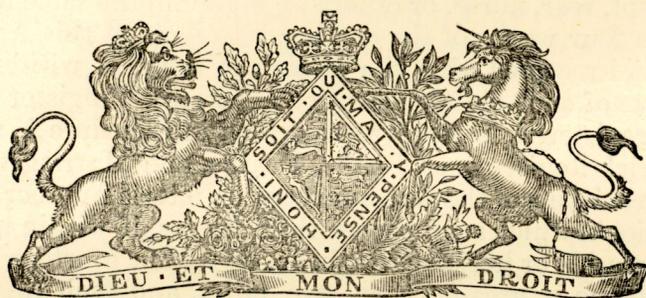


New South Wales.



ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXX.

An Act to provide for the Protection of Children.
[Assented to, 31st March, 1892.]

WHEREAS it is desirable to provide for the protection of children Preamble.
in certain cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. After the passing of this Act, no person shall, without a Payment of a premium for adoption unlawful. written order of a Justice of the Peace, specifying the terms on which the child is to be received, and such Justice shall in each case report having given the same to the Chief Officer, receive into his or her care, charge, or custody any child under the age of three years to adopt, rear, nurse, or otherwise maintain, apart from its parent, in consideration of the payment to him or her 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, or exceed the sum of twenty shillings per week; and any person receiving or agreeing to receive payment for the adoption, rearing, nursing, or maintenance of any child contrary to this Act shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding one year: Provided that this section shall not apply to any person being the legal or natural guardian

Children's Protection.

guardian of such child ; nor to the manager or officers of any institution supported wholly or in part by public subscription, or *bonâ fide* by private charity 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 : Provided also that it shall be the duty of the Chief Officer to receive, if required, from any one 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.

Children to be registered in certain cases.

2. Every such person having received or who shall receive into his or her care, charge, or custody any child under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall, within four weeks of the coming into force of this Act or, in the case of a child received after the passing of this Act, within seven days from the date of such child's reception as aforesaid, register or cause the same to be registered, in the form specified in Schedule A, at the office of the District Registrar of Births, Deaths, and Marriages, appointed under the provisions of the Act nineteenth Victoria number thirty-four, for the district in which such person then resides, if within a distance of two miles from his or her place of abode, or within fourteen days where the said distance is greater than two miles, and such Registrar shall furnish such particulars to the Chief Officer ; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Change of address to be registered.

3. No person who has in his or her care, charge, or custody any child registered in accordance with the provisions of this Act, shall change his or her place of abode, or relinquish the care, charge, or custody of any such child without forthwith notifying such change or relinquishment to the District Registrar as aforesaid, who shall register the same in the form specified in Schedule B, and at once report such particulars to the Chief Officer. 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 ; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Inspection of registered children.

4. Any child registered under this Act, and the abode and premises of any person having the care, charge, or custody thereof, may be inspected at any time by any officer, who, if he thinks fit, may be accompanied by a registered medical practitioner or by a police officer or by both ; and any person refusing such inspection or obstructing such officer shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Neglect to provide properly for child.

5. If any person wilfully and without reasonable excuse neglects to provide adequate and proper food, nursing, clothing, medical aid, or lodging for any child in his or her care or custody, or wilfully ill-treats or exposes any child, or causes or procures any child to be neglected, ill-treated, or exposed, and if such neglect, ill-treatment, or exposure has resulted, or appears likely to result in bodily suffering, or permanent or serious injury to the health of such child, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds.

6.

Children's Protection.

6. Every person having charge of a child registered under this Act shall, immediately after the death of any such child, give or cause to be given notice thereof to the officer in charge of the nearest Police Station, who shall make inquiry and report to the Coroner for the district, or if the exigencies of the case so require to a Justice of the Peace, whether an inquest or magisterial inquiry respecting the cause of death is necessary: Provided that when the death occurs in the city of Sydney or any Municipality included in the suburbs thereof, such notice shall be given to the Chief Officer who may cause an inquest to be held. In all cases outside the city of Sydney and the Municipalities aforesaid, the death of such child shall be reported to the Chief Officer by registered letter in addition to the notice given to the officer in charge of the nearest Police Station as hereinbefore provided. The body of no child registered under this Act shall 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 duly qualified 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. If any person having charge of a child registered as aforesaid neglects, refuses, or omits to give notice of the death of such child in accordance with the provisions of this section, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds: Provided that when the death occurs at a greater distance than fifteen miles from the nearest Police Station, or from the residence of either of the persons whose certificate is required by this section, satisfactory evidence that the omission to procure such certificate 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.

Notice to be given
of death of child.

7. Every person before receiving into his or her care, charge, or custody two or more children under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall apply to be registered as hereinafter provided. The Chief Officer shall, subject to regulations made under this Act, cause a register or registers to be kept, in which shall be entered the name of any person who, being the occupier of any house, applies to have the same registered for the purposes of this Act, and the situation of such house, and such other particulars with respect to such person and such house, the calling or occupation of such person, and, if she is a married woman, the calling or occupation of her husband, as may be directed by such regulations. Every such registration, shall, unless cancelled under the provisions of this Act, remain in force until the thirty-first day of the month of December next following such registration and no longer, unless the same be renewed. Registrations may be renewed during the month of December in which the same shall expire, and all such renewed registrations shall, unless cancelled under the provisions of this Act, remain in force for one year from the expiration of such month of December in which the same are made. No fee shall be charged or taken for the making of any registration or renewed registration under this section. The person in whose charge such register shall be kept shall give to the person so 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. Every person failing to comply with the provisions of this section shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Register of persons
and houses to be kept.

When registration
to be renewed.

Children's Protection.

Act not to apply in certain cases.

8. The Minister may at any time, by writing under his hand, order that this Act shall not apply in any particular case where he is satisfied that it is undesirable or unnecessary that it should apply: Provided that any Justice of the Peace may suspend in any particular case the operation of the preceding provisions of this Act for a period of eight days to enable such order to be obtained. Nothing in this Act shall apply to any public institution.

Power to make regulations.

9. The Governor may at any time and from time to time make regulations for all or any of the following purposes under this Act (that is to say):—

For prescribing how many registers shall be kept, and where the same shall respectively be kept;

For prescribing the mode in which applications for registration shall be made, and in which registration shall be effected, and entries made in registers;

For directing what particulars as to the persons and houses registered, in addition to those hereinbefore required, shall be inserted in such registers;

For persons registered under section seven to keep register of particulars relating to children in their charge, and to provide as to the particulars to be entered, and for the production for inspection of such register;

For arranging houses registered into classes in such manner as to the Governor seems fit, and for fixing the maximum number of children to be retained in or received into houses of any particular class;

For regulating the inspection from time to time of such houses and children;

Generally for giving effect to and carrying out the provisions of this Act.

Any such regulations may impose a fine not exceeding twenty-five pounds for any breach of the same, and any such penalty may be recovered before a Court of Petty Sessions on the information of the Chief Officer or any Officer or of any member of the police force. All such regulations shall, within two weeks of the making thereof, be published in the *Gazette*, and after such publication shall come into force; and copies of such regulations shall be furnished to persons registered under section seven, or having the care of a child registered under this Act, who shall, upon their receipt, be required to sign an acknowledgment for them in an official record kept for that purpose.

Chief Officer may refuse to register.

10. The Chief Officer may refuse to register any person applying for registration under this Act, or to renew any registration, unless he is satisfied by the production of certificates, or if he thinks fit to dispense with certificates by the production of any other evidence, that the person applying to be registered or for a renewal of registration is of good character and able to properly nurse and maintain any child retained in or received into his or her care or charge; and the Chief Officer may refuse to register or renew the registration of any house unless he is satisfied that such house is suitable for the purpose for which it is to be registered.

Forgery of certificate, &c.

11. If any person 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 the provisions of the last preceding section, or furnishes false particulars of any matter which is required to be entered in such roll, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Children's Protection.

12. If at any time it be made to appear to the Chief Officer that any person registered as aforesaid has been guilty of neglect to provide, or is incapable of providing, the children received into the care or charge of such person with proper food or attention, or that the registered house of such person has become unfit for the reception of children, or if for any other reason it appears to the Chief Officer desirable in the public interest so to do, he may strike the name of such person and such house off the register, and the registration thereof shall be thereby cancelled. Ten days' previous notice in writing of his intention so to do shall be given by the Chief Officer to any such person whose name is about to be struck off the register, and such notice may be given by leaving the same at the registered house of such person, who shall be entitled to show cause why the registration should not be cancelled. But the Chief Officer may at the time of giving such notice order the immediate removal of such children from such registered house to the care of an officer in charge for the time being of any department or institution for the relief of State or neglected children, or in default of such an institution within a convenient distance, to the care of the police, who shall then be charged with the care of such children until their removal by their respective parents, or the return of such children to such first-mentioned registered house; and such Chief Officer may recover the cost of the removal, maintenance, and clothing of and medical attendance on such children from their respective parents, or (in case of the removal being confirmed) from the registered person from whose house the children have been so removed: Provided that in the meantime no other child shall be received into such registered house until after the result of such notice is determined.

