

**PART V.—  
MAINTENANCE  
OF CHILDREN  
BY THEIR  
RELATIVES.**

*State Children Act.*

2 GEO. V. No. 11,

made by the court, be increased to any amount not exceeding the maximum if the persons liable are able to pay such greater amount.

Orders may be varied on further inquiry.

**58.** On the complaint of a near relative liable upon a maintenance order under this Act, all or any other persons alleged to be near relatives may be summoned to appear before the court.

At the hearing or at any adjourned hearing, the court may make further inquiry as to the means and ability of the complainant, and as to the relationship to the child of the persons summoned, and as to their several abilities to maintain or contribute to the maintenance of such child, and may make such order increasing, reducing, or varying the periodical sum to be henceforth paid by the complainant, or suspending for a specified time or annulling the previous order, or directing that the persons so summoned, or some or one of them, shall thenceforth pay for or contribute towards the maintenance of the child, or may make such other order not inconsistent with this Act as appears just.

Defendant to be a compellable witness in certain cases.

**59.** On the hearing of any complaint under this Act in which the defendant is alleged to be the father of an illegitimate State child, and in any case where a defendant is charged with non-compliance with any order made by a court, the defendant shall be compellable to give evidence and may be summoned as a witness for that purpose.

Such defendant shall not be excused from giving evidence on the ground that the answer to any question or such evidence might prove or tend to prove him guilty of the matter alleged or charged against him :

Provided that such question or evidence is, in the opinion of the court, relevant to the matter in issue.

Who may complain.

**60.** All complaints under this Part, except where otherwise expressly provided, shall be made by the Director or an authorised officer.

**PART VI.—  
FOSTER  
MOTHERS.**

Foster mothers to be licensed.

**PART VI.—FOSTER MOTHERS.**

**61. (1.)** No person shall be or act as foster mother, for gain or reward, to any State child without being licensed by the Department for that purpose.

(2.) No person shall be so licensed unless she produces to the Director a certificate from a duly qualified medical practitioner that she is in good health and free from any constitutional disease or complaint.

1911.

*State Children Act.*PART VI.—  
FOSTER  
MOTHERS.

(3.) The Director may grant licenses to fit and proper persons to be foster mothers to State children, and may by any such license fix the number of children authorised to be kept by the foster mother therein named.

(4.) The Director may, in his discretion, revoke any license granted under this section.

**62.** Every foster mother shall keep all such books Records, &c. and records, and furnish to the Department true and correct returns of all such matters and things as may be prescribed.

**63.** Every foster mother shall provide every child Duty of foster mother. while in her care or charge with proper clothing, food, nursing, and attention, and with all other necessaries of life, and keep every part of the home at all times in a fit and proper state for the reception of children, and do, observe, and carry out all the acts, requirements, and directions prescribed by this Act or by any order of the Director or authorised officer in relation to the home.

The Director or authorised officer is empowered to make any such order having for its object the effectual execution of the foregoing provisions.

Every foster mother shall be held responsible not only for her own acts or defaults in relation to the home, but also for any act or default of any member of her family or of any person employed by her at or in connection with the home.

**64.** The Minister may pay to the foster mother of Payments to foster mothers. any State child for the care and maintenance of such child such sum not exceeding ten shillings per week as may be prescribed.

#### PART VII.—GENERAL PROVISIONS.

PART VII.—  
GENERAL  
PROVISIONS.

**65.** (1.) At the hearing of any complaint against any child, the Director or an authorised officer may be present Department may appear in cases. and examine and cross-examine witnesses, and be heard touching the acquittal or punishment of the child.

(2.) All cases under this Act heard on complaint by or on behalf of the Department may be conducted by the Director or an authorised officer.

(3.) In the absence of proof to the contrary, the authority of an officer of the Department to do any act or take any proceeding for the purposes of this Act shall be presumed.

Order may  
be set aside.

**66.** If an order is made under this Act in respect of a child in the absence of his parent or guardian to whom reasonable notice of the complaint had not been given, such order may, for good cause shown, be set aside by the court by which it was made upon the application of such parent or guardian within three months after the making of the order.

Restrictions  
on employ-  
ment of  
children.

**67.** (1.) Any person who causes or procures any child to be in any public place other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between seven o'clock in the evening and six o'clock in the morning, shall be liable to a penalty not exceeding twenty-five pounds or to imprisonment, with or without hard labour, for any period not exceeding six months.

