

## CHILDREN'S WELFARE ACT 1928.

An Act to consolidate the Law relating to Children's Welfare and to the Protection of Infant Life. 19 GEORGE V.  
No. 3654.

[12th February, 1929.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

*Neglected Children's Act 1915.*  
*Infant Life Protection Act 1915.*

1. This Act may be cited as the *Children's Welfare Act 1928*, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*, and is divided into Parts and Divisions as follows :—

Short title commencement and division.

**PART I.—**  
**Children's**  
**Welfare**  
**ss. 3-90.**

- Division 1.—Establishment of Receiving Homes and Probationary Schools and Recognition of Industrial Schools ss. 4-8.
- Division 2.—Officers ss. 9-17.
- Division 3.—Committal to the Care of the Children's Welfare Department ss. 18-24.
- Division 4.—Management of Wards of the Department ss. 25-33.
- Division 5.—Management of the Property of Wards of the Department ss. 34-40.
- Division 6.—Visitors to Schools and Religious Instruction ss. 41-44.
- Division 7.—Liability of Parents for Maintenance ss. 45-60.
- Division 8.—Committal to the Care of Private Persons ss. 61-76.
- Division 9.—Employment of Children ss. 77-79.
- Division 10.—Offences Penalties and Legal Proceedings ss. 80-87.
- Division 11.—Regulations of the Governor in Council ss. 88-90.

**PART II.—**Infant Life Protection ss. 91-118.

*Neglected Children's Act 1915 s. 2.*  
*Infant Life Protection Act 1915 s. 2.*  
 Repeal.

First Schedule.

2. The Acts mentioned in the First Schedule to this Act to the extent thereby expressed to be repealed are hereby repealed. Such repeal shall not affect any appointment application list complaint declaration distress order regulation or transfer made or validated, or any certificate or security given, or any summons issued, or any warrant granted, or any surety bond recognisance or demise entered into or executed or any receiving home or probationary school established or any liability civil or criminal incurred or any right acquired or any matter or thing done under the said Acts or any of them before the commencement of this Act.

#### PART I.—CHILDREN'S WELFARE.

Interpretation.

*Neglected Children's Act 1915 s. 3.*

"Casual employment."

"Child."

"Inmate."

"The Inspector."

"The Minister."

"The Secretary."

"Ward of the Department."

Ward of the Children's Welfare Department."

Construction of references to Department for Neglected Children or Secretary in Acts documents &c.

*Children's Welfare Act 1924 s. 2.*

3. In this Part, unless inconsistent with the context or the subject-matter—

"Casual employment" means employment for the purposes of gain in streets or other places in vending or exposing for sale any article whatsoever and also employment of any other kind outside the child's own home not being employment the lawful period whereof is regulated by any Act of Parliament :

"Child" is applicable to any person under the age of twenty-one years :

"Inmate" includes inmate within the meaning of the Acts relating to neglected children and juvenile offenders in force at the commencement of this Act :

"The Inspector" means the Inspector of Industrial and Probationary Schools :

"The Minister" means the responsible Minister of the Crown administering this Act :

"The Secretary" means the Secretary of the Children's Welfare Department :

"Ward of the Department" means any one of whose person the secretary<sup>(a)</sup> or the superintendent or matron<sup>(b)</sup> of any reformatory school is guardian under the provisions of this Act or any Act for the time being in force relating to juvenile offenders :

"Ward of the Children's Welfare Department" means any one of whose person the secretary is guardian under the provisions of this Act.<sup>(a)</sup>

Any reference to the "Department for Neglected Children" or any like expression or to the "Secretary of the Department for Neglected Children" or any like expression occurring in any Act or in any order in Council by-law regulation deed contract application list order complaint declaration transfer certificate security summons warrant security bond recognisance or other instrument or any other document whatsoever shall be deemed and taken to refer to and mean the Children's Welfare Department or (as the case may be) the Secretary

(a) See section 25. Consents to the making of an "adoption order" may be dispensed with where the person whose consent is to be dispensed with is a person with whom the infant (being a ward of the Department) is boarded out, &c., pursuant to this Act or is a person with whom

pursuant to Part II. of the Act the infant (not being the child of such person) is boarded out.—*Adoption of Children Act 1928* (No. 3605), section 4 (3) (iv.).

