

INFANTS.

<i>Infant Life Protection Act of 1905</i>	5 Edw. VII. No. 19
<i>Firearms Act of 1905</i>	„ „ 29
<i>Juvenile Smoking Suppression Act of 1905</i>	„ „ 12

An Act to Make Better Provision for the Protection of Infant Life, and for other purposes.

5 Edw. VII.
No. 19.

THE INFANT
LIFE
PROTECTION
ACT OF 1905.

[ASSENTED TO 18TH DECEMBER, 1905.]

BE it enacted by the King'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:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.
Short title and
commence-
ment.

1. This Act may be cited as "*The Infant Life Protection Act of 1905*," and shall commence and take effect on and from the first day of January, one thousand nine hundred and six.

* 2 Edw. VII. No. 10, *supra*, page 8275.

† 4 Edw. VII. No. 9, *supra*, page 8718.

Parts of Act.

2. This Act is divided into Parts, as follows:—

- PART I.—PRELIMINARY;
 PART II.—NURSING HOMES;
 PART III.—ADOPTION OF INFANTS;
 PART IV.—ILLEGITIMATE INFANTS;
 PART V.—GENERAL.

Repeal.

3. Part VIII. of "*The Health Act of 1900*"* is repealed.Interpre-
tation.Va. No. 1198,
s. 3.

4. In this Act, unless the context otherwise indicates—

- "Commissioner" means the person for the time being holding the office of Commissioner of Police, or the person for the time being appointed by the Governor in Council in the place of the Commissioner of Police;
 "Minister" means the Home Secretary or other Minister of the Crown charged for the time being with the administration of this Act;
 "Nursing Home" means a house registered as a nursing home under this Act;
 "Regulations" means regulations made under this Act;
 "Relatives" means and includes parents, grandparents, and uncles and aunts by consanguinity or affinity, and in the case of illegitimate infants means and includes the persons who would be so related if the infant were legitimate;
 "This Act" means this Act and any regulations made thereunder.

PART II.—
NURSING
HOMES.

PART II.—NURSING HOMES.

Application
of Act.
64 Vic. No. 9,
s. 158.

5. This Part of this Act shall not extend to—

- (a) The relatives or lawful guardians of any infant retained or received by such relatives or guardians;
 (b) Any person receiving any infant for the purpose of nursing or maintaining such infant under the provisions of any Act relating to orphanages;
 (c) Any person exempted for the time being from the operation of this Act by special order of the Minister.

* 64 Vic. No. 9, *supra*, page 7261.

1905.

Infant Life Protection Act.

PART II.—
NURSING
HOMES.

6. (1.) No person shall, in consideration of any payment or reward, retain in or receive into his care or charge in any house any infant under the age of three years for the purpose of either—

Nursing homes and occupiers to be registered. Va. No. 1198, s. 4.

(a) Nursing or maintaining such infant apart from its parents for a longer period than forty-eight hours; or

(b) Adopting such infant—

unless such person is registered as the occupier of such house, and such house is also registered as a nursing home under this Act.

(2.) In no case shall any such payment or reward be otherwise than by way of periodical instalments, and no such instalment shall be paid for more than four weeks in advance or exceed the sum of twenty shillings per week.

Payments to be periodical.

(3.) The clerk of petty sessions may receive payment of any sum in advance for the keep and care of any child in a nursing home, and may pay out such money in monthly instalments not exceeding the instalments limited by the next preceding subsection. In case of the death of the infant, any sum unexpended after payment of funeral expenses shall be returned to the person entitled to receive the same.

7. The Commissioner shall cause a register to be kept in which shall be entered the name of every person who applies to be registered and to have his house registered as a nursing home under this Act, and the situation of such nursing home, together with the maximum number of children that may be nursed therein, and with such other particulars as may be required by the regulations.

Manner of registration. Va. No. 1198, s. 5.

Every such registration shall, unless cancelled under this Act, remain in force until the thirty-first day of December next following the making thereof, and no longer unless the same is renewed.

Registrations may be renewed during the month of December in which the same expire. All such renewed registrations shall take effect from the first day of January next ensuing, and shall, unless cancelled under this Act, remain in force for one year.

No fee shall be payable for any registration or renewed registration.

The officer in whose charge such register is kept shall give to the person registering a certificate under his hand of such registration or renewal, which shall in all

matters be *prima facie* evidence of such registration or renewal. Such certificate shall disclose the maximum number of infants permitted to be kept in such home.

Commissioner
may refuse to
register.
Va. No. 1198,
s. 8.

