

Publication.

(2) All regulations under this Act shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament and a copy of all such regulations shall be posted to each member of Parliament.

Application of Act.

**20.** This Act shall not apply in relation to wheat harvested after the thirtieth day of September, One thousand nine hundred and fifty-eight.

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No. 5817.

An Act to provide for and promote the Welfare Protection and Care of Children and Young Persons.

[1st December, 1954.]

**B**E 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 of Act.

**1.** (1) This Act may be cited as the *Children's Welfare Act* 1954.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

(3) This Act is divided into Parts as follows:—

Part I.—Administration ss. 5–11.

Part II.—Reception Centres, Children's Homes, Juvenile Schools and Juvenile Hostels ss. 12–15.

Part III.—Admission of Children and Young Persons to the Care of the Department ss. 16–20.

Part

Part IV.—Guardianship Placement and Management of Children and Young Persons Admitted or Committed to the Care of the Department ss. 21-29.

Part V.—Allowances for Children in Necessitous Circumstances ss. 30-41.

Part VI.—Liability of Parents for Maintenance ss. 42-56.

Part VII.—Infant Life Protection ss. 57-67.

Part VIII.—Employment of Children ss. 68-69.

Part IX.—Miscellaneous Provisions ss. 70-77.

2. (1) The Acts mentioned in the Schedule to this Act to the extent thereby expressed to be repealed or amended are hereby repealed or amended accordingly.

Repeals and amendments. Schedule.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under any of the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any appointment application complaint declaration order regulation transfer certificate notice registration roll security summons warrant committal surety bond or recognizance made issued granted entered into or executed or any liability civil or criminal incurred or any right acquired or any matter or thing done under any of such Acts before the commencement of this Act.

3. (1) In this Act unless inconsistent with the context or subject-matter—

Interpretation. Comp. No. 3654. s. 3.

“ Child ” (except in Part VI. of this Act) means—

“ Child.”

(a) until the day fixed by proclamation under section three of the *Education Act 1943*—  
a person under the age of fourteen years ;

No. 4993 s. 3.

(b) on

(b) on and after the said day—a person under the age of fifteen years.

" Department."	" Department " means Children's Welfare Department.
" Director."	" Director " means Director of Children's Welfare appointed pursuant to this Act.
" Part."	" Part " means Part of this Act.
" Prescribed."	" Prescribed " means prescribed by the regulations.
" Regulations."	" Regulations " means regulations made under this Act.
" Ward of the Children's Welfare Department."	" Ward of the Children's Welfare Department " and " ward of the Department " means one of whose person and estate the Director is guardian under the provisions of this Act.
" Young person."	" Young person " means—

(a) until the day fixed by proclamation under section three of the *Education Act 1943*— a person of or over the age of fourteen years and under the age of seventeen years ;

(b) on and after the said day—a person of or over the age of fifteen years and under the age of seventeen years.

As to children and young persons committed to reformatory schools or juvenile schools and construction of references to committal to the care of the Children's Welfare Department.

(2) Where a child or young person is pursuant to the *Crimes Act 1928* or the *Children's Court Act 1928* committed to a juvenile school or was before the commencement of this Act committed to a reformatory school under either of those Acts the child or young person shall also be deemed for the purposes of this Act to be or to have been committed to the care of the Children's Welfare Department ; and references in this Act to committal of a child or young person to the care of the Department shall be read and construed accordingly.

Construction and references to Department for Neglected Children or Secretary or a neglected child in Acts documents, &c. Comp. No. 3654 s. 3.

4. Unless the context otherwise requires any reference occurring in any Act or in any Order in Council by-law regulation deed contract application list order complaint declaration transfer certificate security summons warrant bond recognizance or other instrument or any other document whatsoever—

(a) to the " Department for Neglected Children " or any like expression shall be deemed and taken to refer to and mean the Children's Welfare Department ;

(b) to

- (b) to the "Secretary of the Department for Neglected Children" or "Secretary of the Children's Welfare Department" or any like expression shall be deemed and taken to refer to and mean the Director of Children's Welfare ;
- (c) to a "neglected child" shall be deemed and taken to refer to and mean a child or young person in need of care and protection under this Act.

PART I.—ADMINISTRATION.

5. For the purposes of this Act there shall subject to the Public Service Acts be appointed or employed a Director of Children's Welfare a deputy director and such other officers and employes as are necessary.

Departmental officers.  
Comp. No. 3654  
s. 9.

6. It shall be the duty of the Director 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.

Duty of Director.  
Comp. No. 3654  
s. 9.

7. (1) The deputy director—

- (a) shall under the control of the Director have and may exercise such powers functions or duties (whether statutory or otherwise) of the Director as with the approval of the Minister are from time to time assigned to him in writing by the Director either generally or in any particular case ;
- (b) shall act in the place of the Director in the case of illness absence or temporary incapacity of the Director.

Duties, &c., of deputy director.  
Comp. No. 5771  
s. 15 (3), (4).

(2) All acts matters and things done or performed by such deputy director pursuant to this section shall for all purposes have the same force and effect as if done or performed by the Director.

8. (1) It shall be the duty of the Director on or before the thirtieth day of June in each year to submit to the Minister a report as to proceedings under this Act during the preceding year and in such a report he shall include a statement indicating the average *per capita* cost of maintaining children and young persons during the preceding financial year in reception centres, children's homes and juvenile schools respectively and such particulars as the Minister directs to be included therein.

Annual report by Director.  
Comp. No. 3654  
ss. 10, 118.

(2) The Minister shall cause such report to be laid before both Houses of Parliament within three weeks after receiving the same if Parliament is then sitting or if Parliament is not then sitting then within three weeks after the next assembling of Parliament.

Welfare officers  
and visitors.

9. For the purposes of this Act the Minister may appoint for periods respectively not exceeding three years and may at any time remove—

- (a) persons to be honorary welfare officers to carry out such duties as are prescribed ;
- (b) persons (not being officers or employés of the Department) to be visitors to approved children's homes approved juvenile schools and approved juvenile hostels.

Constitution  
and functions  
of Children's  
Welfare  
Advisory  
Council.

Comp. No. 5769  
s. 93.

10. (1) For the purposes of this Act the Minister shall constitute a Children's Welfare Advisory Council consisting of not more than ten members.

(2) Of such members two shall be persons selected by the Minister from a panel of not less than four names submitted by the body known as the Victorian Council of Social Service and two shall be persons selected by the Minister from a panel of not less than four names submitted by the body known as the Children's Welfare Association of Victoria but in default of the submission of a panel within fourteen days after a request by the Minister in that behalf the Minister may appoint any persons to be members notwithstanding that the panel had not been submitted.

(3) The Minister may at any time remove any member of the Advisory Council and may appoint an eligible person to fill any casual vacancy in the membership of the Council.

(4) The members of the Advisory Council shall subject to this Act hold office for such respective terms (not exceeding in any case three years) as the Minister appoints and shall be eligible for re-appointment.

(5) The Minister may appoint one of such members to be chairman of the Advisory Council and such member shall hold office as chairman for a term of twelve months and shall be eligible for re-appointment as chairman.

(6) The

(6) The secretary of the Advisory Council shall be an officer of the Children's Welfare Department selected by the Minister.

(7) Meetings of the Advisory Council shall be convened and conducted as prescribed but the regulations shall require that not less than ten meetings shall be convened in each year.

(8) The members of the Advisory Council shall not as such be subject to the Public Service Acts.

(9) Each member of the Advisory Council shall be paid such fees and travelling allowances as are prescribed.

