

6. After section one of "*The Savings Bank Amending Act of 1882*,"* the following section is inserted:—

Exemption
of interest
from income
tax.

[2.] Notwithstanding anything contained in any other Act, no sum due or payable or paid or derived in respect of or from any deposit in a Government Savings Bank shall be or be deemed to be "income" within the meaning of any law relating to income tax, and no such interest shall be subject to income tax.

CHILDREN.

2 Geo. V.
No. 11.

THE STATE
CHILDREN
ACT OF 1911.

An Act to Consolidate and Amend the Law relating to State Children.

[ASSENTED TO 30TH NOVEMBER, 1911.]

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.
Short title.

PART I.—PRELIMINARY.

1. This Act may be cited as "*The State Children Act of 1911*."

Divisions.

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

PART I.—PRELIMINARY;

PART II.—STATE CHILDREN DEPARTMENT;

PART III.—INSTITUTIONS;

PART IV.—STATE CHILDREN;

PART V.—MAINTENANCE OF CHILDREN BY THEIR RELATIVES;

PART VI.—FOSTER MOTHERS;

PART VII.—GENERAL PROVISIONS.

Repeal.

3. The Acts specified in the First Schedule are repealed to the extent therein stated.

Interpreta-
tion.

4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

Authorised
officer.

"Authorised Officer"—An officer of the Department authorised either generally under this Act or for any particular purpose by the Director or the Minister;

* 46 Vic. No. 2, *supra*, page 117.

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PRELIMINARY.

- “Child”—A boy or girl under the age or apparent age of seventeen years; Child.
- “Children’s Court”—A Children’s Court constituted as provided by “*The Children’s Courts Act of 1907*”*; Children’s Court.
- “Convicted”—Found guilty or convicted of any crime or offence punishable by imprisonment; Convicted.
- “Department”—The State Children Department constituted under this Act; Department.
- “Foster Mother”—A female having the care, charge, or custody of a State child to adopt, rear, and maintain it apart from its parents, and not being a relative of such child; Foster mother.
- “Foster Parent”—A person to or with whom a State child is placed out or apprenticed under this Act or under any repealed enactment; Foster parent.
- “Guardian”—The mother or father of a child or the person having by law the immediate custody and control of a child: the term includes a person *in loco parentis*; Guardian.
- “Industrial School” includes all institutions primarily established or conducted for the education and training of State children in the practice of useful arts and callings. Industrial school.
- “Inmate”—A State child maintained in an institution; Inmate.
- “Institution” includes all State institutions established or deemed to be established under and for the purposes of this Act, and all other places for the time being under the supervision of the Department: where necessary, the term includes a licensed institution; Institution.
- “Licensed Institution” includes all institutions for the maintenance of State children which hold a subsisting license under this Act; Licensed Institution.
- “Maintenance” includes clothing, nursing, support, medical treatment, necessaries, training, discipline and education; Maintenance.
- “Minister”—The Home Secretary or other responsible Minister of the Crown for the time being charged with the administration of this Act; Minister.

* 7 Edw. VII. No. 3, *supra*, page 1199.

Near relative.

“Near Relative,” as regards a legitimate child—
The father, mother, stepfather, stepmother, brother, sister, and grandparent; and as regards an illegitimate child—The mother and the person admitting himself to be or adjudged by a competent court to be the father;

Neglected child.

“Neglected Child”—Any child who—

- (a) Habitually begs or receives alms, whether under the pretext of sale or otherwise, or frequents a public place for the purpose of so begging or receiving alms; or
- (b) Wanders about or frequents a public place or sleeps in the open air, and does not satisfy the court having cognisance of the case that it has a home or a settled place of abode; or
- (c) Dwells in any reputed brothel, or associates or dwells with any person known to the police or to the Department to be a prostitute, whether such person is the mother of such child or not; or
- (d) Associates or dwells with any person who during the last preceding twelve months has been convicted of vagrancy, or who is known to the police or to the Department to be of bad repute, or to be an habitual drunkard; or
- (e) Has no sufficient means of subsistence apparent to the court having cognisance of the case, and whose near relatives are, in the opinion of the court, in indigent circumstances and unable to maintain the child, or are dead, unknown, or cannot be found, or are out of Queensland or in the custody of the law; or
- (f) Is under the guardianship of any person whom the court considers unfit to have such guardianship; or is living under such conditions as to indicate that the child is lapsing or likely to lapse into a career of vice or crime; or
- (g) Is illegitimate, and whose mother is dead or is unable to maintain the child; or
- (h) Being under the age of fourteen years, sells or offers for sale, between the hours of seven o'clock in the evening and six o'clock in

