

## Act No. 16, 1905.

An Act to make better provision for the protection, control, education, maintenance, and reformation of neglected and uncontrollable children and juvenile offenders; to provide for the establishment and control of institutions and for contribution by near relatives towards the support of children in institutions; to constitute children's courts and to provide for appeals from such courts; to provide for the licensing and regulation of children trading in streets and in certain places open to the public; to amend the State Children Relief Act, 1901, the Children's Protection Act, 1902, the Infant Protection Act, 1904, and the Crimes Act, 1900; to repeal the Reformatory and Industrial Schools Act, 1901; and for purposes consequent thereon or incidental thereto. [26th September, 1905.]

NEGLECTED  
CHILDREN AND  
JUVENILE  
OFFENDERS.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

## PART I.

## PRELIMINARY.

1. This Act may be cited as the "Neglected Children and Juvenile Offenders Act, 1905," and shall come into operation on the first day of October, one thousand nine hundred and five.

2. This Act is divided into the following Parts:—

Division into Parts.

PART I.—PRELIMINARY—ss. 1-5.

PART II.—INSTITUTIONS—ss. 6-8.

PART III.—CHILDREN AND CHILDREN'S COURTS—ss. 9-33.

*Neglected Children and Juvenile Offenders.*PART IV.—CHILDREN IN INSTITUTIONS—*ss.* 34-46.PART V.—LICENSING OF CHILDREN—*ss.* 47, 48.PART VI.—GENERAL AND SUPPLEMENTAL—*ss.* 49-52.

Repeal and savings.

**3.** The enactments specified in the Schedule are to the extent therein mentioned repealed.

Persons appointed under repealed Acts.

**4.** (1) All persons appointed under any Act hereby repealed, and holding office at the commencement of this Act, shall be deemed to have been appointed hereunder.

Reformatory schools or public industrial schools.

(2) All schools declared to be reformatory schools, or public industrial schools, under any Act hereby repealed, shall continue to be such schools, subject, however, to the provisions of this Act relating to institutions constituted thereunder.

Interpretation.

**5.** In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Age” means, in the absence of positive evidence as to age, the apparent age.

“Asylum” has the meaning given to that word in the State Children Relief Act, 1901.

“Board” means State Children’s Relief Board.

“Child” means boy or girl under sixteen and over five years of age.

“Court” means children’s court established under this Act, and includes a magistrate or justices exercising the jurisdiction of a children’s court.

“Institution” means institution established under this Act, and includes a reformatory and a public industrial school established under the Reformatory and Industrial Schools Act, 1901.

“Justice” means justice of the peace.

“Juvenile offender” means child who has committed an offence.

“Local Authority” means council of a municipality, and includes the governing body of a local government area, constituted or to be constituted.

“Maintenance” includes clothing, support, training, and education.

“Near relative” means, except as regards an illegitimate child, father, mother, stepfather, or stepmother of the child; and as regards an illegitimate child—the mother and the person admitting himself to be or adjudged by a competent court to be the father of such child, and the husband of the mother of such child if born before their marriage.

“Neglected child” means child—

(a) who is in a brothel, or lodges, lives, resides, or wanders about with reputed thieves or with persons who have no visible