(10) The functions of the Advisory Council shall be—

- (a) to advise the Minister on any alterations in practice and procedure considered desirable from time to time for the welfare protection and care of children and young persons under this Act; and
- (b) to report on any matter of a like or allied nature referred to it by the Minister or on any matter on which it is authorized to report by this Act.

**11.** All courts judges and persons acting judicially shall take judicial notice of the signature of the Minister the Director and the deputy director to every document authorized or required to be signed for the purposes of this Act.

Judicial notice to be taken of signatures.  
Comp. No. 3654 s. 17.

## PART II.—RECEPTION CENTRES, CHILDREN'S HOMES, JUVENILE SCHOOLS AND JUVENILE HOSTELS.

**12.** For the purposes of this Act the Governor in Council may from time to time by Order published in the *Government Gazette* establish or abolish—

- (a) reception centres for the accommodation and maintenance of children or young persons—
  - (i) admitted to the care of the Children's Welfare Department;
  - (ii) taken to or placed in such centres pursuant to the *Crimes Act* 1928 or the *Children's Court Act* 1928;
  - (iii) in respect of whom protection applications pursuant to Part III. of this Act have been made;

Provision for establishment or abolition by Governor in Council of reception centres, children's homes, juvenile schools and juvenile hostels.

(b) children's

- (b) children's homes for the care and welfare of children or young persons admitted to the care of the Children's Welfare Department ;
- (c) juvenile schools for the care and welfare of—
  - (i) juvenile offenders committed to juvenile schools or to the care of the Children's Welfare Department pursuant to Division two of Part II. of the *Crimes Act 1928* ; and
  - (ii) children and young persons admitted or committed to the care of the Children's Welfare Department who in the opinion of the Director are in need of special supervision social adjustment and training ;
- (d) juvenile hostels for the accommodation and supervision of young persons engaged in employment who are wards of the Department or have been inmates of a reception centre, children's home or juvenile school.

Houses, &c., where children cared for apart from their parents to be established or approved under this Act.

**13.** (1) No person other than a legal guardian shall, for the purpose of caring for any children apart from their parents, for payment or reward retain in or receive into any house or any orphanage home hostel or like institution or establishment more than three children unless that house orphanage home hostel institution or establishment is a reception centre, children's home, or juvenile school established or approved under this Act.

Non-application of section.

(2) Nothing in the last preceding sub-section shall apply to—

- (a) any house institution or establishment which and the occupant of which is registered under Part VII. of this Act ;
- (b) any institution or establishment conducted wholly for educational purposes or as a hospital or convalescent home ;
- (c) any private house (including a boarding-house) where children are temporarily accommodated for a period of not more than three months ;
- (d) any house or establishment exempted from the operation of the said sub-section by the Minister.

(3) Nothing

(3) Nothing in this section shall be deemed to excuse any person from complying with the requirements of section sixty-seven of this Act.

**14.** (1) Upon application in the prescribed form made by the person or organization conducting or proposing to conduct a home, school or hostel hereinafter provided for, the Minister may for the purposes of this Act—

Declaration by Minister of approved children's homes, juvenile schools and juvenile hostels and revocation of declaration.

(a) declare as an approved children's home, any existing or proposed orphanage home for children or like institution or establishment which is or is to be conducted by any person or organization for the purpose of caring, whether gratuitously or otherwise, for children or young persons apart from their parents or guardians :

Provided that the Minister shall not have power to declare as an approved children's home any institution or establishment conducted wholly for educational purposes or as a hospital or convalescent home ;

(b) declare as an approved juvenile school, any existing or proposed school or like institution or establishment which is or is to be conducted by any person or organization for the purpose of providing for and promoting the welfare and care of—

(i) juvenile offenders committed to the care of the Children's Welfare Department ;  
and

(ii) young persons admitted or committed to the care of the Children's Welfare Department who in the opinion of the Director are in need of special supervision social adjustment and training ;

(c) declare as an approved juvenile hostel, any existing or proposed hostel or like institution which is or is to be conducted by any person or organization for the accommodation and supervision of young persons engaged in employment who are wards of the Department or have been inmates of a reception centre, children's home or juvenile school :

Provided that no such application or declaration shall be necessary in any case to which sub-sections (3) or (4) of section seventy-seven of this Act apply.

(2) The

(2) The Minister may after considering any relevant report made by the Children's Welfare Advisory Council revoke any declaration made as aforesaid if he is satisfied that the controlling authority of any such home school or hostel is unable or fails to maintain adequate standards for the care and welfare of the inmates.

(3) On the revocation of a declaration the Director shall—

(a) transfer those of the inmates of such home school or hostel who are wards of the Children's Welfare Department to some appropriate institution established or approved under this Act ;

(b) deal with those of the inmates who are not wards of the Children's Welfare Department—

(i) by restoring them to the custody of their parents guardians or other persons on whose applications they were admitted to any such home school or hostel ; or

(ii) by transferring them to another home school or hostel with the approval of their parents guardians or other persons as aforesaid ; or

(iii) by causing applications to be made to the Children's Court that they be admitted to the care of the Children's Welfare Department, and the Court may grant or refuse any such application and make an order accordingly.

(4) Notice of every declaration and of every revocation of a declaration by the Minister under this section shall be published in the *Government Gazette*.

Inspection of approved children's homes, juvenile schools and juvenile hostels.

15. (1) The Director or any officer authorized by him or any member of the Children's Welfare Advisory Council may at any time visit any approved children's home or approved juvenile school or approved juvenile hostel and make such examinations and inspections as appear to be necessary regarding the state and management thereof and the condition and treatment of the inmates but nothing in

this

this sub-section shall be deemed to confer on the Director or any such officer or member any power to examine or inspect the personal record kept at such home school or hostel of any inmate who is not a ward of the Department.

(2) The person in charge of such home school or hostel shall afford the Director or such officer or member all reasonable facilities for such examinations and inspections.

PART III.—ADMISSION OF CHILDREN AND YOUNG PERSONS  
TO THE CARE OF THE DEPARTMENT.

16. Every child or young person who answers to any of the following descriptions shall be deemed to be a child or young person in need of care and protection, that is to say :—

Children and young persons deemed in need of care and protection.  
Comp. Nos. 3654 s. 18, 4152 s. 2.

Every child or young person—

- (a) found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms or inducing the giving of alms ;
- (b) found wandering abandoned or sleeping in any public place ;
- (c) who has no visible means of support or no settled place of abode ;
- (d) who is in a brothel or lodges lives or resides or wanders about with known or reputed thieves drunkards vagrants or prostitutes whether such thieves drunkards vagrants or prostitutes are the parents of the child or not ;
- (e) who (not being duly licensed pursuant to the provisions of the *Street Trading Act 1928*) is engaged in street trading in contravention of that Act or the regulations thereunder after a member of the police force or any person authorized in that behalf by the Governor in Council has (whether orally or otherwise) warned the child to desist from such trading and (where the parent or guardian of the child can be found) warned such parent or guardian that the child should desist from such trading ;
- (f) who is not provided with sufficient or proper food nursing clothing medical aid or lodging or who is ill-treated or exposed ;
- (g) who

- (g) who takes part in any public exhibition or performance referred to in Part VIII. whereby the life or limbs of the child taking part is endangered ;
- (h) who is in the care and custody of any person unfit by reason of his conduct or habits to have the care and custody of the child or young person ;
- (i) who is living under such conditions as indicate that the child or young person is lapsing or likely to lapse into a career of vice or crime ;
- (j) who is exposed to moral danger ;
- (k) who is required by law to attend school and who without lawful excuse has habitually absented himself from school and whose parent has, in respect of such absence, been convicted under Division two of Part III. of the *Education Act 1928*.

