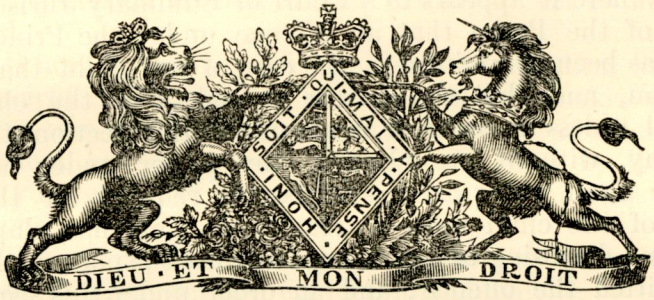
New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

* *

Act No. 52, 1900.

An Act to amend and extend the Children's Protection Act, 1892. [Assented to, 19th November, 1900.]

WHEREAS it is desirable to amend and extend the provisions of the Act fifty-five Victoria number thirty, an Act to provide for the protection of children 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:— Preamble.

1. Section five of the said Act fifty-five Victoria number thirty (hereinafter styled the Principal Act) is hereby amended by the addition of the word "assaults" before the word "ill-treats," the word "assaulted" before the word "ill-treated," and the word "assault" before the word "ill-treatment." Amendments in section 5 of Principal Act.

Arrests without warrant.

2. Any constable may take into custody without warrant, under the nineteenth section of the Principal Act, any person who has, or who he has reason to believe has, committed an offence under that Act or under this Act, if the name and residence of such person are unknown and cannot be ascertained by him.

Removal of child to a place of safety.

3. Any constable or any officer appointed under the Principal Act or this Act may take any child on whom there is reason to believe that an offence under the Principal Act or this Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a Court of Summary Jurisdiction.

Special orders for care and detention of children in certain cases.

4. Where it appears to a Court of Summary Jurisdiction or to a Justice of the Peace that an offence under the Principal Act or this Act has been committed in the case of any child that is brought before them, and that the health or safety of the child will be endangered unless an order is made under this section, the Court or Justice may, without prejudice to any power under the Principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for the bringing and disposing of any charge against the person who it appears has committed the offence; and an order under this section may be enforced notwithstanding that any person claims the custody of the child.

Committal of children to relations.

5. (1) An order may be made under the twentieth section of the Principal Act for the committal of a child to the charge of a relation or other person named by the Court as therein provided, or by the Court before whom a person has been convicted, committed for trial, or bound over to keep the peace; and any such order may be made although the child is not brought before the Court.

(2) The proviso to the first subsection of the twentieth section of the Principal Act is hereby repealed.

(3) Where a child is brought before a Court of Petty Sessions under circumstances authorising the Court, under the provisions of this Act or the Principal Act, to deal with the child under the State Children Relief Acts or the Industrial Schools Acts, the Court, if it thinks fit, in lieu of ordering the child to be boarded out or to be sent to an Industrial School, may make an order under the twentieth section of the Principal Act for the committal of the child to the care of a relation or person named by the Court as therein provided.

Children may be dealt with under Industrial Schools Acts.

6. Where a Court has power under the Principal Act or this Act to commit a child to the custody of any relation or person named by the Court, until it, being a boy, attains the age of fourteen years, or being a girl, attains the age of sixteen years, or where a child is brought before a Court having been found in any street, premises, or place for a purpose forbidden by this Act, whether or not any person is

is charged with an offence in respect of the child, the Court may, if it think fit, order the child to be committed to the control of the State Children Relief Board under the provisions of the State Children Relief Acts or to be dealt with under the Industrial Schools Acts in like manner as if it had been found wandering and not having any proper guardianship.

Issue of warrants.

7. (1) The power of issuing a warrant under the twenty-second section of the Principal Act may be exercised by any Justice of the Peace in the same manner as under that section such power may be exercised by a Stipendiary or Police Magistrate.

(2) It shall not be necessary in any information or warrant under the twenty-second section of the Principal Act to name any particular child.

