

in the locality, to be a visiting committee, and the members of such visiting committee shall from time to time visit such home or school as occasion requires and may report to the Minister as to them seems fit.

*Neglected Children's Act 1915.*

42. Subject to the regulations of the Governor in Council all ministers of religion or any person being duly authorized by the recognised head of any religious denomination shall have admission to every receiving home and to every industrial and probationary school maintained at the sole expense of the State, and access to such of the persons placed or detained therein as are members of their respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such persons of their respective denominations.

*Religious instruction. Ib. s. 42.*

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

*Other visitors. Ib. s. 43.*

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

*Visitors' book. Ib. s. 44.*

#### DIVISION 7.—LIABILITY OF PARENTS FOR MAINTENANCE.

45. Every parent of any child who is a ward of the Department or an inmate of a reformatory school shall be liable to pay for or towards the maintenance of every such child during the period such child remains a ward of the Department or such inmate a periodical sum not exceeding Twelve shillings a week to be fixed in manner hereinafter mentioned:

*Amount payable by parent how fixed. Ib. s. 45.*

- (1) By the judge or chairman of the court by which or the children's court by which such child is committed, by the order committing such child or any subsequent order made within one month after such child is committed:
- (2) In any other case by any two justices in or out of sessions.

The judge chairman court or justices in fixing the amount to be paid as aforesaid shall have regard to the ability of the parent against whom such order is made to maintain or contribute to the maintenance of such child, and in case of any parent liable to contribute to the maintenance of any child under any order made under any repealed Act the amount payable under such order shall be taken as part of the Twelve

*Neglected Children's Act 1915.*

shillings a week aforesaid so that no parent shall be compelled to pay more than Twelve shillings a week in respect of any one child under this Act and under any such order: Provided always that no parent shall be liable to pay anything for the maintenance of any such child in respect of any time during which such child is not chargeable to His Majesty.

*Power to increase the amount. Ib. s. 46.*

**46.** 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 to any amount not exceeding the maximum if such parent is able to pay such greater amount.

*Power to make order retrospective. Ib. s. 47.*

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

*Judge &c. committing parent to order maintenance in first instance if the evidence sufficient. Ib. s. 48.*

**48.** The judge or chairman of the court or the children's court committing any child to the care of the Children's Welfare Department or to a reformatory school shall by the same order fix the amount payable by the parent or parents for the maintenance of such child if the evidence before such judge chairman or court is sufficient.

*Order may be made either while the child is a ward of the Department or afterwards. Ib. s. 49.*

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

*Burden of showing inability to pay to be on parent who may be ordered to give recognisances. Ib. s. 50.*

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

*By whom applications may be made. Ib. s. 51.*

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

*Maintenance money how payable. Ib. s. 52.*

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

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

*Neglected Children's Act 1915 s. 53.*  
Certificate &c. in insolvency not a discharge.

**54.** 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.

Persons too poor to pay may be relieved from payment.  
*Ib. s. 54.*

**55.** 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 pay the amount due forthwith or within any time not exceeding seven days that the court fixes or 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 Twenty pounds for a term of not more than one month, and if the amount due exceeds Twenty pounds for a term of not more than three months unless the amount due is sooner paid, or unless security is given with one or more sufficient sureties to the satisfaction of any two justices for payment of such amount and costs by instalments or otherwise within such reasonable time as to such justices seems fit.

Payment may be recovered before justices.  
*Ib. s. 55.*

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

Imprisonment to be ordered only once for the same arrears.  
*Ib. s. 56.*

**57.** 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 clerk of the court or other collector of imposts appointed to receive the same on any day on which the same is payable, such justice may issue his warrant for apprehending such parent and bringing him before a court of petty sessions to answer the said complaint and to be further dealt with according to law, but a summons may issue in the first instance instead of a warrant if that is thought more desirable.

Warrant may issue in the first instance for arrest of parent.  
*Ib. s. 57.*

*Neglected Children's Act 1915 s. 58.*  
Definition of "parent."