Names may be removed from register.

13. Every person in charge of a lying-in home shall furnish records as provided in Schedule C of this Act, and forward the same to the Registrar for the district in which such person resides, within a period of two weeks from the occurrence of each birth in such home; and should such person fail to comply with the provisions herein contained, or wilfully falsify such records, he or she shall be guilty of a misdemeanour, and shall upon conviction thereof be subject to a fine not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months.

Keepers of lying-in homes to furnish records.

14. 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 Chief Officer or a person authorised by him. Any such person who shall violate the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Removal of child from lying-in home forbidden in certain cases.

15. Any person in charge of a lying-in home shall be responsible for the registration, in accordance with the provisions of the Act nineteenth Victoria number thirty-four, of all births occurring in such house; and if any such person omits, neglects, or refuses to register the birth of any such child, he or she shall be subject to the penalties provided by the Act tenth Victoria number thirty-four.

Householder responsible for registration of births.

16. 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 duly qualified medical practitioner, or of a Stipendiary or Police Magistrate or officer of police not under the rank of Sergeant, who has made personal inquiry into the circumstances, and any person interring any such still-born child without first obtaining such certificate as aforesaid shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine

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

not

Children's Protection.

not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months: Provided that any such still-born child, born in a lying-in home situated more than fifteen miles from the nearest such practitioner, magistrate, or officer 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 on conviction thereof be liable as aforesaid.

When information on oath, warrant may be issued to search premises for infringement of this Act.

17. If it be made to appear to any Stipendiary or Police Magistrate, on information laid before him on oath, that there is reason to believe that any person is offending against the provisions of this Act in any house or place, or that any of the provisions of this Act are being infringed in any house or place, such magistrate may issue his warrant authorising an officer to search any house or place therein named, at any hour of the day, or at any hour of the night not later than ten of the clock, for the purpose of ascertaining whether there is or has been therein or thereon an infringement of the provisions of this Act. Such officer may, if he thinks it necessary, be accompanied by a registered medical practitioner, or by a police officer, or by both.

Penalty for employment of any child in dangerous performances.
42 & 43 Vict. c. 34
s. 3.

18. Any person who causes any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of any Court of Petty Sessions, 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 severally be guilty of an offence against this Act, and shall on conviction thereof before any such Court be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds. 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 therein, any accident causing actual bodily harm occurs to such child, the employer of such child, whether its parent or not, shall on conviction thereof be liable to be imprisoned for a period not exceeding twelve months, or to a fine not exceeding fifty pounds, 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.

Compensation for accident to any child.

Taking of offender into custody, and protection of child.

19. (I) Any constable may take into custody without warrant any person 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 him, 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 five 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 committal for trial, or conviction, or discharge of such person; but upon the conviction of such person, such child may be disposed of as the Court so convicting may direct.

(II) 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

Children's Protection.

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 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.

20. (I) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been ^{a Disposal of child by order of Court.}

(a) convicted of committing in respect of such child an offence under section five of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or

(b) committed for trial for any such offence; or

(c) bound over to keep the peace towards such child,

any person may bring such child before a Court of Petty Sessions, and the Court, if satisfied on inquiry that it is expedient so to deal with the child, may order that it be taken out of the custody of such person, and committed to the charge of a relation or some other fit person named by the Court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of its own motion, or on the application of any person, from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(II) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any Court having power so to commit a child shall have power to order the parent of the child to contribute to its maintenance during such period as aforesaid, and to enforce such order in like manner as any order of a Court of Petty Sessions is enforceable under the Acts relating to summary convictions and orders made by Justices of the Peace, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the Court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the Court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the Court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion: Provided that if the order to commit the child to the charge of some relation or other person is made in respect of any person having been committed for trial for an offence, as specified in subsection (I) (b) of this section, the Court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he is acquitted of such charge, or if such charge is dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it. (III)

Children's Protection.

(III) The Minister may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as he approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

Magistrate may order child to be delivered to home or institution.

21. Any Stipendiary or Police Magistrate, in lieu of committing to prison any child under the age of fourteen years convicted before him of any offence, may hand over such child to the charge of any Home for destitute and neglected children, or Industrial Institution; and the managers of such Home or Institution may permit its adoption by a suitable person, or may apprentice it to any suitable trade, calling, or service, and the transfer shall be valid as if the managers were the parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister.

Power of search.

22. (I) If it appears to any Stipendiary or 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, such Magistrate may issue a warrant authorising any officer or 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; and the Court before whom the child is brought may cause it to be dealt with in the manner provided by section twenty.

(II) The Magistrate issuing such 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.

(III) 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.

(IV) 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.

Evidence of accused person.

23. In any proceeding against any person for an offence under this Act, such person and the wife or husband of such person shall be competent but not compellable to give evidence.

Evidence of child of tender years.

24. 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 given 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

Children's Protection.

deemed to be a deposition to all intents and purposes. 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 who shall wilfully give false evidence shall be deemed guilty of a misdemeanour: Provided that no prosecution shall be instituted under or by virtue of this section without the leave of the Court before which such evidence was given.

25. 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. Presumption of age of child.

26. 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 punishment to such child. Act not to take away right of parent, &c., to administer punishment.

27. 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. Not to be punished twice for same offence.

28. In this Act the following words shall have the meaning set against them— Interpretation.

“Governor”—Governor with the advice of the Executive Council.

“Minister”—The responsible Minister of the Crown administering this Act.

“Chief Officer”—The head of the Department appointed by the Minister to administer this Act.

“Officer”—Any person acting under the instructions of the “Chief Officer.”

“Lying-in-Home”—A house in which more than one woman is received for confinement for payment of money either at the same time or within a period of two months.

“Still-born child”—Born dead after the commencement of the sixth month of pregnancy.

“Parent”—When used in relation to a child includes guardian and every person who is by law liable to maintain the child.

“Street”—Includes any highway or other public place whether a thoroughfare or not.

“Court of Petty Sessions”—Such Court held before a Stipendiary or Police Magistrate, and not otherwise.

29. This Act shall come into force in such part or parts of the Colony only as shall be proclaimed from time to time by the Governor in the *Gazette*, and shall come into force in such part or parts one calendar month after such proclamation.

30. This Act may be cited as the “Children's Protection Act, 1892.” Short title.

Children's Protection.

SCHEDULES.

SCHEDULE A.

No.	District	Date
Name of child—		
Sex—		
Date of birth—		
Place of birth (full particulars)—		
Office at which birth was registered—		
Name, address, and occupation of person from whom child was received—		
Name of custodian receiving child—		
Name and address of Justice of Peace granting order under section one—		
Occupation—		
Address at which child will be kept—		
Rate of periodical payment—		
If custodian has any children of his or her own state ages and sexes—		
If in charge of any other registered children state names, ages, and sexes—		
Date upon which child was received by custodian—		
Signature of person registering—		
(<i>Signature of Registrar.</i>)		

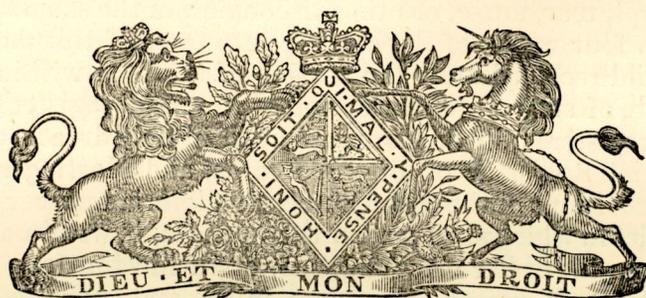
SCHEDULE B.

No.	District	Date	Vol.	Folio
Change of custody or address of registered child, No.				
Name of child—				
Name of present custodian—				
Name of proposed custodian—				
Address of proposed custodian—				
In the district of—				
<i>Or</i>				
Address to which the present custodian is about to remove—				
In the district of—				
Date of proposed change of custody or address—				
Name of person notifying change of custody or address—				
Address of same—				
Signature of same—				
(<i>Signature of Registrar for District of</i> .)				

