferred to the care of the Department for Neglected Children under the provisions of this or any other Act for the time being in force authorizing such committal or transfer, the Secretary shall become the guardian of the person of such child to the exclusion of the father and every other guardian until such child attains the age of eighteen years or such greater age not exceeding twenty years as the Governor in Council may direct, unless such child is sooner discharged, and the Secretary shall as such guardian have the sole right to the custody of such child and shall deal with such child as directed by this Act and the regulations of the Governor in Council in force hereunder.

Guardianship of children while detained in industrial schools.

Ib. s. 27.

26. While any ward of the Department for Neglected Children is detained in any industrial or probationary school the superintendent or matron of such school may exercise the powers of the Secretary as guardian of the person of such ward.

Method of transferring child from the care of the Department to a reformatory.

Ib. s. 28.

27. Whenever any ward of the Department for Neglected Children is desired to be transferred to a reformatory school, the Secretary may write or cause to be written on the order committing such ward to the care of the Department for Neglected Children or if such ward has been transferred from a reformatory school the order committing such ward to a reformatory school or an office copy thereof respectively a memorandum to the following effect:—"I recommend that A.B. within-named be transferred to the reformatory school at (describing the school)," and may sign such memorandum, and the Minister may write or cause to be written after such memorandum the word "approved" together with the date and may sign the same, and thereupon such ward shall be deemed to be transferred to such reformatory school.

Warrant not to be necessary to detain child.

Ib. s. 29.

28. No warrant shall be necessary to authorize the detention of any ward of the Department for Neglected Children, but if the right to the custody of such ward be called in question by *habeas corpus* or otherwise it shall be sufficient to give in evidence the order committing such ward to the care of the Department for Neglected Children, and in case such ward has been transferred from a reformatory school the order committing such ward to a reformatory school and the order or

orders transferring such ward, and to show that such ward is detained by the authority of the Secretary as guardian of the person of such ward. "The Neglected Children's Act 1887."

29. The Governor in Council may at any time order any ward of the Department for Neglected Children to be discharged, and thereupon the Secretary shall cease to be guardian of the person of such ward. Power to the Governor in Council to discharge any ward of the Department. *Ib. s. 30.*

30. Subject to the regulations of the Governor in Council every ward of the Department for Neglected Children may from time to time be dealt with by the Secretary in one or other of the following ways:— Wards of the Department for neglected children how dealt with. *Ib. s. 31.*

- (1) Placed in some receiving depôt :
- (2) Boarded out with some suitable person :
- (3) Placed at service with some suitable person :
- (4) Apprenticed to some trade either on land or at sea :
- (5) Placed in the custody of some suitable person who may be willing to take charge of such ward :
- (6) Detained in some industrial or probationary school :
- (7) Transferred with the approval of the Minister to some reformatory school to which such ward might be lawfully committed.

Provided always that in case it shall come to the knowledge of the Minister that any ward after the commencement of "*The Neglected Children's Act 1887*" or of this Act committed to the care of the Department for Neglected Children has been leading an immoral or depraved life, such ward shall be transferred to a reformatory school unless under the special circumstances of any case the Minister may think that it would be inexpedient, and it shall be the duty of the Secretary to take the proper steps for that purpose. Provided also that no ward shall be detained in any probationary school for more than six months without the authority in writing of the Minister, who may from time to time authorize the detention of such ward for a further period so that the period of detention of such ward in a probationary school at one time shall not exceed in the whole twelve months, at the expiration of which period such ward must be dealt with in such other of the foregoing ways as under the circumstances of the case may seem proper. Provided also that no ward who has been transferred from a reformatory school or has been residing in a brothel or associating or dwelling with a prostitute shall be boarded out without such information as to the case of such ward being given to the person with whom such ward is proposed to be boarded as may be prescribed by or under the regulations of the Governor in Council for the time being in force in that behalf.

31. Every person with whom any ward of the Department for Neglected Children may be boarded out placed or apprenticed shall from time to time permit such ward to be visited and any place where such ward may be or reside to be inspected by the Inspector or any Power to visit and inspect wards boarded out &c. *Ib. s. 32.*

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person authorized by or under the regulations of the Governor in Council for the time being in force in that behalf.

Secretary to have power of apprenticing wards of the Department.

Ib. s. 33.

32. The Secretary shall be deemed a person having the control of a public institution of an eleemosynary nature, and all wards of the Department for Neglected Children shall be deemed children under his care or control within the meaning of the *Master and Apprentice Act* 1890.

Constables to assist in retaining custody of wards.

Ib. s. 34.

33. All constables and peace officers shall assist the Secretary and every superintendent or matron of an industrial or probationary school or receiving depôt in retaining or recovering the custody of any ward of the Department for Neglected Children who may abscond or attempt to abscond.

PART V.—MANAGEMENT OF THE PROPERTY OF WARDS OF THE DEPARTMENT.

Secretary to be guardian of the estates of children committed to the care of the Department.

Ib. s. 35.