(b) See *Crimes Act 1928*, section 342.

of the Children's Welfare Department unless the context otherwise requires. And the Children's Welfare Department shall be deemed to be the same Department as that formerly known as the Department for Neglected Children.

*Children's  
Welfare Act  
1924.*

**DIVISION 1.—ESTABLISHMENT OF RECEIVING HOMES AND PROBATIONARY SCHOOLS AND RECOGNITION OF INDUSTRIAL SCHOOLS.**

4. The Governor in Council may from time to time for the purposes of this Part establish and abolish receiving homes and every such receiving home shall be occupied by and used for males or females exclusively as the Governor in Council directs save that boys under the age of six years may be sent to receiving homes occupied and used for females.

*Receiving  
homes,  
Neglected  
Children's Act  
1915 s. 4.*

5. The Governor in Council may from time to time for the purposes of this Part establish and abolish probationary schools and every such school shall be occupied by and used for males or females exclusively as the Governor in Council directs.

*Probationary  
schools.  
Ib. s. 5.*

6. Any school established by private contributions and heretofore approved by the Governor in Council under section nine of the Act No. 216 as an industrial school shall unless and until such approval is withdrawn be deemed an industrial school within the meaning of this Part for the denomination or denominations (if any) for which the school is stated to be supported in the order approving the same, and any person for the time being approved by the Governor in Council for that purpose shall be deemed the superintendent or matron of such school, and no child shall be sent or committed to such school who is not a member of the denomination or of one of the denominations for which the school is approved.

*Industrial  
schools  
established by  
private persons  
under Act No.  
216 s. 9.  
Ib. s. 6.*

7. The managers of every school established by private contributions and approved by the Governor in Council as aforesaid as an industrial school shall be entitled to receive out of any moneys which may be appropriated by Parliament for that purpose for every ward of the Children's Welfare Department under the provisions of this Part maintained in such school during the preceding year or any part thereof a sum calculated at the rate of not more than Five shillings a week, or in case such ward is crippled or invalid or of unsound mind at such greater rate as the Minister approves.

*State aid to  
private indus-  
trial schools.  
Ib. s. 7.*

8. If at any time upon the report of the Inspector the Governor in Council is dissatisfied with the condition management or regulations of any school established by private contributions he may withdraw his approval from such school, and from and after publication of such withdrawal in the *Government Gazette* the school shall cease to be an industrial school within the meaning of this Part and to be entitled to receive aid from the consolidated revenue: Provided nevertheless that the Governor in Council shall not withdraw his approval of any school as aforesaid until after the lapse of two months from the transmission of a duplicate of the report aforesaid to the superintendent matron or managers of such school.

*Approval of  
private  
industrial school  
how withdrawn.  
Ib. s. 8.*

## DIVISION 2.—OFFICERS.

*Neglected  
Children's Act  
1915 s. 9.  
Secretary.*

9. The person holding the office of Secretary of the Children's Welfare Department<sup>(a)</sup> at the commencement of this Act shall unless and until removed in accordance with the provisions of the *Public Service Act 1928* by the Governor in Council be the Secretary of the Children's Welfare Department under this Part as if appointed hereunder, and the Governor in Council may subject to the provisions of the *Public Service Act 1928* from time to time appoint some fit and proper person to be Secretary of the Children's Welfare Department and remove every such Secretary. It shall be the duty of the Secretary under the direction of the Minister to carry into operation the provisions of this Act so far as the execution thereof is not expressly committed to any other person.<sup>(b)</sup>