SCHEDULE C.

No.	District	Date
Address of Lying-in-Home—		
Name of keeper of Lying-in-Home—		
Name of woman—		
Age—		
Date of woman's admission—		
Date of confinement—		
Name of medical attendant or midwife—		
(<i>Signature of Registrar for District of</i> .)		

New South Wales.



ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXX.

An Act to provide for the Protection of Children.
[Assented to, 31st March, 1892.]

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Excellent Majesty, by and with the advice and consent of the Legisla-
tive Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as follows:—

1. After the passing of this Act, no person shall, without a Payment of a
premium for
adoption unlawful.
written order of a Justice of the Peace, specifying the terms on which
the child is to be received, and such Justice shall in each case report
having given the same to the Chief Officer, receive into his or her
care, charge, or custody any child under the age of three years to
adopt, rear, nurse, or otherwise maintain, apart from its parent, in
consideration of the payment to him or her 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, or exceed the sum of twenty shillings per week; and
any person receiving or agreeing to receive payment for the adoption,
rearing, nursing, or maintenance of any child contrary to this Act shall
be guilty of a misdemeanour, and on conviction thereof be subject to a
fine not exceeding one hundred pounds, with or without imprisonment
with hard labour for any term not exceeding one year: Provided that
this section shall not apply to any person being the legal or natural
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Children's Protection.

guardian of such child ; nor to the manager or officers of any institution supported wholly or in part by public subscription, or *bonâ fide* by private charity 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 : Provided also that it shall be the duty of the Chief Officer to receive, if required, from any one 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.

Children to be registered in certain cases.

2. Every such person having received or who shall receive into his or her care, charge, or custody any child under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall, within four weeks of the coming into force of this Act or, in the case of a child received after the passing of this Act, within seven days from the date of such child's reception as aforesaid, register or cause the same to be registered, in the form specified in Schedule A, at the office of the District Registrar of Births, Deaths, and Marriages, appointed under the provisions of the Act nineteenth Victoria number thirty-four, for the district in which such person then resides, if within a distance of two miles from his or her place of abode, or within fourteen days where the said distance is greater than two miles, and such Registrar shall furnish such particulars to the Chief Officer ; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Change of address to be registered.

3. No person who has in his or her care, charge, or custody any child registered in accordance with the provisions of this Act, shall change his or her place of abode, or relinquish the care, charge, or custody of any such child without forthwith notifying such change or relinquishment to the District Registrar as aforesaid, who shall register the same in the form specified in Schedule B, and at once report such particulars to the Chief Officer. 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 ; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Inspection of registered children.

4. Any child registered under this Act, and the abode and premises of any person having the care, charge, or custody thereof, may be inspected at any time by any officer, who, if he thinks fit, may be accompanied by a registered medical practitioner or by a police officer or by both ; and any person refusing such inspection or obstructing such officer shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Neglect to provide properly for child.

5. If any person wilfully and without reasonable excuse neglects to provide adequate and proper food, nursing, clothing, medical aid, or lodging for any child in his or her care or custody, or wilfully ill-treats or exposes any child, or causes or procures any child to be neglected, ill-treated, or exposed, and if such neglect, ill-treatment, or exposure has resulted, or appears likely to result in bodily suffering, or permanent or serious injury to the health of such child, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds.

6.

Children's Protection.

6. Every person having charge of a child registered under this Act shall, immediately after the death of any such child, give or cause to be given notice thereof to the officer in charge of the nearest Police Station, who shall make inquiry and report to the Coroner for the district, or if the exigencies of the case so require to a Justice of the Peace, whether an inquest or magisterial inquiry respecting the cause of death is necessary: Provided that when the death occurs in the city of Sydney or any Municipality included in the suburbs thereof, such notice shall be given to the Chief Officer who may cause an inquest to be held. In all cases outside the city of Sydney and the Municipalities aforesaid, the death of such child shall be reported to the Chief Officer by registered letter in addition to the notice given to the officer in charge of the nearest Police Station as hereinbefore provided. The body of no child registered under this Act shall 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 duly qualified 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 illtreatment of such child. If any person having charge of a child registered as aforesaid neglects, refuses, or omits to give notice of the death of such child in accordance with the provisions of this section, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds: Provided that when the death occurs at a greater distance than fifteen miles from the nearest Police Station, or from the residence of either of the persons whose certificate is required by this section, satisfactory evidence that the omission to procure such certificate 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.

Notice to be given
of death of child.

7. Every person before receiving into his or her care, charge, or custody two or more children under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall apply to be registered as hereinafter provided. The Chief Officer shall, subject to regulations made under this Act, cause a register or registers to be kept, in which shall be entered the name of any person who, being the occupier of any house, applies to have the same registered for the purposes of this Act, and the situation of such house, and such other particulars with respect to such person and such house, the calling or occupation of such person, and, if she is a married woman, the calling or occupation of her husband, as may be directed by such regulations. Every such registration, shall, unless cancelled under the provisions of this Act, remain in force until the thirty-first day of the month of December next following such registration and no longer, unless the same be renewed. Registrations may be renewed during the month of December in which the same shall expire, and all such renewed registrations shall, unless cancelled under the provisions of this Act, remain in force for one year from the expiration of such month of December in which the same are made. No fee shall be charged or taken for the making of any registration or renewed registration under this section. The person in whose charge such register shall be kept shall give to the person so 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. Every person failing to comply with the provisions of this section shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Register of persons
and houses to be kept.

When registration
to be renewed.

Children's Protection.

Act not to apply in certain cases.

8. The Minister may at any time, by writing under his hand, order that this Act shall not apply in any particular case where he is satisfied that it is undesirable or unnecessary that it should apply: Provided that any Justice of the Peace may suspend in any particular case the operation of the preceding provisions of this Act for a period of eight days to enable such order to be obtained. Nothing in this Act shall apply to any public institution.

Power to make regulations.

9. The Governor may at any time and from time to time make regulations for all or any of the following purposes under this Act (that is to say):—

For prescribing how many registers shall be kept, and where the same shall respectively be kept;

For prescribing the mode in which applications for registration shall be made, and in which registration shall be effected, and entries made in registers;

For directing what particulars as to the persons and houses registered, in addition to those hereinbefore required, shall be inserted in such registers;

For persons registered under section seven to keep register of particulars relating to children in their charge, and to provide as to the particulars to be entered, and for the production for inspection of such register;

For arranging houses registered into classes in such manner as to the Governor seems fit, and for fixing the maximum number of children to be retained in or received into houses of any particular class;

For regulating the inspection from time to time of such houses and children;

Generally for giving effect to and carrying out the provisions of this Act.

Any such regulations may impose a fine not exceeding twenty-five pounds for any breach of the same, and any such penalty may be recovered before a Court of Petty Sessions on the information of the Chief Officer or any Officer or of any member of the police force. All such regulations shall, within two weeks of the making thereof, be published in the *Gazette*, and after such publication shall come into force; and copies of such regulations shall be furnished to persons registered under section seven, or having the care of a child registered under this Act, who shall, upon their receipt, be required to sign an acknowledgment for them in an official record kept for that purpose.

Chief Officer may refuse to register.

10. The Chief Officer may refuse to register any person applying for registration under this Act, or to renew any registration, unless he is satisfied by the production of certificates, or if he thinks fit to dispense with certificates by the production of any other evidence, that the person applying to be registered or for a renewal of registration is of good character and able to properly nurse and maintain any child retained in or received into his or her care or charge; and the Chief Officer may refuse to register or renew the registration of any house unless he is satisfied that such house is suitable for the purpose for which it is to be registered.

Forgery of certificate, &c.

11. If any person 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 the provisions of the last preceding section, or furnishes false particulars of any matter which is required to be entered in such roll, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Children's Protection.

12. If at any time it be made to appear to the Chief Officer that any person registered as aforesaid has been guilty of neglect to provide, or is incapable of providing, the children received into the care or charge of such person with proper food or attention, or that the registered house of such person has become unfit for the reception of children, or if for any other reason it appears to the Chief Officer desirable in the public interest so to do, he may strike the name of such person and such house off the register, and the registration thereof shall be thereby cancelled. Ten days' previous notice in writing of his intention so to do shall be given by the Chief Officer to any such person whose name is about to be struck off the register, and such notice may be given by leaving the same at the registered house of such person, who shall be entitled to show cause why the registration should not be cancelled. But the Chief Officer may at the time of giving such notice order the immediate removal of such children from such registered house to the care of an officer in charge for the time being of any department or institution for the relief of State or neglected children, or in default of such an institution within a convenient distance, to the care of the police, who shall then be charged with the care of such children until their removal by their respective parents, or the return of such children to such first-mentioned registered house; and such Chief Officer may recover the cost of the removal, maintenance, and clothing of and medical attendance on such children from their respective parents, or (in case of the removal being confirmed) from the registered person from whose house the children have been so removed: Provided that in the meantime no other child shall be received into such registered house until after the result of such notice is determined.