Children and young persons in need of care and protection to be brought before Children's Court.  
Comp. No. 3654  
s. 19.

17. (1) Every child or young person found by any member of the police force or by any person authorized (whether generally or in any particular case) by the Minister in any of the circumstances enumerated in the last preceding section may be immediately apprehended by such member or person without warrant.

(2) Such member or person shall forthwith make an application (to be called a protection application) in the prescribed form to a Children's Court that the child or young person named in the application should be deemed to be a child or young person in need of care and protection.

(3) Any child or young person who is apprehended under this section shall be taken to the nearest reception centre of the Children's Welfare Department or otherwise disposed of in accordance with the *Children's Court Act 1928* and as soon as practicable thereafter shall be brought before the Court.

Court proceedings on protection application.  
Comp. No. 3654  
s. 20.

18. Whenever any child or young person is brought before the Court as aforesaid the Court shall proceed to hear the application and if it is established to the satisfaction of the Court that the child or young person so named in the application is in need of care and protection the Court may order that he be admitted to the care of the Children's Welfare Department.

19. (1) Any

**19.** (1) Any person having the care and custody of a child or young person whom he deems to be beyond his ability to control may apply to a Children's Court to have him deemed to be uncontrollable and admitted to the care of the Children's Welfare Department.

Admission to the Department of uncontrollable children and young persons. Comp. No. 3654 s. 22.

(2) On the hearing of the application the Court may grant or refuse such application and make an order accordingly.

**20.** (1) Where any child is without sufficient means of support and no available legal proceedings can be taken to obtain sufficient means of support for such child, any parent guardian or person having the care and custody of the child may apply in the prescribed form to the Director that the child be admitted to the care of the Children's Welfare Department.

Admission of child to Department owing to circumstances of parent or guardian. Comp. No. 3654 s. 24.

(2) On receipt of the application the Director shall make such inquiries as he thinks proper.

(3) The Director may require any person whom he believes to be in a position to do so to furnish to him a confidential report as to the circumstances or the financial transactions of the applicant or of the spouse or children of the applicant or (where the applicant is not the parent) of any parent of the child ; and every person who on being required to do so by the Director fails to furnish a report within a reasonable time or furnishes a report containing any statement which is wilfully untrue in any particular shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months.

(4) The Director shall, unless he deems such a course unnecessary, refer the application to a stipendiary magistrate or a special magistrate appointed pursuant to this Act for further investigation and report and recommendation.

(5) The magistrate shall—

- (a) notify the applicant of the time and place of hearing ;
- (b) investigate the matter of the application ;
- (c) on completion of his investigation forward to the Director a report thereon with a recommendation whether or not the application should be granted.

(6) The

(6) The Director shall submit the application with his comments thereon and (where the application has been referred to a magistrate) the report and recommendation of the magistrate to the Minister who may if he thinks fit by direction endorsed on the application and signed by him grant the application or refuse the same.

(7) Any direction granting the application so endorsed by the Minister shall for all purposes be deemed to be an order admitting the child to the care of the Children's Welfare Department.

(8) Where an application has been made under this section and the Director is of opinion that the child is in need of the immediate care of the Department, he may arrange for the child to be taken to a reception centre and retained there until the application has been granted or refused by the Minister.

(9) The provisions of section forty of this Act shall apply to investigations by a magistrate under this section.

(10) Where a child (not being a ward of the State) is an inmate in a children's home and any parent guardian or other person who has undertaken to contribute to the maintenance of the child fails so to do for a period of not less than six months the person in charge of such home may make application under the provisions of the foregoing provisions of this section that the child be admitted to the care of the Children's Welfare Department and thereupon those provisions shall apply as if the child were without sufficient means of support and no available legal proceedings could be taken to obtain sufficient means of support for such child.

#### PART IV.—GUARDIANSHIP PLACEMENT AND MANAGEMENT OF CHILDREN AND YOUNG PERSONS ADMITTED OR COMMITTED TO THE CARE OF THE DEPARTMENT.

**21.** (1) The Director shall to the exclusion of the father mother and every other guardian become and be the guardian of the person and estate of any child or young person admitted or committed to the care of the Children's Welfare Department and shall remain such guardian until the child or young person attains eighteen years of age or such greater age (not exceeding twenty-one years) as the Minister may direct unless such child or young person is sooner discharged from the Department.

(2) The

Director to be guardian of persons of children and young persons admitted or committed to the Department.  
Comp. No. 3654  
ss. 25, 34.

(2) The Minister may at any time order any child or young person so admitted or committed to be discharged from the Department and thereupon the guardianship of the Director shall be terminated.

Discharge and termination of guardianship.  
Comp. No. 3654 s. 29.

(3) Subject to this Act the Director shall have as guardian the same rights powers duties obligations and liabilities as a natural guardian of the child or young person would have.

**22.** Without affecting the generality of the provisions of the last preceding section the Director—

Powers of Director as guardian.

- (a) shall have the sole right to the custody of such child or young person ;
- (b) may demand sue for and recover any wages earnings or other moneys due to such child or young person ;
- (c) in the name and on behalf of such child or young person may commence and prosecute any actions suits claims or proceedings touching any property or rights of such child or young person or touching any matter in which such property or rights may be affected.

Comp. No. 3654 ss. 25, 35.

**23.** (1) Except as otherwise provided in this Part all moneys which come into the hands of the Director as guardian of the estate of any child or young person shall be placed to the credit of the account of such child or young person in a fund kept in the Treasury and called "The State Wards Fund".

Moneys received by the Director as guardian of the estate of any child or young person.  
Comp. No. 3654 ss. 36-40.

(2) There shall be payable out of the moneys standing to the credit of any such account—

- (a) to Her Majesty—
  - (i) such weekly sum for the maintenance of such child or young person as the Minister directs ;
  - (ii) all expenses lawfully incurred by the Director as guardian of the estate of such child or young person ;
- (b) all lawful claims against the estate of such child or young person.

(3) On the discharge of a ward from the Department the Director shall notify the ward of the state of his account in The State Wards Fund.

**24.** No

Warrant not necessary for detention of child or young person admitted or committed to the Department.

Comp. No. 3654 s. 28.

Dealing with children and young persons admitted or committed to the Department.

Comp. No. 3654 s. 30.

**24.** No warrant shall be necessary to authorize the detention of any child or young person admitted or committed to the care of the Children's Welfare Department.

**25.** Subject to the regulations the Director may from time to time deal with any child or young person admitted or committed to the care of the Children's Welfare Department in one or other of the following ways:—

- (a) Place him in a reception centre or children's home or other establishment conducted and managed by the Department;
- (b) Place him in an approved children's home;
- (c) Place him in a juvenile school conducted and managed by the Department or an approved juvenile school but no child shall be placed in a juvenile school without the approval of the Minister;
- (d) Place him in a juvenile hostel;
- (e) Board him out with some suitable person in a private home;
- (f) Place him in employment, but no child shall be so placed in employment;
- (g) Place him in the custody of some person who is willing to take charge of him.

Young persons placed in employment.

**26.** (1) A young person shall not be so placed by the Director in employment of a nature requiring residence on the employer's premises unless an agreement between the Director and the employer is entered into in the form and subject to the conditions prescribed.

(2) The Director may require the employer of any young person so placed in employment to remit to him at regular intervals a specified portion of the weekly earnings of such young person and any amounts so received shall be placed by the Director to the credit of such young person in a State Savings Bank account in the name of the Department.

(3) While any young person is under the guardianship of the Director the whole or portion of the amount so standing to his credit may be applied to his benefit as the Director thinks fit.

War pensions and allowances payable for children or young persons to be placed in State Savings Bank account.