*Report of the  
Secretary.  
Ib. s. 10.*

10. The Secretary shall on or before the thirtieth of June in each year submit to the Minister a report of his proceedings and accounts of the receipts and expenditure under the powers or for the purposes of this Part during the past year, with returns showing the number of children received and discharged their ages religion parentage birth-place location and cost of maintenance and the sums contributed by relatives toward their support together with any general remarks he thinks fit to make, and there shall be annexed to such report a summary of the reports sent in by the visiting committees and reports by the superintendent matron or managers of every industrial or probationary school upon the state and requirements of such schools which such superintendents matrons and managers are hereby required to furnish to the Secretary on or before the thirty-first day of March in every year for that purpose. And the Minister shall lay such report of the Secretary with the reports annexed to it before both Houses of Parliament within three weeks after the presentation thereof, if Parliament is then sitting, or if not then sitting within three weeks from the next assembling of Parliament.

*The Inspector.  
Ib. s. 11.*

11. The person holding the office of Inspector of Industrial and Probationary Schools at the commencement of this Act shall unless and until removed in accordance with the provisions of the *Public Service Act 1928* by the Governor in Council be the Inspector of Industrial and Probationary Schools under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of the *Public Service Act 1928* from time to time appoint some fit and proper person to be Inspector of Industrial and Probationary Schools and remove every such Inspector.

*Duties of  
Inspector.  
Ib. s. 12.*

12. It shall be the duty of the Inspector to visit and inspect every industrial and probationary school and receiving home as often as occasion may require, and not less often than the Governor in Council by regulation directs and when specially required by the Minister any house or place where any ward of the Children's Welfare Department is boarded out or placed, and to report to the Minister thereon

(a) As to the power of the secretary to take steps to obtain an "adoption order" (if there is a suitable adopter) in the case of the wards of the Department, see *Adoption of Children Act 1928* (No 3605), section 14.

(b) It is the duty of the Secretary under this

section to exercise his powers under section 25 as guardian of the person of a ward of the Children's Welfare Department in accordance with the directions of the Minister administering the Act and independently of his own discretion.—*The King v. Steedman, ex parte Smith*, 1916 V.L.R., 412.

and upon all matters connected therewith, and the Inspector shall have control over any officers appointed to visit such wards in such houses or places.

*Neglected Children's Act 1915.*

13. Subject to the provisions of the *Public Service Act 1928* the Governor in Council may from time to time appoint for every probationary school for males a superintendent, and for every probationary school for females a matron, and may remove every such superintendent and matron ; and it shall be the duty of the superintendent or matron of every such school to carry into execution all the provisions of this Part and the regulations in force thereunder so far as the same relate to such school and the wards of the Children's Welfare Department for the time being detained there.

*Superintendents and matrons. Ib. s. 13.*

14. It shall be the duty of the teachers officers and servants of every industrial and probationary school to obey all lawful and reasonable orders and directions of the superintendent or matron (as the case may be) in the execution of this Part.

*Teachers officers and servants. Ib. s. 14.*

15. All appointments and removals to be made by the Governor in Council under the powers contained in this Part shall be made subject to the provisions of the *Public Service Act 1928* or any Act for the time being in force relating to the public service.

*Application of the Public Service Act. Ib. s. 15.*

16. In case of the absence on leave or temporary incapacity of any officer appointed under the provisions of this Part or under any corresponding previous enactment the Governor in Council may appoint some fit and proper person to act in his stead, and every such person when so acting may exercise all the powers and duties of the officer in whose place such person is appointed.

*Power to appoint temporary officers. Ib. s. 16.*

17. All courts judges and persons acting judicially shall take judicial notice of the signature of the Minister the Secretary the Inspector and of any superintendent or matron or clerk of a court or of any person acting in any of such offices to every document required to be signed for the purposes of this Part or any corresponding previous enactment.