34. Whenever any child becomes a ward of the Department the Secretary shall become guardian of the estate of such child to the exclusion of the father and every other guardian unless the Governor in Council otherwise orders, and shall continue such guardian until such child attains the age of eighteen years or such greater age not exceeding twenty-one years as the Governor-in-Council may direct, unless such child be sooner discharged; and upon the commencement of this Act the Secretary shall become guardian of the estate of every child who is then an inmate of a reformatory school, and shall continue such guardian so long as such child continues such inmate. Provided always that in any order directing any ward of the Department or any inmate to be discharged the Governor in Council may direct that the Secretary remain guardian of the estate of such ward or inmate until such ward or inmate attains the age of twenty-one years, and in such case the Secretary shall remain such guardian accordingly. Provided also that in any such case the Supreme Court may appoint any other person to be guardian of the estate of any such ward or inmate who has been discharged instead of the Secretary.

Power of the Secretary as guardian of the estate.

Ib. s. 36.

To manage and lease lands &c.

35. The Secretary as guardian under the provisions of this Act of the estate of any person with the consent of the Minister may—

- (1) Manage and demise for any term not exceeding three years the lands of or to which any such person is seised possessed or entitled, and make allowances to and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies as fully and effectually as such person if of the full age of twenty-one years could do :
- (2) Demand sue for collect and receive all the rents and profits which may be due to any such person, and give effectual receipts and discharges for such rents and profits or so much thereof as may be received, and in case of

To recover rents.

non-payment of the said rents and profits or any of them or any part thereof in the name and on behalf of such person enter into and upon all or any of the lands in respect of which any rents or profits may be unpaid and for the same rents and profits and the costs and expenses incurred by or incidental to the non-payment thereof distrain and the distresses then and there found dispose of in due course of law, and take and use all lawful proceedings and means for recovering and receiving the said rents and profits and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands and determining the tenancy or occupation thereof and for obtaining recovering and retaining possession of all or any of the lands held or occupied by such defaulters :

"The Neglected Children's Act 1887."

- (3) Sue for and recover any wages or earnings due to any such person : To sue for wages and earnings.
- (4) In the name and on behalf of any such person commence and prosecute all actions suits claims demands and proceedings touching any lands estate interest or rights of any such person or of his tenants therein or thereto, or touching any matter or thing whatsoever in which any such person or his real or personal estate or effects may be in any way interested affected or concerned : To take legal proceedings on behalf of ward in other cases.
- (5) Appoint and remove at his pleasure any attorney or agent under him in respect of all or any of the matters aforesaid upon such terms and for such remuneration as the Minister may think fit. To appoint authorized agent.

36. Subject to any regulations of the Governor in Council for the time being in force as to the earnings of wards of the Department or inmates all moneys which by virtue of this Act come into the hands or under the control of the Secretary on account of any person of whose estate the Secretary is guardian shall be paid to the Receiver of Revenue at Melbourne in such manner as the Governor in Council may from time to time appoint and at such intervals as the Treasurer may from time to time direct without any deduction, and such moneys shall be placed to a fund to be called "The State Wards' Fund," and every payment to be made by the Secretary shall be accompanied by a declaration that such payment includes all moneys received by the Secretary on account of any person of whose estate he is guardian under the provisions of this Act (not being earnings of any ward of the Department or inmate directed to be otherwise dealt with by the regulations of the Governor in Council) since the date of the last payment made by him, and such declaration shall be in the form prescribed by the regulations of the Governor in Council.

Moneys received by the Secretary how dealt with. *Ib.* s. 37.

37. The receiver of revenue shall deduct such amount as shall be from time to time fixed by the Governor in Council, but not exceeding

Percentage payable to revenue. *Ib.* s. 38.

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Five pounds per cent., from the moneys paid to the credit of the State Wards' Fund, and the sum so deducted shall be passed to the credit of the consolidated revenue.

Payment to
revenue on
account of
maintenance.
Ib. s. 39.

38. There shall be payable to Her Majesty out of the moneys received on account of every person of whose estate the Secretary is guardian under the provisions of this Act, other than the earnings of such person, such weekly sum for the maintenance of such person as the Minister may direct; and whenever the Secretary shall pay to the receiver of revenue any moneys received on account of any such person the Secretary shall certify the amount payable thereout on account of such maintenance, and the receiver of revenue shall deduct such amount from the moneys to be paid to the State Wards' Fund, and the moneys so deducted shall be passed to the credit of the consolidated revenue.

Expenses.
Ib. s. 40.

39. All expenses lawfully incurred by the Secretary in executing the trusts or powers reposed in him by this Act for or on account of any person of whose estate he is guardian the amount of which may be approved by the Minister shall be payable out of the moneys received on account of such estate.

Payment to
persons
entitled.
Ib. s. 41.

40. When any person shall be entitled to receive any money out of the funds standing to the credit of any person of whose estate the Secretary is or has been guardian under the provisions of this Act, the Secretary shall certify to an account in favour of the person so entitled upon the person so entitled subscribing a declaration that such account is true and just in every particular and that the estate upon which such claim is made is legally liable to satisfy such claim, and thereupon the Treasurer shall forthwith satisfy such claim to the extent of the fund standing to the credit of the estate upon which such claim is made.

PART VI.—VISITORS TO SCHOOLS AND RELIGIOUS INSTRUCTION.

Visiting
committee.
Ib. s. 42.