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*State Children Act.*PART I.—
PRELIMINARY.

the morning, in a public place or in any place other than the child's home, matches, newspapers, flowers, or any other thing whatever; or

- (i) Being of the compulsory school age, is an habitual truant from day school; or
- (j) Being a girl, in a public place, by day or night solicits men or otherwise behaves in an indecent, improper, or disorderly manner; or
- (k) Not being the child or ward of the licensee, is, on more than one occasion and without lawful excuse, found in the bar, bar-room, or billiard-room of any licensed victualler or wine seller, or is on more than one occasion served with intoxicating liquor in or upon the premises of any licensed victualler or wine seller; or
- (l) Is brought before a court as an uncontrollable child to the intent that such child may be committed;

Place out"—To entrust a State child to the care Place out. and charge of some person, approved of by the Director, for the purpose of its being maintained by such person or in such person's house, or for the purpose of adoption, training, or hire;

"Police officer"—Any constable or officer of Police officer. police;

"Prescribed"—Prescribed by this Act or the Prescribed. regulations;

"Public place" includes every road, and also every Public place. place of public resort open to or used by the public as of right: the term also includes—

- (a) Any vessel, vehicle, building, room, licensed premises, field, ground, park, reserve, garden, wharf, pier, jetty, platform, market, passage, or other place for the time being used for a public purpose or open to access by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner, and whether the same is or is not at all times so open; and

	(b) Any place declared by the Governor in Council, by Order in Council, to be a public place for the purposes of this Act;
Reformatory	“Reformatory” includes all institutions primarily established or conducted for the benefit of convicted children;
Regulations.	“Regulations”—The regulations in force for the time being under this Act;
State child.	“State Child”—A neglected child, convicted child, or any other child received into or committed to an institution or to the care of the Department, or placed out or apprenticed under the authority of this Act;
This Act.	“This Act” includes regulations and Orders in Council made under the authority of this Act.

Saving of
other Acts.

5. (1.) Save as hereinafter expressly mentioned, nothing in this Act contained shall be construed to repeal or prejudicially affect “*The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1901*,”* or “*The Infant Life Protection Act of 1905*,”† or “*The Children’s Courts Act of 1907*.”‡

(2.) In subsection seven of section thirty-one of “*The Aborigines Protection and Restriction of the Sale of Opium Act, 1897*,”§ the words “an orphanage” are repealed, and the words “the control of the State Children Department” are inserted in lieu thereof.

After section seven of the said Act, the following section is inserted:—

Governor in
Council may
approve of
private
institutions.

[7A.] The Governor in Council may, by Order in Council, approve of any industrial school, reformatory, or training home established by private benevolence for the maintenance, custody, and care of aboriginal and half-caste children by issuing a license to such institution, and, unless and until such approval is withdrawn, such institution shall be deemed to be licensed.

Every Order so approving such institution shall name some person as the superintendent thereof.

When from time to time the superintendent is changed, the name of every new superintendent shall be submitted to the Minister for his approval.

Upon any change being made in the persons constituting the governing authority, the same shall be immediately notified to the Minister.

* 61 Vic. No. 17 and 2 Edw. VII. No. 1, *supra*, pages 3 *et seq.*

† 5 Edw. VII. No 19, *supra*, page 166. ‡ 7 Edw. VII. No. 3, *supra*, page 1199.

§ 61 Vic. No. 17, *supra*, page 3.

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PRELIMINARY.

Notwithstanding anything contained in "*The State Children Act of 1911*," every aboriginal and half-caste child for the time being an inmate of such institution shall be under the control and supervision of the Protector.

(3.) In section five of "*The Infant Life Protection Act of 1905*,"* the word "orphanages" is repealed, and the words "State children" are inserted in lieu thereof.