Names may be removed from register.

13. Every person in charge of a lying-in home shall furnish records as provided in Schedule C of this Act, and forward the same to the Registrar for the district in which such person resides, within a period of two weeks from the occurrence of each birth in such home; and should such person fail to comply with the provisions herein contained, or wilfully falsify such records, he or she shall be guilty of a misdemeanour, and shall upon conviction thereof be subject to a fine not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months.

Keepers of lying-in homes to furnish records.

14. 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 Chief Officer or a person authorised by him. Any such person who shall violate the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Removal of child from lying-in home forbidden in certain cases.

15. Any person in charge of a lying-in home shall be responsible for the registration, in accordance with the provisions of the Act nineteenth Victoria number thirty-four, of all births occurring in such house; and if any such person omits, neglects, or refuses to register the birth of any such child, he or she shall be subject to the penalties provided by the Act tenth Victoria number thirty-four.

Householder responsible for registration of births.

16. 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 duly qualified medical practitioner, or of a Stipendiary or Police Magistrate or officer of police not under the rank of Sergeant, who has made personal inquiry into the circumstances, and any person interring any such still-born child without first obtaining such certificate as aforesaid shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine

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

not

Children's Protection.

not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months: Provided that any such still-born child, born in a lying-in home situated more than fifteen miles from the nearest such practitioner, magistrate, or officer 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 on conviction thereof be liable as aforesaid.

When information on oath, warrant may be issued to search premises for infringement of this Act.

17. If it be made to appear to any Stipendiary or Police Magistrate, on information laid before him on oath, that there is reason to believe that any person is offending against the provisions of this Act in any house or place, or that any of the provisions of this Act are being infringed in any house or place, such magistrate may issue his warrant authorising an officer to search any house or place therein named, at any hour of the day, or at any hour of the night not later than ten of the clock, for the purpose of ascertaining whether there is or has been therein or thereon an infringement of the provisions of this Act. Such officer may, if he thinks it necessary, be accompanied by a registered medical practitioner, or by a police officer, or by both.

Penalty for employment of any child in dangerous performances.
42 & 43 Vict. c. 34
s. 3.

18. Any person who causes any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of any Court of Petty Sessions, 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 severally be guilty of an offence against this Act, and shall on conviction thereof before any such Court be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds. 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 therein, any accident causing actual bodily harm occurs to such child, the employer of such child, whether its parent or not, shall on conviction thereof be liable to be imprisoned for a period not exceeding twelve months, or to a fine not exceeding fifty pounds, 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.

Compensation for accident to any child.

Taking of offender into custody, and protection of child.

19. (I) Any constable may take into custody without warrant any person 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 him, 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 five 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 committal for trial, or conviction, or discharge of such person; but upon the conviction of such person, such child may be disposed of as the Court so convicting may direct.

(II) 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

Children's Protection.

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 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.

20. (I) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

Disposal of child by order of Court.

(a) convicted of committing in respect of such child an offence under section five of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or

(b) committed for trial for any such offence; or

(c) bound over to keep the peace towards such child,

any person may bring such child before a Court of Petty Sessions, and the Court, if satisfied on inquiry that it is expedient so to deal with the child, may order that it be taken out of the custody of such person, and committed to the charge of a relation or some other fit person named by the Court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of its own motion, or on the application of any person, from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(II) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any Court having power so to commit a child shall have power to order the parent of the child to contribute to its maintenance during such period as aforesaid, and to enforce such order in like manner as any order of a Court of Petty Sessions is enforceable under the Acts relating to summary convictions and orders made by Justices of the Peace, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the Court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the Court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the Court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion: Provided that if the order to commit the child to the charge of some relation or other person is made in respect of any person having been committed for trial for an offence, as specified in subsection (I) (b) of this section, the Court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he is acquitted of such charge, or if such charge is dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

(III)

Children's Protection.

(III) The Minister may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as he approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

Magistrate may order child to be delivered to home or institution.

21. Any Stipendiary or Police Magistrate, in lieu of committing to prison any child under the age of fourteen years convicted before him of any offence, may hand over such child to the charge of any Home for destitute and neglected children, or Industrial Institution; and the managers of such Home or Institution may permit its adoption by a suitable person, or may apprentice it to any suitable trade, calling, or service, and the transfer shall be valid as if the managers were the parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister.

Power of search.

22. (I) If it appears to any Stipendiary or 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, such Magistrate may issue a warrant authorising any officer or 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; and the Court before whom the child is brought may cause it to be dealt with in the manner provided by section twenty.

(II) The Magistrate issuing such 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.

(III) 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.

(IV) 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.

Evidence of accused person.

23. In any proceeding against any person for an offence under this Act, such person and the wife or husband of such person shall be competent but not compellable to give evidence.

Evidence of child of tender years.

24. 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 given 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

Children's Protection.

deemed to be a deposition to all intents and purposes. 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 who shall wilfully give false evidence shall be deemed guilty of a misdemeanour: Provided that no prosecution shall be instituted under or by virtue of this section without the leave of the Court before which such evidence was given.

25. 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. Presumption of age of child.

26. 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 punishment to such child. Act not to take away right of parent, &c., to administer punishment.

27. 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. Not to be punished twice for same offence.

28. In this Act the following words shall have the meaning set against them— Interpretation.

“Governor”—Governor with the advice of the Executive Council.

“Minister”—The responsible Minister of the Crown administering this Act.

“Chief Officer”—The head of the Department appointed by the Minister to administer this Act.

“Officer”—Any person acting under the instructions of the “Chief Officer.”

“Lying-in-Home”—A house in which more than one woman is received for confinement for payment of money either at the same time or within a period of two months.

“Still-born child”—Born dead after the commencement of the sixth month of pregnancy.

“Parent”—When used in relation to a child includes guardian and every person who is by law liable to maintain the child.

“Street”—Includes any highway or other public place whether a thoroughfare or not.

“Court of Petty Sessions”—Such Court held before a Stipendiary or Police Magistrate, and not otherwise.

29. This Act shall come into force in such part or parts of the Colony only as shall be proclaimed from time to time by the Governor in the *Gazette*, and shall come into force in such part or parts one calendar month after such proclamation.

30. This Act may be cited as the “Children’s Protection Act, 1892.” Short title.

Children's Protection.

SCHEDULES.

SCHEDULE A.

No.	District	Date
Name of child—		
Sex—		
Date of birth—		
Place of birth (full particulars)—		
Office at which birth was registered—		
Name, address, and occupation of person from whom child was received—		
Name of custodian receiving child—		
Name and address of Justice of Peace granting order under section one—		
Occupation—		
Address at which child will be kept—		
Rate of periodical payment—		
If custodian has any children of his or her own state ages and sexes—		
If in charge of any other registered children state names, ages, and sexes—		
Date upon which child was received by custodian—		
Signature of person registering—		

(*Signature of Registrar.*)

SCHEDULE B.

No.	District	Date	Vol.	Folio
Change of custody or address of registered child, No.				
Name of child—				
Name of present custodian—				
Name of proposed custodian—				
Address of proposed custodian—				
In the district of—				
<i>Or</i>				
Address to which the present custodian is about to remove—				
In the district of—				
Date of proposed change of custody or address—				
Name of person notifying change of custody or address—				
Address of same—				
Signature of same—				

(*Signature of Registrar
for District of* .)

SCHEDULE C.

No.	District	Date
Address of Lying-in-Home—		
Name of keeper of Lying-in-Home—		
Name of woman—		
Age—		
Date of woman's admission—		
Date of confinement—		
Name of medical attendant or midwife—		

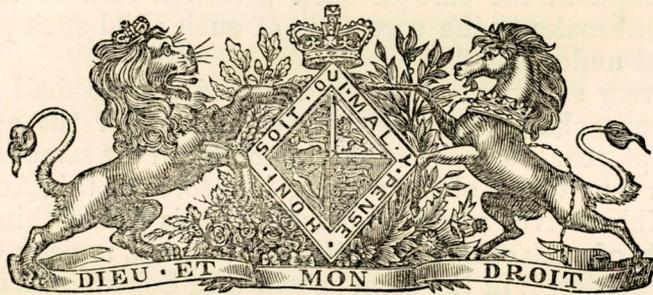
(*Signature of Registrar
for District of* .)