**27.** Where the Director is appointed pursuant to the Commonwealth Act known as the *Repatriation Act 1920-1953* or any amendment thereof to act as trustee for the purpose of

of receiving war pensions or educational allowances payable in respect of any child or young person of whom he is guardian such pensions or allowances shall be placed by the Director to the credit of such child or young person in a State Savings Bank account in the name of the Department and shall be applied by him as he thinks proper for the maintenance education and welfare of the child or young person.

**28.** All moneys held by, or standing to the credit of any State Savings Bank account in the name of, the Department on behalf of any child or young person shall be paid to him on discharge from the Department but if such discharge takes place before such child or young person attains his majority the Minister may if he thinks that it is in the interests of the child or young person so to do direct that such money or part thereof be retained for a further period during minority.

Moneys held on behalf of children or young persons to be paid over on discharge.

**29.** The Minister shall from time to time after consideration of any report in that behalf by the Children's Welfare Advisory Council (which that Council is hereby authorized to make) determine the rates to be paid for children and young persons boarded out in private homes and for those placed out in approved children's homes and approved juvenile schools

Power to Minister to determine rates for children and young persons boarded out, &c.

#### PART V.—ALLOWANCES FOR CHILDREN IN NECESSITOUS CIRCUMSTANCES.

**30.** Any parent or other individual person having the care and custody of any child who is without sufficient means of support for such child and is unable by any available legal means to obtain sufficient means of support for such child may in the prescribed form make an application in writing to the Director that a weekly sum be paid to him or her towards the maintenance of such child.

Application by parent or other person without sufficient means of support for a child.  
Comp. No. 3722 s. 37.

**31.** (1) The Director shall on receipt of any such application make or cause to be made such investigations as appear to him desirable in order to ascertain—

Investigation by Director.  
Comp. Nos. 3722 s. 38, 4497 s. 3.

- (a) the circumstances and character of the applicant ;
- (b) the ability or otherwise of the applicant to maintain the child the subject of the application without assistance as provided under this Part ; and
- (c) the truth of the statements in the application.

(2) The

(2) The Director may require any person whom he believes to be in a position to do so to furnish to him a confidential report as to the circumstances or the financial transactions of the applicant or of the spouse or children of the applicant or (where the applicant is not the parent) of any parent of the child; and every person who on being required to do so by the Director fails to furnish a report within a reasonable time or furnishes a report containing any statement which is wilfully untrue in any particular shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months.

Reference to  
magistrate.  
Comp. No. 3722  
s. 39.

**32.** (1) Unless the Director considers such a course unnecessary he may refer the file containing the application to a stipendiary magistrate or a special magistrate appointed pursuant to this Act together with a full report of the result of his investigations.

(2) The magistrate shall—

- (a) notify the applicant of the time and place of hearing; and
- (b) investigate the matter of the application.

Report and  
recom-  
mendation of  
magistrate.  
No. 3722 s. 40.

**33.** On the completion of his investigation the magistrate shall forward to the Director the file together with a report upon the results of his investigation and a recommendation as to whether in his opinion assistance under this Part should or should not be granted to the applicant.

Submission of  
report, &c., to  
Minister.  
No. 3722 s. 41

**34.** (1) The Director shall submit the application with his comments thereon and (where the application has been referred to a magistrate) the report and recommendation of the magistrate to the Minister who if he thinks fit may cause further inquiries to be made into the matter.

(2) The Minister after considering the application and—

- (a) the report and recommendation of the magistrate (if any);
- (b) the comments of the Director and any other matters furnished by him bearing on the application; and
- (c) the results of any further inquiries (if any) as aforesaid—

Power of  
Minister to  
grant or refuse  
application.

may with such modifications and conditions (if any) as he thinks fit grant the application, or may refuse the same.

**35.** Any

**35.** Any sum paid to an applicant pursuant to this Part in respect of a child shall be payable as from the date of the receipt of the application by the Director or such later date as the Minister directs and shall cease to be paid on the child attaining the maximum age to which the child is required by law to attend school :

Payment to cease on child exceeding school age except in special circumstances.

Comp. Nos. 3722 s. 44 (2), 4497 s. 3, 4862 s. 3.

Provided that the Minister may, where the child is an invalid or otherwise incapacitated or where in his opinion the special circumstances of the case make it advisable, direct in writing that assistance be continued for any further period until the child attains the age of sixteen years.

**36.** (1) The payment of any sum to an applicant pursuant to this Part may subject to a direction in writing in any particular case by the Minister be discontinued or suspended by the Director and subject to this Part any sum so paid may subject to a like direction be increased or reduced at any time by the Director if the circumstances of any case warrant such increase or reduction.

Power to discontinue suspend and vary payments.  
Comp. No. 3722 s. 45.

(2) The provisions of this Part relating to investigations shall with such adaptations as are necessary extend and apply for the purposes of this section.

**37.** When an applicant to whom payments are made towards the maintenance of a child pursuant to this Part becomes incapable whether from illness or any other cause not within his or her control of properly caring for and maintaining such child the Director—

Provision in case of illness, &c., of applicant.  
Comp. No. 3722 s. 47 (1).

(a) may direct that during such incapacity some other fit person shall have the care and maintenance of the child ; and

(b) shall make such arrangements as he thinks proper as to the person who may during such incapacity receive the payments in respect of the maintenance of such child.

**38.** The Minister may from time to time determine the maximum rates of assistance to be paid for children under this Part.

Determination of maximum rates by Minister.

**39.** (1) The

Appointment of special magistrate to deal with certain applications.  
Comp. No. 3722 s. 53

**39.** (1) The Governor in Council may by Order published in the *Government Gazette* appoint any officer of the public service in the Children's Welfare Department to be a special magistrate for the purposes of this Act.

(2) Any such order may at any time be revoked by the Governor in Council by Order published in the *Government Gazette*.

Powers of magistrate in investigating applications under this Part.  
Comp. No. 3722 s. 52

**40.** For the purposes of any investigation by a magistrate under this Part the following provisions shall have effect :—

- (a) Where the magistrate is satisfied that by reason of physical disability or other sufficient cause the applicant is unable to attend, the magistrate may dispense with the attendance of the applicant ;
- (b) The magistrate may call and examine such witnesses as he thinks fit ;
- (c) In investigating any application the magistrate shall not be bound by any rules of evidence but shall investigate the matter and make his recommendation according to equity good conscience and the substantial merits of the case without regard to legal forms and technicalities ;
- (d) The magistrate shall have in relation to witnesses and their examination and the production of documents similar powers to those vested in justices by the *Justices Act 1928* ;
- (e) The provisions of section sixteen of the *Children's Court Act 1928* shall with such adaptations as are necessary extend and apply to any investigation by a magistrate hereunder.

Penalty for untrue statements and false representation.  
Comp. Nos. 3722 s. 55. 4497 s. 3.

**41.** (1) Every person who in or in relation to any application under this Part wilfully makes any statement, orally or in writing, which is untrue in any particular and every person who by false representation obtains under this Part any sum towards the maintenance of a child shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months.

(2) Any person convicted of an offence under this section may in addition to the penalty imposed for the offence be ordered to repay to the Director such amount

as

as the court considers has been paid towards maintenance under this Part in consequence of the untrue statement or false representation.

PART VI.—LIABILITY OF PARENTS FOR MAINTENANCE.

**42.** In this Part unless inconsistent with the context or subject-matter— Interpretation.

“Child” means a person under the age of seventeen years. “Child.”

