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Medical
examina-
tion:
Venereal
disease.
cf. Act No.
21, 1923,
s. 108.

134. (1) No ward shall be apprenticed, boarded-out or placed-out, unless he has been—

- (a) examined by a medical practitioner; and
- (b) certified by such medical practitioner as being free from venereal disease, or no longer liable to convey infection.

(2) Such certificate shall be obtained at the expense of the Child Welfare Department, and retained by the Director.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

Removal of
child to a
place of
safety.
cf. *Ibid.*
s. 44.

135. Any officer authorised by the Minister in that behalf or any constable of police may take any child or young person, in respect of whom there is reason to believe that an offence has been committed, to a shelter, and such child or young person, and any child or young person who seeks refuge in a shelter, may be there detained until he can be brought before a court.

Care of
child
pending
investiga-
tion.
Ibid. s. 45.

136. (1) Where it appears to a court or any justice that an offence has been committed in the case of any child or young person brought before such court or justice, and that the health, welfare or safety of the child or young person is likely to be endangered unless an order is made under this section, the court or justice may, without prejudice to any other power under this Act, make such order as circumstances require for the care of the child or young person until a reasonable time has elapsed for the bringing and disposing of any charge against the person who appears to have committed the offence.

(2) An order under this section may be enforced notwithstanding that any person claims the custody of the child or young person.

Arrests
without
warrant.
cf. *Ibid.*
s. 46.

137. (1) Any constable may arrest without warrant any person who commits, or who is reasonably suspected by such constable to have committed, an offence against this Act if the name and residence of such person are unknown to such constable and cannot be ascertained by him.

(2)

(2) Where such an arrest is made, the officer in charge of the police station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or where the offence is alleged to have been committed in respect of a child or young person, would tend to cause injury or danger to that child or young person, release the person arrested upon such person entering into a recognizance, with or without sureties, to attend upon the hearing of the charge.

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Release on
recogniz-
ance.

138. Whenever steps have been taken under section one hundred and thirty-five, section one hundred and thirty-six, or section one hundred and thirty-seven of this Act to secure the safety or well-being of a child or young person, and the charge against any person has been heard and determined the court may make an order as to the care of the child or young person.

Disposal of
child by
court.
Act No. 21,
1923, s. 47.

139. (1) Any magistrate or justice may issue a warrant for the arrest of any ward who has absconded or been illegally removed from his proper custody.

Arrest of
absconding
ward.

(2) (a) Where any ward who has absconded from his proper custody is arrested on a warrant issued under subsection one of this section he shall, as soon as practicable, be brought before a magistrate sitting as and constituting a children's court.

cf. *Ibid.*
s. 113.

(b) Any ward who absconds from his proper custody shall be guilty of an offence against this Act, and the court may—

- (i) order the offender to be punished by one or more of the methods of punishment referred to in Part XI of this Act; or
- (ii) make an order pursuant to section eighty-three of this Act; or
- (iii) return the ward to his former custody.

(3) Where any ward who has been illegally removed from his proper custody is arrested on a warrant issued under subsection one of this section, he shall, as soon as practicable, be placed in a shelter.

(4) Nothing contained in this section shall exempt a ward from liability under any other Act for the offence of escaping from lawful custody.

(5)

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(5) Any ward who has been temporarily released from his proper custody and who fails to return to such proper custody in accordance with the conditions of such temporary release shall be deemed to have absconded from his proper custody.

Religious teaching. cf. Act No. 21, 1923, s. 22.

140. (1) Every ward shall, so far as religious teaching is concerned, be placed under the guidance and control of clergymen of the persuasion to which the parents of such ward belong, or in which he has been brought up.

(2) In the event of such parents or their religious persuasion not being known, or in the event of a dispute between the parents, and of the ward not having been brought up in any religious persuasion, then as far as religious teaching is concerned—

(a) he shall, if of or over the age of twelve years, be placed under the guidance and control of the clergyman of such persuasion as the Minister may direct, unless such ward states some persuasion in which he desires to be educated;

(b) he shall, if under the age of twelve years, be placed under the guidance and control of the clergyman of such persuasion as the Minister may direct, but may, on attaining the age of twelve years, select the persuasion in which he desires to be educated.

(3) If at any time the religious persuasion of such ward or of his parents becomes known to the Minister, he shall at once order the ward to be placed under the guidance and control, as far as religious teaching is concerned, of clergymen of such persuasion.

Ward may be apprenticed or placed-out. cf. *Ibid.* s. 23.

141. The Minister or person acting under delegation from the Minister may, pursuant to section twenty-three of this Act, by indenture bind or cause to be bound as an apprentice any ward or may place any ward in suitable employment in cases where apprenticeship conditions are not applicable or desirable.