41. The Governor in Council may appoint for every receiving depôt and for every industrial and probationary school so many fit and proper persons as may be determined by the regulation hereunder in that behalf, and in default of any such determination as may seem desirable, a majority of whom reside in the locality, to be a visiting committee, and the members of such visiting committee shall from time to time visit such depôt or school as occasion may require and may report to the Minister as to them may seem fit.

Religious
instruction.
Ib. s. 43.

42. Subject to the regulations of the Governor in Council all ministers of religion or any person being duly authorized by the recognised head of any religious denomination shall have admission to every receiving depôt and to every industrial and probationary school maintained at the sole expense of the State, and access to such of the persons placed or detained therein as may be members of their

respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such persons of their respective denominations. "The Neglected Children's Act 1887."

43. Subject to the regulations of the Governor in Council all persons authorized in that behalf by the Minister all Executive Councillors all Members of either House of Parliament all Judges of Courts (whether of record or otherwise) and all justices shall be entitled to visit every receiving depôt and every industrial or probationary school, and shall have admission to the same accordingly. Other visitors. *Ib.* s. 44.

44. Every person who by virtue of the provisions hereinbefore contained is entitled to visit any such depôt or school as aforesaid and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such depôt or school by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such depôt or school and the superintendent matron teachers officers or servants or the persons placed or detained therein or any of them, and such book shall be produced to the inspector whenever he visits such depôt or school. Visitors' book. *Ib.* s. 45.

PART VII.—LIABILITY OF PARENTS FOR MAINTENANCE.

45. Every parent of any child who is a ward of the department or an inmate of a reformatory school shall be liable to pay for or towards the maintenance of every such child during the period such child remains a ward of the department or such inmate a periodical sum not exceeding Twelve shillings a week, to be fixed in manner hereinafter mentioned:— Amount payable by parent how fixed. *Ib.* s. 46.

- (1) By the Judge or chairman of the Court by which or the justices by whom such child is committed, by the order committing such child or any subsequent order made within one month after such child is committed :
- (2) If within the period aforesaid such Judge chairman or justices fail to make such order or in case of any child who was an inmate of an industrial school at the commencement of "*The Neglected Children's Act 1887*" or of a reformatory school by any two justices.

The Judge chairman or justices in fixing the amount to be paid as aforesaid shall have regard to the ability of the parent against whom such order is made to maintain or contribute to the maintenance of such child, and in case of any parent liable to contribute to the maintenance of any child under any order made under any repealed Act the amount payable under such order shall be taken as part of the Twelve shillings a week aforesaid so that no parent shall be compelled to pay more than Twelve shillings a week in respect of any one child under this Act and under any such order. Provided always that no parent shall be liable to pay anything for the maintenance of any such child during any time during which such child is at service or apprenticed and is not chargeable to Her Majesty.

"The Neglected Children's Act 1887" s. 47.
Power to increase the amount.

46. The amount of the sum payable by any parent under the provisions of this Act may be from time to time increased by any two justices to any amount not exceeding the maximum if such parent is able to pay such greater amount.

Power to make order retrospective.
Ib. s. 48.

47. Any order fixing or increasing the sum payable by any parent may name any day not earlier than the day on which the child was committed to the care of the department or to a reformatory school or became an inmate of an industrial or a reformatory school (as the case may be) as from which the payment or increased payment is to take place, and such parent shall be liable to make such payment or increased payment accordingly.

Judge &c. committing parent to order maintenance in first instance if the evidence sufficient.
Ib. s. 49.

48. The Judge or chairman of the Court or justices committing any child to the care of the Department for Neglected Children or to a reformatory school shall by the same order fix the amount payable by the parent or parents for the maintenance of such child if the evidence before such Judge chairman or justices is sufficient.

Order may be made either while the child is a ward of the Department or afterwards.
Ib. s. 50.

49. An order fixing or increasing the sum payable by any parent may be made at any time either while the child remains a ward of the Department or inmate or after the child has ceased to be such ward or inmate.

Burden of showing inability to pay to be on parent who may be ordered to give recognisances.
Ib. s. 51.

50. In any proceeding for fixing or increasing the amount of the sum payable by any parent for the maintenance of any child under the provisions of this Part of this Act such parent shall be presumed to be able to pay the sum of Twelve shillings a week unless the contrary is shown; and any parent may be ordered by the Judge chairman or justices to enter into recognisances with or without some sufficient surety or sureties conditioned for compliance with the order as to payment of maintenance and to be imprisoned until such recognisances are entered into.

By whom applications may be made.
Ib. s. 52.

51. Applications to fix or increase the sum payable by any parent, or to vary or revoke any order suspending or dispensing with payment or to recover payment of the same, may be made by or on behalf of any person authorized by any general or special order of the Minister.

Maintenance money how payable.
Ib. s. 53.

52. Every such sum shall be a debt due to Her Majesty by such parent, and shall be paid by such parent at the several times appointed for paying the same to some clerk of petty sessions or other collector of imposts appointed by the Governor in Council to receive the same.

Certificate &c. in insolvency not a discharge.
Ib. s. 54.

53. No sequestration liquidation by arrangement certificate of discharge release from sequestration discharge or acceptance of a composition under any law now or hereafter to be in force relating to insolvency shall discharge any parent from liability to pay any such sum or any part thereof.