Information or summons.

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

(2) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when charged together the person charged shall not be liable to separate penalties.

(3) Where an offence charged is a continuous offence, it shall not be necessary to specify in the information or summons the date of the acts constituting the offence.

Evidence in certain cases.

9. (1) Where a Justice of the Peace is satisfied by the evidence of a registered medical practitioner that the attendance before a Court of any child in respect of whom an offence under the Principal Act or this Act is alleged to have been committed, would be injurious or dangerous to its health, the Justice may take in writing the statement of such child in pursuance of section three hundred and forty-four of the Criminal Law Amendment Act, as if the child were dangerously ill, and, in the opinion of the medical practitioner, not likely to recover.

(2) Where in any proceedings with relation to an offence under the Principal Act or this Act the Court is satisfied by the evidence of a registered medical practitioner that the attendance before the Court of any child in respect of whom an offence is alleged to have been committed, would be injurious or dangerous to its health, any deposition taken under the three hundred and forty-fourth section of the Criminal Law Amendment Act, or any statement of the child taken under this section, may be read in evidence, and shall have effect in like manner as if it were proved that the child were so ill as to be unable to travel, or (in the case of any such statement)

statement) that there was no reasonable probability that the child would ever be able to travel or give evidence; but the same provisoes shall apply as in the case of the reception of evidence under the twenty-fourth section of the Principal Act.

(3) Where in any proceedings with relation to an offence under the Principal Act or this Act the Court is satisfied by the evidence of a legally qualified medical practitioner that the attendance before the Court of any child in respect of whom the offence is alleged to have been committed, would be injurious or dangerous to its health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Parentage.

10. The provisions of the Principal Act and of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child.

11. Any person who—

Penalty for procuring to solicit alms.

(*a*) causes or procures, or who having the custody or charge allows any child under the age of sixteen years, to be in any place for the purpose of begging or receiving alms, or inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

For procuring to perform under authorised ages.

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For procuring children under ten years to perform.

(*c*) causes or procures, or who having the custody or charge allows any child under the age of ten years to be at any time in any place, or in any premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale,

shall, upon conviction thereof by a Court of Summary Jurisdiction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months: Provided that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of the Minister that proper provision has been made to secure the health

Minister may grant licenses.

health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said Minister, anything in this Act notwithstanding, to grant a license for such time and during such hours of the day, and subject to such restrictions and conditions as he may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said Minister is satisfied, to take part in such entertainment or series of entertainments, and such license may at any time be varied, added to, or rescinded by the said Minister upon sufficient cause being shown; and such license shall be sufficient protection to all persons acting under or in accordance with the same. And the Minister may appoint any person to see that the restrictions and conditions of any license under this section are duly complied with, and any such person shall have power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section:

Provided further that this section shall not apply in the case of any occasional entertainment, the proceeds of which are wholly applied for the benefit of any school or to any charitable object. **Entertainments for charitable objects exempt.**

12. For the purposes of this Act— **Definitions.**

Any person who is the parent of a child, or any person to whose charge a child is committed by its parent, or any person having actual possession or control of a child, shall be deemed to have the custody or charge thereof.

13. This Act may be cited as the "Children's Protection Act Amendment Act, 1900." **Short title.**

By Authority: William Applegate Gullick, Government Printer, Sydney, 1900.

[6*d*.]

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, 13 *November,* 1900.

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

New South Wales.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

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2.

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

J. H. CANN,
Chairman of Committees of the Legislative Assembly.

Arrests without warrant.

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is charged with an offence in respect of the child, the Court may, if it think fit, order the child to be committed to the control of the State Children Relief Board under the provisions of the State Children Relief Acts or to be dealt with under the Industrial Schools Acts in like manner as if it had been found wandering and not having any proper guardianship.

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(2) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when charged together the person charged shall not be liable to separate penalties.

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Evidence in certain cases.

