

or otherwise maintain, apart from its mother, in consideration of the payment to such person of any sum of money or other valuable consideration otherwise than by way of periodical instalments; and no such instalment shall be paid for more than four weeks in advance, nor exceed the sum of thirty shillings per week. Any person receiving or agreeing to receive payment for the rearing, nursing, or maintenance of any child contrary to this section shall be guilty of an offence.

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(2) This section shall not apply to any person being the legal or natural guardian of such child; nor to the manager or officers of any institution supported wholly or in part by public subscription, or bona fide 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 secretary shall, if required, receive from anyone wishing to place a child in the care of such person a sum of money from which he shall make to the caretaker of such child such payments as are permitted under this Act.

(4) Every court when giving an order under this section shall in each case report to the secretary that it has given such order.

**34.** (1) Every person who receives into his care, charge, or custody any child under the age of seven years to rear, nurse, or otherwise maintain the same for payment under this Part shall register or cause to be registered the particulars in the form prescribed, at the office of the district registrar of births, deaths, and marriages, appointed under the provisions of the Act No. 17, 1899, for the district in which such person then resides, within seven days from the date of such child's reception if such office is within a distance of two miles from his place of abode, or within fourteen days if such office is not within two miles as aforesaid, and such registrar shall furnish such particulars to the secretary.

Registration  
of reception  
of children.

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

**35.**

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Change of  
address to be  
registered.

**35.** (1) No person who has in his care, charge, or custody any child in accordance with the provisions of this Part shall change his place of abode, or relinquish the care, charge, or custody of such child without forthwith notifying such change or relinquishment to the district registrar as aforesaid, and such registrar shall register the same in the form prescribed, and shall at once report such particulars to the secretary. When such change of abode is made to a place out of the district of such registrar he shall forward a copy of such registration of removal to the registrar of the district to which the child is removed, and upon receipt of such copy the said registrar shall enter the particulars therein set forth in a book provided for that purpose.

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

Notice to be  
given of  
death of  
child.

**36.** (1) Every person having charge of a child registered under this Part shall, immediately after the death of any such child, if such death occurs elsewhere than in the city of Sydney, or any municipality included in the suburbs thereof, give or cause to be given notice of such death to the officer in charge of the nearest police station, and such officer 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, and in addition to such notice such person shall by registered letter report such death to the secretary.

(2) When the death of any such child occurs in the city of Sydney, or any municipality included in the suburbs thereof, such notice shall be given to the secretary, who may cause an inquest or inquiry to be held.

(3) The body of a child registered under this Part shall not be buried without the production of a certificate under the hand of the coroner or the justice who held the inquiry, or of a stipendiary or police magistrate, authorising such burial, or of a medical practitioner who has attended such child during its last illness, certifying the cause of death, and also that such cause was in no way consequent on the neglect or ill-treatment of such child.

(4)

(4) Any person having charge of a child registered as aforesaid who neglects, refuses, or omits to give notice of the death of such child in accordance with the provisions of this section shall be guilty of an offence. George V.  
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(5) Where the death occurs at a greater distance than fifteen miles from the nearest police station, satisfactory evidence that the omission to give such notice was not the result of wilful neglect on the part of the person in charge of such registered child shall entitle such person to the dismissal of the charge.

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## PART VI.

### LYING-IN HOMES.

**37.** Every person in charge of a lying-in home shall furnish records in the form prescribed, and forward the same to the registrar for the district in which such person resides, within a period of twenty-four hours from the occurrence of each birth in such home, and any such person who fails to comply with the provisions herein contained, or wilfully falsifies such records, shall be guilty of an offence. Keepers of  
lying-in  
homes to  
furnish  
records.

**38.** No person in charge of a lying-in home shall 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 secretary or a person authorised by him. Any such person who violates the provisions of this section shall be guilty of an offence. Removal of  
child from  
lying-in  
home.

**39.** Any person in charge of a lying-in home shall be responsible for the registration, in accordance with the provisions of the Act No. 17, 1899, of all births occurring in such house; and any such person who omits, neglects, or refuses to register the birth of any such child, shall be liable to the punishment provided by that Act. Registration  
of births by  
householder.

**40.**

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Still-born  
child not to  
be interred  
without a  
certificate.

**40.** (1) When a woman is delivered in a lying-in home of a still-born child, no interment of such child shall take place without its being authorised by the certificate of a medical practitioner, magistrate, or constable of police, who has made personal inquiry into the circumstances.

(2) Any person interring any such still-born child without first obtaining such certificate shall be guilty of an offence.