58. In this Division "parent" includes father mother stepfather or stepmother and any person against whom an order under Part I. of the *Maintenance Act 1928* or any corresponding previous enactment has been made as the putative father of any illegitimate child and also includes mother or stepmother notwithstanding a father or stepfather of the child is alive, also the putative father of any illegitimate child which he has recognised as his though no such order has been made against him.<sup>(a)</sup>

Where several liable.

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

Constables to assist in collecting moneys from parents.  
*Ib. s. 59.*

59. All clerks of courts and members of the police force shall assist every collector of imposts appointed to receive the same in the recovery of the moneys payable to His Majesty by the parents of wards of the Department and inmates, and in particular by obtaining and furnishing information as to the residence occupation movements and means of every such parent who 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.

Percentage payable to persons assisting in the recovery of moneys from parents.  
*Ib. s. 60.*

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

(a) An order for the maintenance of an illegitimate child, made by a court of petty sessions against the alleged father, was quashed by the court of general sessions. The child was subsequently made a ward of the Department for Neglected Children. On an information on behalf of the Department, an order was made against the alleged father, as being the "parent" of the child, for the payment of a weekly sum for the child's maintenance: *Held*, that the justices had jurisdiction to make the last-mentioned order. The facts that a man, alleged to be the father of an illegitimate child, has written to the mother in such terms as are to be construed to be a recognition of the child as his, and has sent her a sum of money, are evidence upon which justices may find that he is a putative father who has recognised the child, and, therefore, a parent within the meaning of this section.—*Buswell v. White*, 24 V.L.R., 486.

Under a former Act not containing this definition it was *held* that the father of an

illegitimate child is not a parent.—*R. v. Gilbert, ex parte Ward*, 3 A.J.R. 39.

To bring a man within the definition of "parent" it is not sufficient to prove facts from which an inference may be drawn that he is the father of the child, but it must be shown either that an order has been made against him in respect of the child, or that he has recognised the child as his.—*Nedwell v. Shirley*, 14 A.L.T., 159.

The word "stepfather" in this section means the husband of the mother of a child who is the offspring of the mother by a former husband of hers, and does not apply to the illegitimate offspring of the woman, born before marriage, of a man other than her present husband.—*Irwin v. Sholl*, 22 V.L.R., 640. Cf. *R. v. Frith, R. v. Stewart*, 1914 V.L.R., 658.

As to liability of the mother where she is a married woman, see the *Married Women's Property Act 1928*, section 26.

DIVISION 8.—COMMITTAL TO THE CARE OF PRIVATE PERSONS.<sup>(a)</sup>

**61.** Any private person and any institution formed by private persons empowered in that behalf desirous of taking charge of a neglected child or neglected children gratuitously may be from time to time approved by the Governor in Council as a person or institution to whose care neglected children may be committed under the provisions of this Part, and the Governor in Council may revoke any such order ; and every such order approving of any such institution and every revocation of any such order approving of any such institution shall be published in the *Government Gazette*.

*Neglected Children's Act 1915 s. 61.*  
Power to the Governor in Council to approve private persons or institutions to have the care of neglected children.

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

Managers of institutions to be approved by the Governor in Council. *Gazette* evidence of their appointment.  
*Ib. s. 62.*

**63.** Where any judge or chairman of any court or any children's court is empowered to commit any child to the care of the Children's Welfare Department such judge chairman or court may commit such child to the care of any person or institution for the time being approved by the Governor in Council hereunder as a person or institution to whose care neglected children may be committed, which person or institution by writing under his hand or the hand of its manager (as the case may be) may consent to accept the care of such child.<sup>(b)</sup>

Power to judge justices &c to commit children to the care of approved person or institution instead of the Department.  
*Ib. s. 63.*

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

Approved person or manager of approved institution to whose care children are committed to become their guardians.  
*Ib. s. 64.*

(2) Where the Minister after due investigation deems it expedient the Governor in Council may at any time order that such person or institution shall cease to have the custody or care of such child, and thereupon, notwithstanding anything to the contrary in this Act, such person or institution shall cease to have the custody or care of or to have any authority to detain such child, and such person or the manager of such institution shall cease to be the guardian of the person and estate of such child.