*Judicial notice to be taken of signatures. Ib. s. 17.*

### DIVISION 3.—COMMITTAL TO THE CARE OF THE DEPARTMENT.<sup>(a)</sup>

18. Every child who answers to any of the following descriptions shall be deemed a "neglected child" within the meaning of this Act, that is to say:—

*What children to be deemed "neglected." Ib. s. 18.*

(a) Every child apparently under the age of seventeen years—

(i.) found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms :

(ii.) found wandering about or frequenting any street or thoroughfare or any premises licensed under the *Licensing Act 1928* or any place of public resort or sleeping in the open air and who has not any home or settled place of abode or any visible means of subsistence :

(a) On the discharge of an "adoption order" in respect of an adopted child, as to the committal of the child to the care of the Children's

Welfare Department, see the *Adoption of Children Act 1928* (No. 3605), section 13 (2).

*Neglected  
Children's Act  
1915.*

(iii.) associating or dwelling with any person known or reputed to be a thief or drunkard or with any person convicted of vagrancy under any Act now or hereafter to be in force whether the person so known reputed or convicted is the parent of the child or not :

(iv.) having committed an offence punishable by some less punishment than imprisonment ; and

(b) Every child apparently under the age of ten years found engaged in any casual employment during the months of May June July August or September after the hour of seven o'clock in the evening, or at any other part of the year after the hour of nine o'clock in the evening.

*Neglected  
children may be  
taken before  
children's  
court.  
Ib. s. 19.*

19. Every child found by any member of the police force or person authorized by the Governor in Council in circumstances which make such child a "neglected child" may be immediately apprehended by such member or person without any warrant and forthwith taken before a children's court to be dealt with according to this Part, and until the charge is heard and disposed of such child shall be detained under such care and in such manner as may be provided by regulations made or in force hereunder or by the *Children's Court Act 1928.*<sup>(a)</sup>

*Neglected  
children how  
dealt with.  
Ib. s. 20.*

20. Whenever any child is brought before a children's court charged with being a "neglected child" the court shall proceed to hear the charge, and if it is established to its satisfaction may direct such child to be forthwith committed to the care of the Children's Welfare Department, or if in the opinion of such court such child has been leading an immoral or depraved life to a reformatory school, or may direct such child to be released on probation as provided by the *Children's Court Act 1928.*

*Child residing  
in a brothel or  
with a prostitute  
to be taken  
before children's  
court.  
Ib. s. 21.*

21. (1) Every child apparently under the age of sixteen years found (by any senior constable sergeant of police or officer of police of superior grade to a sergeant or by any person specially authorized by the Governor in Council in that behalf) residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not shall be immediately apprehended by such constable sergeant or officer or person without any warrant, and forthwith taken before a children's court to be dealt with according to the provisions of the next succeeding section.

*How dealt with.  
Ib. s. 22.*

(2) Whenever any child apparently under the age of sixteen years is brought before a children's court charged with residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not the court shall proceed to hear the said charge, and if the same is established to its satisfaction shall direct such child forthwith to be committed to a reformatory school, or if in the opinion of such court such child has not been leading an

(a) Under the former Act it was held that it was illegal and beyond the jurisdiction of a magistrate to remand a child, who had been arrested as a neglected child, to the care of the Neglected Children's Department at Royal Park, with the object of securing her and preventing

her from being tampered with as a witness, there being no intention of proceeding with the charge laid against her of being a neglected child.—*McSweeney v. Haggart*, 17 A.L.R., 70 ; 1911 V.L.R., 130.

immoral or depraved life to the care of the Children's Welfare Department or may direct such child to be released on probation as provided by the *Children's Court Act 1928*: Provided always that in case special and exceptional circumstances are proved which satisfy the court that it would be inadvisable to commit such child, the court may order such child to be discharged.

22. If the guardian of any child under the age of fifteen years represents to a children's court and proves to its satisfaction that he is unable to control such child such court may order that upon such guardian entering into security to the satisfaction of the clerk of the court for payment of such sum as such court may fix for the maintenance of such child such child be committed to the care of the Children's Welfare Department, and if in pursuance of such order such guardian enters into such security the clerk of the court shall sign a memorandum upon such order to that effect and thereupon the child named in such order shall be deemed to be committed to the care of the Children's Welfare Department, and for the purpose of determining whether such child has been duly committed to such care such memorandum shall be conclusive evidence that the security has been duly given to the satisfaction of the clerk of the court. The word "guardian" in this section includes the father and the mother if both concur or either the father or the mother if at the time the application is made he or she (as the case may be) has in fact without interference from the other the control and charge or supposed control and charge of such child.