(3) But any such still-born child, born in a lying-in home situated more than fifteen miles from the nearest such practitioner, magistrate, or constable of police, may be interred without such authority, but the birth of the child so buried shall be reported within seven days from the date of the burial, by the person who interred the body, to the nearest police officer, who shall forthwith make a full inquiry into the circumstances of the case, with the view of taking further action if necessary; and if the person who so buried the body shall fail to report as required, he shall be guilty of an offence.

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## PART VII.

### PROTECTION OF CHILDREN.

Employment  
of child in  
dangerous  
performances.

**41.** (1) Any person who causes or allows any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of a court, the life or limbs of such child is or are endangered, and the parent or any person having the custody of such child who aids or abets such first-mentioned person therein, shall be guilty of an offence.

(2) Where in the course of a public exhibition or performance which in its nature is dangerous to the life or limb of a child under such age as aforesaid taking  
part

part therein, any accident causing actual bodily harm occurs to such child, the employer of such child, whether its parent or not, shall be guilty of an offence; 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 not exceeding 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.

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**42.** (1) Any person who—

- (a) causes or procures, or having the custody or charge thereof, allows any child under the age of sixteen years to be in any place for the purpose of begging or receiving alms, or inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or
- (b) causes or procures, or having the custody or charge thereof, allows any child under the age of sixteen years to be in any place or in any premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale between ten o'clock at night and six o'clock in the morning; or
- (c) causes or procures, or who, having the custody or charge thereof, allows any child under the age of ten years to be at any time in any place, or in any premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale,

Procuring  
child to  
solicit alms  
or perform.

shall be guilty of an offence :

Provided that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of the Minister that proper provision has been made to secure the health

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(2) The Minister may appoint any person to see that the restrictions and conditions of any license under this section are duly complied with; and such person shall have power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section.

(3) This section shall not apply in the case of any occasional entertainment, the proceeds of which are wholly applied for the benefit of any school or to any charitable object.

**Custody or  
charge  
defined.**

**43.** For the purposes of the last two preceding sections any person who is the parent of a child, or any person to whose charge a child is committed by its parent, or any person having actual possession or control of a child, shall be deemed to have the custody or charge thereof.

**Removal of  
child to a  
place of  
safety.**

**44.** Any constable or any officer appointed under this Act may take any child under eighteen years of age in respect of whom there is reason to believe that an offence under this Act has been committed to a place of safety, and a child so taken to a place of safety, and also any child under eighteen years of age who seeks refuge in a place of safety, may be there detained until the child can be brought before a court.

**Care of child  
pending trial  
of offender.**

**45.** Where it appears to a court or any justice that an offence under this Act has been committed in the case of any child under eighteen years of age brought before such court

court or justice, and that the health or safety of the child will be endangered unless an order is made under this section, the court or justice may, without prejudice to any power under this Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for the bringing and disposing of any charge against the person who it appears has committed the offence; and an order under this section may be enforced, notwithstanding that any person claims the custody of the child.

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**46.** (1) Any constable may take into custody without warrant any person who commits, or who is reasonably suspected by such constable to have committed, an offence under this Act, if the name and residence of such person are unknown to such constable and cannot be ascertained by him.

Arrests  
without  
warrant.

(2) Where such an arrest is made, the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child in respect of whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

**47.** Whenever steps have been taken under any of the last three preceding sections to secure the safety or well-being of a child, and the person charged with committing an offence in respect of such child has been convicted, such child may be disposed of as the court so convicting may direct.

Disposal of  
child by  
court.

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## PART VIII.

## STREET TRADING LICENSE.

Issue of  
licenses.

**48.** (1) A written license authorising a male child of or over the age of twelve years to engage, subject to the regulations, in a specified description of street trading may be issued—

- (a) by the Minister or by any officer acting under his authority; or
- (b) in respect of its district by a local authority or some officer of such authority appointed in that behalf with the approval of the Minister.

(2) Such license shall be delivered to the child with a badge to be worn by him as prescribed during such trading.

(3) Such license shall not be issued unless it is shown that the moral or material welfare of the child will not suffer by such trading.

(4) Every license shall be granted for a term of six months, but may be renewed from time to time, and may at any time be cancelled by the Minister or by the authority which has issued it. No charge shall be made for any license or badge.

Penalty for  
employing  
child in street  
trading in  
contravention  
of Act.

**49.** If any person employs a child in street trading—

- (a) who is not duly licensed under this Act; or
- (b) who, although so licensed, is employed by him in trading of a description not authorised by the license,

he shall be liable to a penalty not exceeding five pounds, or in case of a second or subsequent offence to a penalty not exceeding ten pounds.