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 30 March, 1892.* }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXX.

An Act to provide for the Protection of Children.
[Assented to, 31st March, 1892.]

WHEREAS it is desirable to provide for the protection of children Preamble.
in certain cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. After the passing of this Act, no person shall, without a Payment of a premium for adoption unlawful. written order of a Justice of the Peace, specifying the terms on which the child is to be received, and such Justice shall in each case report having given the same to the Chief Officer, receive into his or her care, charge, or custody any child under the age of three years to adopt, rear, nurse, or otherwise maintain, apart from its parent, in consideration of the payment to him or her 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, or exceed the sum of twenty shillings per week; and any person receiving or agreeing to receive payment for the adoption, rearing, nursing, or maintenance of any child contrary to this Act shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding one year: Provided that this section shall not apply to any person being the legal or natural guardian

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Children's Protection.

guardian of such child ; nor to the manager or officers of any institution supported wholly or in part by public subscription, or *bonâ fide* by private charity 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 : Provided also that it shall be the duty of the Chief Officer to receive, if required, from any one 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.

Children to be registered in certain cases.

2. Every such person having received or who shall receive into his or her care, charge, or custody any child under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall, within four weeks of the coming into force of this Act or, in the case of a child received after the passing of this Act, within seven days from the date of such child's reception as aforesaid, register or cause the same to be registered, in the form specified in Schedule A, at the office of the District Registrar of Births, Deaths, and Marriages, appointed under the provisions of the Act nineteenth Victoria number thirty-four, for the district in which such person then resides, if within a distance of two miles from his or her place of abode, or within fourteen days where the said distance is greater than two miles, and such Registrar shall furnish such particulars to the Chief Officer; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Change of address to be registered.

3. No person who has in his or her care, charge, or custody any child registered in accordance with the provisions of this Act, shall change his or her place of abode, or relinquish the care, charge, or custody of any such child without forthwith notifying such change or relinquishment to the District Registrar as aforesaid, who shall register the same in the form specified in Schedule B, and at once report such particulars to the Chief Officer. 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; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Inspection of registered children.

4. Any child registered under this Act, and the abode and premises of any person having the care, charge, or custody thereof, may be inspected at any time by any officer, who, if he thinks fit, may be accompanied by a registered medical practitioner or by a police officer or by both; and any person refusing such inspection or obstructing such officer shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Neglect to provide properly for child.

5. If any person wilfully and without reasonable excuse neglects to provide adequate and proper food, nursing, clothing, medical aid, or lodging for any child in his or her care or custody, or wilfully ill-treats or exposes any child, or causes or procures any child to be neglected, ill-treated, or exposed, and if such neglect, ill-treatment, or exposure has resulted, or appears likely to result in bodily suffering, or permanent or serious injury to the health of such child, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds.

6.

Children's Protection.

6. Every person having charge of a child registered under this Act shall, immediately after the death of any such child, give or cause to be given notice thereof to the officer in charge of the nearest Police Station, who shall make inquiry and report to the Coroner for the district, or if the exigencies of the case so require to a Justice of the Peace, whether an inquest or magisterial inquiry respecting the cause of death is necessary: Provided that when the death occurs in the city of Sydney or any Municipality included in the suburbs thereof, such notice shall be given to the Chief Officer who may cause an inquest to be held. In all cases outside the city of Sydney and the Municipalities aforesaid, the death of such child shall be reported to the Chief Officer by registered letter in addition to the notice given to the officer in charge of the nearest Police Station as hereinbefore provided. The body of no child registered under this Act shall 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 duly qualified 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 illtreatment of such child. If any person having charge of a child registered as aforesaid neglects, refuses, or omits to give notice of the death of such child in accordance with the provisions of this section, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds: Provided that when the death occurs at a greater distance than fifteen miles from the nearest Police Station, or from the residence of either of the persons whose certificate is required by this section, satisfactory evidence that the omission to procure such certificate 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.

Notice to be given
of death of child.

7. Every person before receiving into his or her care, charge, or custody two or more children under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall apply to be registered as hereinafter provided. The Chief Officer shall, subject to regulations made under this Act, cause a register or registers to be kept, in which shall be entered the name of any person who, being the occupier of any house, applies to have the same registered for the purposes of this Act, and the situation of such house, and such other particulars with respect to such person and such house, the calling or occupation of such person, and, if she is a married woman, the calling or occupation of her husband, as may be directed by such regulations. Every such registration, shall, unless cancelled under the provisions of this Act, remain in force until the thirty-first day of the month of December next following such registration and no longer, unless the same be renewed. Registrations may be renewed during the month of December in which the same shall expire, and all such renewed registrations shall, unless cancelled under the provisions of this Act, remain in force for one year from the expiration of such month of December in which the same are made. No fee shall be charged or taken for the making of any registration or renewed registration under this section. The person in whose charge such register shall be kept shall give to the person so 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. Every person failing to comply with the provisions of this section shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Register of persons
and houses to be kept.

When registration
to be renewed.

Children's Protection.

Act not to apply in certain cases.

8. The Minister may at any time, by writing under his hand, order that this Act shall not apply in any particular case where he is satisfied that it is undesirable or unnecessary that it should apply: Provided that any Justice of the Peace may suspend in any particular case the operation of the preceding provisions of this Act for a period of eight days to enable such order to be obtained. Nothing in this Act shall apply to any public institution.

Power to make regulations.

9. The Governor may at any time and from time to time make regulations for all or any of the following purposes under this Act (that is to say):—

- For prescribing how many registers shall be kept, and where the same shall respectively be kept;
- For prescribing the mode in which applications for registration shall be made, and in which registration shall be effected, and entries made in registers;
- For directing what particulars as to the persons and houses registered, in addition to those hereinbefore required, shall be inserted in such registers;
- For persons registered under section seven to keep register of particulars relating to children in their charge, and to provide as to the particulars to be entered, and for the production for inspection of such register;
- For arranging houses registered into classes in such manner as to the Governor seems fit, and for fixing the maximum number of children to be retained in or received into houses of any particular class;
- For regulating the inspection from time to time of such houses and children;
- Generally for giving effect to and carrying out the provisions of this Act.

Any such regulations may impose a fine not exceeding twenty-five pounds for any breach of the same, and any such penalty may be recovered before a Court of Petty Sessions on the information of the Chief Officer or any Officer or of any member of the police force. All such regulations shall, within two weeks of the making thereof, be published in the *Gazette*, and after such publication shall come into force; and copies of such regulations shall be furnished to persons registered under section seven, or having the care of a child registered under this Act, who shall, upon their receipt, be required to sign an acknowledgment for them in an official record kept for that purpose.

Chief Officer may refuse to register.

10. The Chief Officer may refuse to register any person applying for registration under this Act, or to renew any registration, unless he is satisfied by the production of certificates, or if he thinks fit to dispense with certificates by the production of any other evidence, that the person applying to be registered or for a renewal of registration is of good character and able to properly nurse and maintain any child retained in or received into his or her care or charge; and the Chief Officer may refuse to register or renew the registration of any house unless he is satisfied that such house is suitable for the purpose for which it is to be registered.

Forgery of certificate, &c.

11. If any person 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 the provisions of the last preceding section, or furnishes false particulars of any matter which is required to be entered in such roll, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Children's Protection.

12. If at any time it be made to appear to the Chief Officer that any person registered as aforesaid has been guilty of neglect to provide, or is incapable of providing, the children received into the care or charge of such person with proper food or attention, or that the registered house of such person has become unfit for the reception of children, or if for any other reason it appears to the Chief Officer desirable in the public interest so to do, he may strike the name of such person and such house off the register, and the registration thereof shall be thereby cancelled. Ten days' previous notice in writing of his intention so to do shall be given by the Chief Officer to any such person whose name is about to be struck off the register, and such notice may be given by leaving the same at the registered house of such person, who shall be entitled to show cause why the registration should not be cancelled. But the Chief Officer may at the time of giving such notice order the immediate removal of such children from such registered house to the care of an officer in charge for the time being of any department or institution for the relief of State or neglected children, or in default of such an institution within a convenient distance, to the care of the police, who shall then be charged with the care of such children until their removal by their respective parents, or the return of such children to such first-mentioned registered house; and such Chief Officer may recover the cost of the removal, maintenance, and clothing of and medical attendance on such children from their respective parents, or (in case of the removal being confirmed) from the registered person from whose house the children have been so removed: Provided that in the meantime no other child shall be received into such registered house until after the result of such notice is determined.