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- visible lawful means of support, or with common prostitutes, whether such reputed thieves, persons or prostitutes are the parents of such child or not ; or
- (b) who has no visible lawful means of support or has no fixed place of abode ; or No. 33 of 1901, s. 17 (b).
- (c) who begs in any public place, or habitually wanders about public places in no ostensible occupation, or sleeps in the open air in any public place ; or Ibid. (c).
- (d) who without reasonable excuse is not provided with sufficient and proper food, nursing, clothing, medical aid or lodging, or who is ill-treated or exposed by his parent : No. 47 of 1902, s. 9.  
 Provided that such neglect, ill-treatment, or exposure has resulted or appears likely to result in any permanent or serious injury to the child ; or
- (e) who takes part in any public exhibition or performance whereby the life or limb of such child is endangered ; or Ibid. s. 22 (1).
- (f) who, not being duly licensed for that purpose, is engaged in street trading ; or
- (g) whose parents are habitual drunkards, or if one of these be dead, insane, unknown, undergoing imprisonment, or absent from the State, whose other parent is an habitual drunkard ; or
- (h) who, being a female, solicits men or otherwise behaves in an indecent manner, or habitually wanders at night without lawful cause in a public place ; or
- (i) who is in any place where opium or any preparation thereof is smoked ; or
- (j) who is living under such conditions as indicate that the child is lapsing into a career of vice and crime.
- “ Offence ” includes any matter punishable summarily or by indictment.
- “ Prescribed ” means prescribed by this Act or by regulations made thereunder.
- “ Proclamation ” means proclamation in the Gazette.
- “ Public place ” means road, street, thoroughfare, court, or alley to which the public have the right of access, or which the public are allowed to use, and includes any part of premises licensed under Part III of the Liquor Act, 1898, which is open to the public.
- “ Shelter ” shall include a place of safety within the meaning of section twenty-five of Children’s Protection Act, 1902.
- “ Street trading ” includes the hawking of newspapers, matches, flowers and other articles, playing, singing, or performing for profit, shoe-blackening and any other like occupation carried on in any public place. But this definition does not include 3 Ed. VII, c. 45, s. 13.

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include playing, singing, or performing at an occasional entertainment, the proceeds of which are wholly applied for the benefit of any school or of any church or charity.

“Superintendent” includes manager or person in charge.

“The Minister” shall mean the Minister of Public Instruction.

“Uncontrollable child” means child whom his parent cannot control.

## PART II.

## INSTITUTIONS.

Governor may establish institutions. See Act No. 38, 1901, s. 4.

6. The Governor may, by proclamation, establish and constitute, as institutions under this Act,—

- (a) shelters for the reception and temporary detention and maintenance of children;
- (b) industrial schools for the reception, detention, and maintenance of children committed to such institutions;
- (c) reformatory schools for the reception, detention, maintenance, and reformation of children committed to such institutions.

Minister to have direction of institutions.

7. Every institution shall be controlled and administered under the direction of the Minister, and shall be maintained by such moneys as may be appropriated by Parliament for that purpose.

Visitation and inspection.

8. Every institution shall once at least in every three months, be visited and inspected by a person appointed by the Minister.

## PART III.

## CHILDREN AND CHILDREN'S COURTS.

*Constitution and powers of courts.*

Governor may establish special courts for dealing with children.

9. (1) The Governor shall by proclamation establish special courts to be called children's courts.

Every such court shall consist of a special magistrate and shall have jurisdiction within the area named in a proclamation.

(2) In places not within any such area the jurisdiction of a children's court shall be exercised by a special magistrate, or any two justices.

Powers of court.

10. Within the area so named a children's court and the magistrate constituting such court—

- (a) shall exercise the powers and authorities which are possessed by stipendiary or police magistrates, courts of petty sessions, or justices in respect of children and of offences committed by or against children;
- (b)

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- (b) shall exercise the powers and authorities of a court of petty sessions or of a justice under the Children's Protection Act, 1902, or of a magistrate under the Infant Protection Act, 1904; and
- (c) shall hear and determine complaints, informations, and applications under this Act.

**11.** On and after the establishing of a children's court, the jurisdiction of every court of petty sessions in respect of the matters as to which the children's court has jurisdiction shall cease to be exercised within the area proclaimed : Jurisdiction of other courts to cease.

Provided that nothing in this section shall abridge or prejudice the ministerial powers of magistrates or justices in cases of committal for trial, or their powers to take any information or issue any summons, or grant, issue, or endorse any warrant, or admit to bail :

Provided also that no conviction, order, judgment, or proceeding made or given by or had before a court of petty sessions in contravention of this section shall be invalidated or affected by reason only of such contravention.

**12.** A court shall be held—

- (a) where practicable, in the proximity of a shelter;
- (b) in some building or room approved of in that behalf by the Minister: Provided that if a court room or police office is so approved of, the hearing shall not take place at an hour when the ordinary court business is being transacted.

