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- (b) homes for the reception and maintenance of—
- (i) physically defective children or young persons;
  - (ii) invalid and sick children or young persons;
  - (iii) babies;
  - (iv) children or young persons admitted to State control;
- (c) hostels for the accommodation and maintenance of—
- (i) expectant and nursing mothers;
  - (ii) wards and ex-wards;

(2) The establishment before the commencement of this Act of any depot, home or hostel, which could lawfully have been established if subsection one of this section had been in operation at the date the same was established, is hereby validated.

Any depot, home or hostel, the establishment of which is validated by this subsection, and which is in existence immediately before the commencement of this Act, shall for all purposes of this Act be deemed to have been established under this Act.

Inspection.  
cf. Act No.  
21, 1923,  
s. 17.

**22.** All depots, homes and hostels established or deemed to have been established under this Part shall be controlled by the Minister and shall be inspected once at least in every three months by an officer appointed for that purpose by the Minister. Such officer shall, after such inspection, submit to the Minister a report dealing with the matters prescribed.

## PART V.

### BOARDING-OUT OF CHILDREN AND YOUNG PERSONS.

Authority of  
Minister.  
*Ibid.* s. 9.

- 23.** (1) The Minister shall be the authority to—
- (a) admit a child or young person to State control;
  - (b) provide for the accommodation and maintenance of any child or young person admitted to State control until he is apprenticed, boarded-out, placed-out or placed as an adopted boarder;
  - (c)

- (c) pay foster parents such rates as may be prescribed;
- (d) direct the removal or transfer of any ward (other than a ward who has been committed to an institution for a specified term);
- (e) apprentice, board-out, place-out, or place as an adopted boarder any ward (other than a ward who has been committed to an institution for a specified term);
- (f) approve of persons applying for the custody of wards and of the homes of such persons;
- (g) arrange the terms and conditions of the custody of any ward;
- (h) direct the restoration of any ward (other than a ward who has been committed to an institution for a specified term) to the care of his parent or of any other person;
- (i) direct the absolute discharge of any ward (other than a ward who has been committed to an institution for a specified term) from supervision and control.

(2) (a) The Minister may, under and in accordance with subsection one of this section, board out any child or young person to the person for the time being in charge of any charitable depot, home or hostel and may make to the person in charge of such charitable depot, home or hostel payments in respect of such child or young person at the rates prescribed for payments under paragraph (c) of that subsection.

(b) Where the total weekly earnings of a child or young person are not sufficient to cover the weekly inclusive cost of his maintenance and a reasonable amount to cover pocket money and travelling expenses the Minister may place such child or young person in the care of the person for the time being in charge of any charitable hostel and may subsidise the weekly earnings of such child or young person so as to provide for the difference between such weekly inclusive cost and the total weekly earnings of such child or young person.

Such

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Such subsidy may be continued until such time as the total weekly earnings of the child or young person render this subsidy unnecessary.

(c) The following provisions shall apply with respect to each charitable depot, home or hostel (which was in existence immediately before the commencement of this Act) to the person for the time being in charge of which any child or young person is boarded out pursuant to paragraph (a) of this subsection:—

- (i) A committee convened by the Minister shall, in respect of each such charitable depot, home or hostel ascertain the average number of children and young persons who were inmates thereof during the period of two years immediately before the commencement of this Act.

Such committee shall consist of the Government Statistician or an officer of the Public Service nominated by him, the Director or an officer of the Child Welfare Department nominated by him and a person selected by the Minister from persons whose names are on a panel of names of persons appointed in the manner prescribed to represent the charitable organisations by which such charitable depots, homes or hostels are conducted and maintained.

For the purpose of exercising or performing its functions under this subparagraph the committee or any officer of the Public Service nominated by it for the purpose, may inspect the books, accounts and records of any charitable depot, home or hostel and make extracts thereof or copies therefrom.

- (ii) No payment shall be made pursuant to paragraph (a) of this subsection unless the total number of children and young persons who are for the time being inmates of the charitable depot, home or hostel exceeds the average number so ascertained in respect of that charitable depot, home or hostel.

(iii)

(iii) No payment shall be made pursuant to paragraph (a) of this subsection in respect of a number of children or young persons greater than the number which represents the difference between such total number and such average number.

(d) Where payments are, in accordance with paragraph (a) or paragraph (b) of this subsection, made to the person for the time being in charge of any charitable depot, home or hostel an officer appointed for the purpose by the Minister, may, at any time inspect such charitable depot, home or hostel and make such examinations into the state and management thereof and the conditions and treatment of the children and young persons (being inmates thereof) in respect of whom the payments are so made, as he thinks requisite, and the person for the time being in charge of the charitable depot, home or hostel shall afford all reasonable facilities for such inspection and examination.