(2.) Any child under the age of fourteen years who is employed or engaged in any circus or acrobatic or other entertainment or exhibition by which his life, education, health, or safety is likely to be lost or prejudiced or endangered shall be deemed a neglected child for all the purposes of this Act; and any person so employing or engaging any such child shall be guilty of an offence.

Penalty for  
taking,  
removing, or  
harbouring  
State  
children.

**68.** Any person who—

- (a) Without the authority of the Minister, takes or removes any State child from any institution before the expiration of the period of detention of such child, or from its mother, or other female relative, or foster mother, or foster parent with or to whom such child is placed out or apprenticed before the expiration of the term of placing out or apprenticeship; or
- (b) Directly or indirectly counsels or induces any State child to abscond or escape from any institution, or to break his apprenticeship indentures, or to abscond from his mother, or other female relative, or foster mother, or foster parent before such child had been regularly discharged, or before the expiration of such placing out or apprenticeship; or
- (c) Aids or abets any State child in so absconding or escaping, or prevents any State child from returning to any institution or to his mother, or other female relative, or foster mother, or

1911.

*State Children Act.*PART VII.—  
GENERAL  
PROVISIONS.

foster parent, or knowing any State child to have been so taken or removed as aforesaid or to have so absconded or escaped, harbours or conceals or assists in harbouring or concealing such child ; or

- (d) Being an officer or servant of the Department or of the governing authority of an institution, negligently or knowingly permits any inmate to escape,

shall be liable to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for any period not exceeding three months.

**69.** Any person who—

- (a) Without the authority or permission of the Director or authorised officer, holds or attempts to hold any communication with any inmate ;  
Penalty for communicating with children in institutions.  
 or  
 (b) Enters any institution or any premises belonging thereto or used in connection therewith, and does not depart therefrom when required so to do by the superintendent, matron, or any officer or servant thereof ; or  
 (c) Without the authority of or after being forbidden by the Director or authorised officer, holds or attempts to hold any communication, directly or indirectly, with any State child ;

shall be guilty of an offence.

**70. (1.)—**

- (i.) Any person who fails to comply with any order in respect of maintenance made against him under this Act, or attempts to leave the State without making arrangements for future payments to the satisfaction of the Department ;  
Disobeying order and quitting the State.  
 (ii.) Every near relative liable to maintain any child who—  
Near relative deserting child.  
 (a) Unlawfully deserts such child ; or  
 (b) Leaves without or fails to provide with adequate means of support any such child ;

shall be liable to imprisonment with or without hard labour for any period not exceeding six months.

(2.) Upon the hearing of a complaint under this section, the court, if satisfied that the child has been or is about to be unlawfully deserted by the person complained against or is actually without adequate means of support,  
Court may determine matter in summary way.



and that such person is a near relative of such child liable and able to pay or contribute towards his maintenance, may order such person, either immediately or at some adjournment, to find sufficient security to the satisfaction of the court that he will comply with such order for maintenance or that he will not desert or leave without adequate means of support such child.

The court, in default of such security being found, may commit such person to prison for any period not exceeding six months if such order is not sooner complied with.

Court may  
issue warrant  
for arrest of  
deserter.

(3.) Upon complaint on oath by the Director or an authorised officer that he has reasonable grounds for believing that any person has committed or is about to commit an offence under this section, any justice, if satisfied that there are reasonable grounds for believing that such offence has been or is about to be committed, may issue a warrant for the arrest of the person complained against, and such person may thereupon be arrested by any police officer.

Gifts and  
bequests.

**71.** All property, real or personal, given, devised, or bequeathed to the Department for the benefit of State children shall, subject to this Act, be held, invested, applied, or dealt with in such a manner as the Minister considers most conducive to the benefit or advantage of State children or of the particular State child or children intended to be benefited.

Court may  
enforce fine or  
imprisonment.

**72.** (1.) The court may at any time, in a summary way, inquire into any disobedience of or neglect to comply with any order made under this Act, and for that purpose may summon and examine all proper parties and witnesses.

In order to enforce compliance or punish the non-compliance with such order, the court may commit to prison, with or without hard labour, for any period not exceeding six months unless the order shall be sooner complied with, the person found guilty of such disobedience, neglect, or non-compliance, or may impose upon such person a penalty not exceeding fifty pounds.

Warrant in  
first instance.

(2.) Upon a complaint under this section in respect to any alleged disobedience of or neglect to comply with any order, the court may, instead of issuing a summons, issue a warrant for the arrest of the person against whom the complaint is made and for the detention of such person until the hearing of the complaint, unless such

1911.