“Parent” includes father mother step-father and step-mother and any person against whom an order under Part I. of the *Maintenance Act* 1928 has been made as the putative father of any illegitimate child, and also includes mother and step-mother notwithstanding a father or step-father of the child is alive and also the putative father of any illegitimate child whom he recognized as his though no such order has been made against him and the husband of the mother of an illegitimate child of whose existence he was aware prior to his marriage to the mother. “Parent”.  
Comp. No. 3654  
s. 58.

**43.** (1) Every parent of any child who is admitted or committed to the care of the Department shall be liable (notwithstanding any previous order for maintenance made under the Maintenance Acts) to pay to the Director towards the maintenance of such child a periodical sum fixed— Liability of parent of child admitted or committed to pay for maintenance.  
Comp. No. 3654  
s. 45.

(a) by order of the judge or chairman of the court by which or the children's court by which such child is so admitted or committed made at the time of admission or committal; or

(b) by order of any two justices in or out of sessions.

(2) The judge chairman court or justices in fixing the sum to be paid shall have regard to the ability of the parent to maintain or contribute towards the maintenance of the child.

(3) A parent shall not be liable to pay anything towards the maintenance of any child in respect of any time during which the child is not chargeable to Her Majesty.

(4) The

(4) The provisions of this section shall extend and apply to every parent in respect of whose child weekly sums have been or are being paid pursuant to the provisions of Part V. of this Act to a person other than that parent as if such sums were moneys paid for the maintenance of a child admitted or committed as aforesaid.

Orders under  
No. 3654  
Part I. Div. 7  
deemed made  
under this Part.

(5) Any order under Division seven of Part I. of the *Children's Welfare Act* 1928 fixing or increasing any sum to be paid by any parent for the maintenance of any child shall be deemed to be an order made under this Part.

Power to  
increase the  
amount.  
No. 3654 s. 46.

**44.** The amount of the sum payable by any parent under the provisions of this Part may be from time to time increased by any two justices in or out of sessions if they are satisfied that such parent is able to pay such greater amount.

Power to make  
order  
retrospective.  
No. 3654 s. 47.

**45.** 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 admitted or committed to the care of the Department 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.,  
admitting or  
committing  
child to order  
maintenance  
in first instance  
if the evidence  
sufficient.  
Comp. No. 3654  
s. 48.

**46.** The judge or chairman of the court or the children's court admitting or committing any child to the care of the Children's Welfare Department 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 court is sufficient and may adjourn the matter for further hearing.

Order may be  
made at  
any time.  
No. 3654 s. 49.

**47.** An order fixing or increasing the sum payable by any parent may be made at any time.

Burden of  
showing  
inability to pay  
to be on parent.  
No. 3654 s. 50.

**48.** In any proceeding for fixing or increasing the sum payable by any parent for the maintenance of any child under the provisions of this Part such parent shall be presumed to be able to pay such weekly sum as is prescribed unless the contrary is shown.

By whom  
applications  
may be made.  
No. 3654 s. 51.

**49.** 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 sue for and recover  
payment

payment of the same, may be made by or on behalf of any person authorized by any general or special order of the Minister.

**50.** 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 the Director.

Maintenance  
money how  
payable.  
No. 3654 s. 52.

**51.** If any parent liable under the provisions of this Part to pay any such sum as aforesaid is so poor as to be unable to pay the said sum, any two justices in or out of sessions 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 such 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 is suspended shall not be enforced while such suspension lasts, but no such parent shall be therefore discharged from liability to pay the same.

Relief of poor  
persons from  
payment.  
No. 3654 s. 54.

**52.** In addition to any other remedy for the recovery thereof every such sum and every part thereof may be recovered before any court of petty sessions on the complaint of any person authorized as aforesaid to sue for the same; and if such parent does not—

Recovery  
before justices.  
Comp. No. 3654  
s. 55.

- (a) pay the amount due forthwith or within any time not exceeding seven days that the court fixes; or
- (b) prove to the satisfaction of the court 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 imprisonment with or without hard labour if the amount due does not exceed Forty pounds for a term of not more than one month, and if the amount due exceeds Forty pounds for a term of not more than three months unless the amount due is sooner paid.

**53.** No

Imprisonment to be ordered only once for the same arrears.  
No. 3654 s. 56.

**53.** 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.

Issue of warrant in the first instance for arrest of parent.  
No. 3654 s. 57.

**54.** If it is 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 Director on any day on which the same is payable, such justice may issue his warrant for apprehending such parent and bringing him before a court of petty sessions to answer the said complaint and to be further dealt with according to law, but a summons may be issued in the first instance instead of a warrant if the justice thinks it more desirable.

Orders where several liable.  
No. 3654 s. 58.

**55.** Where more persons than one are liable to contribute to the maintenance of any child under this Part one order may be made against all of them or separate orders may be made against each of them jointly and severally as to the judge chairman court or justices seems fit.

Constables and clerks of petty sessions to assist Director.  
No. 3654 s. 59.

**56.** All clerks of petty sessions and members of the police force shall assist the Director in the recovery of moneys payable by the parents of children under this Part, and particularly by obtaining and furnishing information as to the residence occupation movements and means of every such parent who is in or leaves any district of which such clerk or member of the police force has charge or in which he is on duty.

#### PART VII.—INFANT LIFE PROTECTION.

Interpretation.

**57.** In this Part unless inconsistent with the context or subject-matter—

“Registered house.”

“Registered house” means a house registered under this Part.

“Registered person.”

“Registered person” means a person registered as the occupier of a registered house under this Part.

**58.** The

**58.** The provisions of this Part shall not apply to or in relation to— Non-application of this Part.

- (a) any hospital within the meaning of the *Hospitals and Charities Act* 1948 or any private hospital within the meaning of the *Health Act* 1928 ;
- (b) any institution or establishment conducted solely for educational purposes ;
- (c) any institution wholly maintained by the State ;
- (d) any house institution establishment or private home so far as relates to any ward of the Department placed or boarded out therein pursuant to this Act ;
- (e) any house occupied by a relative of an infant in whose charge the infant is received or retained in circumstances where the Minister is satisfied that it is unnecessary or undesirable that the provisions of this Part should apply ;
- (f) any house premises institution or establishment exempted for the time being by the Minister.

**59.** (1) No person shall in consideration of any payment or reward at any time made or given or to be made or given to such person or any other person on behalf of such person retain in or receive into her charge in any house any infant under the age of five years for the purpose of rearing nursing or maintaining such infant apart from its parents unless— Occupiers and houses where infants received to be registered.  
Comp. No. 3654 s. 95.

- (a) such person is registered as the occupier of such house under this Part ; and
- (b) such house is registered under this Part.

(2) No male person shall be so registered.

**60.** (1) Application for such registration shall be made to the Director who upon being satisfied as to the character and fitness of the applicant and the suitability of her house for the purpose shall register the applicant and the house. Applications for registration.

(2) Every applicant for such registration shall afford the Director or any officer authorized by him for the purpose all reasonable facilities to inspect the house sought to be registered and to make such other inquiries as are considered by the Director to be necessary.

(3) Every

(3) Every such registration of a house shall be subject to the following conditions :—

- (a) That a greater number of children than a number specified by the Director shall not be accommodated in the house at any one time ;
- (b) That any consideration payment or reward for rearing nursing or maintaining any child shall not be made or given except by way of periodical instalments which shall not be paid for more than four weeks in advance ;
- (c) Such conditions as are prescribed.

(4) Every such registration shall unless cancelled as hereinafter provided remain in force until the thirty-first day of December next following the making thereof and may on application in that behalf be renewed by the Director as from the beginning of each year thereafter for a further period of twelve months.

Cancellation of  
registrations.  
Comp. No. 3654  
s. 100.