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(2) Where in any proceedings with relation to an offence under the Principal Act or this Act the Court is satisfied by the evidence of a registered medical practitioner that the attendance before the Court of any child in respect of whom an offence is alleged to have been committed, would be injurious or dangerous to its health, any deposition taken under the three hundred and forty-fourth section of the Criminal Law Amendment Act, or any statement of the child taken under this section, may be read in evidence, and shall have effect in like manner as if it were proved that the child were so ill as to be unable to travel, or (in the case of any such statement)

statement) that there was no reasonable probability that the child would ever be able to travel or give evidence; but the same provisoes shall apply as in the case of the reception of evidence under the twenty-fourth section of the Principal Act.

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Penalty for procuring to solicit alms.

(*a*) causes or procures, or who having the custody or charge allows any child under the age of sixteen years, to be in any place for the purpose of begging or receiving alms, or inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

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shall, upon conviction thereof by a Court of Summary Jurisdiction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months: Provided that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of the Minister that proper provision has been made to secure the

Minister may grant licenses.

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health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said Minister, anything in this Act notwithstanding, to grant a license for such time and during such hours of the day, and subject to such restrictions and conditions as he may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said Minister is satisfied, to take part in such entertainment or series of entertainments, and such license may at any time be varied, added to, or rescinded by the said Minister upon sufficient cause being shown; and such license shall be sufficient protection to all persons acting under or in accordance with the same. And the Minister may appoint any person to see that the restrictions and conditions of any license under this section are duly complied with, and any such person shall have power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section:

Provided further that this section shall not apply in the case of any occasional entertainment, the proceeds of which are wholly applied for the benefit of any school or to any charitable object. **Entertainments for charitable objects exempt.**

12. For the purposes of this Act— **Definitions.**

Any person who is the parent of a child, or any person to whose charge a child is committed by its parent, or any person having actual possession or control of a child, shall be deemed to have the custody or charge thereof.

13. This Act may be cited as the "Children's Protection Act Amendment Act, 1900." **Short title.**

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

FREDK. M. DARLEY,
Lieutenant-Governor.

Government House,
Sydney, 19*th November,* 1900.

CHILDREN'S PROTECTION ACT AMENDMENT BILL.

SCHEDULE of the Amendments referred to in Message of 31*st October*, 1900.

Page 2, clause 3, line 6. *After* "constable" *insert* "**or any officer appointed under the Principal Act "or this Act"**

Page 2, clause 4, lines 19 and 20 *Omit* "a charge to be made" *insert* "**the bringing and disposing of "any charge"**

Page 2, clause 4, lines 21 to 23. *Omit* "or until such person has been committed for trial or dealt with by "a court of summary jurisdiction or the charge against him has been dismissed"

Page 2, clause 5, line 35. *After* "court" *insert* "**under the provisions of this Act or the Principal "Act"**

Page 2, clause 5, line 37. *Before* "Industrial" *insert* "**State Children Relief Acts or the"**

Page 2, clause 5, line 38. *After* "child" *insert* "**to be boarded out or"**

Page 3, clause 6, line 4. *Omit* "deal with the child" *insert* "**order the child to be committed to the "control of the State Children Relief Board under the provisions of the State Children "Relief Acts or to be dealt with"**

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 17 *October,* 1900.

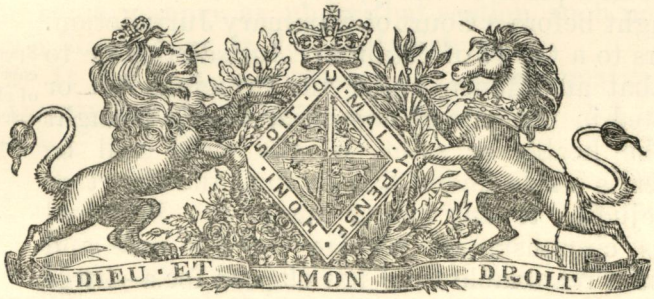
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, 31*st October,* 1900.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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1. Section five of the said Act fifty-five Victoria number thirty (hereinafter styled the Principal Act) is hereby amended by the addition of the word "assaults" before the word "ill-treats," the word "assaulted" before the word "ill-treated," and the word "assault" before the word "ill-treatment." Amendments in section 5 of Principal Act.