54. If any parent liable under the provisions of this Act to pay

any such sum as aforesaid be so poor as to be unable to pay the said sum, any two justices may upon the application of any such parent from time to time make an order suspending payment of the whole or any part of such sum for any time not exceeding six months, or reducing the amount payable or altogether dispensing with payment of the said sum, and any two justices may from time to time upon the application of any person authorized as aforesaid vary or revoke any such order, and payment of such sum or any part thereof of which payment may be suspended shall not be enforced while such suspension lasts, but no such parent shall be therefore discharged from liability to pay the same.

"The Neglected Children's Act 1887" s. 55.
Persons too poor to pay may be relieved from payment.

55. In addition to any other remedy for the recovery thereof every such sum and every part thereof may be recovered before any two justices on the complaint of any person authorized as aforesaid to sue for the same; and if such parent do not pay the amount due forthwith or within any time not exceeding seven days that such justices may fix or prove to the satisfaction of such justices that he has not then and has not had since the order made against him sufficient means and ability to pay the amount due or any part thereof and that he does not intend to go away with intent to evade payment such parent shall be liable to be imprisoned with or without hard labour if the amount due do not exceed Twenty pounds for any term not exceeding one month, and if the amount due exceed Twenty pounds for any time not exceeding three months unless the amount due together with the costs of the proceedings be sooner paid, or unless security be given with one or more sufficient sureties to the satisfaction of any two justices for payment of such amount and costs by instalments or otherwise within such reasonable time as to such justices may seem fit.

Payment may be recovered before justices.
Ib. s. 56.

56. No imprisonment as aforesaid shall discharge any parent from his liability to pay any sum he has not paid, but no parent shall be imprisoned twice for non-payment of the same arrears.

Imprisonment to be ordered only once for the same arrears.
Ib. s. 57.

57. If it be made to appear to any justice upon the complaint in writing of any person authorized as aforesaid to sue for the same that any parent has neglected to pay any such sum or any part thereof to the Clerk of the Court or other collector of imposts appointed to receive the same on any day on which the same is payable, such justice may issue his warrant for apprehending such parent and bringing him before any two justices to answer the said complaint and to be further dealt with according to law, but a summons may issue in the first instance instead of a warrant if that be thought more desirable.

Warrant may issue in the first instance for arrest of parent.
Ib. s. 58.

58. In this Part of this Act "parent" (a) shall include "father"

Definition of "parent."
Ib. s. 59.

(a) An order for the maintenance of an illegitimate child, made by a Court of Petty Sessions against the alleged father, was quashed by the Court of General Sessions. The child was subsequently made a ward of the Department for Neglected Children. On an information on behalf of the

Department, an order was made under this Act against the alleged father, as being the "parent" of the child, for the payment of a weekly sum for the child's maintenance: *Held*, that the justices had jurisdiction to make the last-mentioned order. The facts that a man, alleged to be the father of

"The Neglected
Children's Act
1887."

"mother" "stepfather" or "stepmother" and any person against whom an order of affiliation has been made as the putative father of any illegitimate child, and shall include mother or stepmother notwithstanding a father or stepfather of the child is alive, also the putative father of any illegitimate child which he may have recognised as his though no order of affiliation may have been made against him.

Where several
liable.

And where more persons than one are liable to contribute to the maintenance of any child under the provisions of this Part of this Act one order may be made against all of them or separate orders may be made against each or any of them jointly or severally as to the Judge chairman or justices may seem fit, so that such persons shall not be liable to pay more than Twelve shillings a week in the aggregate in respect of any one child.

Constables to
assist in collect-
ing money from
parents.
Ib. s. 60.

59. All clerks of Courts constables and peace officers shall assist every collector of imposts appointed to receive the same in the recovery of the moneys payable to Her Majesty by the parents of wards of the Department and inmates, and in particular by obtaining and furnishing information as to the residence occupation movements and means of every such parent who may be in or may leave any district of which such clerk constable or peace officer has charge or in which he is on duty.

Percentage
payable to
persons assist-
ing in the re-
covery of
moneys from
parents.
Ib. s. 61.

60. For the more effectual enforcing the liability of parents of wards of the Department and inmates to contribute to their maintenance a percentage upon the moneys received from parents hereunder or under any previous Act may be paid out of the consolidated revenue to any persons authorized by the Governor in Council who have assisted in recovering such moneys not being persons bound to devote their whole time to the public service by virtue of any other engagement, and the consolidated revenue is hereby appropriated for that purpose accordingly; and such percentage shall be of such amount and payable to such persons and on such conditions as may be for the time being determined by the regulations of the Governor in Council.

PART VIII.—COMMITTAL TO THE CARE OF PRIVATE PERSONS.

Power to the
Governor in
Council to ap-

61. Any private person and any institution formed by private persons empowered in that behalf desirous of taking charge of a

an illegitimate child, has written to the mother in such terms as are to be construed to be a recognition of the child as his, and has sent her a sum of money, are evidence upon which justices may find that he is a putative father, who has recognised the child, and, therefore, a parent within the meaning of this section.—*Buswell v. White*, 4 A.L.R. (C.N.), 74; 24 V.L.R., 486.

To bring a man within the definition of "parent" it is not sufficient to prove facts from which an inference may be drawn that he is the father of the child, but it must be shown either

that an affiliation order has been made against him in respect of the child, or that he has recognised the child as his.—*Nedwell v. Shirley*, 14 A.L.T., 159.

