

Insertion of new section to stand as 105.

Places for reception of children under six to be licensed.

Cf. N.S.W., 1904, No. 27, s. 27.

25. The following section is hereby inserted in the principal Act, and shall stand as section one hundred and five:—

105. (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 such a 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 Public Education Act, 1899, or to the keeping, use, or management of a house, room, or place for any of the purposes mentioned in this subsection.

26. The following sections are hereby added to Part VIII. of the principal Act:—

Addition of sections to Part VIII.

107a. (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.

No advertisement for adoption or taking charge of child to be published unless approved by Secretary, and no premium to be paid.

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.

(3.) No premium or reward shall be paid or offered to any person for maintaining or taking care of, or undertaking to maintain or take care of, any child under the age of six years, and no person shall offer or agree

to maintain or take care of such a child for a premium or reward: provided that nothing herein shall prevent the payment of a reasonable weekly or other sum approved by the Secretary to any person for taking the entire charge of any such child.

Penalty: Fifty pounds.

(4.) No premium or reward shall be paid or offered to any person for adopting or undertaking to adopt any child, and no person shall offer or agree to adopt any child for a premium or reward.

Penalty: Fifty pounds.

Person adopting child to give notice to Secretary.

107b. If any person other than a near relative of any child under six years of age or other than a person obtaining an order of adoption under the Adoption of Children Act, 1896, and amendments, adopts or assumes the entire charge of such a child such person shall, within seven days of his so doing, give notice of the fact to the Secretary, and shall in such notice state his name and place of residence and his occupation, together with the name, age, religion, and place of birth of such child.

Penalty: Ten pounds.

Insertion of new section after section 114.

27. The following section is hereby inserted in the principal Act, after section one hundred and fourteen thereof:—

Managers of institutions and persons with whom female State children are placed out to be deemed to be guardians for the purposes of Criminal Code.

114a. When a female State child is detained or resides in an institution, or has been placed out or apprenticed with or to any person, then the manager or person having the chief control of the institution (being a male) or such person as aforesaid (if a male) or the husband of such person (if a female) shall be deemed to be the guardian of such child within the meaning of the provisions of the Criminal Code relating to sexual offences by guardians.

Insertion of new sections after section 117.

28. The following sections are hereby inserted in the principal Act, after section one hundred and seventeen:—

Homes of illegitimate children under six years liable to inspection.

117a. The home or place of residence, and every part thereof, of any illegitimate child under the age of six years, shall at all times be open to entry and inspection by any female officer of the Department, on the written authority of the Secretary, and any person who refuses to allow such entry or inspection to be made, or hinders or resists any such officer in the making of, or attempt to make, such entry or inspection, or who refuses or neglects to produce such child to any such officer

Cf. S.A., 1909, No. 996, s. 18.

for inspection by her, upon such production being demanded by such officer, shall be liable to a penalty not exceeding Twenty pounds.

117b. The occupier of any house or place in which an illegitimate child is born shall, within three days after the birth, give notice of the fact with the prescribed particulars to the District Registrar of Births, Deaths, and Marriages :

Occupier of house in which an illegitimate child is born to give notice of birth.
Cf. Vic., 1915, No. 2890, s. 22.

Provided that if the place of birth is not within a registry district, the notice may be given within one week to the Registrar General of Births, Deaths, and Marriages or the officer in charge of the nearest police station, and provided also that if the mother is the occupier of the house or place, the notice may in any case be given within three weeks.

Penalty: Ten pounds.

117c. The occupier of any house or place in which an illegitimate child dies or into which the dead body of an illegitimate child is brought shall, within twenty-four hours after the death or the bringing into the house or place of such dead body, give notice of the fact with the prescribed particulars to the officer in charge of the nearest police station.

Notice of death of illegitimate child to be given.

Penalty: Twenty pounds.

117d. The last three preceding sections do not apply to or in respect of any illegitimate child that has been adopted or legitimated, or where the illegitimate child is living with and cared for by its mother.

Exemption.

29. The following section is hereby inserted after section one hundred and eighteen of the principal Act:—

Insertion of new section after section 118.

118a. (1.) Any person who has, either by wilful misconduct or habitual neglect, or by any wrongful or immoral act or omission encouraged or contributed to the commission of any offence by any child, or caused or suffered the child to become a neglected child, or contributed to such child becoming a neglected child, shall be guilty of an offence.

Parent or Guardian punishable for misconduct or neglect leading to delinquency of child.

Penalty: Thirty pounds or imprisonment with hard labour for three months.

(2.) A charge of an offence under this section may be prosecuted, heard, and determined before a Children's Court.

(3.) The court before whom any person is convicted of an offence under this section may (if such person is a parent or guardian of the child), in lieu of or in addition to any other punishment, order the person convicted—

- (a) to pay any fine which may have been imposed on the child for the offence committed by such child;
- (b) to find good and sufficient security to the satisfaction of the court that the child will be of good behaviour for a period not exceeding twelve months.

(4.) If the court orders such security as aforesaid, it may suspend any sentence of imprisonment imposed on the convicted person until there has been a breach in the conditions of the security, and on any such breach occurring the suspension shall be removed, and the sentence shall become operative and may be enforced, and in that case the period of imprisonment imposed by the sentence shall be calculated as from the date of the offender being actually received into prison.

(5.) For the purposes of this section any person who in fact has the custody, care, or control of any child shall be deemed to be a guardian of such child.

Citation and
reprint of
principal Acts
and amend-
ments.

30. All copies of the principal Act hereafter printed by the Government Printer shall be printed as altered by the existing amendments (including this Act) under the supervision of the Clerk of Parliaments, and all necessary reference to the amending Acts shall be made in the margin. In any such reprint the short title shall be altered to "State Children Act, 1907-1919," by which title the principal Act and the said amendments may be cited together.

The acts of the Parliament of Western Australia [electronic resource]

Corporate Author: Western Australia

AIATSIS Library, ELECTRONIC ACCESS ONLY
vn672744-5x_a.pdf