Children's courts not held in ordinary courts.

**13.** (1) At any hearing or trial by a court under this Act, the court may order that any persons not directly interested in the case shall be excluded from the court-room or place of hearing or trial. Exclusion of persons from hearing.

(2) Section thirty-two of the Infant Protection Act, 1904, shall apply to the hearing of a complaint under Part II of that Act, but in no other case. Section 32 of Act of 1904.

**14.** Proceedings in the nature of appeal to the Supreme Court or a Judge thereof, or to a Judge of the District Court, from any determination, conviction, or order of a court may be taken by a child or by a parent on behalf and in the name of his child under Part V of the Justices Act, 1902. The provisions of the said Part applicable to justices in the exercise of their summary jurisdiction shall apply to a court : Appeal from children's court.

Provided that in place of the release of the appellant from custody upon entering into recognizances or depositing any money with the court, he may be committed by the court from which the appeal is made to a shelter pending the determination of the appeal :

Provided also that this section shall not apply to an order committing a child to take his trial.

The Judge hearing the appeal may order that any person not directly interested in the case shall be excluded from the court-room.

*Committal*

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*Committal of neglected or uncontrollable children or juvenile offenders.*

Warrant for apprehension.  
Act No. 38, 1901,  
s. 18.

**15.** Any justice may, upon oath being made before him by an officer of the board or other person appointed by the Minister in that behalf that, having made due inquiry, he believes any child to be a neglected or uncontrollable child,—

- (a) issue his summons for the appearance of such child before a court; or
- (b) in the first instance, issue his warrant directing such child to be apprehended.

Apprehension of child.

**16.** A constable or any person authorised by the Governor in that behalf may, although the warrant is not at the time in his possession, apprehend any child for whose apprehension a warrant has been issued under the last preceding section.

Warrant to search for child suspected in brothel or place where opium is smoked.

**17.** (1) If it appears to any justice, on information made before him on oath by any credible person, that there is reasonable cause to suspect that a child is in a place which is a brothel, or where opium or any preparation thereof is smoked, such justice may issue his warrant authorising any person named therein to search in such place for any child, and to take such child to a shelter to be dealt with under this Act.

(2) Any person authorised by warrant under this section to search for a child may enter (if need be by force) into any house, building, or other place specified in the warrant, and may remove the child therefrom.

(3) Every such warrant shall be addressed to and executed by some sergeant of police or officer of a higher grade in the police force, who shall be accompanied by the person making the information (if such person so desire), unless the justice issuing the warrant otherwise directs.

(4) It shall not be necessary in the information or warrant to name the child.

Apprehension of child in brothel, &c.

**18.** Any person authorised by the Governor in that behalf, or any officer of police of or above the rank of senior-constable, may without warrant apprehend a child who is in a place which is a brothel or where opium or any preparation thereof is smoked, or who he has reason to believe is a neglected or uncontrollable child.

Child placed in shelter.

**19.** Any child apprehended as a neglected or uncontrollable child or juvenile offender shall be taken to a shelter and there detained pending the determination of a court.

Child to be brought before a court or discharged.

**20.** If within forty-eight hours after the admission to a shelter of a child apprehended or placed in the shelter as a neglected or uncontrollable child, or within such further time as the court may allow, an application is made to a court having jurisdiction in the place

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place where the shelter is situate, to commit the child to an institution, the child shall be brought before the court by the superintendent of the shelter, but if no such application is made within the said time or further time, the child shall be discharged.

**21.** Any person having the actual care and custody of the child may apply to a court to commit his child to an institution upon the ground that the child is an uncontrollable child. Such child may be detained at a shelter pending the determination of the court.

Application to commit uncontrollable child to institution.

**22.** Where any child is brought before a court as a neglected or uncontrollable child or juvenile offender, or where an application is made under the last preceding section, the court may, if a parent of the child is present, thereupon hear and determine the matter.

Procedure of court.

If a parent of the child is not present, the court in its discretion may hear and determine the matter or require the parent to be present and remand the child for the purpose of securing the attendance of the parent if practicable.

