

conclusive evidence that the power to sell is vested in the Department, or the clerk of the court, or person therein named.

88. The payment to the Department, or the clerk of the court, or person named in any such warrant shall be a good discharge to any purchaser or other person for all moneys paid by him pursuant to such warrant.

Payment under warrant to discharge persons paying.
No. 31 of 1907, s. 78 as amended by No. 31 of 1926, s. 12.

89. The rents, profits, and income, and the proceeds of any sale received under any such warrant, shall be applied first in payment of the costs of collection or sale; next, in payment of the costs of obtaining such warrant; thirdly, in paying any money due under the original order; and the balance shall be applied in or towards future maintenance, or in such other manner as the court may direct.

Application of moneys received under warrant.
No. 31 of 1907, s. 79.

90. The provisions of this Part relating to maintenance orders shall, so far as practicable, apply to and in respect of any order for maintenance or education for the time being in force made under the Bastardy Laws Act, 1875.

This part to apply to maintenance orders under the Bastardy Laws Act, 1875.
No. 31 of 1926, s. 13.

91. Any complaint necessary to obtain an order under this Part may be laid by or on behalf of any person, institution, department, or body interested in obtaining the order, or by or on behalf of any person who is or was a near relative of the child in respect of or with reference to whom the order is sought to be obtained.

Complaints.
No. 31 of 1926, s. 13.

PART VI.—COMMITTAL TO THE CARE OF PRIVATE PERSONS OR SOCIETIES.

92. (1) Any private person, and any society formed by private persons, desirous of taking charge of, protecting, or assisting any destitute or neglected child or children, without subsidy or aid from the Consolidated Revenue Fund, may from time to time be approved by the Governor as a person or society to whose care destitute or neglected children may be committed under the provisions of this Act, and the Governor may revoke any such order.

Governor may approve of private persons or societies having care of children.
No. 31 of 1907, s. 80.

(2) Every order approving of any such society, and every such revocation of any such order, shall be published in the *Government Gazette*.

Manager of societies to be approved by Governor.
No. 31 of 1907, s. 81.

93. Every order approving any society as a society to the care of which destitute or neglected children may be committed shall name some person as the manager of such society, and when from time to time the manager of any such society is changed the name of every new manager shall be submitted to the Governor for his approval, and the order approving of such manager shall be published in the *Government Gazette*, and any copy of the *Government Gazette* purporting to contain any such order shall be conclusive evidence that the person named therein on that behalf is the manager of any such society.

Power of Court to commit to such person or society.
No. 31 of 1907, s. 82.

94. Where under this Act the court is empowered to commit any child to the care of the Department, the court may commit such child to the care of any person or society for the time being approved by the Governor as a person or society to whose care destitute or neglected children may be committed, upon such person or society consenting in writing to accept the care of such child.

The person or manager of society to whose care child committed to become guardian.
No. 31 of 1907, s. 83 as amended by No. 21 of 1919, s. 20.

95. Whenever any child is committed to the care of any person or society, such person or the manager of such society shall become the guardian of the person of such child to the exclusion of the father and every other guardian until such child attains the age of eighteen years, or during such shorter period as the court may think sufficient, or in the case of females such greater age not exceeding twenty-one years as the Governor may direct, unless such child is sooner discharged, and such person shall have the sole right to the custody of such child, and such manager shall have the sole right to the custody of such child as on behalf of such society, subject in both cases to the provisions of this Act and to the regulations.

New managers to succeed to guardianship.
No. 31 of 1907, s. 84.

96. Upon the publication of any order of the Governor hereunder in the *Government Gazette* approving of any person as the manager of any such society in the place of any other person, the manager so approved shall become the guardian of the person of every child of whose person the manager in whose place

he is so approved was the guardian under the provisions of this Part of this Act in the place of the manager in whose place he is so approved.

97. The court shall not commit any child to the care of any such person or society if the father or other person having the right to direct in what religion such child shall be educated objects, or so that such child may be educated in a religion different from that in which it would be the duty of any guardian of such child appointed by the Supreme Court to direct such child to be educated.

Child not to be committed contrary to objection of father on ground of religion.
No. 31 of 1907, s. 85.