*Neglected Children's Act 1915.*

Power to commit to the care of the Department a child who is not controllable by its guardian. *Ib. s. 23.*

23. Every order committing a child to the care of the Children's Welfare Department or to a reformatory school may be in such one of the forms in the Second Schedule hereto as may be applicable or in any form which may be substituted therefor by the regulations of the Governor in Council for the time being in force or to the like effect, and such order or an office copy thereof without any warrant shall be sufficient authority for any member of the police force to take such child to the reformatory school named therein, or in case of a child committed to the care of the Children's Welfare Department to the place to which the Secretary directs such child to be taken, or in default of any such direction to such receiving home for children of the same age and sex as is nearest or most convenient.

Form of order committing a child to the care of the Department or a reformatory. *Ib. s. 24. Second Schedule.*

24. (1) Where any child is without sufficient means of support and no available legal proceedings can be taken to obtain sufficient means of support for such child—

Application to make certain children without means of support wards of the Department. *Children's Maintenance Act 1919 s. 16. Children's Maintenance Act 1924 s. 7.*

- (a) the mother of such child—if the child is in her custody; or
- (b) (where the mother is dead or of unsound mind or has deserted the child) any relative of the child, or in the case of a child not born in lawful wedlock any relative of the mother of the child—if in either of such cases the child is in the custody of such relative; or

(c) in any other case any member of the police force of higher rank than that of sergeant or who is in charge of a police station, may in the prescribed form make an application in writing to the secretary that the child should become a ward of the Children's Welfare Department.

*Children's  
Maintenance  
Act 1924.*  
Investigation  
by secretary.

- (2) The Secretary—  
 (a) shall on receipt of such application make or cause to be made such investigations as appear to him desirable with respect to the application and the subject-matter thereof; and  
 (b) upon the completion of his investigations shall refer the application together with a full report of the result of the investigations which have been made to a police magistrate.

Power and  
duties of police  
magistrate.  
*Children's  
Maintenance  
Act 1919 s. 16.*

- (3) The police magistrate—  
 (a) shall notify the applicant of the time and place of hearing;  
 (b) shall investigate the matter of the application for the purpose of ascertaining whether it is advisable that the child should become a ward of the Children's Welfare Department; and  
 (c) on the completion of his investigations shall forward to the secretary a report thereon and a recommendation as to whether in his opinion the application should be granted and shall also return the application to the secretary.

Power of  
Minister.

(4) The secretary shall submit the application together with the report and recommendation of the police magistrate to the Minister who may if he thinks fit by direction endorsed on the application and signed by him grant the application or may refuse the same.

Effect of  
direction of  
Minister.

(5) Upon the making of the said direction the child shall become *ipso facto* a ward of the Children's Welfare Department and the said direction shall for all purposes be deemed to be an order committing the said child to the care of the Children's Welfare Department.

Application of  
*Maintenance  
Act 1928.*

(6) Sections fifty to fifty-seven of the *Maintenance Act 1928* shall apply to this section as if any reference in the said sections to Part III. of the said Act were a reference to this section.

(7) In this section—

- (a) "Child" means any person (whether born in lawful wedlock or not) under the maximum age provided under the Education Act for the time being in force for a child of school age within the meaning of such Act.  
 (b) "Relative" means any relative (whether by consanguinity or affinity) of the child or (in the case of a child not born in lawful wedlock) of the mother of the child.