Names may be removed from register.

13. Every person in charge of a lying-in home shall furnish records as provided in Schedule C of this Act, and forward the same to the Registrar for the district in which such person resides, within a period of two weeks from the occurrence of each birth in such home; and should such person fail to comply with the provisions herein contained, or wilfully falsify such records, he or she shall be guilty of a misdemeanour, and shall upon conviction thereof be subject to a fine not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months.

Keepers of lying-in homes to furnish records.

14. 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 Chief Officer or a person authorised by him. Any such person who shall violate the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Removal of child from lying-in home forbidden in certain cases.

15. Any person in charge of a lying-in home shall be responsible for the registration, in accordance with the provisions of the Act nineteenth Victoria number thirty-four, of all births occurring in such house; and if any such person omits, neglects, or refuses to register the birth of any such child, he or she shall be subject to the penalties provided by the Act tenth Victoria number thirty-four.

Householder responsible for registration of births.

16. 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 duly qualified medical practitioner, or of a Stipendiary or Police Magistrate or officer of police not under the rank of Sergeant, who has made personal inquiry into the circumstances, and any person interring any such still-born child without first obtaining such certificate as aforesaid shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine

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

not

Children's Protection.

not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months: Provided that any such still-born child, born in a lying-in home situated more than fifteen miles from the nearest such practitioner, magistrate, or officer 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 on conviction thereof be liable as aforesaid.

When information on oath, warrant may be issued to search premises for infringement of this Act.

17. If it be made to appear to any Stipendiary or Police Magistrate, on information laid before him on oath, that there is reason to believe that any person is offending against the provisions of this Act in any house or place, or that any of the provisions of this Act are being infringed in any house or place, such magistrate may issue his warrant authorising an officer to search any house or place therein named, at any hour of the day, or at any hour of the night not later than ten of the clock, for the purpose of ascertaining whether there is or has been therein or thereon an infringement of the provisions of this Act. Such officer may, if he thinks it necessary, be accompanied by a registered medical practitioner, or by a police officer, or by both.

Penalty for employment of any child in dangerous performances.

42 & 43 Vict. c. 34 s. 3.

18. Any person who causes any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of any Court of Petty Sessions, 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 severally be guilty of an offence against this Act, and shall on conviction thereof before any such Court be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds. 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 therein, any accident causing actual bodily harm occurs to such child, the employer of such child, whether its parent or not, shall on conviction thereof be liable to be imprisoned for a period not exceeding twelve months, or to a fine not exceeding fifty pounds, 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.

Compensation for accident to any child.

Taking of offender into custody, and protection of child.

19. (1) Any constable may take into custody without warrant any person 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 him, 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 five 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 committal for trial, or conviction, or discharge of such person; but upon the conviction of such person, such child may be disposed of as the Court so convicting may direct.

(II) 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

Children's Protection.

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 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.

20. (I) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

Disposal of child by order of Court.

- (a) convicted of committing in respect of such child an offence under section five of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards such child,

any person may bring such child before a Court of Petty Sessions, and the Court, if satisfied on inquiry that it is expedient so to deal with the child, may order that it be taken out of the custody of such person, and committed to the charge of a relation or some other fit person named by the Court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of its own motion, or on the application of any person, from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(II) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any Court having power so to commit a child shall have power to order the parent of the child to contribute to its maintenance during such period as aforesaid, and to enforce such order in like manner as any order of a Court of Petty Sessions is enforceable under the Acts relating to summary convictions and orders made by Justices of the Peace, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the Court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the Court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the Court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion: Provided that if the order to commit the child to the charge of some relation or other person is made in respect of any person having been committed for trial for an offence, as specified in subsection (I) (b) of this section, the Court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he is acquitted of such charge, or if such charge is dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

(III)

Children's Protection.

(III) The Minister may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as he approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

Magistrate may order child to be delivered to home or institution.

21. Any Stipendiary or Police Magistrate, in lieu of committing to prison any child under the age of fourteen years convicted before him of any offence, may hand over such child to the charge of any Home for destitute and neglected children, or Industrial Institution; and the managers of such Home or Institution may permit its adoption by a suitable person, or may apprentice it to any suitable trade, calling, or service, and the transfer shall be valid as if the managers were the parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister.

Power of search.

22. (I) If it appears to any Stipendiary or 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, such Magistrate may issue a warrant authorising any officer or 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; and the Court before whom the child is brought may cause it to be dealt with in the manner provided by section twenty.

(II) The Magistrate issuing such 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.

(III) 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.

(IV) 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.

Evidence of a cused person.

23. In any proceeding against any person for an offence under this Act, such person and the wife or husband of such person shall be competent but not compellable to give evidence.

Evidence of child of tender years.

24. 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 given 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

Children's Protection.

deemed to be a deposition to all intents and purposes. 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 who shall wilfully give false evidence shall be deemed guilty of a misdemeanour: Provided that no prosecution shall be instituted under or by virtue of this section without the leave of the Court before which such evidence was given.

25. 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. Presumption of age of child.

26. 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 punishment to such child. Act not to take away right of parent, &c., to administer punishment.

27. 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. Not to be punished twice for same offence.

28. In this Act the following words shall have the meaning set against them— Interpretation.

“Governor”—Governor with the advice of the Executive Council.

“Minister”—The responsible Minister of the Crown administering this Act.

“Chief Officer”—The head of the Department appointed by the Minister to administer this Act.

“Officer”—Any person acting under the instructions of the “Chief Officer.”

“Lying-in-Home”—A house in which more than one woman is received for confinement for payment of money either at the same time or within a period of two months.

“Still-born child”—Born dead after the commencement of the sixth month of pregnancy.

“Parent”—When used in relation to a child includes guardian and every person who is by law liable to maintain the child.

“Street”—Includes any highway or other public place whether a thoroughfare or not.

“Court of Petty Sessions”—Such Court held before a Stipendiary or Police Magistrate, and not otherwise.

29. This Act shall come into force in such part or parts of the Colony only as shall be proclaimed from time to time by the Governor in the *Gazette*, and shall come into force in such part or parts one calendar month after such proclamation.

30. This Act may be cited as the “Children's Protection Act, 1892.” Short title.

Children's Protection.

SCHEDULES.

SCHEDULE A.

No.	District	Date
Name of child—		
Sex—		
Date of birth—		
Place of birth (full particulars)—		
Office at which birth was registered—		
Name, address, and occupation of person from whom child was received—		
Name of custodian receiving child—		
Name and address of Justice of Peace granting order under section one—		
Occupation—		
Address at which child will be kept—		
Rate of periodical payment—		
If custodian has any children of his or her own state ages and sexes—		
If in charge of any other registered children state names, ages, and sexes—		
Date upon which child was received by custodian—		
Signature of person registering—		
		(<i>Signature of Registrar.</i>)

SCHEDULE B.

No.	District	Date	Vol.	Folio
Change of custody or address of registered child, No.				
Name of child—				
Name of present custodian—				
Name of proposed custodian—				
Address of proposed custodian—				
In the district of—				
<i>Or</i>				
Address to which the present custodian is about to remove—				
In the district of—				
Date of proposed change of custody or address—				
Name of person notifying change of custody or address—				
Address of same—				
Signature of same—				
				(<i>Signature of Registrar for District of</i> .)

SCHEDULE C.

No.	District	Date
Address of Lying-in-Home—		
Name of keeper of Lying-in-Home—		
Name of woman—		
Age—		
Date of woman's admission—		
Date of confinement—		
Name of medical attendant or midwife—		
		(<i>Signature of Registrar for District of</i> .)

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House,
31st March, 1892.*

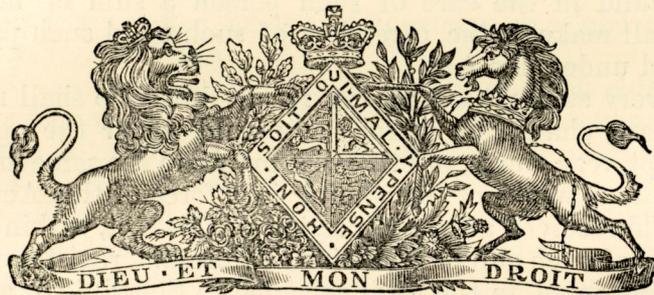
JERSEY.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 30 March, 1892. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XXX.

An Act to provide for the Protection of Children.
[Assented to, 31st March, 1892.]