98. The father of any child, or the mother of any child being the guardian of such child, may, by writing signed before a special magistrate, commit the care of such child to any person or society approved by the Governor as a person or society to whose care destitute or neglected children may be committed, and such person or society by writing under his hand or the hand of its manager (as the case may be) may consent to accept the care of such child, and thereupon such person or the manager of such society on behalf of such society shall become the guardian of the person of such child during its minority, to the exclusion of such father or mother and every other guardian.

Commitment by parent.
No. 31 of 1907, s. 86.

99. Every person or society to whose care any child is committed under this Part of this Act, whether by the court or by the father or mother of such child, and every person intrusted with the care of any such child by any such person or society shall from time to time permit such child to be visited and any place where such child may be or reside to be inspected by the Secretary or any officer of the Department.

Children may be visited.
No. 31 of 1907, s. 87.

100. (1) Upon the death of any person having the care of any child by virtue of any order made under this Part of this Act, or upon the revocation of the order approving of any such person or of any society, the Governor may appoint some other person or society approved as aforesaid in place of the person so dying or the person or society the order approving of whom or which is revoked, and thereupon the same consequences shall ensue as upon an order of the court made under the

Transmission of guardianship upon death or revocation of order.
No. 31 of 1907, s. 88.

provisions of this Part of this Act committing the care of every child of whom such person or society was guardian by virtue of any order made under this Part of this Act to the care of the person or society so appointed; and in the meantime, unless and until such other person or society is so appointed, the same consequences shall ensue as if upon the date of such death, or of the revocation of such order, an order had been made committing every child to the care of the Department.

(2) A person or society may be appointed in the place of a person or society the order approving of whom or which is revoked by the order by which the revocation is made or by any subsequent order.

(3) The order appointing a society in the place of another society shall be published in the *Government Gazette*.

Guardianship
to cease on
revocation of
order.
No. 31 of
1907, s. 89.

101. Upon the revocation of any order approving of any person or society as a person or society to whose care neglected children may be committed, such person or the manager of such society shall cease to be such guardian of any child under the provisions of this Part of this Act, whether such child is under the care of such person or society by virtue of any order made under this Part of this Act, or of any writing signed as aforesaid by the father or mother of such child.

Form of
order.
No. 31 of
1907, s. 90.

102. Every order committing a child to the care of any approved person or society hereunder may be in such form as may be prescribed by the regulations or to the like effect, and such order, or any office copy thereof, without any warrant, shall be a sufficient authority for any police officer to take such child to such person or society.

Order of com-
mitment
sufficient
warrant for
detention.
No. 31 of
1907, s. 91.

103. No warrant shall be necessary to authorise the detention of any child in the care of any approved person or society, but if the right to the custody of such child is called in question by *habeas corpus* or otherwise, it shall be sufficient to give in evidence the order committing such child to the care of such person or society, and to show that such child is detained by the authority of such person or society, or the manager of such society.

104. If any person or society having the care of any child by virtue of any order made under this Part of this Act, or the manager of any such society, desires for any cause sufficient in the opinion of the court to be relieved of the care of such child, the court may order such child to be committed to the care of the Department.

Power to transfer child to care of Department.
No. 31 of 1907, s. 92.

105. No person who, whether as manager of any society or otherwise, is guardian of the person of any child by virtue of any order under this Act, shall remove such child or suffer such child to be removed out of Western Australia without the consent of the Minister being first obtained.

Child not to be moved out of Western Australia.
No. 31 of 1907, s. 93 as amended by No. 22 of 1927, s. 11.

PART VII.—LICENSING OF CHILDREN AND RESTRICTIONS ON EMPLOYMENT OF CHILDREN.

Title amended by No. 21 of 1919 s. 21.

106. (1) A written license authorising a child of or over the age of twelve years to engage, within prescribed hours, and subject to the regulations, in a specified description of street trading may be issued by the Department.

Issue of Licenses.
No 31 of 1907, s. 94 as amended by No. 21 of 1919, s. 21 and this Act.

(2) Such license shall be delivered to the child, who shall produce such license, on demand, to any inspector.

(3) Such license shall not be issued unless it is shown that the moral or material welfare of the child will not suffer by such trading.

(4) Every license shall be granted for a term not exceeding six months, but may be renewed from time to time, and may at any time be cancelled by the Department.

(5) No charge shall be made for any license or badge.

Any child engaged in street trading without a license or in contravention of the conditions on which the same is granted shall be guilty of an offence against this Act.