**61.** (1) Where the Director is of opinion that the conditions of registration of a house have not been complied with or that a registered person has been guilty of neglecting or is incapable of adequately maintaining the child received into her house he shall submit a report of the circumstances to the Minister who if he is satisfied that it is in the public interest to do so may direct that the registrations be cancelled and the Director shall thereupon cancel the same.

(2) Upon such direction by the Minister the Director shall with respect to each child received into the house of such person and still in her care at the time of cancellation of the registrations—

- (a) restore the child to the custody of a parent ; or
- (b) transfer the child to the care of a registered person upon the parent entering into an agreement with such registered person for the payment of maintenance ; or
- (c) remove the child to a reception centre upon an application being made to a Children's Court to have the child admitted to the care of the Children's Welfare Department and the Court may grant or refuse such application and make an order accordingly.

**62.** (1) Every

**62.** (1) Every registered person shall keep a roll in the prescribed form in which she shall enter forthwith the names sex and date of birth of each child received into her care and such other particulars as are prescribed.

Registered person to keep roll of children received in her house.  
Comp. No. 3654 s. 98.

(2) Within seven days after receiving any child into her care such registered person shall furnish the Director with such details from such roll in relation to the child as are prescribed.

(3) Forthwith after the removal of any child from a registered house whether before or after attaining the age of five years the registered person shall enter in such roll the time of removal the names addresses and occupations of the person or persons by whom such child was removed and, if any such person is a married woman, the address and occupation of her husband, and shall forthwith forward a notice in the prescribed form of such removal to the Director.

**63.** (1) Every registered person shall within twelve hours after the death in her house of any child received into her care give notice of such death to the member of the police force in charge of the nearest police station and to the Director and such member shall make inquiries and report to the coroner or deputy coroner of the district or some justice the fact and circumstances of such death.

Notices to be given on death of child in registered house.  
Comp. No. 3654 s. 101.

(2) The coroner deputy coroner or (where empowered so to do) justice shall hold an inquest on the body of such child unless—

- (a) a certificate under the hand of a legally qualified medical practitioner is produced to him certifying that such medical practitioner has personally attended such child during its lifetime and specifying the cause of death; and
- (b) the coroner deputy coroner or justice is satisfied that there is no ground for holding such inquest.

(3) Where an inquest is held it shall be the duty of the coroner deputy coroner or justice to inquire not only into the immediate cause of death but into all the circumstances relating to the treatment and condition of the child at and subsequent to its reception into the registered house and to forward to the Director for transmission to the Minister a report stating the cause of death and making such remarks with respect to the matter as he thinks fit.

(4) An

(4) An infant dying under the age of five years in the house of a registered person shall not (unless such child is the child of such person) be buried without the production of a certificate under the hand of the coroner deputy coroner or justice authorizing such burial or of a certificate signed by a member of the police force stating that burial has been so authorized.

(5) Every registered person who neglects refuses or omits to give notices as aforesaid of the death of a child in her house and every person who buries or causes to be buried any child in contravention of any of the provisions of this section shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than six months.

Child inmates  
of unregistered  
houses.

**64.** (1) Where in contravention of any of the provisions of this Part any infant under the age of five years has been received into a house which is not registered under this Part the Director shall—

- (a) restore the child to the custody of the parent ;
- (b) transfer the child to the care of a registered person upon the parent entering into an agreement with such registered person for the payment of maintenance ; or
- (c) remove the child to a reception centre upon an application being made to a Children's Court to have the child admitted to the care of the Children's Welfare Department and the Court may grant or refuse the application and make an order accordingly.

(2) The Director is hereby authorized to enter any premises, to take the child into his custody and to take such other action as is necessary or expedient to enable him to carry out his duties under this section.

Power to  
Director to  
make inquiries  
concerning child  
removed from  
registered  
house.

**65.** Where upon the removal of any child from a registered house the Director is of opinion that it is desirable in the child's interests to do so he may within three months after its removal from such house make such inquiries as he considers necessary to ascertain the conditions under which the child is being cared for and for that purpose the person having the custody of the child shall permit access to the child by the Director or any officer authorized by him.

**66.** The

**66.** The following provisions shall apply with respect to any infant under the age of five years received into any house registered under this Part at which infants under the age of five years are received in consideration of payments for maintenance (including rearing and nursing) at a rate not greater than the rate determined by the Minister pursuant to section twenty-nine of this Act for children placed out in approved children's homes:—

Provisions applicable to registered houses where charges for maintenance not higher than rate determined by Minister for children placed out in approved children's homes.

- (a) Any person who desires to board out an infant under the age of five years with such a registered person shall make application to the Director in the prescribed form and shall include in such application a statement of the amount which he will pay weekly to the Director for the maintenance of such infant ;
- (b) No infant under the age of five years shall be so boarded out at a rate greater than the rate determined as aforesaid ;
- (c) Payments for the maintenance of such infant under the age of five years shall be made through the Director and in no other way ;
- (d) When such payments fall into arrear for a period of four weeks at any one time the Director shall endorse the application accordingly and the direction so endorsed shall for all purposes be deemed to be an order admitting the infant under the age of five years to the care of the Children's Welfare Department :

Provided that until such time as the rate is determined as aforesaid by the Minister the foregoing provisions of this section shall be read and construed as if the rate so determined by the Minister were Forty shillings a week.

**67.** (1) If any person takes over the entire care and charge of any infant under the age of five years from its parents or guardians such person shall within fourteen days after so doing give or send notice thereof to the Director and such person shall in such notice state his or her name and place of residence and occupation and the name and age of such child.

Notice to Director by person taking over entire care and charge of child. Comp. No. 3654 s. 114.

(2) Every

(2) Every person who fails to comply with the provisions of the last preceding sub-section shall be liable to imprisonment for a term of not more than three months or to a penalty of not more than Fifteen pounds.

(3) Nothing in this section shall excuse any person from making any registration required by any other provision of this Part or from any penalty for omitting so to do.

#### PART VIII.—EMPLOYMENT OF CHILDREN.

Children not to be employed or be in certain places or premises unless holders of permits.

**68.** (1) Any person who causes or procures or having the care thereof allows any child who is not the holder of a permit for the purpose in force under this section—

(a) to be employed (whether for reward or not)—

(i) in any place used for broadcasting performances ;

(ii) in any premises licensed according to law for public entertainments ;

(iii) in any circus ;

(iv) in any place used wholly or in part for providing entertainment or amusement ;

(v) in any place set apart for spectators at any sports or in or adjacent to any way of access to or egress from any such place ;

(vi) in any place used for the photographing of scenes to be depicted in a cinematograph film ; or

(b) to be in any place whatsoever for the purpose of singing playing or performing or offering anything for sale or to be in any place whatsoever for the purpose of begging or receiving alms or inducing the giving of alms under the pretence of singing playing performing offering anything for sale or otherwise—

shall be guilty of an offence against this Act.

(2) Nothing in paragraph (a) of the last preceding sub-section shall apply to any occasional entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object.

(3) The

See No. 3786  
Part I.

(3) The Director may grant a permit authorizing any child over the age of seven years to be employed in any of the places or premises mentioned in sub-section (1) of this section for the purposes therein specified.

(4) The Director shall not grant such a permit unless he is satisfied that the child is fit to be employed in such places or premises for the purposes therein specified.

(5) Any permit so granted shall be granted for such time during such periods and subject to such conditions as are prescribed or as the Director in any special case approves and such time periods and conditions shall be endorsed on the permit.

(6) The Director shall not grant a permit authorizing any child to be employed on any day between the hours of ten o'clock at night and six o'clock in the morning or on any Sunday.

(7) The Director may at any time cancel or vary any such permit.