8. The Commissioner may refuse to register any person applying for registration, or to renew any registration, unless he is satisfied that the applicant is of good character and able to properly nurse and maintain any infants in his care or charge.

The Commissioner may refuse to register or renew the registration of any nursing home, unless he is satisfied that the house is suitable for the purpose and is situated in a suitable locality.

Roll of
nursing home.
Va. No. 1198,
s. 9.

9. (1.) Every registered person shall keep at the nursing home a roll, in which he shall immediately enter the name, sex, and age of each infant retained in or received into his care or charge.

He shall immediately also enter in such roll opposite the name of each infant the date when such infant was so retained or received, and the full names and places of residence and occupations of its parents, and of the person by whom such infant was left or from whom it was received, and, if such last-mentioned person is a married woman, the full name and the occupation of her husband, and also particulars of the periodical payments to be made in respect of such infant and by whom they are to be made.

In case of default in the making of any such periodical payment, he shall also, within three days after the same became due, give written notice in prescribed form to the Commissioner of the fact of such default.

(2.) If any such infant is removed from such nursing home, whether before or after attaining the age of three years, such registered person shall immediately after such removal enter in such roll the date of such removal and the full name and place of residence and occupation of the person by whom such infant was removed.

(3.) Every registered person shall cause the person from whom an infant is received, or by whom an infant is removed, to sign such entry, and shall forward to the Commissioner a copy of each such entry within three days after the reception or removal of each infant.

(4.) He shall at all times produce such roll forthwith upon demand by any member of the police force of the rank of acting sergeant or of higher rank, who may examine and peruse the same and, if he thinks proper, retain it.

1905.

Infant Life Protection Act.

PART II.—
NURSING
HOMES.

10. It shall be the duty of every registered person to provide every infant, while in his care or charge, with proper and sufficient food, nursing, and attention, and with all other necessaries of life, and to keep every part of the nursing home at all times in a fit and proper state for the reception of infants, and to do, observe, and carry out all the acts, requirements, and directions prescribed by this Act or by any order of the Commissioner in relation to the nursing home. And the Commissioner is hereby empowered to make any such order having for its object the effectual execution of the foregoing provisions.

Duty and responsibility of registered person.

And every registered person shall be held responsible not only for his own acts or default in relation to the nursing home, but also for any act or default of any member of his family or of any person employed by him at or in connection with the nursing home.

11. If at any time it is made to appear to the Commissioner that any registered person has been guilty of neglecting any infant in his care or charge, or is incapable of providing any such infants with proper food or attention, or that the nursing home is unfit for the reception of infants, or if for any other reason it appears to the Commissioner desirable so to do, he may, after at least ten days' notice in writing served by leaving the same at the nursing home, cancel the registration of such person and such nursing home.

Names may be removed from register. Va. No. 1198, s. 11.

The Commissioner may at the time of giving such notice order the immediate removal of such infants from such nursing home to the care of a State inspector of orphanages, who shall then be charged with their care until they can be restored to their relatives or guardians or be otherwise lawfully disposed of; and the said inspector may recover the cost of the removal, maintenance, and clothing of and medical attendance on such infants from the persons legally responsible therefor.

Any registered person may, within one week after service of such notice, give notice in writing to the Commissioner of his intention to appeal, and such notice shall be accompanied by a deposit of twenty shillings. Thereupon the Commissioner shall refrain from cancelling such registration, and shall inform the Minister, who shall fix a time for the hearing of such appeal by some person authorised by him in that behalf, of which due notice shall be given to the Commissioner and person appealing; and the person so authorised shall at the

appointed time proceed to hear the Commissioner and the person appealing or their representatives, and shall determine the appeal, and if he decides that such cancellation shall be made the Commissioner shall act accordingly, and the sum of twenty shillings deposited as aforesaid shall be forfeited and paid into the Consolidated Revenue, but otherwise the same shall be repaid to the person depositing the same. The decision on such appeal shall not be subject to review in any court of law, and shall be final and conclusive.

Any infants removed by order of the Commissioner under the authority of this section and not restored to the custody of their relatives or guardians shall, if such registration is not cancelled, be returned to the nursing home.

If periodical payments cease, Commissioner to deal with child.

12. If any person who has placed an infant in a nursing home ceases for the space of four consecutive weeks to make the payments arranged for with the keeper of the nursing home, the Commissioner, on receipt of notice thereof from the keeper of such nursing home, shall deal with such child in the method provided for by the preceding section.