If the parent refuses to attend without reasonable excuse, the court may issue a warrant to bring him before the court at the hearing, but the parent may be admitted to bail on entering into recognisances, with or without sureties, to attend at the court at the hearing of the matter.

**23.** If on the hearing the court finds that a child is a neglected or uncontrollable child it may—

Power of court with respect to neglected or uncontrollable children.

- (a) release the child on probation upon such terms and conditions and for such period of time as the court may think fit; or
- (b) commit the child for such period of time as the court may think fit, either to an asylum, or to the care of some person who is willing to undertake such care; or
- (c) commit the child to an institution :

Provided that no order of committal of an uncontrollable child on the application of a near relative shall be made unless—

- (a) he proves that he has not by neglect lost control of the child ; and
- (b) security is given to the satisfaction of the court for the making of such payment as, in the opinion of the court, the applicant is able to afford towards the maintenance of such child.

**24.** Where a child is summarily convicted of an offence for which the penalty is punishment by imprisonment, or imprisonment in default of payment of a fine, the court may—

Power with respect to child liable to be summarily convicted.

- (a) release the child on probation upon such terms and conditions and for such period of time as the court may think fit ; or
- (b)

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- (b) commit the child for such period of time as the court may think fit, either to an asylum, or to the care of some person who is willing to undertake such care; or
- (c) commit the child to an institution; or
- (d) sentence the child according to law.

If the court sentences a child it shall forthwith transmit to the Minister a copy of the proceedings and a statement of the reasons for passing sentence.

The Minister may order the removal to an institution of the child so sentenced.

Court may order parent to pay penalty, damages, or costs in certain cases.

**25.** (1) Where a child is summarily convicted before a court of an offence in respect of which a penalty, damages, or costs are imposed, and there is reason to believe that his parent has contributed to the commission of the offence by wilful default or by habitually neglecting to exercise due care of the child, the court may, on information, issue a summons against such parent, charging him with so contributing to the commission of the offence.

(2) If the court is satisfied that the parent has contributed to the commission by the child of the offence by wilful default, or by habitually neglecting to exercise due care of him, the court may order that the penalty, damages, or costs shall be paid by the parent instead of by the child, and may also order the parent to give security for the good behaviour of the child.

(3) Any sums so imposed and ordered to be paid may be recovered from the parent in the same manner as sums ordered by justices to be paid may be recovered under the Justices Act, 1902.

(4) Proceedings in the nature of an appeal may be taken by the parent, under Part V of the Justices Act, from any order made against him in pursuance of this section.

Power with respect to child charged with certain indictable offences.

**26.** (1) Where a child is charged before a court with an indictable offence other than homicide or rape, and is not dealt with summarily, the court may—

- (a) release the child on probation upon such terms and conditions and for such period of time as the court may think fit; or
- (b) commit the child for such period of time as the court may think fit, either to an asylum, or to the care of some person who is willing to undertake such care; or
- (c) commit the child to an institution; or
- (d) commit the child to take his trial according to law.

If the court commits a child to take his trial it shall forthwith transmit to the Minister a copy of the proceedings and a statement of the reasons for its decision.

Child committed for trial may be sent to institution.

(2) When a court has committed a child to take his trial for an indictable offence other than homicide or rape, the Minister may



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may commit the child to an institution, if the Attorney-General shall have entered a nolle prosequi in regard to proceedings against the child :

Provided that the Minister may exercise his powers under this section only if the child or his parent consents, or if evidence on behalf of the child has been given before the court.

**27.** Where a child is charged before a court with any offence other than homicide or rape, or is brought before a court as a neglected or uncontrollable child, the court, before making any order or committal, shall give the child or his parent an opportunity to call evidence, and shall hear any evidence that may be tendered by or on behalf of the child. Court to hear evidence on behalf of child.

**28.** When a child has been dealt with under paragraph (a) or (b) of section twenty-three, twenty-four, or twenty-six, the following provisions shall apply :— As to sections 23, 24, or 26.