Apprenticeship conditions. 2 Geo. V, No. 11, ss. 39-44, 65 (Qld.).

142. (1) The indentures of apprenticeship and agreements for placing out of wards shall be in the forms prescribed, and shall contain provisions to the satisfaction of the Minister for the maintenance and religious instruction

instruction of such wards, and for the due payment of such wages as are payable thereunder. No. 17, 1939.

Such indentures and agreements shall be exempt from the provisions of the Stamp Duties Act, 1920-1933.

(2) All wages earned by a ward, except such part thereof as the employer is required to pay to the ward personally as pocket money, shall be paid by the employer to the Minister on behalf of the ward, and shall be applied as prescribed. Wages.

(3) The wages due by any person on account of any ward may be sued for and recovered in the name of the Minister by the Minister or any officer authorised by the Minister in that behalf in any court of competent jurisdiction for the benefit of such ward.

143. (1) If any ward is at the date he becomes a ward or at any time after such date becomes entitled in possession to any land the Public Trustee shall, by virtue of this Act, have the management and control of such land and may apply the whole or any part of the income therefrom or the whole or any part of the proceeds of the realisation thereof for the maintenance and benefit of the ward. Land of wards.

(2) The Public Trustee shall have and may exercise in respect of such land the same rights and powers as if such land formed part of an intestate estate of which he was duly appointed the administrator and as if such land were the share of the ward in such estate.

(3) This section shall, in the case of any ward who becomes a ward at the commencement of this Act, extend to and in respect of any land to which such ward was entitled in possession immediately before or becomes entitled in possession at any time after such commencement.

144. (1) Any officer authorised by the Minister in that behalf may, at any time, order that any child or young person admitted to an establishment under the control of the Minister be examined to determine his medical, physical or mental characteristics or defects. Medical examination.

(2) The Minister or any officer specially authorised by the Minister in that behalf notwithstanding the objection of any parent of a ward, may consent to any surgical Consent to operations.

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surgical or other operation which he is advised by a medical practitioner is necessary in the interests of the health or welfare of the ward.

When information on oath warrant may be issued to search premises.
cf. Act No. 21, 1923,
s. 105.

145. (1) If it be made to appear to any magistrate or justice, 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, building or place, or that any of the provisions of this Act are being infringed in any house, building or place, such magistrate or justice may issue his warrant authorising any officer or constable of police named therein to search if need be by force, any house, building or place therein named, at any hour of the day or night, for the purpose of ascertaining whether there is or has been therein or thereon an infringement of the provisions of this Act.

(2) Such officer or constable may be accompanied by—

- (a) a medical practitioner, or
- (b) the person giving the information if such person so desires, unless the magistrate or justice otherwise directs.

Power of search and arrest, and to place child in safety.
cf. *Ibid.*
s. 106.

146. (1) Whenever it appears to any magistrate or justice, on information made before him on oath by any person who, in the opinion of the magistrate or justice, is bona fide acting in the interest of any child or young person, that there is reasonable cause to suspect that such child or young person is a neglected child within the meaning of Part XIV of this Act, or has been or is being ill-treated or neglected in a manner likely to cause the child or young person unnecessary suffering, or to be injurious to his health or welfare, such magistrate or justice may issue a warrant authorising any constable of police or any officer named therein to search for such child or young person; and to take him to and detain him in a place of safety until he can be brought before a court; and the court before whom the child or young person is brought may commit the child or young person to the care of some person named by the court, or make such other order as to the care of the child or young person as the court may think fit.

(2)

(2) The magistrate or justice issuing such warrant may, by the same warrant, authorise the apprehension of any person accused of any offence in respect of the child or young person.

(3) Any person authorised by warrant under this section to search for any child or young person, and to take him to and detain him 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 or young person therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by any constable of police or any officer named therein; and he may be accompanied by—

- (a) a medical practitioner; or
- (b) the person giving the information if such person so desires, unless the magistrate or justice otherwise directs.

(5) It shall not be necessary in any warrant issued under this section to name any particular child or young person.

147. Upon complaint made by any officer authorised by the Minister in that behalf that any person with whom any ward has been placed out is not observing or performing the conditions of the agreement or is unfit to have the further care of such ward, any magistrate or justice may call upon such person to answer such complaint, and on proof thereof a court may order such agreement to be terminated and may direct the ward to be sent to a place of safety or to a depot, home or hostel pending arrangements for further employment.

Court may put an end to agreement. cf. Act No. 21, 1923, s. 24.

148. (1) Any person, whether or not the parent of the child or young person, who without reasonable excuse neglects to provide adequate and proper food, nursing, clothing, medical aid, or lodging for any child or young person in his care shall be guilty of an offence against this Act.