(8) Any officer duly authorized by the Director in that behalf may enter any of the places or premises referred to in sub-section (1) of this section for the purpose of ascertaining whether any child is therein or is employed therein in contravention of the provisions of that sub-section.

(9) Nothing in this section shall require any child to be the holder of a permit thereunder in respect of any act for the doing of which he is licensed under the *Street Trading Act 1928*.

Saving.

No. 3781.

**69.** (1) Every person who causes any child to take part in any public exhibition or performance or in any preparation training or rehearsal for any such exhibition or performance whereby the life or limbs of such child is or are endangered, and the parent or guardian or any person having the custody of such child who aids or abets such person shall be guilty of an offence against this Act and shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than twelve months.

Employment of children in dangerous performances.

Comp. No. 3654 s. 115.

(2) Where in the course of a public exhibition or performance or during the preparation training or rehearsal therefor which in its nature is dangerous to the life or limbs of a child taking part therein any accident causing actual bodily harm to the child occurs the employer of

such

such child (whether he is the parent of such child or not) shall be liable to be proceeded against for and to be convicted of an assault, and on conviction shall be liable to a penalty of not more than Fifty pounds or to imprisonment for a term of not more than twelve months, and if such employer is not the parent of such child the court before which such employer is convicted may award as compensation a sum of not more than One hundred pounds to be paid by such employer to the child or to some person named by the court on behalf of the child for the bodily harm so occasioned.

(3) The award of such compensation shall not be deemed to deprive the child of any other legal remedy but any sum so awarded shall be taken into account in any other proceedings by or on behalf of the child for or in respect of the same bodily harm.

(4) For the purposes of this section any public exhibition or performance or any preparation training or rehearsal therefor which is in the nature of an acrobatic performance or a performance as a contortionist shall be deemed to be a public exhibition or performance or the preparation training or rehearsal therefor whereby the life or limbs of the child is or are endangered or which is in its nature dangerous to the life or limbs of the child.

#### PART IX.—MISCELLANEOUS PROVISIONS.

##### 70. (1) Every person who—

- (a) without reasonable excuse neglects to provide adequate and proper food nursing clothing medical aid or lodging for any child in his or her care or custody; or
- (b) ill-treats, whether physically or mentally, or exposes any child or causes or procures any child to be so neglected ill-treated or exposed—

shall if such neglect ill-treatment or exposure has resulted or appears likely to result in causing bodily suffering or permanent or serious injury to the health of such child be liable to a penalty of not more than Two hundred pounds or to imprisonment for a term of not more than twelve months.

(2) A person

Penalty for neglecting ill-treating or exposing children.  
Comp. No. 3654  
s. 109.

(2) A person may be liable under this section notwithstanding that actual bodily suffering or permanent or serious injury to health or the likelihood of such suffering or injury to health was obviated by the action of another person.

**71.** Every person who—

- (a) directly or indirectly withdraws unlawfully any ward of the Department or counsels or induces any such ward to abscond from any reception centre, children's home or juvenile school established or approved under this Act or from any person with whom such ward has been boarded out or who has the custody of such ward under the provisions of this Act ;  
or
- (b) knowing that any such ward has been so withdrawn or has so absconded harbors or conceals or assists in harboring or concealing such ward or prevents such ward from returning to the centre, home or school from which or the person from whom such ward has been so withdrawn or has so absconded—

Penalty for inducing any ward of Department to abscond, &c. Comp. No. 3654 s. 82.

shall be liable to a penalty of not more than Twenty pounds or to imprisonment for a term of not more than fourteen days.

**72.** Every person who without lawful authority or excuse—

- (a) holds or attempts to hold any communication with any ward of the Department in any reception centre, children's home or juvenile school under this Act ; or
- (b) enters any such reception centre, children's home or juvenile school or any building yard or ground belonging thereto and does not depart therefrom when required to do so by the person in charge of such centre home or school—

Penalty for holding communication with wards of Department or entering reception centres, &c. Comp. No. 3654 s. 80.

shall be liable to a penalty of not more than Twenty pounds.

**73.** (1) The Director may at any time order that any ward of the Department be examined to determine his medical physical or mental characteristics or defects.

Examination of wards. Comp. N.S.W. No. 17 of 1939 s. 144.

(2) The

Consent to operations.

(2) The Minister or any officer specially authorized by the Minister in that behalf notwithstanding the objection of any parent of a ward of the Department may consent to any surgical or other operation which he is advised by a legally qualified medical practitioner is necessary in the interests of the health or welfare of the ward.

Obstructing, &c., officers in execution of their duties an offence.

**74.** Every person who obstructs or hinders the Director or any officer of the Children's Welfare Department in the execution of his duties under this Act shall be guilty of an offence against this Act.

General offences and penalties.

**75.** (1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations shall for every such contravention or failure be guilty of an offence against this Act.

(2) Every person guilty of an offence against this Act for which no penalty is specially provided shall be liable to a penalty of not more than Fifty pounds.

Regulations.

**76.** (1) The Governor in Council may make regulations for or with respect to—

- (a) meetings of the Advisory Council and fees and allowances to be paid to members thereof;
- (b) the conduct management and supervision of reception centres, children's homes, juvenile schools and juvenile hostels;
- (c) prescribing forms of applications agreements complaints books certificates rolls licences orders warrants and bonds under this Act and such other forms as are necessary or expedient for the administration of this Act (and all such forms or forms to the like effect shall be sufficient in law);
- (d) the registration of houses and persons under Part VII. of this Act;
- (e) the correction of wards of the department in children's homes and juvenile schools;

(f) providing

- (f) providing for the admission of ministers of religion to reception centres, children's homes, juvenile schools and juvenile hostels established by the Governor in Council under this Act for the purpose of the religious education of inmates of their respective denominations and requiring so far as practicable that wards of the State placed in approved children's homes, juvenile schools or juvenile hostels or boarded out with persons in private homes shall be so placed in homes, schools and hostels conducted by organizations or persons, or so boarded out with persons, of the same religious denomination as such wards ;
- (g) generally any matter or thing authorized or required to be prescribed by this Act or necessary or expedient to be prescribed for carrying this Act into effect.

(2) All such regulations made under this Act shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament, and a copy of such regulations shall be posted to each member of Parliament.

Publication of regulations.

### *Transitory Provisions.*

**77.** (1) The person holding the office of Secretary of the Children's Welfare Department immediately before the commencement of this Act shall, on the commencement of this Act, be deemed to have been appointed Director of Children's Welfare under this Act.

Position of existing office and institutions under this Act.  
Director of Children's Welfare.

(2) Every receiving home established under the *Children's Welfare Act* 1928 or any corresponding previous enactment and being conducted immediately before the commencement of this Act shall, on the commencement of this Act, be deemed to have been established as a reception centre under this Act.

Reception centres.

(3) Every school which immediately before the commencement of this Act was a reformatory school approved by the Governor in Council under Division two

Approved juvenile schools.

of

of Part II. of the *Crimes Act 1928* shall on the commencement of this Act be deemed to have been declared an approved juvenile school under this Act.

Approved  
juvenile  
hostels.

(4) Every hostel for the accommodation and supervision of young persons in employment which immediately before the commencement of this Act was recognized by the Minister administering the *Children's Welfare Acts* and for which aid was provided out of the consolidated revenue shall on the commencement of this Act be deemed to have been declared an approved juvenile hostel under this Act.

Registered  
houses and  
registered  
persons for  
infant life  
protection.

(5) Every house which and every person who immediately before the commencement of this Act was a registered house or a registered person under Part II. of the *Children's Welfare Act 1928* shall on the commencement of this Act be deemed to be a registered house or registered person (as the case may be) under Part VII. of this Act.