#### DIVISION 4.—MANAGEMENT OF WARDS OF THE DEPARTMENT.

Secretary to be  
guardian of the  
person of  
children  
committed to  
the case of the  
Department.  
*Neglected  
Children's Act  
1915 s. 25.*

25. Whenever any child is committed or transferred to the care of the Children's Welfare Department under the provisions of this or any other Act for the time being in force authorizing such committal or transfer, the Secretary shall become the guardian<sup>(a)</sup> of the person of such child to the exclusion of the father and mother and every other guardian until such child attains the age of eighteen years or such greater age not exceeding twenty years as the Governor in Council

(a) Notwithstanding this provision, it was held that the Secretary having once placed the child in the custody of a suitable person in accordance with the regulations could not of his own motion

under the regulations as framed demand the child back.—*In re Kay, ex parte Davis*, 29 V.L.R., 685. See notes to section 9 and section 30.



may direct unless such child is sooner discharged, and the Secretary shall as such guardian have the sole right to the custody of such child and shall deal with such child as directed by this Act and the regulations of the Governor in Council in force hereunder.

*Neglected Children's Act 1915.*

26. While any ward of the Children's Welfare Department is detained in any industrial or probationary school the superintendent or matron of such school may exercise the powers of the Secretary as guardian of the person of such ward.

*Guardianship of children while detained in industrial schools.*  
*Ib. s. 26.*

27. Whenever any ward of the Children's Welfare Department is desired to be transferred to a reformatory school the Secretary may write or cause to be written on the order committing such ward to the care of the Children's Welfare Department or if such ward has been transferred from a reformatory school the order committing such ward to a reformatory school or an office copy thereof respectively a memorandum to the following effect:—"I recommend that A.B. within-named be transferred to the reformatory school at (describing the school)" and may sign such memorandum and the Minister may write or cause to be written after such memorandum the word "approved" together with the date and may sign the same and thereupon such ward shall be deemed to be transferred to such reformatory school.

*Method of transferring child from the care of the Department to a reformatory.*  
*Ib. s. 27.*

28. No warrant shall be necessary to authorize the detention of any ward of the Children's Welfare Department but if the right to the custody of such ward is called in question by *habeas corpus* or otherwise it shall be sufficient to give in evidence the order committing such ward to the care of the Children's Welfare Department and in case such ward has been transferred from a reformatory school the order committing such ward to a reformatory school and the order or orders transferring such ward and to show that such ward is detained by the authority of the Secretary as guardian of the person of such ward.<sup>(a)</sup>

*Warrant not to be necessary to detain child.*  
*Ib. s. 28.*

29. The Governor in Council may at any time order any ward of the Children's Welfare Department to be discharged and thereupon the Secretary shall cease to be guardian of the person of such ward.

*Power to the Governor in Council to discharge any ward of the Department.*  
*Ib. s. 29.*

30. Subject to the regulations of the Governor in Council every ward of the Children's Welfare Department may from time to time be dealt with by the Secretary in one or other of the following ways:—

*Wards of the Department how dealt with.*  
*Ib. s. 30.*

- (1) Placed in some receiving home :
- (2) Boarded out with some suitable person :
- (3) Placed at service with some suitable person :
- (4) Apprenticed to some trade either on land or at sea :
- (5) Placed in the custody of some suitable person who may be willing to take charge of such ward :<sup>(b)</sup>

(a) Compare *Crimes Act 1928*, section 345.

(b) A., a ward of the Department for Neglected Children, had been placed with X, under section 30 (5) of the *Neglected Children's Act 1890*, corresponding with this section, and the regulations thereunder. On the recommendation of the Secretary, indorsed by the Minister, A. was handed over to Y. The regulations made provision for the Minister directing the subsequent removal of such a child but made no provision for the Secretary doing so.

*Held*, that the Secretary could not of his own

motion afterwards demand that the child be handed back to the custody of the Department.

*Per Madden, C.J.*—The Secretary under section 30 (5) has a right to place a ward with any suitable person willing to take it. Once he has so placed it he cannot demand it back unless the Governor in Council or the Minister orders it.—*In re Kay, ex parte Davis*, 29 V.L.R., 685. See note to section 25.

As to the Secretary's power to take steps to obtain an adoption order, see *Adoption of Children Act 1928*, section 14.