Neglect to provide for children and young persons.

(2) Any person who—

- (a) ill-treats, terrorises, overworks, or injures any ward;
- (b) counsels, or causes or attempts to cause, any ward to be withdrawn or to abscond from any institution

Offences in respect of wards. cf. *Ibid.* s. 27.

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- institution or from the charge of any person with whom such ward is boarded-out, placed-out, or apprenticed, or placed as an adopted boarder, or to escape from his proper custody, or to be or to remain absent without leave, from his proper custody;
- (c) knowing any ward to have so withdrawn or to have so absconded or escaped or to be so absent harbours or conceals such ward or prevents him from returning to such institution or person;
- (d) having the care of any ward—
- (i) illegally discharges or dismisses or attempts to discharge or dismiss him from a home established under Part IX of this Act or from an institution;
 - (ii) illegally detains him in a home established under Part IX of this Act or in an institution;
 - (iii) neglects him;
 - (iv) does not well and truly observe, perform, and keep all the covenants, conditions, and agreements contained in any indenture or agreement entered into by him respecting any ward, and which by such indenture or agreement he has bound himself, or agreed, to observe, perform or keep,

shall be guilty of an offence against this Act.

Ill-treatment.
cf. Act No. 21, 1923, s. 118.

149. (1) Any person who assaults, ill-treats, or exposes any child or young person, or causes or procures any child or young person to be assaulted, ill-treated or exposed, if such assault, 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 or young person shall be guilty of an offence against this Act.

cf. 23 Geo. V, ch. 12, s. 14 (2).

(2) The same information or summons may charge any person with the offences of assault, ill-treatment or exposure, together or separately, and may charge him with committing all or any of these offences in such manner that bodily suffering or permanent injury to the health

health or serious injury to the health of such child or young person has resulted or appears likely to result, alternatively or together, but when those offences are charged together the person charged shall not, if he is convicted, be liable to a separate penalty for each.

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150. Whosoever, without the authority or permission of the Minister or of the Director or of the superintendent, matron or officer in charge of an institution, shelter, depot, hostel, or home, as the case may be, holds or attempts to hold any communication with any inmate, or enters any institution, shelter, depot, hostel or home, or any premises belonging thereto or used in connection therewith, and does not depart therefrom when required so to do by the superintendent, matron, or officer in charge of such institution, shelter, depot, hostel or home, or, after being forbidden by the Minister or by the Director or superintendent, matron or officer in charge, as the case may be, so to do, holds or attempts to hold any communication directly or indirectly with any inmate shall be guilty of an offence against this Act.

Unauthorised communication with inmates of institutions, depots, etc.
cf. 2 Geo. V, No. 11, s. 69 (Qld.).

151. Any person who, in any application under this Act, makes any wilfully false statement as to his property or income, or as to the income, property, or earnings of any member of his family shall be guilty of an offence against this Act.

False statements in application.

152. (1) Any person who imposes or endeavours to impose upon the Minister or any officer or employee of the Child Welfare Department by any false or fraudulent representations with a view to obtaining money or any other advantage shall be guilty of an offence against this Act.

Imposition or attempted imposition.

(2) Any person who, in respect of any child, receives and retains any money purporting to be paid under the provisions of Part V or Part VI of this Act, after he has become disentitled by any cause whatever to receive any such payment, shall be guilty of an offence against this Act.

(3) Any person who hinders or obstructs any officer or employee of the Child Welfare Department in the exercise of his duty under this Act shall be guilty of an offence against this Act.

Obstruction of officer or employee.
cf. Act No. 21, 1923, s. 112.

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Forgery of
certificate.
cf. Act No.
21, 1923,
s. 111.

153. (1) If any person—

- (a) makes any false representation; or
- (b) forges any certificate; or
- (c) makes use of any forged certificate knowing it to be forged,

with intent to obtain the issue of a license, either to such person, or to any other person, under this Act, he shall be guilty of an offence against this Act.

(2) Any person who—

- (a) falsifies any register kept in pursuance of this Act; or
- (b) furnishes false particulars of any matter which is required to be entered in such register,

shall be guilty of an offence against this Act.

Person
falsely
representing
himself as
an officer.

154. Any person, not being an officer or employee of the Child Welfare Department, who, for any fraudulent purpose—

- (a) assumes or uses the designation of officer, or inspector, or falsely represents himself to be officially associated in any capacity with the Child Welfare Department; or
- (b) uses any designation which he previously held in the said Department,

shall be guilty of an offence against this Act.

Contempt of
court.
cf. Act No.
27, 1902, s.
152.

155. If any person shall, during any proceedings before a court, be guilty of contempt, such person may be punished in a summary way by such court by a fine not exceeding five pounds or by imprisonment for a period not exceeding ten days.