Power of Governor in Council where care of child is committed to private person or institution.  
*Children's Welfare Act 1926 s. 2.*

(a) See the *Education Act 1928*, sections 38-42.(b) See the *Crimes Act 1928*, section 336.

*Neglected Children's Act 1915 s. 65.*  
New managers of approved institutions to succeed to the guardianship.

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

Child not to be committed to care of approved person or institution if father &c. object or so as to be educated in a different religion.  
*Id. s. 66.*

**66.** No judge chairman or court shall commit any child to the care of any such person or institution if the father or other person having the right to direct in what religion such child shall be educated objects, or so that such child may be educated in a religion different from that in which it would be the duty of any guardian of such child appointed by the Supreme Court to direct such child to be educated.

Power to father or mother being guardian to transfer the guardianship of any child to approved person or institution.  
*Id. s. 67.*

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

Power of Governor in Council where care of child is committed to private person or institution.  
*Children's Welfare Act 1926 s. 2.*

(2) Where the Minister after due investigation deems it expedient the Governor in Council may at any time order that such person or institution shall cease to have the custody or care of such child, and thereupon, notwithstanding anything to the contrary in this Act, such person or institution shall cease to have the custody or care of or to have any authority to detain such child, and such person or the manager of such institution shall cease to be the guardian of the person and estate of such child.

Approved person or institution to permit children to be visited and inspected.  
*Neglected Children's Act 1915 s. 68.*

**68.** (1) Every person or institution to whose care any child is committed under the provisions of this Part whether by any judge chairman or court or by the father or mother of such child, and every person intrusted with the care of any such child by any such person or institution shall from time to time permit such child to be visited and any place where such child is or resides to be inspected by the inspector or any person authorized by or under the regulations of the Governor in Council for the time being in force in that behalf.

(a) A male infant aged five years had, without the knowledge or assent of his mother, been taken by his father from the custody of friends with whom he had been placed by his mother and had been put into the custody of an institution approved by the Governor in Council under this section. Subsequently the father left Victoria on military service, and was still absent. Upon an

application by the mother for the custody of the child: *Held*, that, notwithstanding this section the Court had under section 69 of the *Marriage Act 1915* (see now section 145 of the *Marriage Act 1928*) a discretion to give the custody of the child to the mother, and that the application should in the circumstances be granted.—*The King v. Dunkin, ex parte De Vries*, 1917 V.L.R., 655.

(2) Without affecting the duties and liabilities of persons or institutions under sub-section (1) of this section, every person and the manager of every institution to whose care any child is committed under the provisions of this Division and every person entrusted with the care of any such child by any such person or institution shall answer fully and truly and to the best of his knowledge and belief all inquiries respecting such child—

*Children's Welfare Act 1926 s. 3.*  
Private persons and institutions having care of child committed to them to answer certain inquiries respecting the child.

- (i.) made or caused to be made, whether orally or in writing, by the Minister or some person authorized in writing in that behalf by the Minister ; and
- (ii.) which in the opinion of the Minister or person authorized as aforesaid are necessary or expedient to be made for the purpose of carrying into effect the purposes of sub-section (2) of section sixty-four or of sub-section (2) of section sixty-seven of this Act.

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

*Transmission of guardianship upon death of approved person or revocation of approval of person or institution.*  
*Neglected Children's Act 1915 s. 69.*

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

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

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

*Guardianship of approved person or institution to cease on revocation of approval.*  
*Ib. s. 70.*

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

*Form of order committing child to care of approved person or institution.*  
*Ib. s. 71.*

*Neglected  
Children's Act  
1915 s. 72.*  
Warrant for  
detention of  
child by  
approved person  
or institution  
not necessary.

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

Power to  
transfer child  
to the care of  
the Children's  
Welfare  
Department.  
*Ib. s. 73.*

**73.** If any person or institution having the care of any child by virtue of any order made under the provisions of this Division or the manager of any such institution desires for any cause sufficient in the opinion of the children's court to be relieved of the care of such child, such court may order such child to be committed to the care of the Children's Welfare Department.