The word "stepfather" in this section means the husband of the mother of a child, who is the offspring of the mother by a former husband of hers, and does not apply to the illegitimate offspring of the woman, born before marriage, of a man other than her present husband.—*Irvine v. Sholl*, 22 V.L.R., 640; 18 A.L.T., 232; 3 A.L.R., 69.

neglected child or neglected children gratuitously may be from time to time approved by the Governor in Council as a person or institution to whose care neglected children may be committed under the provisions of this Act, and the Governor in Council may revoke any such order ; and every such order approving of any such institution and every revocation of any such order approving of any such institution shall be published in the *Government Gazette*.

"The Neglected Children's Act 1887" s. 62.

prove private persons or institutions to have the care of neglected children.

62. Every order approving any institution as an institution to the care of which neglected children may be committed hereunder shall name some person as the manager of such institution, and when from time to time the manager of any such institution is changed every new manager shall be submitted to the Governor in Council for his approval, and the order approving of such manager shall be published in the *Government Gazette*, and any copy of the *Government Gazette* purporting to contain any such order shall be conclusive evidence that the person named therein on that behalf is the manager of any such institution.

Managers of institutions to be approved by the Governor in Council. *Gazette* evidence of their appointment.

Ib. s. 63.

63. Where under the provisions of this Act any Judge chairman of any Court or any justices may be empowered to commit any child to the care of the Department for Neglected Children such Judge chairman or justices may commit such child to the care of any person or institution for the time being approved by the Governor in Council hereunder as a person or institution to whose care neglected children may be committed, which person or institution by writing under his hand or the hand of its manager (as the case may be) may consent to accept the care of such child.

Power to judge justices &c. to commit children to the care of approved person instead of the Department.

Ib. s. 64.

64. Whenever any child is committed to the care of any person or institution as aforesaid such person or the manager of such institution shall become the guardian of the person and estate of such child to the exclusion of the father and every other guardian until such child attains the age of eighteen years or such greater age not exceeding twenty-one years as the Governor in Council may direct, unless such child is sooner discharged, and such person shall have the sole right to the custody of such child, and such manager shall have the sole right to the custody of such child as on behalf of such institution, subject in both cases to the provisions of this Act and to the regulations of the Governor in Council in force hereunder.

Approved person or manager of approved institution to whose care children are committed to become their guardians.

Ib. s. 65.

65. Upon the publication of any order of the Governor in Council hereunder in the *Government Gazette* approving of any person as the manager of any such institution in the place of any other person, the manager so approved shall become the guardian of the person of every child of whose person and of the estate of every child of whose estate the manager in whose place he is so approved was the guardian under the provisions of this Part of this Act in the place of the manager in whose place he is so approved.

New managers of approved institutions to succeed to the guardianship.

Ib. s. 66.

66. No Judge chairman or justices shall commit any child to the care of any such person or institution if the father or other person

Child not to be committed to care of approved

"The Neglected Children's Act 1897" s. 67.

person or institution if father &c. object or so as to be educated in a different religion.

Power to father or mother being guardian to transfer the guardianship of any child to approved person or institution.

Ib. s. 68.

having the right to direct in what religion such child shall be educated object, or so that such child may be educated in a religion different from that in which it would be the duty of any guardian of such child appointed by the Supreme Court to direct such child to be educated.

67. The father of any child or the mother of any child being the guardian of such child may by writing signed before a justice of the peace commit the care of such child to any person or institution approved by the Governor in Council as a person or institution to whose care neglected children may be committed, and such person or institution by writing under his hand or the hand of its manager (as the case may be) may consent to accept the care of such child, and thereupon such person or the manager of such institution on behalf of such institution shall become the guardian of the person and estate of such child during its minority, to the exclusion of such father or mother and every other guardian.

Approved person or institution to permit children to be visited and inspected.

Ib. s. 69.

68. Every person or institution to whose care any child may be committed under the provisions of this Act, whether by any Judge chairman or justices or by the father or mother of such child, and every person intrusted with the care of any such child by any such person or institution shall from time to time permit such child to be visited and any place where such child may be or reside to be inspected by the inspector or any person authorized by or under the regulations of the Governor in Council for the time being in force in that behalf.

Transmission of guardianship upon death of approved person or revocation of approval of person or institution.

Ib. s. 70.

69. Upon the death of any person having the care of any child by virtue of any order made under this Part of this Act, or upon the revocation of the order approving of any such person or of any institution, the Governor in Council may appoint some other person or institution approved as aforesaid in place of the person so dying or the person or institution the order approving of whom or which is revoked, and thereupon the same consequences shall ensue as upon an order of any Judge chairman or justices made under the provisions of this Part of this Act committing the care of every child of whom such person or institution was guardian by virtue of any order made under this Part of this Act to the care of the person or institution so appointed, and in the meantime unless and until such other person or institution be so appointed the same consequences shall ensue as if upon the date of such death or of the revocation of such order an order had been made hereunder committing every child of whom such person or institution was guardian by virtue of any order made under the provisions of this Part of this Act to the care of the Department for Neglected Children.

A person or institution may be appointed in the place of a person or institution the order approving of whom or which is revoked by the order by which the revocation is made or by any subsequent order.

The order appointing an institution in the place of another institution shall be published in the *Government Gazette*.

