

(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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