



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 49 of 1969

An Act to amend the Children's Protection Act,
1936-1965.

[Assented to 27th November, 1969.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Children's Protection Act Amendment Act, 1969". Short titles.

(2) The Children's Protection Act, 1936-1965, as amended by this Act, may be cited as the "Children's Protection Act, 1936-1969".

(3) The Children's Protection Act, 1936-1965, is hereinafter referred to as "the principal Act".

2. Section 5 of the principal Act is amended by striking out the passage "one hundred pounds" and inserting in lieu thereof the passage "two hundred dollars". Amendment of principal Act, s. 5—
Penalty for neglect or ill-treatment of children.

3. The following sections are enacted and inserted in the principal Act immediately after section 5 thereof :— Enactment of ss. 5a and 5b of principal Act—
Offences to be reported.

5a. (1) If a person referred to in subsection (3) of this section—

(a) reasonably suspects that an offence against section 5 of this Act has been committed in relation to a child under the age of twelve years ;

or

(b) finds evidence of such bodily harm done to a child under the age of twelve years as, in the circum-

stances believed by him to exist, leads him reasonably to suspect that the harm resulted from an offence against any Act,

that person shall, as soon as is reasonably practicable, report his observations and opinions with reasonable particularity to a member of the police force.

(2) Where a report has been made pursuant to subsection (1) of this section—

- (a) the person who made the report shall not, by reason only of his having made the report, be liable to be proceeded against in, or summoned before, any court or tribunal to answer for conduct constituting an alleged breach of professional etiquette or ethics or a departure from the accepted standards of professional conduct ;
- (b) the person who made the report shall have, in relation to any proceedings, whether civil or criminal commenced against him for defamation founded upon the publication of the report, the defence of absolute privilege ;
- (c) for the purpose of any civil proceedings for malicious prosecution or conspiracy commenced against the person who made the report, the making of the report shall not of itself constitute the prosecution or the causing or procuring of the prosecution of any person ;
- (d) without derogating from the right of the person who made the report or any other person to give evidence of or relevant to the facts, events and opinions that are contained in the report, the report itself, all copies of the report and the contents of the report as such shall not be admissible in evidence in any court, tribunal or before any commission for any purpose whatsoever except where the report is, or its contents are, tendered by the person who made the report in answer to a charge against him either of a criminal offence or of conduct of the kind referred to in paragraph (a) of this subsection ;

and

- (e) where a person who made the report is being examined as a witness on oath in proceedings of any kind any claim by him to be privileged

from disclosing the report, any copies of the report or the contents of the report, as such, shall be valid and be upheld.

(3) For the purposes of subsection (1) of this section a person referred to in this subsection is—

- (a) any legally qualified medical practitioner ;
 - (b) any dentist as defined in the Dentists Act, 1931-1966 ;
- and
- (c) any person or any person of a class declared by proclamation to be a person or a class of persons to whom or to which this section shall apply.

5b. The Governor may by proclamation declare—

Proclamation.

(a) a person to be a person to whom section 5a of this Act shall apply ;

or

(b) a class of persons to be a class of persons to which section 5a of this Act shall apply,

and may by proclamation, amend or vary any such declaration.

4. Section 9 of the principal Act is amended by striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".

Amendment of principal Act, s. 9—
Begging, etc., during prohibited hours.

5. Section 11 of the principal Act is amended by striking out the passage "fifty pounds" and inserting in lieu thereof the passage "one hundred dollars".

Amendment of principal Act, s. 11—
Penalty for placing immoral documents before children.

6. Section 12 of the principal Act is amended—

Amendment of principal Act, s. 12—
Children under six taking part in public entertainment.

(a) by striking out from subsection (2) the passage "ten pounds" and inserting in lieu thereof the passage "twenty dollars" ;

and

(b) by striking out from subsection (2) the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".

Amendment of
principal Act,
s. 13—
Penalty for
employment of
children under
thirteen years
of age in
circus.

7. Section 13 of the principal Act is amended by striking out the passage "twenty pounds" and inserting in lieu thereof the passage "forty dollars".

Amendment of
principal Act,
s. 14—
Person
supplying
tobacco, etc.,
to children.

8. Section 14 of the principal Act is amended by striking out the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".

Amendment of
principal Act,
s. 15—
Power to order
whipping in
certain cases.

9. Section 15 of the principal Act is amended by striking out from paragraph (g) of subsection (1) the passage "five pounds" and inserting in lieu thereof the passage "ten dollars".

Enactment of
s. 20a of
principal Act—

10. The following section is enacted and inserted in the principal Act immediately after section 20 thereof:—

Evidence of
husband or
wife of
person charged.

20a. In any proceedings for an offence against section 5 or section 11 of this Act or for an offence under any Act relating to the inflicting of bodily harm on a child where it is alleged that the person charged had the care, custody, control or charge of the child in relation to whom the offence was committed the wife or husband of that person may be called as a witness for the prosecution or the defence without the consent of that person and that wife or husband shall be competent and compellable to give evidence generally in the proceedings.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.