Child not to be  
removed out of  
Victoria.  
*Ib. s. 74.*

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

Guardian of  
estate to keep  
accounts.  
*Ib. s. 75.*

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

Children  
received into  
and maintained  
in asylums  
without  
objection on  
the part of their  
fathers or  
guardians for  
two years not  
removable  
without the  
consent of the  
committee or  
order of the  
Governor in  
Council.  
*Ib. s. 76.*

**76.** Where any child being then destitute has been without objection on the part of its father or other guardian received into any asylum for the care and management of destitute children incorporated under Part II. of the *Hospitals and Charities Act 1928* or any Act thereby repealed or the Act No. 220 the by-laws of which have been approved by the Governor in Council and maintained at the expense of such asylum for a period of two years or upwards, the father or other guardian of such child shall not be entitled to remove such child out of the custody of such asylum or the committee thereof without the consent of such committee or the order of the Governor in Council unless such father or guardian can show that he was ignorant that such child was being so maintained and that he has not been guilty of negligence with regard to such child during the period such child has been so maintained, and the committee of such asylum shall have the custody of the person of such child until such child attains the age of eighteen years.

#### DIVISION 9.—EMPLOYMENT OF CHILDREN.<sup>(a)</sup>

Registration of  
children under  
certain age.  
*Ib. s. 77.*

**77.** Any child under the age at which attendance at school ceases to be compulsory under any law now or hereafter to be in force relating to education may be registered for the purpose of this Act in manner hereinafter appearing. Such child accompanied by its parent, or if the child is not resident with its parent by some adult person with whom such child resides, may apply to a clerk of petty sessions at a place

(a) See also the *Education Act 1928*, sections 35 and 36.

near which such child resides and deliver to such clerk a certificate of merit as prescribed under any such law, and inform such clerk of the name age and residence of such child and of the name residence and occupation of its father, or if it has no father of its mother, or if the child has neither father nor mother of some adult person with whom the child is or has recently been residing and the clerk shall enter the said particulars in a book, and the parent or other adult person accompanying such child shall sign the same, and thereupon the clerk shall certify under his hand that the child had been registered on that date, and the registration of any child may be renewed in like manner. Every registration of a child for the purposes of this Act shall continue in force for a period of twelve months and not longer.

*Neglected Children's Act 1915.*

78. Every person who knowingly or without reasonable excuse the proof whereof shall be on such person keeps or takes in or into any casual employment any child under the age at which attendance at school ceases to be compulsory under any law now or hereafter to be in force relating to education not duly registered under the provisions of this Act or after the registration of any such child has expired, shall be liable to a penalty of not more than One pound for every day such child is so in his employ and of not more than Five pounds in the whole.

*Penalty on employing a child under certain age who is not registered. Id. s. 78.*

79. Every person who for the purpose of obtaining a certificate of registration under the provisions of this Part of any child signs any statement not true to the best of such person's knowledge information and belief shall be liable to a penalty of not more than Ten pounds or to imprisonment for a term of not more than fourteen days, and every person who forges any such certificate or produces or uses any such certificate which is to the knowledge of such person forged or fraudulently obtained shall be liable to imprisonment for a term of not more than six months.

*Penalty on forging or fraudulently obtaining or using a certificate of registration of a child. Id. s. 79.*

#### DIVISION 10.—OFFENCES PENALTIES AND LEGAL PROCEEDINGS.

80. Every person who without lawful authority or excuse—

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

*Penalty for entering schools &c or holding communication with wards of the Department. Id. s. 80.*

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

81. Every superintendent or matron of any receiving home industrial or probationary school and every teacher officer or servant thereof who negligently or voluntarily permits any ward of the Department to escape shall be liable to a penalty of not more than Twenty pounds.