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

2. Any constable may take into custody without warrant, under the nineteenth section of the Principal Act, any person who has, or who he has reason to believe has, committed an offence under that Act or under this Act, if the name and residence of such person are unknown and cannot be ascertained by him. Arrests without warrant.

3. Any constable **or any officer appointed under the Principal Act or this Act** may take any child on whom there is reason to believe that an offence under the Principal Act or this Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a Court of Summary Jurisdiction. Removal of child to a place of safety.

4. Where it appears to a Court of Summary Jurisdiction or to a Justice of the Peace that an offence under the Principal Act or this Act has been committed in the case of any child that is brought before them, and that the health or safety of the child will be endangered unless an order is made under this section, the Court or Justice may, without prejudice to any power under the Principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for ~~a charge to be made~~ **the bringing and disposing of any charge** against the person who it appears has committed the offence, ~~or until such person has been committed for trial or dealt with by a Court of Summary Jurisdiction, or the charge against him has been dismissed;~~ and an order under this section may be enforced notwithstanding that any person claims the custody of the child. Special orders for care and detention of children in certain cases.

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(3) Where a child is brought before a Court of Petty Sessions under circumstances authorising the Court, **under the provisions of this Act or the Principal Act,** to deal with the child under the **State Children Relief Acts or the** Industrial Schools Acts, the Court, if it thinks fit, in lieu of ordering the child **to be boarded out or** to be sent to an Industrial School, may make an order under the twentieth section of the Principal Act for the committal of the child to the care of a relation or person named by the Court as therein provided.

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Minister may grant licenses.

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to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of the Minister that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said Minister, anything in this Act notwithstanding, to grant a license for such time and during such hours of the day, and subject to such restrictions and conditions as he may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said Minister is satisfied, to take part in such entertainment or series of entertainments, and such license may at any time be varied, added to, or rescinded by the said Minister upon sufficient cause being shown; and such license shall be sufficient protection to all persons acting under or in accordance with the same. And the Minister may appoint any person to see that the restrictions and conditions of any license under this section are duly complied with, and any such person shall have power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section:

Provided further that this section shall not apply in the case of any occasional entertainment, the proceeds of which are wholly applied for the benefit of any school or to any charitable object. **Entertainments for charitable objects exempt.**

12. For the purposes of this Act— **Definitions.**

Any person who is the parent of a child, or any person to whose charge a child is committed by its parent, or any person having actual possession or control of a child, shall be deemed to have the custody or charge thereof.

13. This Act may be cited as the "Children's Protection Act Amendment Act, 1900." **Short title.**

Sydney: William Applegate Gullick, Government Printer.—1900.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

Legislative Assembly Chamber,
Sydney, 17 *October,* 1900.

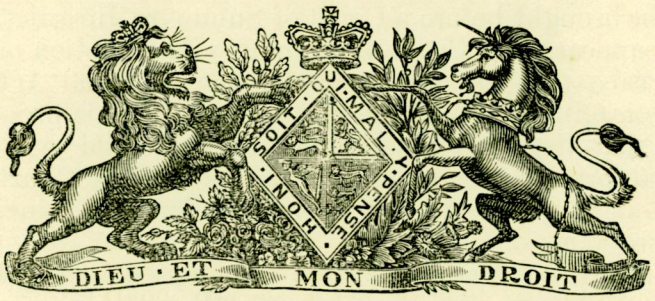
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

Legislative Council Chamber,
Sydney, October, 1900.

Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

* *

Act No. , 1900.

An Act to amend and extend the Children's Protection Act, 1892.