*Neglected  
Children's Act  
1915.*

- (6) Detained in some industrial or probationary school:  
(7) Transferred with the approval of the Minister to some reformatory school to which such ward might be lawfully committed:

Provided always that in case it comes to the knowledge of the Minister that any ward committed under this or any other Act to the care of the Children's Welfare Department or the Department for Neglected Children (as the case may be) has been leading an immoral or depraved life such ward shall be transferred to a reformatory school unless under the special circumstances of any case the Minister thinks that it would be inexpedient and it shall be the duty of the Secretary to take the proper steps for that purpose: Provided also that no ward shall be detained in any probationary school for more than six months without the authority in writing of the Minister who may from time to time authorize the detention of such ward for a further period so that the period of detention of such ward in a probationary school at one time does not exceed in the whole twelve months at the expiration of which period such ward must be dealt with in such other of the foregoing ways as in the circumstances of the case seems proper: Provided also that no ward who has been transferred from a reformatory school or who has been residing in a brothel or associating or dwelling with a prostitute shall be boarded out without such information as to the case of such ward being given to the person with whom such ward is proposed to be boarded as is prescribed by or under the regulations of the Governor in Council for the time being in force in that behalf.

Power to visit  
and inspect  
wards boarded  
out &c.  
*Ib. s. 31.*

31. Every person with whom any ward of the Children's Welfare Department is boarded out placed or apprenticed shall from time to time permit such ward to be visited and any place where such ward is or resides to be inspected by the Inspector or any person authorized by or under the regulations of the Governor in Council for the time being in force in that behalf.

Secretary to  
have power of  
apprenticing  
wards of the  
Department.  
*Ib. s. 32.*

32. The Secretary shall be deemed a person having the control of a public institution of an eleemosynary nature and all wards of the Children's Welfare Department shall be deemed children under his care or control within the meaning of the *Master and Apprentice Act 1928*.

Constables to  
assist in  
retaining  
custody of  
wards.  
*Ib. s. 33.*

33. All members of the police force shall assist the Secretary and every superintendent or matron of an industrial or probationary school or receiving home in retaining or recovering the custody of any ward of the Children's Welfare Department who absconds or attempts to abscond.

#### DIVISION 5.—MANAGEMENT OF THE PROPERTY OF WARDS OF THE DEPARTMENT.

Secretary to be  
guardian of the  
estates of  
children  
committed to  
the care of the  
Department  
*Ib. s. 34.*

34. Unless the Governor in Council otherwise orders, the Secretary shall to the exclusion of the father mother and every other guardian be or become the guardian of the estate of every child who is or becomes a ward of the Department<sup>(a)</sup> and shall unless such child is sooner discharged continue to be such guardian until such child attains the age of eighteen years or if the Governor in Council so directs any greater age not exceeding twenty-one years: Provided

(a) Compare *Crimes Act 1928*, section 342.

always that in any order directing any ward of the Department or any inmate to be discharged the Governor in Council may direct that the Secretary remain guardian of the estate of such ward or inmate until such ward or inmate attains the age of twenty-one years, and in such case the Secretary shall remain such guardian accordingly: Provided also that in any such case the Supreme Court may appoint any other person instead of the Secretary to be guardian of the estate of any such ward or inmate who has been discharged.

*Neglected Children's Act 1915.*

35. The Secretary as guardian under the provisions of this Part of the estate of any person with the consent of the Minister may—

*Power of the Secretary as guardian of the estate.*

- (1) Manage and demise for any term not exceeding three years the lands of or to which any such person is seized possessed or entitled, and make allowances to and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies as fully and effectually as such person if of the full age of twenty-one years could do:
 

*Ib. s. 35. To manage and lease lands &c.*
- (2) Demand sue for collect and receive all the rents and profits which may be due to any such person, and give effectual receipts and discharges for such rents and profits or so much thereof as are received, and in case of non-payment of the said rents and profits or any of them or any part thereof in the name and on behalf of such person enter into and upon all or any of the lands in respect of which any rents or profits are unpaid and for the same rents and profits and the costs and expenses incurred by or incidental to the non-payment thereof distrain and the distresses then and there found dispose of in due course of law, and take and use all lawful proceedings and means for recovering and receiving the said rents and profits and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands and determining the tenancy or occupation thereof and for obtaining recovering and retaining possession of all or any of the lands held or occupied by such defaulters:
 