70. Upon the revocation of any order approving of any person or institution as a person or institution to whose care neglected children may be committed, such person or the manager of such institution shall cease to be guardian of the person or estate of any child under the provisions of this Part of this Act, whether such child be under the care of such person or institution by virtue of any order made under this Part of this Act or of any writing signed as aforesaid by the father or mother of such child.

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Guardianship of approved person or institution to cease on revocation of approval.

Ib. s. 71.

71. Every order committing a child to the care of any approved person or institution hereunder may be in such form as may be prescribed by the regulations of the Governor in Council for the time being in force in that behalf or to the like effect, and such order or an office copy thereof without any warrant shall be a sufficient authority for any constable to take such child to such person or institution.

Form of order committing child to care of approved person or institution.

Ib. s. 72.

72. No warrant shall be necessary to authorize the detention of any child in the care of any approved person or institution hereunder, but if the right to the custody of such child be called in question by *habeas corpus* or otherwise, it shall be sufficient to give in evidence the order committing such child to the care of such person or institution and to show that such child is detained by the authority of such person or institution or the manager of such institution.

Warrant for detention of child by approved person or institution.

Ib. s. 73.

73. If any person or institution having the care of any child by virtue of any order made under the provisions of this Part of this Act or the manager of any such institution desire for any cause sufficient in the opinion of any two justices to be relieved of the care of such child, such justices may order such child to be committed to the care of the Department for Neglected Children.

Power to transfer child to the care of the Department for Neglected Children.

Ib. s. 74.

74. No person who whether as manager of any institution or otherwise is guardian of the person of any child by virtue of any order under the provisions of this Part of this Act shall remove such child or suffer such child to be removed out of Victoria without the consent of the Minister being first obtained.

Child not to be removed out of Victoria.

Ib. s. 75.

75. Every person who whether as the manager of any institution or otherwise is guardian of the estate of any child under the provisions of this Part of this Act shall keep proper accounts of his receipts and expenditure as such guardian in such form (if any) as may be for the time being prescribed by the regulations of the Governor in Council in force hereunder, and shall once at least in every year forward copies of such accounts to the Attorney-General.

Guardian of estate to keep accounts.

Ib. s. 76.

76. Where any child being then destitute has been without objection on the part of its father or other guardian received into any asylum for the care and management of destitute children incorporated under Part I. of the *Hospitals and Charities Act 1890* or the Act No. 220 the by-laws of which have been approved by the Governor in Council and maintained at the expense of such asylum

Children received into and maintained in asylums without objection on the part of their fathers or guardians for two years not removable

"The Neglected Children's Act 1887" s. 77.

without the consent of the committee or order of the Governor in Council.

for a period of two years or upwards, the father or other guardian of such child shall not be entitled to remove such child out of the custody of such asylum or the committee thereof without the consent of such committee or the order of the Governor in Council unless such father or guardian can show that he was ignorant that such child was being so maintained and that he has not been guilty of negligence with regard to such child during the period such child has been so maintained, and the committee of such asylum shall have the custody of the person of such child until such child attains the age of eighteen years.

PART IX.—EMPLOYMENT OF CHILDREN.

Registration of children under certain age.

Ib. s. 78.

77. Any child under the age at which attendance at school ceases to be compulsory under any law now or hereafter to be in force relating to education may be registered for the purpose of this Act in manner hereinafter appearing. Such child accompanied by its parent, or if the child is not resident with its parent by some adult person with whom such child resides, may apply to a clerk of petty sessions at a place near where such child resides and deliver to such clerk either a certificate of an inspector of schools that such child has been educated up to the standard or a certificate or certificates by the head master or teacher of some State or other school showing that such child has attended school the number of days required by law during the preceding twelve months, and inform such clerk of the name age and residence of such child and of the name residence and occupation of its father, or if it has no father of its mother, or if the child has neither father nor mother of some adult person with whom the child is or has recently been residing, and the clerk shall enter the said particulars in a book, and the parent or other adult person accompanying such child shall sign the same, and thereupon the clerk shall certify under his hand that the child had been registered on that date, and the registration of any child may be renewed in like manner. Every registration of a child for the purposes of this Act shall continue in force for a period of twelve months and not longer.

Penalty on employing a child under certain age who is not registered.

Ib. s. 79.

78. If any person after the commencement of this Act knowingly or without reasonable excuse the proof whereof shall be on such person keep or take in or into any casual employment any child under the age at which attendance at school ceases to be compulsory under any law now or hereafter to be in force relating to education not duly registered under the provisions of this Act or after the registration of any such child has expired, every person so offending on conviction of any such offence before any two justices shall be liable to a penalty not exceeding One pound for every day such child is so in his employ and not exceeding Five pounds in the whole.

Penalty on forging or fraudulently obtaining or using a certificate of registration of a child.

Ib. s. 80.

79. If any person for the purpose of obtaining a certificate of registration under the provisions of this Act of any child sign any statement not true to the best of such person's knowledge information and belief, he shall on conviction before any two justices be liable to a penalty not exceeding Ten pounds or to be imprisoned for any time not

exceeding fourteen days, and if any person forge any such certificate or produce or use any such certificate which is to the knowledge of such person forged or fraudulently obtained every such person so offending on conviction of any such offence before any two justices shall be liable to be imprisoned for any time not exceeding six months.