(e) In this subsection "charitable depot, home or hostel" means a depot, home or hostel established or maintained by a charitable organisation and used wholly or in part for purposes analogous to the purposes referred to in subsection one of section twenty-one of this Act.

(3) The Minister may from time to time by writing under his hand, delegate to any specified officer, all or any of the powers conferred by subsection one of this section, and may at any time revoke any such delegation.

No person shall be concerned to see or inquire whether any act, matter or thing done or performed by any officer when purporting to act as delegate of the Minister is or is not authorised by any such delegation :

Provided that no delegation of any of the powers referred to in paragraphs (d) (e) (h) and (i) of subsection one of this section shall be construed as authorising the officer to discharge any ward from an institution.

(4) The Minister may, upon such terms and conditions as may be prescribed or as he may, in any special case, approve, place a ward as an adopted boarder in the care of a foster parent.

When

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When such ward is over the maximum age up to which he is compelled by law to attend school and is to be employed by the foster parent, but the foster parent is unable to pay the prescribed rate of wages the consent of the Minister and of the ward shall be obtained before he is so placed in the care of a foster parent.

Limitation  
of payment  
for wards.

(5) Payment to a foster parent for any ward shall not extend beyond the time when the ward shall have attained the maximum age up to which he is compelled by law to attend school unless—

(a) the ward is an invalid or is otherwise incapacitated; or

(b) the case possesses unusual features which call for special consideration,

and the Minister authorises such payment.

Appren-  
ticeship or  
placing-out

(6) On attaining the maximum age up to which he is compelled by law to attend school a ward shall, except in the circumstances referred to in subsections three and four of this section, or except in such other circumstances as may be prescribed, be placed-out or apprenticed.

Boarding-out  
from charitable  
institutions  
or homes.  
cf. Act No. 21,  
1923, s. 10.

**24.** The Minister may remove any child from any charitable institution, depot, home or hostel supported wholly or in part by grants from the Consolidated Revenue Fund and cause him to be apprenticed, boarded-out, placed-out, or placed as an adopted boarder.

Extension of  
period of  
supervision.  
*Ibid.* s. 12.

**25.** The Minister may cause to be visited and inspected any child or young person who has been a ward, for any period not exceeding two years after the date upon which such child or young person attains the age of eighteen years.

Deduction from  
payments to  
foster parent.  
*Ibid.* s. 13.

**26.** The Minister may deduct from the payments due to any foster parent such amount as may be deemed equivalent to the loss occasioned by the neglect of such foster parent to keep outfits up to the standard prescribed.

## PART VI.

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ALLOWANCES IN RESPECT OF DESTITUTE CHILDREN AND  
YOUNG PERSONS LIVING WITH PARENTS.

**27.** (1) The Minister, out of moneys provided by Parliament, may in such circumstances and subject to such conditions as may be prescribed grant an allowance for the support of a destitute child or young person to—

Persons eligible to receive aid. cf. Act No. 21, 1923, s. 14.

- (a) the mother when such child or young person is living with her and when such mother is—
  - (i) a widow, or
  - (ii) a deserted wife, or
  - (iii) a wife whose husband is—
    - (a) incapacitated from following his usual or any occupation, or
    - (b) in gaol, or
    - (c) an old-age pensioner, or
  - (iv) a single woman, or
  - (v) a woman living apart from her husband—
    - (a) under any decree of judicial separation, or
    - (b) under any deed of separation, or
    - (c) where a decree nisi in divorce has been made, or
  - (vi) a woman whose marriage has been dissolved by a decree absolute in divorce, or
  - (vii) a woman whose marriage is void or has been annulled by any decree or order of the Supreme Court in its matrimonial causes jurisdiction;
- (b) a single woman who has adopted such child or young person when such child or young person is living with her;
- (c) the father, where such child or young person is living with him and where such father is incapacitated from following his usual or any occupation, and is—
  - (i) a widower, or
  - (ii) a deserted husband, or

(iii)

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(iii) a husband whose wife is—

(a) incapacitated through mental or bodily infirmity, or

(b) in gaol, or

(c) an old-age pensioner.

Relation to widows' pensions.

(2) This section shall not extend to authorise the granting of an allowance to any widow who is in receipt of a pension under the Widows' Pensions Act, 1925-1937, where any part of the pension is paid to her in respect of the child or young person for whom an allowance is sought under this section.