*To recover rents.*
- (3) Sue for and recover any wages or earnings due to any such person:
 

*To sue for wages and earnings.*
- (4) In the name and on behalf of any such person commence and prosecute all actions suits claims demands and proceedings touching any lands estate interest or rights of any such person or of his tenant therein or thereto, or touching any matter or thing whatsoever in which any such person or his real or personal estate or effects may be in any way interested affected or concerned:
 

*To take legal proceedings on behalf of ward in other cases.*
- (5) Appoint and remove at his pleasure any attorney or agent under him in respect of all or any of the matters aforesaid upon such terms and for such remuneration as the Minister thinks fit.
 

*To appoint authorized agent.*

36. Subject to any regulations of the Governor in Council for the time being in force as to the earnings of wards of the Department or inmates all moneys which by virtue of this Part come into the hands or under the control of the Secretary on account of any person of whose

*Moneys received by the Secretary how dealt with. Ib. s. 36.*

*Neglected  
Children's Act  
1915.*

estate the Secretary is guardian shall be paid to the receiver of revenue at Melbourne in such manner as the Governor in Council from time to time appoints and at such intervals as the Treasurer from time to time directs without any deduction, and such moneys shall be placed to a fund to be called "The State Wards' Fund," and every payment to be made by the Secretary shall be accompanied by a declaration that such payment includes all moneys received by the Secretary on account of any person of whose estate he is guardian under the provisions of this Part (not being earnings of any ward of the Department or inmate directed to be otherwise dealt with by the regulations of the Governor in Council) since the date of the last payment made by him, and such declaration shall be in the form prescribed by the regulations of the Governor in Council.

*Percentage  
payable to  
revenue.  
Ib. s. 37.*

37. The receiver of revenue shall deduct such amount as is from time to time fixed by the Governor in Council, but not exceeding Five pounds per cent., from the moneys paid to the credit of the State Wards' Fund, and the sum so deducted shall be passed to the credit of the consolidated revenue.

*Payment to  
revenue on  
account of  
maintenance.  
Ib. s. 32.*

38. There shall be payable to His Majesty out of the moneys received on account of every person of whose estate the Secretary is guardian under the provisions of this Part, other than the earnings of such person, such weekly sum for the maintenance of such person as the Minister directs ; and whenever the Secretary pays to the receiver of revenue any moneys received on account of such person the Secretary shall certify the amount payable thereout on account of such maintenance, and the receiver of revenue shall deduct such amount from the moneys to be paid to the State Wards' Fund, and the moneys so deducted shall be passed to the credit of the consolidated revenue.

*Expenses.  
Ib. s. 39.*

39. All expenses lawfully incurred by the Secretary in executing the trusts or powers reposed in him by this Part for or on account of any person of whose estate he is guardian the amount of which is approved by the Minister shall be payable out of the moneys received on account of such estate.

*Payment to  
persons entitled.  
Ib. s. 40.*

40. When any person is entitled to receive any money out of the funds standing to the credit of any person of whose estate the Secretary is or has been guardian under the provisions of this Part, the Secretary shall certify to an account in favour of the person so entitled upon the person so entitled subscribing a declaration that such account is true and just in every particular and that the estate upon which such claim is made is legally liable to satisfy such claim, and thereupon the Treasurer shall forthwith satisfy such claim to the extent of the fund standing to the credit of the estate upon which such claim is made.

#### DIVISION 6.—VISITORS TO SCHOOLS AND RELIGIOUS INSTRUCTION.

*Visiting  
committee.  
Ib. s. 41.*

41. The Governor in Council may appoint for every receiving home and for every industrial or probationary school so many fit and proper persons as may be determined by regulations, and in default of any such determination as seems desirable, a majority of whom reside