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PART

## PART IX.

George V,  
No. 21.COMMITTAL OF NEGLECTED OR UNCONTROLLABLE  
CHILDREN OR JUVENILE OFFENDERS.

**50.** Any justice may, upon oath being made before <sup>Warrant for</sup> him by an officer or other person appointed by the <sup>apprehension.</sup> Minister in that behalf that, having made due inquiry, he believes any child to be a neglected or uncontrollable child,—

- (a) issue his summons for the appearance of such child before a court; or
- (b) in the first instance, issue his warrant directing such child to be apprehended.

**51.** A constable or any person authorised by the <sup>Apprehen-</sup> Minister in that behalf may, although the warrant is not <sup>sion of child.</sup> at the time in his possession, apprehend any child for whose apprehension a warrant has been issued under the last preceding section.

**52.** (1) If it appears to any justice on information <sup>Warrant to</sup> laid before him on oath by any credible person, that <sup>search for</sup> there is reasonable cause to suspect that a child is in a <sup>child</sup> place which is a brothel, or where opium or any <sup>suspected in</sup> preparation thereof is smoked, such justice may issue <sup>brothel or</sup> his warrant authorising any person named therein to <sup>place where</sup> search in such place for any child, and to take such <sup>opium is</sup> child to a shelter to be dealt with under this Act. <sup>smoked.</sup>

(2) Any person authorised by warrant under this section to search for a child may enter (if need be by force) into any house, building, or other place specified in the warrant, and may remove such child therefrom.

(3) Every such warrant shall be addressed to and executed by some constable of police, who shall be accompanied by the person making the information (if such person so desire), unless the justice issuing the warrant otherwise directs.

(4) It shall not be necessary in the information or warrant to name the child.

**53.** Any person authorised by the Minister in that <sup>Apprehension</sup> behalf, or any constable of police may without warrant <sup>of child in</sup> <sup>brothel, &c.</sup> apprehend

**George V, No. 21.** apprehend a child who is in a place which is a brothel or where opium or any preparation thereof is smoked, or who he has reason to believe is a neglected or uncontrollable child.

**54.** Where a child is found in a brothel or in a place where opium or any preparation thereof is smoked, the keeper or person in charge or apparently in charge of such brothel or place shall be guilty of an offence.

**55.** Any child apprehended as a neglected or uncontrollable child or juvenile offender shall be taken to a shelter and as soon as practicable thereafter shall be brought before the court by the superintendent of the shelter.

**56.** Any person having the actual care and custody of a child may apply to a court to commit the child to an institution upon the ground that the child is an uncontrollable child. Such child may be detained at a shelter pending the determination of the court.

**57.** Where any child is brought before a court as a neglected or uncontrollable child or juvenile offender, or where an application is made under the last preceding section, the court may, if a parent of the child is present, thereupon hear and determine the matter.

If a parent of the child is not present, the court in its discretion may hear and determine the matter or require the parent to be present and remand the child for the purpose of securing the attendance of the parent if practicable.

If the parent refuses to attend without reasonable excuse, the court may issue a warrant to bring him before the court at the hearing, but the parent may be admitted to bail on entering into recognizances, with or without sureties, to attend at the court at the hearing of the matter.

**58.** If on the hearing the court finds that a child is a neglected or uncontrollable child or juvenile offender it may—

- (a) release the child on probation upon such terms and conditions and for such period of time as the court may think fit; or

(b)

- (b) commit the child for such period of time as the court may think fit to the care of some person who is willing to undertake such care ;  
or
- (c) commit the child to an institution :

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Provided that no order of committal of an uncontrollable child on the application of a near relative shall be made unless—

- (a) he proves that he has not by neglect lost control of the child ; and
- (b) security is given to the satisfaction of the court for the making of such payment as, in the opinion of the court, the applicant is able to afford towards the maintenance of such child.

**59.** Where a child is summarily convicted of an offence for which the penalty is punishment by imprisonment, or imprisonment in default of payment of a fine, the court may—

Power with respect to child liable to be summarily convicted.

- (a) release the child on probation upon such terms and conditions and for such period of time as the court may think fit ; or
- (b) commit the child for such period of time as the court may think fit to the care of some person who is willing to undertake such care ;  
or
- (c) commit the child to an institution ; or
- (d) sentence the child according to law.

If the court sentences a child it shall forthwith transmit to the Minister a copy of the proceedings and a statement of the reasons for passing sentence.

The Minister may, with the concurrence of the Attorney-General, order the removal to an institution of the child so sentenced.

**60.** (1) Where a child is summarily convicted before a court of an offence in respect of which a penalty, damages, or costs are imposed, and there is reason to believe that his parent has contributed to the commission of the offence by wilful default or by habitually neglecting to exercise due care of the child, the court may, on information, issue a summons against such parent, charging him with so contributing to the commission of the offence.