Limitation of payment

(3) Payment of an allowance under this Part shall not extend beyond the time when the person in respect of whom the allowance is granted shall have attained the maximum age up to which he is compelled by law to attend school unless—

(a) the child or young person is an invalid or is otherwise incapacitated; or

(b) the case possesses unusual features which call for special consideration,

and the Minister authorises such payment, and in any such case such payment may be continued until the person in respect of whom the allowance is granted attains the age of eighteen years.

## PART VII.

LICENSING OF PLACES ESTABLISHED OR USED FOR THE RECEPTION OF CHILDREN APART FROM THEIR PARENTS AND OF DAY NURSERIES AND KINDERGARTENS.

Licensing of place.

cf. Act No. 21, 1923, s. 29.

**28.** (1) The person in charge of any place established or used—

(a) for the reception and care of one or more children under the age of seven years, apart from their mother or other parent, or

(b) for the purpose of conducting a day nursery or kindergarten

shall

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shall make application to the Minister in the prescribed form and manner for a license in respect of such place.

(2) The Minister shall thereupon cause inquiry to be made respecting such application and a report to be furnished by an officer. Inquiry to be made.

(3) The Minister upon receiving such report may grant or refuse a license in respect of such place; and such license when granted shall remain in force until cancelled by order of a court, but any provision of the license relating to the maximum number of children who will be received and cared for, or, as the case may be, will attend the day nursery or kindergarten, may be varied from time to time by the Minister. Particulars of any such variation may be endorsed on the license. Licenses.

(4) Every license shall be subject to such conditions and requirements as may be prescribed.

**29.** (1) In every place licensed under this Part the person in charge shall keep a register in a form prescribed in which shall be entered forthwith by such person the names, sex and age of each child received into the care or charge of such person and the date when such child was so received, and such other particulars as may be prescribed. Register to be kept.  
cf. Act No. 3,654 (1928),  
s. 98 (Vic.).

(2) Every such register shall be produced by the person in charge at all reasonable times when the production of the same is demanded by the Minister or any officer authorised by the Minister in that behalf, and may be examined and (if the Minister or such officer thinks fit) copies of any entries therein may be made. Register to be produced.

(3) Forthwith after the removal of any child from a place licensed as aforesaid whether before or on attaining the age of seven years, the person in charge shall enter in such register the time of such removal and the names, addresses and calling or occupation of the person or persons to whom the child is delivered, and if any such person is a married woman the address and calling of her husband; and shall forthwith forward notice of such removal to the Minister. Removal of child.

(4) Any person in charge who fails to comply with the provisions of this section shall be guilty of an offence against this Act. Penalty.

**30.**



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Officer may inspect.  
cf. Act No. 21, 1923, s. 30.

**30.** (1) For the purpose of making any inquiry and report under section twenty-eight of this Act respecting any place, or for the purpose of ensuring that the prescribed conditions and requirements are complied with, any officer may, at any time, enter the place and inspect it and the children who are inmates thereof; and the person in charge of the place shall afford all reasonable facilities for such inspection.

(2) In making any inspection the officer may, if he thinks fit, be accompanied by a medical practitioner or a police constable, or by both.

Exemption by Minister.

(3) The Minister at any time, by writing under his hand, may order that the provisions of this section shall not apply in any case where he is satisfied that its application is unnecessary.

Where conditions of license not observed.  
*Ibid.* s. 31.

**31.** (1) Where, on any inspection of a licensed place, it appears that any of the prescribed conditions or requirements are not complied with, the Director may give directions in writing to the person in charge to ensure a compliance with such conditions or requirements, failing which the license of such place may be cancelled by a court.

(2) The person in charge of any such licensed place who fails to comply with such directions shall be guilty of an offence against this Act and upon conviction the license may be cancelled by a court.

Disposal of children.

(3) The Court, on cancellation of the license of any place of the nature referred to in paragraph (a) of subsection one of section twenty-eight of this Act, may direct that any child who is an inmate of such place, be—

- (a) restored to the custody of a parent; or
- (b) released to the care of the Minister to be dealt with as a ward admitted to State control; or
- (c) released to the care of any other person.

Penalties on person in charge of unlicensed place.  
cf. *Ibid.* s. 32.

**32.** The person in charge of any place which is required to be licensed under this Part and is not licensed shall be liable to a penalty not exceeding twenty-five pounds, and, where the place is a place of the nature referred to in paragraph (a) of subsection one of section twenty-eight of this Act, any child who is an inmate of such place may be removed therefrom and taken to a shelter,

shelter, there to remain until a court orders him to be restored to the custody of his parent or released to the care of the Minister to be dealt with as a ward admitted to State control, or released to the care of any other person. No. 17, 1939.