WHEREAS it is desirable to amend and extend the provisions of the Act fifty-five Victoria number thirty, an Act to provide for the protection of children 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:— Preamble.

1. Section five of the said Act fifty-five Victoria number thirty (hereinafter styled the Principal Act) is hereby amended by the addition of the word "assaults" before the word "ill-treats," the word "assaulted" before the word "ill-treated," and the word "assault" before the word "ill-treatment." Amendments in section 5 of Principal Act.

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

2. Any constable may take into custody without warrant, under the nineteenth section of the Principal Act, any person who has, or who he has reason to believe has, committed an offence under that Act or under this Act, if the name and residence of such person are unknown and cannot be ascertained by him. Arrests without warrant.

3. Any constable **or any officer appointed under the Principal Act or this Act** may take any child on whom there is reason to believe that an offence under the Principal Act or this Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a Court of Summary Jurisdiction. Removal of child to a place of safety.

4. Where it appears to a Court of Summary Jurisdiction or to a Justice of the Peace that an offence under the Principal Act or this Act has been committed in the case of any child that is brought before them, and that the health or safety of the child will be endangered unless an order is made under this section, the Court or Justice may, without prejudice to any power under the Principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for ~~a charge to be made~~ **the bringing and disposing of any charge** against the person who it appears has committed the offence, ~~or until such person has been committed for trial or dealt with by a Court of Summary Jurisdiction, or the charge against him has been dismissed;~~ and an order under this section may be enforced notwithstanding that any person claims the custody of the child. Special orders for care and detention of children in certain cases.

5. (1) An order may be made under the twentieth section of the Principal Act for the committal of a child to the charge of a relation or other person named by the Court as therein provided, or by the Court before whom a person has been convicted, committed for trial, or bound over to keep the peace; and any such order may be made although the child is not brought before the Court. Committal of children to relations.

(2) The proviso to the first subsection of the twentieth section of the Principal Act is hereby repealed.

(3) Where a child is brought before a Court of Petty Sessions under circumstances authorising the Court, **under the provisions of this Act or the Principal Act,** to deal with the child under the **State Children Relief Acts or the** Industrial Schools Acts, the Court, if it thinks fit, in lieu of ordering the child **to be boarded out or** to be sent to an Industrial School, may make an order under the twentieth section of the Principal Act for the committal of the child to the care of a relation or person named by the Court as therein provided.

6. Where a Court has power under the Principal Act or this Act to commit a child to the custody of any relation or person named by the Court, until it, being a boy, attains the age of fourteen years, or being a girl, attains the age of sixteen years, or where a child is Children may be dealt with under Industrial Schools Acts.

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brought before a Court having been found in any street, premises, or place for a purpose forbidden by this Act, whether or not any person is charged with an offence in respect of the child, the Court may, if it think fit, ~~deal with the child~~ **order the child to be committed to the control of the State Children Relief Board under the provisions of the State Children Relief Acts or to be dealt with** under the Industrial Schools Acts in like manner as if it had been found wandering and not having any proper guardianship.

Issue of warrants.

7. (1) The power of issuing a warrant under the twenty-second section of the Principal Act may be exercised by any Justice of the Peace in the same manner as under that section such power may be exercised by a Stipendiary or Police Magistrate.

(2) It shall not be necessary in any information or warrant under the twenty-second section of the Principal Act to name any particular child.

Information or summons.

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

(2) The same information or summons may also charge the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, but when charged together the person charged shall not be liable to separate penalties.

(3) Where an offence charged is a continuous offence, it shall not be necessary to specify in the information or summons the date of the acts constituting the offence.

Evidence in certain cases.

9. (1) Where a Justice of the Peace is satisfied by the evidence of a registered medical practitioner that the attendance before a Court of any child in respect of whom an offence under the Principal Act or this Act is alleged to have been committed, would be injurious or dangerous to its health, the Justice may take in writing the statement of such child in pursuance of section three hundred and forty-four of the Criminal Law Amendment Act, as if the child were dangerously ill, and, in the opinion of the medical practitioner, not likely to recover.