WHEREAS it is desirable to provide for the protection of children Preamble.
in certain cases: Be it therefore enacted by the Queen's Most
Excellent Majesty, by and with the advice and consent of the Legisla-
tive Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as follows:—

1. After the passing of this Act, no person shall, without a Payment of a
premium for
adoption unlawful.
written order of a Justice of the Peace, specifying the terms on which
the child is to be received, and such Justice shall in each case report
having given the same to the Chief Officer, receive into his or her
care, charge, or custody any child under the age of three years to
adopt, rear, nurse, or otherwise maintain, apart from its parent, in
consideration of the payment to him or her 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, or exceed the sum of twenty shillings per week; and
any person receiving or agreeing to receive payment for the adoption,
rearing, nursing, or maintenance of any child contrary to this Act shall
be guilty of a misdemeanour, and on conviction thereof be subject to a
fine not exceeding one hundred pounds, with or without imprisonment
with hard labour for any term not exceeding one year: Provided that
this section shall not apply to any person being the legal or natural
guardian

*I have examined this Bill, and find it to correspond in all respects with the Bill
as finally passed by both Houses.*

*NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.*

Children's Protection.

guardian of such child ; nor to the manager or officers of any institution supported wholly or in part by public subscription, or *bond fide* by private charity 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 : Provided also that it shall be the duty of the Chief Officer to receive, if required, from any one 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.

Children to be registered in certain cases.

2. Every such person having received or who shall receive into his or her care, charge, or custody any child under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall, within four weeks of the coming into force of this Act or, in the case of a child received after the passing of this Act, within seven days from the date of such child's reception as aforesaid, register or cause the same to be registered, in the form specified in Schedule A, at the office of the District Registrar of Births, Deaths, and Marriages, appointed under the provisions of the Act nineteenth Victoria number thirty-four, for the district in which such person then resides, if within a distance of two miles from his or her place of abode, or within fourteen days where the said distance is greater than two miles, and such Registrar shall furnish such particulars to the Chief Officer ; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Change of address to be registered.

3. No person who has in his or her care, charge, or custody any child registered in accordance with the provisions of this Act, shall change his or her place of abode, or relinquish the care, charge, or custody of any such child without forthwith notifying such change or relinquishment to the District Registrar as aforesaid, who shall register the same in the form specified in Schedule B, and at once report such particulars to the Chief Officer. 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 ; and any person failing to comply with the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Inspection of registered children.

4. Any child registered under this Act, and the abode and premises of any person having the care, charge, or custody thereof, may be inspected at any time by any officer, who, if he thinks fit, may be accompanied by a registered medical practitioner or by a police officer or by both ; and any person refusing such inspection or obstructing such officer shall be guilty of a misdemeanour, and on conviction thereof be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Neglect to provide properly for child.

5. If any person wilfully and without reasonable excuse neglects to provide adequate and proper food, nursing, clothing, medical aid, or lodging for any child in his or her care or custody, or wilfully ill-treats or exposes any child, or causes or procures any child to be neglected, ill-treated, or exposed, and if such neglect, ill-treatment, or exposure has resulted, or appears likely to result in bodily suffering, or permanent or serious injury to the health of such child, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds.

6.

Children's Protection.

6. Every person having charge of a child registered under this Act shall, immediately after the death of any such child, give or cause to be given notice thereof to the officer in charge of the nearest Police Station, who shall make inquiry and report to the Coroner for the district, or if the exigencies of the case so require to a Justice of the Peace, whether an inquest or magisterial inquiry respecting the cause of death is necessary: Provided that when the death occurs in the city of Sydney or any Municipality included in the suburbs thereof, such notice shall be given to the Chief Officer who may cause an inquest to be held. In all cases outside the city of Sydney and the Municipalities aforesaid, the death of such child shall be reported to the Chief Officer by registered letter in addition to the notice given to the officer in charge of the nearest Police Station as hereinbefore provided. The body of no child registered under this Act shall 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 duly qualified 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 illtreatment of such child. If any person having charge of a child registered as aforesaid neglects, refuses, or omits to give notice of the death of such child in accordance with the provisions of this section, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds: Provided that when the death occurs at a greater distance than fifteen miles from the nearest Police Station, or from the residence of either of the persons whose certificate is required by this section, satisfactory evidence that the omission to procure such certificate 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.

Notice to be given
of death of child.

7. Every person before receiving into his or her care, charge, or custody two or more children under the age of three years to adopt, rear, nurse, or otherwise maintain the same for payment, shall apply to be registered as hereinafter provided. The Chief Officer shall, subject to regulations made under this Act, cause a register or registers to be kept, in which shall be entered the name of any person who, being the occupier of any house, applies to have the same registered for the purposes of this Act, and the situation of such house, and such other particulars with respect to such person and such house, the calling or occupation of such person, and, if she is a married woman, the calling or occupation of her husband, as may be directed by such regulations. Every such registration, shall, unless cancelled under the provisions of this Act, remain in force until the thirty-first day of the month of December next following such registration and no longer, unless the same be renewed. Registrations may be renewed during the month of December in which the same shall expire, and all such renewed registrations shall, unless cancelled under the provisions of this Act, remain in force for one year from the expiration of such month of December in which the same are made. No fee shall be charged or taken for the making of any registration or renewed registration under this section. The person in whose charge such register shall be kept shall give to the person so 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. Every person failing to comply with the provisions of this section shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Register of persons
and houses to be kept.

When registration
to be renewed.

Children's Protection.

Act not to apply in certain cases.

8. The Minister may at any time, by writing under his hand, order that this Act shall not apply in any particular case where he is satisfied that it is undesirable or unnecessary that it should apply: Provided that any Justice of the Peace may suspend in any particular case the operation of the preceding provisions of this Act for a period of eight days to enable such order to be obtained. Nothing in this Act shall apply to any public institution.

Power to make regulations.

9. The Governor may at any time and from time to time make regulations for all or any of the following purposes under this Act (that is to say):—

- For prescribing how many registers shall be kept, and where the same shall respectively be kept;
- For prescribing the mode in which applications for registration shall be made, and in which registration shall be effected, and entries made in registers;
- For directing what particulars as to the persons and houses registered, in addition to those hereinbefore required, shall be inserted in such registers;
- For persons registered under section seven to keep register of particulars relating to children in their charge, and to provide as to the particulars to be entered, and for the production for inspection of such register;
- For arranging houses registered into classes in such manner as to the Governor seems fit, and for fixing the maximum number of children to be retained in or received into houses of any particular class;
- For regulating the inspection from time to time of such houses and children;
- Generally for giving effect to and carrying out the provisions of this Act.

Any such regulations may impose a fine not exceeding twenty-five pounds for any breach of the same, and any such penalty may be recovered before a Court of Petty Sessions on the information of the Chief Officer or any Officer or of any member of the police force. All such regulations shall, within two weeks of the making thereof, be published in the *Gazette*, and after such publication shall come into force; and copies of such regulations shall be furnished to persons registered under section seven, or having the care of a child registered under this Act, who shall, upon their receipt, be required to sign an acknowledgment for them in an official record kept for that purpose.

Chief Officer may refuse to register.

10. The Chief Officer may refuse to register any person applying for registration under this Act, or to renew any registration, unless he is satisfied by the production of certificates, or if he thinks fit to dispense with certificates by the production of any other evidence, that the person applying to be registered or for a renewal of registration is of good character and able to properly nurse and maintain any child retained in or received into his or her care or charge; and the Chief Officer may refuse to register or renew the registration of any house unless he is satisfied that such house is suitable for the purpose for which it is to be registered.

Forgery of certificate, &c.

11. If any person 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 the provisions of the last preceding section, or furnishes false particulars of any matter which is required to be entered in such roll, such person shall, on conviction thereof before a Court of Petty Sessions, be liable to imprisonment for a period not exceeding six months, or to a fine not exceeding twenty-five pounds.

Children's Protection.

12. If at any time it be made to appear to the Chief Officer that any person registered as aforesaid has been guilty of neglect to provide, or is incapable of providing, the children received into the care or charge of such person with proper food or attention, or that the registered house of such person has become unfit for the reception of children, or if for any other reason it appears to the Chief Officer desirable in the public interest so to do, he may strike the name of such person and such house off the register, and the registration thereof shall be thereby cancelled. Ten days' previous notice in writing of his intention so to do shall be given by the Chief Officer to any such person whose name is about to be struck off the register, and such notice may be given by leaving the same at the registered house of such person, who shall be entitled to show cause why the registration should not be cancelled. But the Chief Officer may at the time of giving such notice order the immediate removal of such children from such registered house to the care of an officer in charge for the time being of any department or institution for the relief of State or neglected children, or in default of such an institution within a convenient distance, to the care of the police, who shall then be charged with the care of such children until their removal by their respective parents, or the return of such children to such first-mentioned registered house; and such Chief Officer may recover the cost of the removal, maintenance, and clothing of and medical attendance on such children from their respective parents, or (in case of the removal being confirmed) from the registered person from whose house the children have been so removed: Provided that in the meantime no other child shall be received into such registered house until after the result of such notice is determined.