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PART X.—OFFENCES PENALTIES AND LEGAL PROCEEDINGS.

80. If any person without lawful authority or excuse—

Penalty for entering schools &c. or holding communication with wards of the Department.
Ib. s. 81.

- (1) Holds or attempts to hold any communication with any ward of the Department for Neglected Children in any receiving depôt industrial or probationary school or any child in any institution approved by the Governor in Council hereunder ; or
- (2) Enters any receiving depôt industrial or probationary school or any building yard or ground belonging thereto or to any such institution as aforesaid and does not depart therefrom when required to do so by the superintendent matron or other officer or servant of such depôt institution or school—

every person so offending on conviction of any such offence before any two justices shall be liable to a penalty not exceeding Twenty pounds.

81. If the superintendent or matron of any receiving depôt industrial or probationary school or any teacher officer or servant thereof negligently or voluntarily permits any ward of the Department to escape, every person so offending shall on conviction of any such offence before any two justices be liable to a penalty not exceeding Twenty pounds.

Penalty for allowing ward of the Department to escape.
Ib. s. 82.

82. If any person directly or indirectly—

Penalty for inducing any ward of the Department to abscond &c. or ill-treating any such ward.
Ib. s. 83.

- (1) Withdraws unlawfully any ward of the Department for Neglected Children or child or counsels or induces any such ward or child to abscond from any receiving depôt industrial or probationary school or institution approved by the Governor in Council hereunder or from any person to or with whom such ward or child is licensed placed or boarded out or who has custody of such child under the provisions of this Act ; or
- (2) Knowing any such ward or child to have been so withdrawn or to have so absconded harbours or conceals or assists in harbouring or concealing such ward or child or prevents such ward or child from returning to the depôt school or institution from which or the person from whom such ward or child has been so withdrawn or has so absconded ; or
- (3) Being a person to or with whom any such ward or child is licensed placed or boarded out or having the control of any such child ill-treats or neglects to discharge his duty to such ward or child—

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every person so offending on conviction of any such offence before any two justices shall be liable to a penalty not exceeding Ten pounds or to be imprisoned for any time not exceeding fourteen days.

Penalty for
seducing ward
of the Depart-
ment.
Ib. s. 84.

83. If any person—

- (1) For the purpose of prostitution or defilement inveigles or entices any unmarried female ward of the Department for Neglected Children or child apparently under the age of eighteen years from any receiving depôt industrial or probationary school or institution or from the house or other place where or from any person to or with whom she may be licensed placed boarded out or apprenticed under the provisions of this Act or to whose custody she may be committed; or
- (2) Carnally knows any such female who is apparently under the age of fifteen years in any such depôt school house institution or place; or
- (3) Being the person to or with whom such female is licensed placed or apprenticed carnally knows any such female who is apparently under the age of eighteen years; or
- (4) Aids or assists any person in any of the foregoing offences—

every person so offending shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years. Provided that no conviction shall be had under the provisions of this section on the unsupported testimony of any one witness, nor unless proceedings be taken within six months after the commission of the offence. Provided also that nothing in this section shall exempt any person from prosecution under any other law but no person shall be punished for the same offence both under this section and any other law.

Power to forfeit
or retain earn-
ings of ward for
misbehaviour.
Ib. s. 85.

84. If any ward of the Department for Neglected Children is guilty of any misbehaviour, of which the Minister shall be the sole judge—

- (1) The Minister may order the whole or any part of any moneys to which such ward is entitled, invested on deposit with the Postmaster-General under any law now or hereafter to be in force relating to post-office deposit for savings, to be applied in making good to Her Majesty or any other person any loss or expense occasioned by the misbehaviour of such ward. And for the purpose of carrying out the powers contained in this section the Minister may sign an order on the Postmaster-General directing payment to the secretary or his order of the whole or any part of such money, and the Postmaster-General shall pay the same accordingly.

- (2) The Minister may direct the whole of such moneys to be withheld from such ward, notwithstanding such ward may have come of age, until proof of the good conduct of such ward for a period of twelve months be given to the satisfaction of the Minister.

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85. For the more effectual prosecution of all offences against this Act, any person found committing any such offence may be immediately apprehended without a warrant by any constable and forthwith taken before some neighbouring justice to be dealt with according to law.

Constable to apprehend offenders without warrant.
Ib. s. 86.

86. No proceedings shall be taken in any court touching the conduct of the secretary as guardian of the person or estate of any person or in respect of anything done or omitted or purported to be done or omitted under the provisions of this Act without the previous consent in writing of the Attorney-General.

Consent of the Attorney-General required to proceedings against Secretary &c. in his character of guardian.

Ib. s. 87.

87. When for the purpose of exercising any of the powers conferred by this Act it is necessary to determine the age of any person the court or justices dealing with the case shall determine such age as they may be best able having regard to the evidence before them, or if there is no other sufficient evidence to the appearance of such person, and every order directing any person to be committed to the care of the Department for Neglected Children or to a reformatory school or to the care of any person or institution shall state the age of the person so committed as determined by the Court or justices making such order, and the statement of the age of any such person contained in any such order shall be conclusive for the purposes of this Act.

Determination of age by the court to be conclusive.
Ib. s. 88.