- (1) Subject to the directions of the Minister, the child shall be in the custody and under the control of the person in charge of the asylum or to whose care he has been committed.
- (2) The child and the premises wherein he resides, or whereto he has been committed, shall be subject to inspection by officers appointed in that behalf.
- (3) Any person having the care of a child as aforesaid who neglects or ill-treats such child shall be liable to a penalty of five pounds, and the child may be removed from his custody and control by the Minister.

**29.** If a child who has been released upon probation breaks the terms or conditions of the release, he may be apprehended and brought before the court. As to breach of terms of probation.

If it shall appear that such breach has occurred, the court may commit him under the provisions of this Act, in the same manner as if he had not been released upon probation.

**30.** Where a child upon his trial has pleaded guilty to or has been convicted of an indictable offence, the judge may, in addition to any other sentence for the offence, commit the child at the expiration of such sentence to an institution, or may, instead of any other sentence, commit the child forthwith to an institution. Child convicted of indictable offence may be sent to institution. Act No. 38, 1901, s. 13.

**31.** A court or a judge in committing a child to an institution shall do so in general terms, but may recommend to the Minister that the child be sent to an institution of a particular class : Form of committal. Ibid. s. 14.

Provided that in the case of a child charged with an indictable offence, such committal may be made to a reformatory school, and if so made, shall be for the period named, being not less than one nor more than five years.

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Children be placed  
in shelter.

**32.** A child on being committed to an institution may, in the discretion of the court or judge, be placed in a shelter.

Child placed in  
institution.

**33.** The Minister as soon as practicable shall endorse on the order of committal the name of the institution and the place where the child is to be detained.

## PART IV.

## CHILDREN IN INSTITUTIONS.

*Custody and control.*

Children in institu-  
tions under control  
of superintendent.

**34.** All children committed to or inmates of an institution shall, subject to the directions of the Minister, be in the custody and under the control of the superintendent of the institution until they attain the age of eighteen years, or are discharged, removed from the institution, or apprenticed :

Provided that a child committed to a reformatory school on being charged with an indictable offence shall be detained in such school or in such other institution to which he may be removed until the expiration of the period named in the order of committal, or until he is lawfully discharged, removed from the institution, or apprenticed.

Powers and duties of  
Minister.

**35.** The Minister, with respect to any child who has been committed to or is an inmate of any institution,—

- (a) shall determine the particular institution in which the child shall be placed and detained, provided that no child may remain in a shelter for more than three months, except by permission of the Minister ;
- (b) may remove a child from one institution to another ;
- (c) may remove any child from an institution and place him in an asylum, or place him in charge of the board which may board him out.

Child removed from  
board or asylum to  
an institution.

**36.** The Minister may at the request of the board or of the governing body of an asylum take any child from the custody of the board or from the asylum, and place him in any institution other than a reformatory school.

Religious teaching.  
Act No. 38, 1901,  
s. 32.

**37.** (1) Every child, an inmate of any institution, 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 child belong, or in which such child has been brought up.

(2)

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

- (a) such child shall, if of or over the age of twelve years, be placed under the guidance and control of the clergymen of such persuasion as the Minister may direct, unless such child states some persuasion in which he desires to be educated;
- (b) such child shall, if under the age of twelve years, be placed under the guidance and control of the clergymen 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;
- (c) provided that if at any time the religious persuasion of any such child or of his parents become known to the Minister, he shall at once order the child to be placed under the guidance and control, as far as religious teaching is concerned, of clergymen of such persuasion.

**38.** (1) The superintendent of any institution may by indenture bind or cause to be bound any child under his care and control, in accordance with and subject to the provisions of the Apprentices Act, 1901. Child may be apprenticed. Act No. 38, 1901, s. 34.

(2) Any child so apprenticed shall be liable to be proceeded against and punished for absconding, or for other misconduct, in the same way as any child apprenticed by his father with such child's consent. Punishment for misconduct.

**39.** A court, upon complaint made by the superintendent of any institution that any person to whom any such child has been apprenticed is not performing the conditions of such indenture, or is unfit to have the further care or control of such apprentice, may summon such person to answer such complaint, and on proof thereof on oath may order such apprenticeship to be put an end to, and may direct the apprentice to be sent back to such institution, and such child shall thereupon be subject to the like custody and control as under the original order by which he was sent to such institution. Court may put an end to apprenticeship. *Ibid.* s. 35.