*Penalty for allowing ward of the Department to escape. Id. s. 81.*

*Neglected  
Children's Act  
1915 s. 82.*

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

**82. Every person who directly or indirectly—**

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

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

*Penalty for  
seducing ward  
of the  
Department  
or child.  
Ib. s. 83.*

**83. Every person who—**

- (a) For the purpose of prostitution or defilement inveigles or entices any unmarried female ward of the Children's Welfare Department or child apparently under the age of eighteen years from any receiving home industrial or probationary school or institution or from the house or other place where or from any person to or with whom she is licensed placed boarded out or apprenticed under the provisions of this Part or to whose custody she is committed ; or
- (b) Being the person to or with whom such female is licensed placed or apprenticed carnally knows any such female who is apparently under the age of eighteen years ; or
- (c) Aids or assists any person in any of the foregoing offences,

shall be guilty of a misdemeanour, and shall be liable to imprisonment for a term not of more than three years: Provided that no conviction shall be had under the provisions of this section on the unsupported testimony of any one witness, nor unless proceedings are taken within six months after the commission of the offence: Provided also that nothing in this section shall exempt any person from prosecution under any other law, but no person shall be punished for the same offence both under this section and any other law.

*Power to  
forfeit or  
retain earnings  
of ward for  
misbehaviour.  
Ib. s. 84.*

**84. If any ward of the Children's Welfare Department is guilty of any misbehaviour, of which the Minister shall be the sole judge—**

- (a) The Minister may order the whole or any part of any moneys to which such ward is entitled, invested on deposit under any law now or hereafter to be in force relating to the

State Savings Bank of Victoria to be applied in making good to His Majesty or any other person any loss or expense occasioned by the misbehaviour of such ward. And for the purpose of carrying out the powers contained in this section the Minister may sign an order directing payment to the Secretary or his order of the whole or any part of such money, and the person or persons having by law power to pay such money shall pay the same accordingly.

*Neglected Children's Act 1915.*

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

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

*Constable to apprehend offenders without warrant. Ib. s. 85.*

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

*Consent of the Attorney-General required to proceedings against Secretary &c. in his character of guardian. Ib. s. 86.*

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

*Determination of age by the court to be conclusive. Ib. s. 87.*

#### DIVISION 11.—REGULATIONS OF THE GOVERNOR IN COUNCIL.

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

*Power to make regulations. Ib. s. 88.*

- (1) The conduct management inspection and supervision of receiving homes industrial and probationary schools:
- (2) The employment education supervision and correction of wards of the Children's Welfare Department: Provided that no such regulation shall permit any corporal punishment except such as may be lawfully inflicted by school masters:
- (3) The boarding out of wards of the Children's Welfare Department:

(a) Compare *Crimes Act 1928*, section 442 and note thereto.

*Neglected  
Children's Act  
1915.*

- (4) The placing out at service or apprenticing of wards of the Children's Welfare Department either on land or at sea :
- (5) Fixing what (if any) percentage upon moneys recovered from parents shall be paid to persons who have assisted in recovering the same, and the persons to whom and the times at which and the conditions on which such percentage is to be paid :
- (6) Prescribing the forms of orders warrants bonds and other instruments to be used by courts judges justices the various officers mentioned in this Part and others in carrying into execution this Part :
- (7) The collection and investment and deposit of any earnings of any ward of the Children's Welfare Department and the application thereof or any part thereof :
- (8) Prescribing the method of keeping accounts of payments and moneys payable under the provisions of this Part :
- (9) Prescribing the times and conditions during and under which and not longer or otherwise children committed under the provisions of this Part to the care of any private person or institution may be boarded together in any school or asylum or establishment of a like nature :
- (10) For the various purposes mentioned in this Part and generally for carrying this Part into effect.

*Regulations to  
be laid before  
Parliament.  
Ib. s. 89.*

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

*Continuation of  
regulations  
under repealed  
Acts.  
Ib. s. 90.*

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

#### PART II.—INFANT LIFE PROTECTION.

*Interpretation.  
Infant Life  
Protection Act  
1915 s. 3.*

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

- “Board out” or “Boarded out” means the placing of an infant in the care or charge of some person for the purpose of being nursed or maintained by such person or in such person's house:
- “Infant” means child under five years of age:
- “Inspector” means a male or female inspector appointed pursuant to this Part or any corresponding previous enactment:
- “Medical officer” means a medical officer appointed pursuant to the regulations under Part I. of this Act:
- “Registered person” means person registered as the occupier of a house under this Part or any corresponding previous enactment:
- “Secretary” means Secretary of the Children's Welfare Department.