

CHILDREN.*

60 Vic. No. 26.

An Act to Provide for the Protection of Children.

THE
CHILDREN'S
PROTECTION
ACT, 1896.

[ASSENTED TO 21ST DECEMBER, 1896.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Ill-treating and Neglecting.

Punishment
for
ill-treatment
and neglect of
children.
57 & 58 Vic.
c. 41, s. 1.

1. Any person who, having the custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or injury to its health, shall be guilty of an offence within the summary jurisdiction of justices, and on conviction thereof in manner provided by "*The Justices Act of 1886*,"† shall be liable, at the discretion of the Court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of said fine, or in addition thereto, to imprisonment for any term not exceeding six months.

Power to
increase
fine.
Ibid. s. 1.

2. If it be proved that a person charged as aforesaid was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such said sum of money was accruing, or becoming payable, the Court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed one hundred pounds.

Restrictions
on employ-
ment of
children.
57 & 58 Vic.
c. 41, s. 2.

3. Any person who causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years—

- (a) To be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of

* Provisions as to guardianship and custody of children are contained in "*The Guardianship and Custody of Infants Act of 1891*" (55 Vic. No. 13), *supra*, page 4285. Provisions for the protection of girls are contained in "*The Criminal Law Amendment Act of 1891*" (55 Vic. No. 24), *supra*, page 4203. Provisions as to the employment of young persons in shops and factories are contained in "*The Factories and Shops Act, 1896*" (60 Vic. No. 29), *infra*, title "Factories and Shops."

† 50 Vic. No. 17, *supra*, page 1030.

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singing, playing, or performing for profit, or offering anything for sale between eight p.m. and five a.m.;

shall, on conviction thereof, by a Court of summary jurisdiction in manner provided by "*The Justices Act of 1886*,"* be liable, at the discretion of the Court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding six months.

4. (1.) Any constable may take into custody, without warrant, any person—

Power to take offenders into custody.
57 & 58 Vic. c. 41, s. 4.

(a) Who within view of such constable commits an offence under this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; or

(b) Who has committed or who he has reason to believe has committed any offence of cruelty within the meaning of this Act, if he has reasonable ground for believing that such person will abscond, or if the name and address of such person are unknown to and cannot be ascertained by the constable, and any constable having reported the facts in writing to a justice of the peace, and obtained his written authority in that behalf, may take to a place of safety any child in respect of whom an offence under section one of this Act has been committed, and the child may there be detained until it can be brought before a Court of Petty Sessions, and such Court may cause the child to be dealt with as circumstances may admit and require, until the charge made against any person in respect of the said offence has been determined by the conviction or discharge of such person.

(2.) Where a constable arrests any person without warrant in pursuance of this section, 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 to whom the offence is alleged to have been committed, release the

* 50 Vic. No. 17, *supra*, page 1030.

person arrested on his entering into such a recognisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

Power of
search.
57 & 58 Vic.
c. 41, s. 10.

5. (1.) If it appears to any police magistrate, on information made before him on oath by any person who, in the opinion of the magistrate, is *bonâ fide* acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate in a manner likely to cause the child unnecessary suffering, or to be injurious to its health, the said magistrate may issue a warrant authorising any police officer named therein to search for such child, and if it is found to have been or is then being ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a Court of Petty Sessions.

(2.) The magistrate issuing the said warrant may, by the same warrant, cause any person accused of any offence in respect of the child to be apprehended, and proceedings to be taken for punishing such person according to law.

(3.) Any person authorised by warrant under this section to search for any child, and to take it to and detain it in a place of safety, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Provided always that every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, or to an officer who shall be accompanied by the person giving the information, if such person so desire, unless the magistrate otherwise direct; and the person to whom the warrant is addressed may be accompanied by a legally qualified medical practitioner.

Mode of
charging
offences, and
limitation of
time.
57 & 58 Vic.
c. 41, s. 18.

6. (1.) Where a person is charged with committing an offence under this Act in respect of two or more children, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not be liable to a separate penalty for each child unless upon separate informations.

(2.) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but

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when those offences are charged together the person charged shall not be liable to a separate penalty for each.

(3.) A person shall not be summarily convicted of an offence under this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting or contributing to constitute the offence and committed at any previous time.

(4.) Where an offence under this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment the date of the acts constituting the offence.

7. Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the Court understand the nature of an oath, the evidence of such child may be received though not upon oath, if, in the opinion of the Court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth. And the evidence of such child, though not given on oath or affirmation, but otherwise taken and reduced into writing as a deposition, shall be deemed a deposition to all intents and purposes.

Evidence of child of tender years. [57 & 58 Vict. c. 41, s. 15.]

A person shall not be convicted of the offence charged unless the testimony admitted by virtue of this section, and given on behalf of the prosecution, is corroborated by some other material evidence in support thereof implicating the accused.

Any child whose evidence is received as aforesaid, and shall wilfully give false evidence, shall be deemed guilty of a misdemeanour.

8. Where a person is charged with an offence under this Act in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the Court to be under that age, such child shall, for the purposes of this Act, be deemed to be under that age unless the contrary is proved.

Child under specified age for purposes of this Act. [57 & 58 Vict. c. 41, s. 17.]

9. Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer reasonable punishment to such child.

Punishment of child by lawful guardian. [57 & 58 Vict. c. 41, s. 24.]

Meetings of Creditors ; Winding-up. 60 VIC. No. 21, 1896.

Person shall
not be
punished
twice.

10. Where a person is charged with an offence under this Act, for which he is also punishable under any other Act, or at common law, he may be prosecuted and punished either under this Act, or under any other Act, or at common law, but no person shall be punished twice for the same offence.

Short title.

11. This Act may be cited as "*The Children's Protection Act, 1896.*"

CIVIL SERVICE.

See PUBLIC SERVICE.

The statutes of Queensland passed during the year... [electronic resource]

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