**40.** The Governor may discharge any child from an institution and restore him to the custody of his parent or other suitable person on such terms and conditions as to him may seem desirable, or as may be prescribed. Discharge of child by Governor.

*Maintenance of children by relatives.*

**41.** (1) If it appears to a court on complaint by or on behalf of the Minister that any near relative is of ability to maintain or to contribute to the maintenance of a child in an institution, the court Cost of maintenance of State child may be recovered from near relatives.

may

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may on summons order such near relative to pay to the Minister a reasonable sum, in instalments or otherwise, as the court directs for or towards—

- (a) the past maintenance of such child, whether such child be alive or not at the time of the application ;
- (b) the future maintenance of such child.

(2) A like order against a near relative may, with his consent, be made on the committal of the child to an institution by the court so committing him.

(3) Such order, when made against a father or mother, may include the cost of bringing such parent back to the place where the order is made from any other place where he or she may for the time being reside.

(4) Where an order under this section is made in respect of a person against whom an order has been made in respect of the child under the Infant Protection Act, 1904, the court may rescind or amend the last-mentioned order so as to secure that the said person do not pay twice for the maintenance of the same child.

(5) Any order made under this section may be enforced, appealed from, quashed, confirmed, or varied, in the same manner in all respects as orders made under Part II of the Infant Protection Act, 1904. And the court may issue a warrant for the arrest of any person absconding from the State with a view to evade compliance with any order under this section.

Evidence necessary  
for order for  
maintenance.

**42.** Where any proceedings are taken under the Infant Protection Act, 1904, or this Act, in respect of the maintenance of an illegitimate child, of which the defendant is alleged to be the father, no order under any such Act shall be made—

- (a) upon the evidence of the mother, unless her evidence be corroborated in some material particular ; or
- (b) if the court is satisfied that at the time the child was begotten the mother was a common prostitute.

*Offences in respect of children in institutions.*

Offences in respect  
of State children.

**43.** Any person who—

- (a) illtreats, terrorises, or injures any child committed to or an inmate of an institution ;
- (b) counsels, or causes or attempts to cause, any such child to be withdrawn or to abscond from any institution or from the charge of any person with or to whom such child is apprenticed ;
- (c) knowing any such child to have so withdrawn or to have so absconded, harbours or conceals such child or prevents him from returning to such institution or person ;

(d)

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(d) having the charge of any such child—

- (i) illegally discharges or dismisses or attempts to discharge or dismiss him from the institution ;
- (ii) neglects such child ;
- (iii) 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 child and which by such indenture or agreement he has bound himself or agreed to observe, perform, or keep,

shall be liable to a penalty not exceeding fifty pounds or to be imprisoned for a period not exceeding six months.

**44.** Any child committed to or an inmate of any reformatory school who absconds therefrom, or neglects or refuses to conform to the rules thereof, may be taken before a court, and on proof on oath of such absconding, neglect, or refusal, the court may commit such child to gaol for any period not exceeding three months, such period of imprisonment to be passed as far as practicable in strict separation. Such child shall at the termination of such imprisonment be returned to such reformatory school and there detained, subject to this Act, for the remainder of the term for which he was committed.

Absconder from reformatory may be punished.  
Act No. 38, 1901,  
s. 27.

**45.** If any child committed to or an inmate of any institution before his discharge or apprenticing be absent therefrom without the leave of the superintendent, any constable may apprehend and convey such child to such institution to be delivered into the custody of the superintendent thereof.

Child deserting may be apprehended.  
*Ibid.* s. 29.

**46.** Where a child is found in a brothel or in a place where opium or any preparation thereof is smoked, the keeper or the person in charge or apparently in charge of such brothel or place shall be guilty of a misdemeanour.

Keeper of brothel or opium den in which child is found guilty of misdemeanour.