Notice to be given of death of infant; inquest to be held, and report made to Home Secretary. Va. No. 1198, s. 12.

13. Every registered person shall, within twenty-four hours after the death of an infant in his care or charge, give or cause to be given notice thereof to the police officer in charge of the nearest police station, and thereupon an inquest shall be held.

The justice of the peace holding such inquest shall inquire not only into the immediate cause of death, but into all such circumstances as may throw any light upon the treatment and condition of the infant during life, and also into any other matters in his opinion requiring investigation in the interests of public justice; and such justice after holding such inquest shall report to the Minister the cause of death, and shall in such report make such remarks with respect to the matter as to him seem fit.

No infant dying while in the care or charge of a registered person shall (unless such infant is the child of such person) be buried without the production of a certificate under the hand of such justice authorising such burial.

Inspection. Va. No. 1198, s. 7.

14. The Commissioner, or any member of the police force authorised by him, or any inspector appointed for the purposes of this Act, accompanied, if thought desirable, by a legally qualified medical practitioner, may from time to time, subject to the regulations, inspect any nursing home and all infants therein. Such inspection shall take place not less than once in every three months.

1905.

Infant Life Protection Act.

PART III.—
ADOPTION OF
INFANTS.

PART III.—ADOPTION OF INFANTS.

15. If any person, including any relative of an illegitimate infant other than its parents, adopts or takes over the entire care and charge of any infant under the age of three years from its parents or lawful guardians under such circumstances that the provisions of Part II. of this Act are not applicable, such person shall, within fourteen days after so doing, give or send notice thereof to the Commissioner, with full particulars of his name and place of residence and occupation and of the name and age of such infant.

Registration of adopted infants. Va. No. 1198, s. 22.

Nothing in this section shall excuse any person from making any other registration required by any other provision of this Act or from any penalty for omitting so to do.

PART IV.—ILLEGITIMATE INFANTS.

16. (1.) All remedies against the father of an illegitimate child are extended to the recovery of any sum not exceeding ten pounds for confinement expenses. "Confinement expenses" includes reasonable medical and nursing expenses attendant upon the confinement of the mother and the cost of her board and lodging and the clothing necessary for the child for two months after its birth.

PART IV.—
ILLEGITIMATE
INFANTS.
Recovery of confinement expenses. S.A. No. 702.

(2.) An order for confinement expenses may be made on complaint thereof, or such order may be made thereof without any complaint in any proceedings against the father for the maintenance of the child, and such order may be made separately or included in any other order against the father.

(3.) Proceedings may be taken against the father of an illegitimate child for maintenance or for confinement expenses either before or after the birth of the child.

(4.) No order shall be made before the birth of the child unless, in addition to the evidence necessary to establish paternity, it shall be proved by the evidence of some duly qualified medical practitioner that the alleged mother is quick with child.

(5.) Every order made before the birth of a child shall specify a date, not later than five months thereafter, when the order shall lapse if the child shall not have been born, and in the meantime all moneys received under the order shall be retained in the control of the clerk of petty sessions or other person appointed under the regulations, to be returned to the alleged father failing the birth of the child, but on such birth to be applied pursuant to the order.

(6.) All complaints under this Part of this Act may be made by or on behalf of the mother or child, or by the Commissioner or whom he may appoint for that purpose, or by any person appointed under the regulations.

(7.) Proceedings shall be had, heard, and determined and appealed against under this Part of this Act as in the case of a complaint that a child has been left by the father without adequate means of support; and for the purposes of this Part of this Act any police magistrate, justice, and every Court of Appeal shall possess all the powers which they now possess or may hereafter possess in any proceedings upon or incidental to any complaint that a child has been left by the father without adequate means of support or to any complaint for maintenance.

Notice of
birth or death
of illegitimate
infants.
Va. No. 1198,
ss. 18, 19.

17. (1.) The occupier of every house or place in which an illegitimate infant is born shall, within three days after the birth of such child, give notice thereof in writing to the district registrar or an assistant district registrar of births and deaths for the district.

(2.) The occupier of every house or place in which an illegitimate infant under the age of five years dies, or to which the body of an illegitimate infant who has died under the age of five years is brought, shall, within twenty-four hours after the death of such infant or the reception of its body, give notice in writing of such death to the district registrar or an assistant district registrar of births and deaths for the district.

(3.) But if such house or place is not situated within any city or town then such notice may be given either to the district registrar or an assistant district registrar, or to the officer in charge of the nearest police station, and may be given at any time within one week after the birth or death of such infant or the reception of its body, as the case may be.