Court may order parent to pay penalty, damages, or costs in certain cases.

(2)

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(2) If the court is satisfied that the parent has contributed to the commission by the child of the offence by wilful default, or by habitually neglecting to exercise due care of him, the court may order that the penalty, damages, or costs shall be paid by the parent instead of by the child, and may also order the parent to give security for the good behaviour of the child.

(3) Any sums so imposed and ordered to be paid may be recovered from the parent in the same manner as sums ordered by justices to be paid may be recovered under the Justices Act, 1902.

(4) Proceedings in the nature of an appeal may be taken by the parent, under Part V of the Justices Act, 1902, from any order made against him in pursuance of this section.

Power with respect to child charged with certain indictable offences.

**61.** (1) Where a child is charged before a court with an indictable offence other than homicide or rape, and is not dealt with summarily, the court may—

- (a) release the child on probation upon such terms and conditions and for such period of time as the court may think fit; or
- (b) commit the child for such period of time as the court may think fit to the care of some person who is willing to undertake such care; or
- (c) commit the child to an institution; or
- (d) commit the child to take his trial according to law.

If the court commits a child to take his trial it shall forthwith transmit to the Minister a copy of the proceedings and a statement of the reasons for its decision.

(2) When a court has committed a child to take his trial for an indictable offence, the Minister may commit the child to an institution, if the Attorney-General shall have entered a nolle prosequi in regard to proceedings against the child:

Provided that the Minister may exercise his powers under this section only if the child or his parent consents, or if evidence on behalf of the child has been given before the court.

**62.**

**62.** Where a child is charged before a court with any offence, or is brought before a court as a neglected or uncontrollable child, the court, before making any order or committal, shall give the child or his parent an opportunity to call evidence, and shall hear any evidence that may be tendered by or on behalf of the child.

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Court to hear  
evidence on  
behalf of  
child.

**63.** When a child has been dealt with under paragraph (a) or (b) of section fifty-eight or fifty-nine, or paragraph (a) or (b) of subsection one of section sixty-one, the following provisions shall apply :—

As to sections  
58, 59, or 61.

- (1) Subject to the directions of the Minister, the child shall be in the custody and under the control of the person to whose care he has been committed.
- (2) The child and the premises wherein he resides, or whereto he has been committed, shall be subject to inspection by officers appointed in that behalf.
- (3) Any person having the care of a child as aforesaid who neglects or ill-treats such child shall be liable to a penalty of five pounds, and the child may be removed from his custody and control by the Minister.

**64.** If a child who has been released upon probation breaks the terms or conditions of the release, he may be apprehended and brought before a court.

As to breach  
of terms of  
probation.

If it shall appear that such breach has occurred, the court may deal with him under the provisions of this Act, in the same manner as if he had not been released upon probation.

**65.** Where a child upon his trial has pleaded guilty to or has been convicted of an indictable offence, the judge may, in addition to any other sentence for the offence, commit the child at the expiration of such sentence to an institution, or may, instead of any other sentence, commit the child forthwith to an institution.

Child con-  
victed of  
indictable  
offence may  
be sent to  
institution.

**66.** A court or a judge in committing a child to an institution shall do so in general terms, but may recommend to the Minister that the child be sent to an institution of a particular class.

Form of  
committal.

**67.**

**George V, No. 21.** **67.** A child on being committed to an institution

may, in the discretion of the court or judge, be placed in a shelter pending the Minister's decision as to his destination.

Child may be placed in shelter.

**68.** The Minister as soon as practicable shall endorse on the order of committal the name of the institution and the place where the child is to be detained.

Name of institution to be endorsed on order.

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## PART X.

### AFFILIATION PROCEEDINGS.

#### *Proceedings begun before birth.*

**69.** Where any single woman is with child by any man who has made no adequate provision for the payment of preliminary expenses of and incidental to and immediately succeeding the birth of the child, or the expenses of the future maintenance of the child, she, or with her consent the secretary, or any other reputable person on her behalf, may make complaint in writing on oath to a magistrate or court that she is with child by the said man, and that he has made no adequate provision for the payment of the expenses aforesaid; and shall when making such complaint produce evidence on oath, either oral or on affidavit, in corroboration in some material particular of the allegation as to the paternity of the child.

Single woman with child may take proceedings against father.

See Imperial Act 35 & 36 Vic., c. 65, s. 3.

The magistrate or court may thereupon summon the man to appear before the court to answer such complaint; or, if the circumstances seem to require it, may issue a warrant for his apprehension.

**70.**