In the second paragraph of section eleven of the said Act, the words "a State inspector of orphanages" are repealed, and the words "the State Children Department" are inserted in lieu thereof; also, the word "inspector" is repealed, and the word "Department" is inserted in lieu thereof.

(4.) In subsection three of section three of "*The Children's Courts Act of 1907*,"† after the word "known," the words "and, if practicable, to an officer of the State Children Department" are inserted.

In section five of the said Act, after the words "guardian of the child," the words "or any representative of the State Children Department" are inserted.

The following provision is added to section six of the said Act:—

Such Court may also, in its discretion, if it considers the charge proved, order the child to be immediately discharged upon probation, for a period to be fixed by such Court, under and subject to "*The State Children Act of 1911*," and such child shall, during such period, remain on probation accordingly.

PART II.—STATE CHILDREN DEPARTMENT.

6. For the purposes of this Act, there is hereby constituted a Department, under the control of the Minister, called the State Children Department.

7. The Governor in Council may from time to time appoint a Director of the Department.

It shall be the duty of the Director, under the direction of the Minister, to carry this Act into operation so far as the execution thereof is not expressly committed to any other person.

Until other appointment is made, the person holding at the date of the passing of this Act the office of Inspector of Orphanages shall be and act as the Director.

* 5 Edw. VII. No. 19, *supra*, page 166.

† 7 Edw. VII. No. 3, *supra*, page 1199.

PART II.—
STATE
CHILDREN
DEPARTMENT.
State
Children
Department.

Director.

First Director.

Inspectors
and other
officers.

8. (1.) The Governor in Council may from time to time appoint visiting justices and inspectors and other officers, with such powers and functions as he deems necessary to carry out the purposes of this Act.

(2.) The Minister may from time to time appoint matrons, warders, and other servants of State institutions.

(3.) The Minister may from time to time appoint for any State institution a committee of management, and may prescribe the powers, authorities, and duties of any such committee.

Honorary
visitors.

9. (1.) The Minister may from time to time appoint such and so many persons as he thinks proper to be honorary visitors of the Department.

Duties.

(2.) Honorary visitors shall, in accordance with the regulations, assist the Department in procuring and supervising boarding-out homes, and in the care of the State children sent to such homes, or placed out for hire, or discharged or released on probation under this Act.

General
powers of
the Director.

10. (1.) Subject to this Act and the direction of the Minister, the Director shall have the care, management, and control of the person of all State children, whether inmates of an institution or placed out or apprenticed, until such children attain the age of eighteen years, and shall have the care, management, and control of the property of all State children until such children attain the age of twenty-one years.

Director to be
guardian of
all State
children.

(2.) Notwithstanding anything to the contrary contained in any other law relating to the guardianship or custody of infants, the Director shall become the guardian of all State children to the exclusion of the parent or other guardian, and shall so continue, unless the Minister otherwise orders, until the child is discharged :

Provided that the Minister may, on or before the discharge of a State child, empower the Director to remain guardian until the child attains the age of twenty-one years, or for such shorter period as the Minister determines, and the child shall, during such period, be subject to the supervision of the Department.

At the passing of this Act, the Director shall become the guardian of every State child.

How State
children may
be dealt
with.

11. Every State child may from time to time be dealt with by the Director in any of the following ways:—

(a) Placed in some receiving depôt ;

(b) Detained in an institution ;

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STATE
CHILDREN
DEPARTMENT.

- (c) Transferred, with the approval of the Minister, from one institution to another ;
- (d) Placed out or apprenticed ;
- (e) Placed in the custody of some suitable person who is willing to take charge of such child.

Such action may be taken by the Director without reference to the parents or relatives of the child and without informing them of what has been done.

12. The Director shall keep records of all moneys received and paid under this Act, and, so far as is known, of the names, ages, dates of reception, near relatives, nationality, sex, religion, and dates of discharge of all State children, and of all dispositions of and dealings with such children.

Record of
State children
to be kept.

13. The Director shall in every year report to the Minister on the working of this Act, and shall in such report specify the number of children in the several institutions, and the number placed out and apprenticed during the period covered by the report, and set out a summary of the receipts and expenditure of the Department during the same period, and any other particulars which the Minister may direct from time to time to be included in such report.