*State Children Act.*PART VII.—  
GENERAL  
PROVISIONS.

person enters into a recognisance, with one or more sureties, in such sum as the court directs, conditioned for his appearance at the hearing of the complaint.

**73.** Every person authorised to take charge of any child ordered to be detained under this Act, for the purpose of conveying such child to or from any institution or to a mother, or other female relative, or foster mother, or foster parent, shall while engaged in such duty have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as any police officer has by common law or statute.

Certain persons to have privilege of constables.

**74.** (1.) In cases where the age of any person is material, the court may decide, upon its own view and judgment, whether any person charged or present before it has or has not attained any prescribed age. But nothing herein shall be construed to prevent the age of such person being proved.

Proof of age.

(2.) 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.

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, who wilfully gives false evidence, shall be deemed guilty of perjury.

**75.** Any person who in any particular makes default in compliance with this Act shall be guilty of an offence.

General penalty.

Any person guilty of an offence under this Act shall, except as otherwise expressly provided, be liable to a penalty not exceeding ten pounds.

Application  
of Justices  
Acts.

**76.** Every proceeding under this Act for omissions, defaults, acts, or offences to which any penalty is attached, and all applications for orders where no other method of proceeding is by this Act provided, shall be had and taken and may be heard and determined in a summary way under "*The Justices Acts, 1886 to 1909.*"\*

Order to be a  
defence to  
actions.

**77.** In every action for anything done in obedience to any order, it shall be sufficient for the defendant to justify under such order only without setting forth the previous proceedings, and the production of the order or a duplicate or certified copy thereof shall be sufficient to prove the fact of making such order.

Protection to  
Department  
and officers.

**78.** No action shall be brought against the Department or any officer thereof or any governing authority of an institution or any person for anything done or purporting to be done in pursuance of this Act unless such action is commenced within six months next after the act or default complained of, nor unless notice in writing of such action and the cause thereof has been given to the defendant one month at least before the commencement of the action.

And the plaintiff shall not recover in such action if tender of sufficient amends is made before action brought, or if after action brought the defendant pays into court sufficient amends; but in such last-mentioned case the plaintiff shall recover his costs of action up to the time of the payment into court.

Not leave the  
State.

**79.** No State child shall be taken out of the State of Queensland.

Appropriation

**80.** All money received in respect of penalties and fees under this Act shall be paid into the Consolidated Revenue.

Regulations.

**81.** The Governor in Council may from time to time make regulations with respect to—

- (i.) The duties, powers, authorities, and privileges of inspectors, visitors, and other persons engaged in the administration of this Act;
- (ii.) The management, control, and supervision of institutions;
- (iii.) The custody, maintenance, education, employment, placing out, and apprenticing of State children; the visitation of such children; the

\* 50 Vic. No. 17; 56 Vic. No. 23; and 9 Edw. VII. No. 11, *supra*, pages 1132 *et seq.*

1911.

*State Children Act.*PART VII.—  
GENERAL  
PROVISIONS.

- discipline of such children; wages and rewards of such children; the management and control of the property of such children;
- (iv.) Records to be kept at and reports to be made by institutions and by licensees;
- (v.) The form and contents of agreements, appointments, apprenticeship articles, authorities, complaints, licenses, notices, orders, summonses, and all other instruments and documents, and the mode of executing, serving, or delivering the same;
- (vi.) The fees to be paid in respect of matters arising under this Act;
- (vii.) Imposing penalties not exceeding twenty pounds in respect of any offence;
- (viii.) The time and manner in which any act, matter, or thing required by this Act to be done, and as to which the time or procedure is not provided, is to be done or performed; and all other matters arising under this Act not herein expressly provided for; and otherwise for effectually carrying out and giving effect to the objects of this Act.

All such regulations shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within thirty days after such publication if Parliament is in session, and, if not, then within thirty days after the commencement of the next session.

Regulations  
to be  
gazetted and  
laid before  
Parliament.

All such regulations, upon publication in the *Gazette*, shall have the same effect as if they were enacted in this Act, and shall not be questioned in any proceedings whatsoever, and shall be judicially noticed.

Date of Act.	Title of Act.	Extent of Repeal.
29 Vic. No. 8 ...	" <i>Industrial and Reformatory Schools Act of 1865</i> "	The whole.
43 Vic. No. 16 ...	" <i>The Orphanages Act of 1879</i> "...	The whole.
60 Vic. No. 26 ...	" <i>The Children's Protection Act, 1896</i> "	Section 3.
6 Edw. VII. No. 6	" <i>The Industrial and Reformatory Schools Act Amendment Act of 1906</i> "	The whole.



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