(4.) If the occupier of such house or place is the mother of the new-born infant, such notice may be given at any time within three weeks after the birth of the infant.

(5.) If any notice under this section is sent by post, it shall be posted at such time as to allow it in ordinary course of post to be delivered within the time hereinbefore specified.

(6.) Nothing in this section shall be construed to impose any liability on such occupier if the Court is of opinion that such occupier did not believe the illegitimate infant to be illegitimate.

1905.

Infant Life Protection Act.

PART IV.—
ILLEGITIMATE
INFANTS.

(7.) Nothing in this section shall be construed to repeal or otherwise affect—

- (a) The provisions of “*The Registration of Births Deaths and Marriages Act of 1855*” * ; or
- (b) The provisions of this Act hereinbefore contained, whereby persons registered under this Act are required to give notice of the death of infants in their care or charge.

PART V.—GENERAL.

PART V.—
GENERAL.

18. The name of every person convicted of any offence against this Act shall, if such person is registered under this Act, be at once removed from the register, and the registration of every such person and of the nursing home of such person shall be thereby cancelled.

Offenders against this Act not to be registered. Va. No. 1198, s. 13.

No person convicted of—

- (a) Retaining in or receiving into his care or charge any infant under the age of three years contrary to any provision of this Act ; or
- (b) Neglecting to give notice of the death of an infant as required by this Act—

shall at any time thereafter be registered under this Act.

19. Any person who makes any false representation, or forges any certificate, or makes use of any forged certificate knowing it to be forged, with intent to obtain the registration either of such person or of any other person under this Act, or falsifies any roll kept in pursuance of this Act, or furnishes false particulars of any matter which is required to be entered in such roll, or to be otherwise furnished under this Act, shall be guilty of an offence against this Act.

Forgery of certificate, &c. Va. No. 1198, s. 10.

In any prosecution under this Act a copy of or any extract from any entry in the register kept by the Commissioner, purporting to be signed by the Commissioner, shall against the defendant be *prima facie* evidence of the facts therein stated.

20. The Governor in Council may appoint such inspectors and other persons as may be necessary to carry out the provisions of this Act.

Inspectors, &c.

21. The Governor in Council may from time to time make regulations for all or any of the following purposes :—

Regulations. Va. No. 1198, s. 6.

- (i.) The mode in which applications for registration under this Act shall be made and effected :

- (ii.) The registers to be kept under this Act, and where the same shall respectively be kept ;
- (iii.) The particulars to be entered in the registers, and rolls to be kept under this Act in addition to those hereinbefore required, and the method of keeping and verifying such registers and rolls ;
- (iv.) The receipt, expenditure, and disposal of money by any clerk of petty sessions or other person ;
- (v.) Arranging nursing homes into classes in such manner as seems fit, and fixing the maximum number of infants to be retained in or received into nursing homes of any particular class ;
- (vi.) Enforcing drainage and the provision of sanitary conveniences for nursing homes ; the cleansing and limewashing at stated times of the premises ; promoting cleanliness and ventilation therein ; enforcing the giving of notices and the taking of precautions in the case of any disease likely to affect the infants ; and generally for the good conduct of nursing homes ;
- (vii.) The recovery from the persons legally responsible therefor of the costs of maintenance, clothing, and medical attendance ;
- (viii.) Regulating the inspection from time to time of nursing homes and infants ;
- (ix.) Generally, for giving effect to this Act.

Such regulations may impose a penalty not exceeding twenty-five pounds for any breach of the same.

All such regulations shall be published in the *Gazette*, and shall thereupon have the same effect as if they were enacted in this Act.

22. If it be made to appear to any justice of the peace by complaint on oath that there is reason to believe that any person is offending against this Act in any house or premises, or that any provision of this Act is being infringed in any house or premises, such justice may issue his warrant authorising any member or members of the police force to search any house or premises therein named at any hour of the day or night for the purpose of ascertaining whether there is or has been therein or thereon an infringement of this Act.

5 EDW. VII. No. 29, 1905. *Firearms Act.*

PART V.—
GENERAL.

23. Any person who by any act or omission is guilty of any contravention of any of the provisions of this Act shall be guilty of an offence and shall be liable to a penalty not exceeding twenty-five pounds, or to be imprisoned for any period not exceeding six months. General penalty.

All proceedings for offences against this Act shall, where a police magistrate is present, be heard and determined in a summary way by and before a police magistrate sitting alone, and in other cases by and before any two justices of the peace.

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

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