107. If any person employs, in street trading, a child—

Penalty for employing child in contravention of Act.

(a) who is not duly licensed under this Act; or

(b) who, although so licensed, is employed by him in trading of a description or at any time not authorised by the license; or

No. 31 of 1907, s. 95 as amended by No. 21 of 1919, s. 21 and this Act.

(c) who is under the age of twelve years, such person shall be guilty of an offence against this Act.

Begging or performing by children under sixteen forbidden. No. 21 of 1919, s. 21.

108. No person shall—

- (a) cause, procure, suffer, or allow any child under the age of sixteen years to be in any place whatever 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
- (b) cause, procure, suffer, or allow any child under fourteen years of age to be employed or engaged in any work in or about any racing stable, or in connection with the training of any animal for racing; or
- (c) except with the license in writing of the Minister, and subject to such restrictions and conditions as may be therein expressed, cause, procure, suffer, or allow any child under the age of sixteen years to be in or on any premises or place used or intended to be used for the purpose of any public entertainment for the purpose of singing, playing, or performing for profit or reward to the child or to any other person, or offering anything for sale: Provided that this provision shall not apply in the case of an occasional entertainment, the proceeds of which are intended to be applied for the benefit of any school or charitable or patriotic object.

Penalty: Twenty pounds.

Power for secretary or authorised officer to enter places of amusement. No. 14 of 1921, s. 10.

109. The Secretary or any officer authorised in this behalf by the Secretary may at all reasonable hours of the day or night enter any theatre, place of amusement, shop, factory, warehouse, or other place in which children are employed, or are reasonably supposed by him to be employed, and may make all such investigations and inquiries relative to such children as he shall consider advisable.

No person shall resist or obstruct such Secretary or officer in the exercise of any power under this section, and any person to whom such Secretary or officer shall put any question pursuant to this section shall forthwith answer such question truthfully to the best of his knowledge, information, and belief.

Penalty: Ten pounds.

**PART VIII.—LYING-IN HOMES AND FOSTER-MOTHERS,
AND THE CARE AND ADOPTION OF CHILDREN.**

No. 21 of
1919, s. 22.

110. The Minister may, under special circumstances, and subject to the regulations, contribute towards the support of any woman in a lying-in home for a period not exceeding twelve months after her confinement, or partly before and partly after her confinement, and on such terms and conditions as may be prescribed, and may maintain Government homes for the same purpose.

Power to
assist women
in lying-in
homes.
No. 31 of
1907, s. 96.

111. No person other than a near relative shall be or act as foster-mother, for gain or reward, to any child under the age of six years without being licensed by the Department for that purpose.

Foster-
mothers to be
licensed.
No. 31 of
1907, s. 100
as amended by
No. 21 of
1919, s. 24.

112. (1) The Department may, on payment of the prescribed fee, grant annual licenses to fit and proper persons to be foster-mothers to children under the age of six years, and may by any such license fix the number of children authorised to be kept by the foster-mother therein named.

Department
may license
foster-
mothers.
No. 31 of
1907, s. 101
as amended
by No. 21 of
1919, s. 24.

(2) The Department may, in its discretion, revoke any licenses granted under this section.

113. (1) Every person other than a near relative of the child, who, not being licensed as a foster-mother by the Department, shall take the care, charge, or custody of any child under the age of six years to maintain for gain or reward such child apart from his parent, shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty not exceeding ten pounds, or in case of a second or subsequent offence to a penalty not exceeding twenty pounds or to imprisonment with or without hard labour for not exceeding three months.

Penalty on
unlicensed
foster-
mothers.
No. 31 of
1907, s. 102
as amended
by No. 21 of
1919, s. 24.

(2) No information shall be laid for any such offence under this section except by the Secretary or an officer of the Department or other person authorised by the Secretary.

Penalty on licensed foster-mother taking charge of more children than allowed by license.

No. 31 of 1907, s. 103.

Lying-in homes to be open for inspection.

No. 31 of 1907, s. 104.

Penalty for obstructing inspection.

Places for reception of children under six to be licensed.

No. 21 of 1919, s. 25.

114. Any person who shall act as foster-mother to any greater number of children than shall be fixed in the license shall be guilty of an offence against this Act.

115. (1) Every lying-in home, and the home or place of residence of every licensed foster-mother, shall, at all times, be open to inspection by the Secretary or any officer of the Department.