PART XI.—REGULATIONS OF THE GOVERNOR IN COUNCIL.

88. The Governor in Council may from time to time by Order, to be published in the *Government Gazette*, make alter and repeal regulations for the following purposes :—

Power to make regulations.
Ib. s. 89.

- (1) The conduct management inspection and supervision of receiving depôts industrial and probationary schools :
- (2) The employment education supervision and correction of wards of the Department for Neglected Children. Provided that no such regulation shall permit any corporal punishment except such as may be lawfully inflicted by schoolmasters :
- (3) The boarding out of wards of the Department for Neglected Children :
- (4) The placing out at service or apprenticing of wards of the Department for Neglected Children either on land or at sea :

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- (5) Fixing what (if any) percentage upon moneys recovered from parents shall be paid to persons who have assisted in recovering the same, and the persons to whom and the times at which and the conditions on which such percentage is to be paid :
- (6) Prescribing the forms of orders warrants bonds and other instruments to be used by Courts judges justices the various officers mentioned in this Act and others in carrying into execution this Act :
- (7) The collection and investment either with the Postmaster-General under any law now or hereafter to be in force relating to post-office deposit for savings or otherwise of any earnings of any ward of the Department for Neglected Children and the application thereof or any part thereof :
- (8) Prescribing the method of keeping accounts of payments and moneys payable under the provisions of this Act :
- (9) Prescribing the times and conditions during and under which and not longer or otherwise children committed under the provisions of this Act to the care of any private person or institution may be boarded together in any school or asylum or establishment of a like nature :
- (10) For the various purposes mentioned in this Act and generally for carrying this Act into effect.

Regulations to
be laid before
Parliament.
Ib. s. 90.

89. All regulations of the Governor in Council made hereunder shall be laid before both Houses of Parliament within ten days after the publication thereof if Parliament is then sitting, or if not then sitting then within ten days from the next assembling of Parliament.

Continuation of
regulations
under repealed
Acts.
Ib. s. 91.

90. The regulations of the Governor in Council relating to neglected children in force at the commencement of this Act under any repealed Acts shall until repealed or altered have the same force and effect as if made under this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Date of Act.	Title of Act.	Extent of Repeal.
51 Vict. No. 941 ..	"The Neglected Children's Act 1887" ..	The whole.

SECOND SCHEDULE.

Section 24.

FORM A.—ORDER OF COMMITTAL TO THE CARE OF A REFORMATORY SCHOOL.

Neglected Children's Act 1890, Section 24.

The Colony of Victoria,
Bailiwick. }

To Wit.

Be it remembered that on the ¹ day of ² of the ³ in the said colony, a³ day of ⁴ of the ⁵ last past child. ⁶ 1. Name of child.

age of ⁷ years on the⁴ day of ⁸ the said colony, a³ day of ⁹ last past child. ¹⁰ 2. Place where found.

is proved to the satisfaction of us the undersigned justices of the peace for the said ¹¹ bailiwick,⁵ and we adjudge the said ¹² to be committed to ¹³ found.

the Reformatory School at ¹⁴ in the said colony, and we further adjudge ¹⁵ 3. Boy or girl.

that⁶ the parent of the said ¹⁶ pay the sum of ¹⁷ 4. Date to be inserted only if the age can be exactly determined.

shillings ¹⁸ every week for and towards the maintenance of ¹⁹ day next; and ²⁰ 5. Here state charge or offence, and particulars thereof.

the said ²¹ the first payment to be made on ²² the clerk of petty sessions at ²³ 6. Name of parent.

such payments are to be made to ²⁴ the clerk of petty sessions at ²⁵ day next; and ²⁶ such payments are to be made to ²⁷ the clerk of petty sessions at ²⁸ or such other person as may for the time being be appointed by the Governor in Council to receive the same.

Given under our hands and seals at ²⁹ in the said colony the ³⁰ day of ³¹ 18

FORM B.—ORDER OF COMMITTAL TO THE CARE OF THE DEPARTMENT FOR NEGLECTED CHILDREN.

Neglected Children's Act 1890, Section 24.

The Colony of Victoria,
Bailiwick. }

To Wit.

Be it remembered that on the ¹ day of ² of the ³ in the said colony, a³ day of ⁴ of the ⁵ last past is ⁶ 1. Name of child.

of ⁷ years on the⁴ day of ⁸ the said colony, a³ day of ⁹ last past is ¹⁰ 2. Place where found.

proved to the satisfaction of us the undersigned justices of the peace for ¹¹ and we adjudge the said ¹² to be committed to the care of ¹³ 3. Boy or girl.

" the Department for Neglected Children; and we further adjudge that⁶ ¹⁴ the parent of the said ¹⁵ pay the sum of ¹⁶ shillings every week for or ¹⁷ 4. Date to be inserted only if the exact age can be determined.

towards the maintenance of the said ¹⁸ the first payment to be made on ¹⁹ the clerk of ²⁰ 5. State the charge or offence, and particulars thereof.

day next; and such payments are to be made to ²¹ or such other person as may for the time being be appointed by the Governor in Council to receive the same.

Given under our hands and seals at ²² in the said colony the ²³ day of ²⁴ 18

Acts of the Parliament (of Victoria) [electronic resource]

Corporate Author: Victoria

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