Names may be removed from register.

13. Every person in charge of a lying-in home shall furnish records as provided in Schedule C of this Act, and forward the same to the Registrar for the district in which such person resides, within a period of two weeks from the occurrence of each birth in such home; and should such person fail to comply with the provisions herein contained, or wilfully falsify such records, he or she shall be guilty of a misdemeanour, and shall upon conviction thereof be subject to a fine not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months.

Keepers of lying-in homes to furnish records.

14. 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 Chief Officer or a person authorised by him. Any such person who shall violate the provisions of this section shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine not exceeding fifty pounds, with or without imprisonment with hard labour for any term not exceeding six months.

Removal of child from lying-in home forbidden in certain cases.

15. Any person in charge of a lying-in home shall be responsible for the registration, in accordance with the provisions of the Act nineteenth Victoria number thirty-four, of all births occurring in such house; and if any such person omits, neglects, or refuses to register the birth of any such child, he or she shall be subject to the penalties provided by the Act tenth Victoria number thirty-four.

Householder responsible for registration of births.

16. 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 duly qualified medical practitioner, or of a Stipendiary or Police Magistrate or officer of police not under the rank of Sergeant, who has made personal inquiry into the circumstances, and any person interring any such still-born child without first obtaining such certificate as aforesaid shall be guilty of a misdemeanour, and on conviction thereof shall be subject to a fine

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

not

Children's Protection.

not exceeding one hundred pounds, with or without imprisonment with hard labour for any term not exceeding twelve months: Provided that any such still-born child, born in a lying-in home situated more than fifteen miles from the nearest such practitioner, magistrate, or officer 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 on conviction thereof be liable as aforesaid.

When information on oath, warrant may be issued to search premises for infringement of this Act.

17. If it be made to appear to any Stipendiary or Police Magistrate, on information laid before him on oath, that there is reason to believe that any person is offending against the provisions of this Act in any house or place, or that any of the provisions of this Act are being infringed in any house or place, such magistrate may issue his warrant authorising an officer to search any house or place therein named, at any hour of the day, or at any hour of the night not later than ten of the clock, for the purpose of ascertaining whether there is or has been therein or thereon an infringement of the provisions of this Act. Such officer may, if he thinks it necessary, be accompanied by a registered medical practitioner, or by a police officer, or by both.

Penalty for employment of any child in dangerous performances.
42 & 43 Vict. c. 34
s. 3.

18. Any person who causes any child under the age of fourteen years to take part in any public exhibition or performance whereby, in the opinion of any Court of Petty Sessions, 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 severally be guilty of an offence against this Act, and shall on conviction thereof before any such Court be liable to imprisonment for a period not exceeding twelve months, or to a fine not exceeding fifty pounds. 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 therein, any accident causing actual bodily harm occurs to such child, the employer of such child, whether its parent or not, shall on conviction thereof be liable to be imprisoned for a period not exceeding twelve months, or to a fine not exceeding fifty pounds, 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.

Compensation for accident to any child.

19. (I) Any constable may take into custody without warrant any person 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 him, 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 five 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 committal for trial, or conviction, or discharge of such person; but upon the conviction of such person, such child may be disposed of as the Court so convicting may direct.

Taking of offender into custody, and protection of child.

(II) 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

Children's Protection.

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 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.

20. (I) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

Disposal of child by order of Court.

- (a) convicted of committing in respect of such child an offence under section five of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or
- (b) committed for trial for any such offence; or
- (c) bound over to keep the peace towards such child,

any person may bring such child before a Court of Petty Sessions, and the Court, if satisfied on inquiry that it is expedient so to deal with the child, may order that it be taken out of the custody of such person, and committed to the charge of a relation or some other fit person named by the Court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of its own motion, or on the application of any person, from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(II) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any Court having power so to commit a child shall have power to order the parent of the child to contribute to its maintenance during such period as aforesaid, and to enforce such order in like manner as any order of a Court of Petty Sessions is enforceable under the Acts relating to summary convictions and orders made by Justices of the Peace, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the Court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the Court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the Court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion: Provided that if the order to commit the child to the charge of some relation or other person is made in respect of any person having been committed for trial for an offence, as specified in subsection (I) (b) of this section, the Court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he is acquitted of such charge, or if such charge is dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

(III)

Children's Protection.

(III) The Minister may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as he approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

Magistrate may order child to be delivered to home or institution.

21. Any Stipendiary or Police Magistrate, in lieu of committing to prison any child under the age of fourteen years convicted before him of any offence, may hand over such child to the charge of any Home for destitute and neglected children, or Industrial Institution; and the managers of such Home or Institution may permit its adoption by a suitable person, or may apprentice it to any suitable trade, calling, or service, and the transfer shall be valid as if the managers were the parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister.

Power of search.

22. (I) If it appears to any Stipendiary or 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, such Magistrate may issue a warrant authorising any officer or 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; and the Court before whom the child is brought may cause it to be dealt with in the manner provided by section twenty.

(II) The Magistrate issuing such 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.

(III) 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.

(IV) 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.

Evidence of a cused person.

23. In any proceeding against any person for an offence under this Act, such person and the wife or husband of such person shall be competent but not compellable to give evidence.

Evidence of child of tender years.

24. 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 given 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

Children's Protection.

deemed to be a deposition to all intents and purposes. 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 who shall wilfully give false evidence shall be deemed guilty of a misdemeanour: Provided that no prosecution shall be instituted under or by virtue of this section without the leave of the Court before which such evidence was given.

25. 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. Presumption of age of child.

26. 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 punishment to such child. Act not to take away right of parent, &c., to administer punishment.

27. 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. Not to be punished twice for same offence.

28. In this Act the following words shall have the meaning set against them— Interpretation.

“Governor”—Governor with the advice of the Executive Council.

“Minister”—The responsible Minister of the Crown administering this Act.

“Chief Officer”—The head of the Department appointed by the Minister to administer this Act.

“Officer”—Any person acting under the instructions of the “Chief Officer.”

“Lying-in-Home”—A house in which more than one woman is received for confinement for payment of money either at the same time or within a period of two months.

“Still-born child”—Born dead after the commencement of the sixth month of pregnancy.

“Parent”—When used in relation to a child includes guardian and every person who is by law liable to maintain the child.

“Street”—Includes any highway or other public place whether a thoroughfare or not.

“Court of Petty Sessions”—Such Court held before a Stipendiary or Police Magistrate, and not otherwise.

29. This Act shall come into force in such part or parts of the Colony only as shall be proclaimed from time to time by the Governor in the *Gazette*, and shall come into force in such part or parts one calendar month after such proclamation.

30. This Act may be cited as the “Children's Protection Act, 1892.” Short title.

Children's Protection.

SCHEDULES.

SCHEDULE A.

No.	District	Date
Name of child—		
Sex—		
Date of birth—		
Place of birth (full particulars)—		
Office at which birth was registered—		
Name, address, and occupation of person from whom child was received—		
Name of custodian receiving child—		
Name and address of Justice of Peace granting order under section one—		
Occupation—		
Address at which child will be kept—		
Rate of periodical payment—		
If custodian has any children of his or her own state ages and sexes—		
If in charge of any other registered children state names, ages, and sexes—		
Date upon which child was received by custodian—		
Signature of person registering—		

(Signature of Registrar.)

SCHEDULE B.

No.	District	Date	Vol.	Folio
Change of custody or address of registered child, No.				
Name of child—				
Name of present custodian—				
Name of proposed custodian—				
Address of proposed custodian—				
In the district of—				
<i>Or</i>				
Address to which the present custodian is about to remove—				
In the district of—				
Date of proposed change of custody or address—				
Name of person notifying change of custody or address—				
Address of same—				
Signature of same—				

(Signature of Registrar
for District of)

SCHEDULE C.

No.	District	Date
Address of Lying-in-Home—		
Name of keeper of Lying-in-Home—		
Name of woman—		
Age—		
Date of woman's admission—		
Date of confinement—		
Name of medical attendant or midwife—		

(Signature of Registrar
for District of)*In the name and on the behalf of Her Majesty I assent to this Act.*Government House,
31st March, 1892.

JERSEY.