(2) Every person who resists or obstructs any such inspector shall be guilty of an offence against this Act.

116. (1) No person shall keep, use, or manage any house, room, or place for the purpose of receiving or keeping in his care, charge, or custody two or more children under the age of six years in order to rear, nurse, or otherwise maintain such children apart from their respective parents, except pursuant to a license granted for the purpose by the Secretary.

Penalty: Twenty pounds, or for a second offence, imprisonment with hard labour for three months.

(2) Subject to this Act, the Secretary may, on application, grant a license without fee authorising the person named in the license to so receive and keep children as aforesaid, and to keep, use, or manage for that purpose such house, room, or place as is named in the license.

(3) Every application for a fresh license shall be made during the currency of the calendar year in which the license is to have effect, or in the month of December preceding that year, and every such license which shall be granted shall, subject to this Act, have effect for and during that year or the unexpired portion thereof, and no longer.

(4) The Governor may by regulations provide for the supervision and inspection of places licensed under this section, and prescribe what requisites must be complied with as regards the structure, maintenance, and management thereof, and may by any regulation direct that a

license shall be refused in respect of any place regarding which the regulations are not complied with, or that a license shall be refused to any person, or in respect of any premises for any prescribed reason, and the Governor may prescribe a penalty of not more than ten pounds for the breach of any regulation made hereunder.

(5) If it shall appear that any person has been guilty of neglect to provide or is incapable of providing the children in his charge with proper food or attention, or that the place in respect of which he is licensed is unfit for the purpose for which it is used, or that he has not complied with the regulations, or that for any other reason it is not desirable that the license granted to such person shall continue, the Secretary may cancel such license, and remove the children to an institution, and recover the cost of and incidental to such removal from the licensee by action in any court of competent jurisdiction; but such licensee may appeal to the Minister against such cancellation in the prescribed manner, and the Minister may reverse or confirm the cancellation and restore the license, and make such other order (including the restoration of the children) as may be just.

(6) This section shall not apply to any person who merely receives into his care or keeps in his charge children of whom he is a near relative, or to any person who, being licensed as a foster-mother under this Act, merely takes the care, charge, or custody of children pursuant to her license or to any person merely receiving into his care or keeping in his charge any children as lodgers, boarders, or scholars in the establishment of any school recognised by the Minister for Education as giving efficient instruction for the purposes of the compulsory section of the Education Act, 1928-1943, or to the keeping, use, or management of a house, room, or place for any of the purposes mentioned in this subsection.

117. (1) Every licensed foster-mother shall keep a register in the prescribed form containing in respect of every ward received by her the prescribed particulars, and in respect of every other child received by her the

Register to be kept by foster-mother. No. 31 of 1907, s. 106 as amended by No. 22 of 1927, s. 3.

following particulars, so far as such particulars are capable of being ascertained by her, that is to say:—

- (a) The name, age, religion, and place of birth of the child.
- (b) The names, addresses, and description of the parents.
- (c) The name, address, and description of any persons other than the parents from or to whom the child was received or delivered over.
- (d) The dates of receipt and delivery over.
- (e) Particulars of any accident to or illness of the child, and the name of the medical practitioner (if any) by whom attended.

(2) Such register shall at all times be open to inspection by the Department or any officer thereof, and the foster-mother shall every three months forward a copy thereof to the Department:

Provided such register shall at all times be open to an accredited officer of the Department and at such other times to such persons as the Minister may direct.

Returns and records.
No. 31 of
1907, s. 107.

118. Every licensee of a lying-in home, and every licensed foster-mother, shall keep all such books and records, and furnish to the Department true and correct returns of all such matters and things as may be prescribed.

No advertisement for adoption or taking charge of child to be published unless approved by secretary, and no premium to be paid.
No. 21 of
1919, s. 26.

119. (1) No person shall, without the permission in writing of the Secretary, publish or cause to be published any advertisement containing any direct or indirect invitation to adopt or offering directly or indirectly to adopt any child under the age of fifteen years, whether a particular child or not.

Penalty: Thirty pounds.

(2) No person shall, without the permission in writing of the Secretary, publish or cause to be published any advertisement containing any direct or indirect invitation to take care of, or offering directly or indirectly to take care of, any child under the age of six years, whether a particular child or not.

Penalty: Thirty pounds.