**SCHEDULE.**

## SCHEDULE.

## PART A.—REPEALS.

Section 2.

Number o Act.	Title of Act.	Extent of Repeal.
3654	<i>Children's Welfare Act 1928</i> .. ..	The whole Section 321 and Subdivisions (1) (2) (4) (5) (6) (7)— except sec- tion 367— and (8) of Division 2 of Part II. Part III.
3664	<i>Crimes Act 1928</i> .. ..	
3722	<i>Maintenance Act 1928</i> .. ..	The whole
4152	<i>Children's Welfare Act 1933</i> .. ..	
4497	<i>Maintenance (Widowed Mothers) Act 1937</i>	The whole
4862	<i>Maintenance (Widowed Mothers) Act 1941</i>	The whole

## PART B.—AMENDMENTS.

1. The *Crimes Act 1928* shall be amended as follows:—Amendment of  
No. 3664.  
Heading to  
s. 336.

- (a) The heading above section three hundred and thirty-six shall be repealed;
- (b) In section three hundred and thirty-six for the words "reformatory school" (wherever occurring) there shall be substituted the words "juvenile school"; s. 336.
- (c) In section three hundred and thirty-seven for the words "reformatory school" there shall be substituted the words "juvenile school"; s. 337.
- (d) In section three hundred and thirty-eight— s. 338.
- (i) for the words "reformatory school" there shall be substituted the words "juvenile school";
- (ii) for the words "by the Governor in Council as aforesaid" there shall be substituted the expression "under the *Children's Welfare Act 1954*";
- (iii) for the word "Secretary" there shall be substituted the words "Director of Children's Welfare";
- (e) In section three hundred and thirty-nine— s. 339.
- (i) for the words "reformatory school" (wherever occurring) there shall be substituted the words "juvenile school";
- (ii) for the words "the regulations" there shall be substituted the word "Order";
- (iii) for the word "Secretary" there shall be substituted the words "Director of Children's Welfare";

SCHEDULE—*continued.*PART B.—AMENDMENTS—*continued.*

- (iv) for the words "to such receiving home for children of the same age and sex as may be nearest or most convenient" there shall be substituted the expression "to a reception centre under the *Children's Welfare Act 1954*";
- Ss. 340, 341. (f) Sections three hundred and forty and three hundred and forty-one shall be repealed;
- S. 367. (g) In section three hundred and sixty-seven for the words "reformatory school" there shall be substituted the words "juvenile school".
- Amendment of No. 3653.  
S. 2. 2. The *Children's Court Act 1928* shall be amended as follows:—
- (a) In section three—
- (i) after the interpretation of "Child" there shall be inserted the following interpretation:—  
" 'Child or young person in need of care and protection' has the same meaning as in the *Children's Welfare Act 1954*;"
- (ii) in the interpretation of "Juvenile offender" for the words "reformatory school or" there shall be substituted the words "juvenile school or committed";
- S. 13 as amended by No. 4485 s. 2.  
S. 14. (b) Sub-section (2) of section thirteen as amended by any Act shall be repealed;
- (c) In section fourteen after the word "proceeding" there shall be inserted the expression "(including any application under the *Children's Welfare Act 1954*)";
- S. 19. (d) In section nineteen—
- (i) in sub-sections (1) and (2) for the words "neglected child" there shall be substituted the words "child or young person in need of care and protection";
- (ii) in sub-section (3)—  
after the word "accused" there shall be inserted the expression "or the application under the *Children's Welfare Act 1954* in respect of the child";  
for the words "information or charge" there shall be substituted the words "charge information or application";  
for the words "or information" (where occurring for the third and fourth times) there shall be substituted the words "information or application";
- (iii) in sub-section (4)—  
for the words "or information" there shall be substituted the words "information or application";

SCHEDULE—*continued.*PART B.—AMENDMENTS—*continued.*

- in paragraph (a) for the words "one of the receiving homes situate in the Royal Park near Melbourne" there shall be substituted the expression "a reception centre under the *Children's Welfare Act 1954*";
- (iv) in sub-section (6) for the words "or information" there shall be substituted the words "information or application";
- (e) In section twenty— S. 20.
- (i) the words "with being a neglected child or" shall be repealed;
- (ii) for the expression "*Children's Welfare Act 1928*" there shall be substituted the expression "*Children's Welfare Act 1954*";
- (f) In section twenty-one— S. 21.
- (i) in paragraph (a) for the expression "' neglected child '" there shall be substituted the expression "' child or young person in need of care and protection '"
- (ii) in paragraph (f) for the words "reformatory school"; there shall be substituted the words "juvenile school";
- (g) In sub-section (3) of section twenty-three for the expression "' neglected child ' under the *Children's Welfare Act 1928*" there shall be substituted the expression "' child or young person in need of care and protection ' under the *Children's Welfare Act 1954*"; S. 23.
- (h) In section twenty-four— S. 24.
- (i) for the expression beginning "' neglected child '" and ending "child or not" there shall be substituted the expression "' child or young person in need of care and protection ' under the *Children's Welfare Act 1954*";
- (ii) for paragraph (b) there shall be substituted the following paragraph:—  
 "(b) without making an order under that Act release such child on probation";
- (i) In sub-section (1) of section twenty-seven— S. 27.
- (i) in paragraph (a) for the expression "' neglected child '" there shall be substituted the expression "' child in need of care and protection '";
- (ii) in paragraph (e) for the words "reformatory school" there shall be substituted the words "juvenile school";
- (j) In sub-section (1) of section twenty-eight— S. 28.
- (i) in paragraph (a) for the expression "' neglected child '" there shall be substituted the expression "' child or young person in need of care and protection '";
- (ii) in paragraph (f) for the words "reformatory school" there shall be substituted the words "juvenile school";

## SCHEDULE

SCHEDULE—*continued.*

S. 33.

(k) In sub-sections (1) and (2) of section thirty-three the words "or with being a neglected child" shall be repealed;

(l) The Third Schedule shall be repealed.

Amendment of  
No. 3722. s. 19.

3. In paragraph (a) of section nineteen of the *Maintenance Act* 1928 after the words "has been" there shall be inserted the words "admitted or".

Amendment of  
No. 3798. s. 14.

4. In sub-section (1) of section fourteen of the *Veneral Diseases Act* 1928 for the words "neglected child" there shall be substituted the words "child or young person in need of care and protection".

Amendment of  
No. 5728 ss. 9,  
10.

5. In paragraph (c) of section nine and in paragraph (c) of section ten of the *Maintenance (Amendment) Act* 1953 for the words "to the secretary of the Children's Welfare Department made by virtue of section forty-nine of the Principal Act" there shall be substituted the expression "to the Director under Part VI. of the *Children's Welfare Act* 1954".

## No. 5818.

An Act to apply out of the Consolidated Revenue the sum of Seven million seven hundred and ninety-five thousand three hundred and forty-five pounds to the service of the year One thousand nine hundred and fifty-four and One thousand nine hundred and fifty-five.

[1st December, 1954.]

MOST GRACIOUS SOVEREIGN—

Preamble.

WE Your Majesty's most dutiful and loyal subjects the Legislative Assembly of Victoria in Parliament assembled towards making good the supply which we have cheerfully granted to Your Majesty in this Session of Parliament have resolved to grant unto Your Majesty the sum hereinafter mentioned and do therefore most humbly beseech Your Majesty that it may be enacted: And 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):—

Issue and  
application of  
£7,795,345.

1. There shall and may be issued and applied for or towards making good the supply granted to Her Majesty for the service of the year One thousand nine hundred

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

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