(2) Where in any proceedings with relation to an offence under the Principal Act or this Act the Court is satisfied by the evidence of a registered medical practitioner that the attendance before the Court of any child in respect of whom an offence is alleged to have been committed, would be injurious or dangerous to its health, any deposition taken under the three hundred and forty-fourth section of the Criminal Law Amendment Act, or any statement of the child taken under this section, may be read in evidence,

and

and shall have effect in like manner as if it were proved that the child were so ill as to be unable to travel, or (in the case of any such statement) that there was no reasonable probability that the child would ever be able to travel or give evidence; but the same provisoes shall apply as in the case of the reception of evidence under the twenty-fourth section of the Principal Act.

(3) Where in any proceedings with relation to an offence under the Principal Act or this Act the Court is satisfied by the evidence of a legally qualified medical practitioner that the attendance before the Court of any child in respect of whom the offence is alleged to have been committed, would be injurious or dangerous to its health, and is further satisfied that the evidence of the child is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child.

Parentage.

10. The provisions of the Principal Act and of this Act relating to the parent of a child shall apply to the step-parent of the child and to any person cohabiting with the parent of the child.

11. Any person who—

Penalty for procuring to solicit alms.

(*a*) causes or procures, or who having the custody or charge allows any child under the age of sixteen years, to be in any place for the purpose of begging or receiving alms, or inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

For procuring to perform under authorised ages.

(*b*) causes or procures, or who having the custody or charge allows any child, being a boy under the age of fourteen years or a girl under the age of sixteen years, to be in any place, or in any premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten post-meridian and six ante-meridian; or

For procuring children under ten years to perform.

(*c*) causes or procures, or who having the custody or charge allows any child under the age of ten years to be at any time in any place, or in any premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale,

shall, upon conviction thereof by a Court of Summary Jurisdiction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months: Provided that in the case of any entertainment or series of entertainments to take place in premises licensed according to

Minister may grant licenses.

to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of the Minister that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said Minister, anything in this Act notwithstanding, to grant a license for such time and during such hours of the day, and subject to such restrictions and conditions as he may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said Minister is satisfied, to take part in such entertainment or series of entertainments, and such license may at any time be varied, added to, or rescinded by the said Minister upon sufficient cause being shown; and such license shall be sufficient protection to all persons acting under or in accordance with the same. And the Minister may appoint any person to see that the restrictions and conditions of any license under this section are duly complied with, and any such person shall have power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section:

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1900.

Legislative Council.

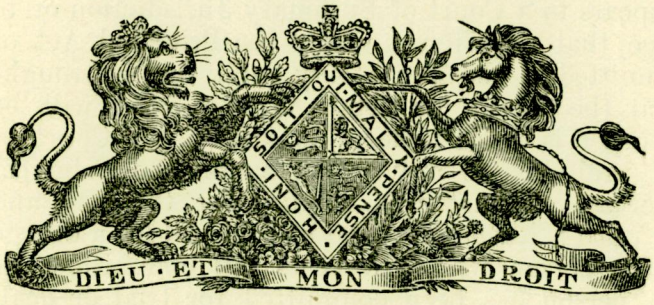
CHILDRENS' PROTECTION ACT AMENDMENT BILL.

(*Amendments to be proposed in Committee of the Whole by* SIR ARTHUR RENWICK.)

Page 2, clause 3, line 6. *After* "constable" *insert* "or any officer "appointed under this Act"

Page 2, clause 5, line 35. *Before* "Industrial" *insert* "State "Children Relief Acts or the"

Page 3, clause 6, line 2. *Omit* "deal with the child" *insert* "order "the child to be committed to the control of the State "Children Relief Board under the provisions of the State "Children Relief Acts, or dealt with"



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Legislative Assembly Chamber,
Sydney, 17 *October,* 1900.