## PART V.

## LICENSING OF CHILDREN.

**47.** (1) A written license authorising a male child of or over the age of ten years to engage, subject to the regulations, in a specified description of street trading may be issued—

Issue of licenses.

- (a) by the Minister or by any officer acting under his authority ;  
or
- (b) in respect of its district by a local authority or some officer of such authority appointed in that behalf with the approval of the Minister.

(2) Such license shall be delivered to the child with a badge to be worn by him as prescribed during such trading.

Badges.

(3)

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Conditions of issue of licenses.

(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.

Term of license.

(4) Every license shall be granted for a term of six months, but may be renewed from time to time, and may at any time be cancelled by the Minister or by the authority which has issued it. No charge shall be made for any license or badge.

Penalty for employing child in street trading in contravention of Act.

**48.** If any person employs a child in street trading—  
 (a) who is not duly licensed under this Act; or  
 (b) who, although so licensed, is employed by him in trading of a description not authorised by the license,  
 he shall be liable to a penalty not exceeding two pounds, or in case of a second or subsequent offence to a penalty not exceeding five pounds.

## PART VI.

## GENERAL AND SUPPLEMENTAL.

Recovery of penalties.

**49.** All orders and penalties under this Act shall be enforced, imposed, and recovered by and before a court.

Order forwarded to an institution.  
 Act 38 of 1901, s. 37.

**50.** (1) An order duly endorsed committing a child to an institution, or removing a child from one institution to another, shall be forwarded to the superintendent, and shall be a sufficient warrant for the detention of the child.

Certain orders and copies to be evidence.  
*Ibid.*, s. 39.

(2) The production of—  
 (a) such order so endorsed; or  
 (b) a copy of such order so endorsed with a memorandum purporting to be signed by the superintendent of any such institution, stating that the child named in such order was duly received into, and is at the time of the signing thereof detained in such institution, or has been otherwise disposed of according to law; or  
 (c) any order made under this Act, or a copy thereof purporting to be signed by the clerk of the court at which the same was made and certified to be a correct copy,  
 shall, without proof of the signature of the person purporting to have signed the same, be evidence in all courts and proceedings—  
 (d) of the due making and signing of any such order, memorandum, or certificate; and  
 (e) of the committal, detention, and identity of the child, and of the identity of the parent named in any such order, memorandum, or certificate.

Boarding out of children under section 16 of State Children Relief Act.

**51.** No child shall be boarded out under section sixteen of the State Children Relief Act, 1901, until the board has referred the case of

*Neglected Children and Juvenile Offenders.*

of such child to a court for an inquiry upon oath, whether it is desirable to so board out such child, and unless the court gives a direction to that effect.

52. (1) The Governor may make regulations—

Regulations.

- (a) for regulating the management of institutions ;
- (b) providing for the visitation and inspection of institutions and places where children are placed or apprenticed under this Act ;
- (c) prescribing the duties of officers employed in the administration of this Act ;
- (d) providing for the employment, education, discipline, and punishment of children in institutions ;
- (e) providing for the medical care of children in institutions and for the burial of any child who has died ;
- (f) providing for the conditions under which, the purposes for which, and the ages during which licenses under this Act may be issued to and held by children, the hours during which such licenses shall have force and effect, and the form of badges and manner of wearing them ;
- (g) for carrying this Act into effect ;
- (h) for the imposition of a penalty not exceeding twenty pounds for the breach of any regulation made under this Act.

(2) All such regulations shall be published in the Gazette, and shall thereupon be in force, and shall be laid upon the table of both Houses of Parliament within fourteen days of such publication, or if Parliament is not then sitting within fourteen days of the commencement of the next ensuing session.

SCHEDULE.

Date of Act.	Name of Act.	Extent of repeal.
Act No. 40, 1900	Crimes Act, 1900 ... ..	So much of section 429 as is inconsistent with this Act.
Act No. 38, 1901	Reformatory and Industrial Schools Act, 1901.	The whole.
Act No. 47, 1902	Children's Protection Act, 1902 ... ..	Sections 29, 30, 31, and 32, and so much of the rest of the Act as is inconsistent with this Act.