Annual
report.

All such reports shall be laid before Parliament.

PART III.—INSTITUTIONS.

PART III.—
INSTITUTIONS.

14. The Governor in Council may, by Order in Council, establish and abolish receiving depôts, orphanages, industrial schools, reformatories, training homes, training ships, farm schools, technical institutes, and other institutions for the maintenance of State children.

Establish-
ment of
institutions.

All State institutions established under any repealed enactment shall be deemed to be established for their respective purposes under and for the purposes of this Act.

15. The Governor in Council may, by Order in Council, approve of any orphanage, industrial school, reformatory, training home, farm school, technical institute, or other institution, established by private benevolence, by issuing a license to such institution, and, unless and until such approval is withdrawn, such institution shall be deemed to be licensed.

Governor in
Council may
approve of
private
institutions.

Every Order so approving any institution as an institution to or in which State children may be committed or received shall name some person as the superintendent thereof.

When from time to time the superintendent is changed, the name of every new superintendent shall be submitted to the Minister for his approval.

Upon any change being made in the persons constituting the governing authority, the same shall be immediately notified to the Minister.

The governing authority of every such institution shall, subject to the Minister, have the whole management and supervision thereof and the appointment of all teachers, officers, and servants thereof; provided that in all other respects, unless otherwise expressly provided, every such institution and the inmates thereof shall be subject to the provisions of this Act relating to State institutions.

State aid to
licensed
institutions.

16. The governing authority of every licensed institution shall be entitled to receive, as capitation, from any money appropriated by Parliament for that purpose, for every State child maintained in such institution until such child attains the age of thirteen years, unless such age limit is extended by the Minister as hereinafter provided, a sum calculated at such rate as the Minister may determine, but not exceeding six shillings a week, or, in case such child is crippled, invalid, of unsound mind, dumb, or blind, at such greater rate as the Minister may determine, but not exceeding ten shillings a week.

The Minister may extend the age limit for subsidy in cases of State children who have been returned from service, or who are crippled, invalid, of unsound mind, dumb, or blind, but shall not extend such limit beyond the age of eighteen years.

Accounts to
be audited.

17. The accounts of every licensed institution shall be audited as directed by the Auditor-General, and the governing authority shall be deemed to be a public accountant within the meaning of "*The Audit Act of 1874.*"*

Approval of
licensed
institution,
how
withdrawn.

18. The Governor in Council may at any time on the report of the Director, if dissatisfied with the condition, management, or maintenance of any licensed

* 38 Vic. No. 12, *supra*, page 74.

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INSTITUTIONS.

institution, withdraw his approval; and from and after notification to that effect in the *Gazette*, the license shall be deemed to be cancelled :

Provided that he shall not withdraw his approval until after the expiration of two months from the transmission of a copy of the report aforesaid to the governing authority.

PART IV.—STATE CHILDREN.

PART IV.—
STATE
CHILDREN.

19. Subject to approval by the Minister, any child under the age of thirteen years may, on the application of its parent, guardian, or near relative, or any person of good repute, be admitted as a State child; and any child removed by the Commissioner of Police to the care of the Department pursuant to "*The Infant Life Protection Act of 1905*"* shall be admitted as a State child. Every such State child may be dealt with in the same way as any other child committed by a court to the care of the Department.

20. Any authorised officer and any police officer may, without warrant, take into custody any child appearing or suspected to be a neglected child.

When any such child is taken into custody pending the hearing of the case or during any adjournment thereof, such child shall be disposed of in one of the following ways:—

- (a) Taken to an institution, and placed therein;
- (b) Placed with some respectable person, pursuant to such arrangement or agreement as is necessary or proper for the care and maintenance of such child;
- (c) Placed in the dwelling of a police officer at prescribed charges;
- (d) Placed in a police prison or lock-up and kept apart from other prisoners: Provided that no child will be detained in a police prison or lock-up unless the charge pending is of so serious a nature that his safe custody is of paramount importance.

Immediate notice of such taking into custody shall, where practicable, be given to the Department, in order that, if necessary, an authorised officer may attend the hearing of the case.

* 5 Edw. VII. No. 19, *supra*, page 163.