Right to
administer
punishment:
Parent or
teacher.
cf. Act No. 21,
1923, s. 116.

156. 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 care of a child or young person, to administer punishment to such child or young person.

A person not
to be twice
punished for
the same
offence.
ibid. s. 117.

157. Where a person is charged with an offence against 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.

158.

158. (1) No suit or action shall lie against the Minister or any officer or employee of the Child Welfare Department for or on account of any act, matter or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if the Minister or the officer or employee has acted in good faith and with reasonable care.

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No action to lie against person who has acted in good faith, etc. cf. Act No. 45, 1898, s. 172.

(2) No such suit or action as aforesaid shall be commenced but within six months after the alleged cause of action, or, in the case of a suit or action by a person who has been a ward, but within six months next after the absolute discharge of such ward, or, in the case of a suit or action by a person who has been transferred to an institution pursuant to section ninety-four of this Act, but within six months next after the discharge of such person.

Or where action not commenced within six months.

(3) Proceedings in such suit or action as aforesaid may, on application to the court in which such suit or action was commenced, be stayed upon such terms as to costs or otherwise as the court may think fit, if the court is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care, or that the suit or action was commenced after the expiration of the six months aforesaid.

Stay of proceedings.

159. The expenses incurred in respect of the administration of this Act shall be defrayed from such moneys as Parliament shall appropriate for that purpose, and if there are no such moneys available, such expenses shall be defrayed out of the Consolidated Revenue Fund by warrant under the hand of the Governor directed to the Colonial Treasurer.

Expenditure of money appropriated by Parliament. cf. Act No. 21, 1923, s. 121.

The said Treasurer shall pay out of the said fund only such charges as are certified to be correct under the hand of the Minister and countersigned by the Director, and all payments in pursuance of such warrants shall be credited to the said Treasurer, and the receipt of the person to whom the same are paid shall be his discharge in respect of the sum therein mentioned in the passing of his accounts. All payments made under any such warrant shall be recouped out of the vote for the purpose of this Act so soon as there are sufficient funds to the credit of such vote.

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Minister to
report to
Parliament.Act No. 21,
1923, s. 122.

160. The Minister shall furnish a report to Parliament every year on the working of this Act.

PART XVIII.

REGULATIONS.

Regulations.

cf. 2 Geo. V,
No. 11, s. 81
(Qld.).Act No. 21,
1923, s. 103.

161. (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without prejudice to the generality of the foregoing provisions may make regulations with respect to—

- (a) the duties, powers, and authorities of officers, employees and other persons engaged in the administration of this Act;
- (b) the management, control, and supervision of institutions, shelters, depots, homes and hostels;
- (c) the custody, maintenance, education, religious instruction, recreation, employment, boarding-out, placing-out, placing as adopted boarders, and apprenticing of wards; the visitation of such wards; the discipline of such wards; wages and rewards of such wards; the management and control of the property of such wards; and the after care of discharged wards;
- (d) records to be kept at and reports to be made from institutions, shelters, homes, depots and hostels;
- (e) the form and contents of agreements, appointments, apprenticeship articles, authorities, complaints, licenses, notices, orders, summonses, and all other instruments and documents, and the mode of executing, serving or delivering the same;
- (f) the fees to be paid in respect of matters arising under this Act;

(g)

- (g) the free transport on all Government railways of wards, inmates of establishments controlled by the Child Welfare Department, together with their attendants (if any), and of ex-wards proceeding from such establishments to their homes or to places of employment;
- (h) medical, dental and nursing attention to any ward;
- (i) the rates of payment to foster parents;
- (j) the rates of allowances which may be granted under Part VI of this Act;
- (k) the inspection of places licensed under Part VII of this Act;
- (l) the conditions subject to which children may engage in street trading or be employed for any of the purposes referred to in Part XIII of this Act;
- (m) the conditions governing the release on probation or release on license or the committal to the care of any person or the discharge of children or young persons and the visitation, inspection, education, religious instruction, recreation, employment and after care of such children or young persons;
- (n) the liabilities of persons in respect of the welfare of children or young persons who are apprenticed, boarded-out, placed-out, placed as adopted boarders, committed, released on probation or released on license or released conditionally to them;
- (o) prescribing the methods of punishment which may be imposed upon persons (other than inmates as defined in section fifty-six of this Act) who are detained in establishments controlled by the Child Welfare Department;
- (p) the time and manner in which any act, matter, or thing required by this Act to be done or performed, but with respect to which this Act does not prescribe such time or manner, is to be done or performed.

(2) The regulations may impose penalties not exceeding thirty pounds for any breach of the regulations.