**33.** (1) No person shall, without a written order of a court specifying the terms on which the child may be received, receive into his care any child under the age of seven years to rear, nurse, or otherwise maintain, apart from his mother or other parent, in consideration of the payment to such person of any sum of money or other valuable consideration otherwise than by way of periodical instalments. No such instalment shall be paid for more than four weeks in advance, nor exceed the sum of fifty shillings per week. Any person receiving or agreeing to receive payment contrary to this section shall be guilty of an offence against this Act. Regulating reception of children under seven years. cf. Act No. 21, 1923, s. 33.

A court having made an order under this section shall forthwith forward a copy of the order to the Director.

(2) This section shall not apply to the manager or officers of any institution supported wholly or in part by public subscription, or by private charity where such institution is open to State inspection, or controlled by the State; nor to any person exempted for the time being from the operation of this section by the Minister.

(3) The Director shall, if required, receive from anyone wishing to place a child under the age of seven years in the care of the person in charge of any place licensed under section twenty-eight of this Act, a sum of money from which he shall make to such person such payments as may be agreed upon but not exceeding the instalments specified in subsection one of this section.

**34.** (1) Every person who receives into his care in any place licensed under this Part, any child under the age of seven years to rear, nurse, or otherwise maintain for payment shall within seven days register or cause to be registered with the Director in the prescribed form the particulars prescribed. Registration of reception of children. *Ibid.* s. 34.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

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Change of  
address to be  
registered.

cf. Act No. 21,  
1923, s. 35.

**35.** (1) If the person in charge of any place licensed under this Part changes his place of abode, or relinquishes the care of any child in such place, he shall forthwith forward a notice of such change or relinquishment to the Director in the form prescribed.

(2) Any person who fails to comply with this section shall be guilty of an offence against this Act.

Notice to be  
given of  
death of  
child.

cf. *Ibid.* s. 36.

**36.** (1) The person in charge of any place licensed under this Part shall, immediately after the death in such place of any child required to be registered in accordance with this Part, give notice of such death to the officer in charge at the nearest police station and to the Director.

(2) Such officer in charge of police shall make inquiry and report to the coroner for the district, or if the exigencies of the case so require to a justice, whether an inquest or magisterial inquiry respecting the cause of death is necessary.

Notices may be  
forwarded by  
post.

cf. Act No.  
3,654 (1929),  
s. 98 (Vic.).

**37.** Where by the provisions of this Part any person is required to forward a notice to, or to effect a registration of particulars with, the Director, such notice or particulars of registration shall be in writing, and, unless delivered personally by such person, shall be forwarded by registered post.

## Exemption.

**38.** (1) The provisions of this Part shall not apply to an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929-1937, or to a private hospital licensed under the Private Hospitals Act, 1908, or in a case where the person having the care of a child is a relation by blood of the child or is a person to whom the custody of the child has been given by any competent court or by deed or will or is a person in whose care the child has been placed by the Minister or by the Director or an officer pursuant to Part V of this Act.

(2) The provisions of section twenty-nine and of sections thirty-three to thirty-seven both inclusive shall not apply to or in respect of any place of the nature referred to in paragraph (b) of subsection one of section twenty-eight of this Act.

PART VIII.

LYING-IN HOMES.

**39.** (1) The person in charge of a lying-in home shall keep a register in which shall be entered forthwith the particulars prescribed and shall forward to the Director within twenty-four hours after each birth in such home the particulars prescribed.

Register to be kept.  
cf. Act No. 21, 1923, s. 37.  
Act No. 3,654 (1928), s. 93 (Vic.).

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

Penalty.

**40.** The Minister, at any time in writing, may order that any person in charge of a lying-in home shall not be required to forward the particulars prescribed.

Exemption.  
cf. Act No. 47, 1902, s. 4.

**41.** Any officer authorised by the Minister in that behalf may at all reasonable times enter a lying-in home for the purposes of inspecting the register required to be kept, and, where necessary, interviewing a mother and examining a child.

Right to inspect register.

**42.** (1) The person in charge of a lying-in home shall not permit any child to be taken from such home unless in the charge of the mother of such child, without first obtaining the written consent of the Director.

Removal of child from lying-in home.  
cf. Act No. 21, 1923, s. 38.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence against this Act.

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PART IX.

MENTALLY DEFECTIVE CHILDREN.

**43.** In this Part, unless the context otherwise requires,—

Interpretation.

“Home” means a home established under this Part.

“Mental defectiveness” means a condition of arrested or incomplete development or degeneration of mind from whatsoever cause arising.

“Mentally defective child” includes a child or young person (not being an insane person within the meaning of the Lunacy Act of 1898) who has been admitted to State control or committed to the

the