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

New South Wales.

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Act No. , 1900.

An Act to amend and extend the Children's Protection Act, 1892.

Preamble.

WHEREAS it is desirable to amend and extend the provisions of the Act fifty-five Victoria number thirty, an Act to provide for the protection of children 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:—

Amendments in section 5 of Principal Act.

1. Section five of the said Act fifty-five Victoria number thirty (hereinafter styled the Principal Act) is hereby amended by the addition of the word "assaults" before the word "ill-treats," the word "assaulted" before the word "ill-treated," and the word "assault" before the word "ill-treatment."

2. Any constable may take into custody without warrant, under the nineteenth section of the Principal Act, any person who has, or who he has reason to believe has, committed an offence under that Act or under this Act, if the name and residence of such person are unknown and cannot be ascertained by him. Arrests without warrant.

3. Any constable may take any child on whom there is reason to believe that an offence under the Principal Act or this Act has been committed, to a place of safety, and a child so taken to a place of safety, and also any child who seeks refuge in a place of safety, may be there detained until the child can be brought before a Court of Summary Jurisdiction. Removal of child to a place of safety.

4. Where it appears to a Court of Summary Jurisdiction or to a Justice of the Peace that an offence under the Principal Act or this Act has been committed in the case of any child that is brought before them, and that the health or safety of the child will be endangered unless an order is made under this section, the Court or Justice may, without prejudice to any power under the Principal Act, make such order as circumstances require for the care and detention of the child until a reasonable time has elapsed for a charge to be made against the person who it appears has committed the offence, or until such person has been committed for trial or dealt with by a Court of Summary Jurisdiction, or the charge against him has been dismissed; and an order under this section may be enforced notwithstanding that any person claims the custody of the child. Special orders for care and detention of children in certain cases.

5. (1) An order may be made under the twentieth section of the Principal Act for the committal of a child to the charge of a relation or other person named by the Court as therein provided, or by the Court before whom a person has been convicted, committed for trial, or bound over to keep the peace; and any such order may be made although the child is not brought before the Court. Committal of children to relations.

(2) The proviso to the first subsection of the twentieth section of the Principal Act is hereby repealed.

(3) Where a child is brought before a Court of Petty Sessions under circumstances authorising the Court to deal with the child under the Industrial Schools Acts, the Court, if it thinks fit, in lieu of ordering the child to be sent to an Industrial School, may make an order under the twentieth section of the Principal Act for the committal of the child to the care of a relation or person named by the Court as therein provided.

6. Where a Court has power under the Principal Act or this Act to commit a child to the custody of any relation or person named by the Court, until it, being a boy, attains the age of fourteen years, or being a girl, attains the age of sixteen years, or where a child is brought before a Court having been found in any street, premises, or place for a purpose forbidden by this Act, whether or not any person Children may be dealt with under Industrial Schools Acts.

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Evidence in certain cases.

25 **9.** (1) Where a Justice of the Peace is satisfied by the evidence of a registered medical practitioner that the attendance before a Court of any child in respect of whom an offence under the Principal Act or this Act is alleged to have been committed, would be injurious or dangerous to its health, the Justice may take in writing the state- 30 ment of such child in pursuance of section three hundred and forty-four of the Criminal Law Amendment Act, as if the child were dangerously ill, and, in the opinion of the medical practitioner, not likely to recover.

(2) Where in any proceedings with relation to an offence 35 under the Principal Act or this Act the Court is satisfied by the evidence of a registered medical practitioner that the attendance before the Court of any child in respect of whom an offence is alleged to have been committed, would be injurious or dangerous to its health, any deposition taken under the three hundred and forty- 40 fourth section of the Criminal Law Amendment Act, or any statement of the child taken under this section, may be read in evidence, and shall have effect in like manner as if it were proved that the child were so ill as to be unable to travel, or (in the case of any such statement) that there was no reasonable probability that the child would

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Minister may grant licenses.

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