

19 GEO. V. No. 19, 1928. *State Children Acts Amendment Act.*

II.—*Where the Infant is Illegitimate.*

Circumstances.	Person whose Consent is required.
1. If the mother of the infant is alive	The mother, or, if she has by order of the court been deprived of the custody of the infant, the person to whom the custody of the infant has been committed by order of the court.
2. If the mother of the infant is dead	The guardian appointed by the mother.

An Act to Amend "The State Children Acts, 1911 to 1924," in certain particulars, and to further Amend "The Criminal Code."

19 Geo. V.
No. 19.
THE STATE
CHILDREN
ACTS
AMENDMENT
ACT OF 1928.

[ASSENTED TO 14TH NOVEMBER, 1928.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1 This Act may be cited as "*The State Children Acts Amendment Act of 1928*," and shall be read as one with *"*The State Children Acts, 1911 to 1924*," herein collectively referred to as the Principal Act. The Principal Act and this Act may together be cited as "*The State Children Acts, 1911 to 1928*."

Short title
and
construction
of Act.

2. The Principal Act is amended as follows:—

Amendments
of Principal
Act.

(i.) In section twenty-four, before the words "If any child" (occurring at the commencement of the section) the words "Subject as hereinafter provided" are inserted.

Section 24.

(ii.) After section twenty-five the following new section is inserted:—

Section 25A.

"[25A.] Notwithstanding anything contained in this Act or in any law to the contrary, in any case where a child is convicted on indictment of wilful murder, murder, attempt to murder, manslaughter,

Serious
offences.

* 2 Geo. V. No. 11, 8 Geo. V. No. 13, and 15 Geo. V. No. 31, *supra*, pages 5076, 8272, and 10908.

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or of any offence for which the offender is liable under **"The Criminal Code"* of Queensland to imprisonment with hard labour for life, the court may in its discretion sentence such child to be detained for such period as may be specified in such sentence, in such place and on such conditions as the Minister may direct; and where such a sentence is imposed by the court, such child shall, during the period specified in such sentence, and notwithstanding that such period would extend beyond the time of such child's attaining the age of eighteen years, be so detained, in such place and on such conditions as the Minister may direct, and, while so detained, such child shall be deemed to be in legal custody.

In this section the term "place" means and includes any prison as defined by †*"The Prisons Act, 1890,"* or any reformatory, or any place declared by the Governor in Council by Order in Council published in the *Gazette* to be a "place" within the meaning of this section.

Regulations may be made to give full effect to the objects and purposes of this section."

(iii.) Section sixty-seven is repealed and the following sections are inserted in lieu thereof:—

Repeal of s. 67 and insertion of new ss. 67, 67A, 67B, 67C.

Unauthorised employment of child in street trading.

["67.] Any person who employs in street trading a child—

- (a) Who (being of or over the age of twelve years and under the age of fourteen years) is not duly licensed under the next succeeding section of this Act; or
- (b) Who, although so licensed, is employed by him in trading of a description, or at any time, not authorised by such license; or
- (c) Who is under the age of twelve years;

shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty-five pounds or to imprisonment for any period not exceeding six months.

License for street trading.

[67A.] (1.) A written license authorising a child of or over the age of twelve years and under the age of fourteen years of age to engage, within prescribed hours,

* 63 Vic. No. 9, *supra*, page 341.

† 54 Vic. No. 17, *supra*, page 2800.

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and subject to the regulations, in a specified description of street trading may be issued by the Director or an authorised officer.

(2.) Such license shall be delivered to the child, who shall produce such license on demand to the Director or an authorised officer or any police officer.

(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.

(4.) Every license shall be granted for a term not exceeding six months, but may be renewed from time to time, and may at any time be cancelled by the Director or an authorised officer.

(5.) Any child engaged in street trading without a license, or in contravention of the conditions on which the same is granted, shall be deemed a neglected child for all the purposes of this Act.

[67B.] No person shall—

- (1) Cause, procure, suffer, or allow any child to be in any place whatever for the purpose of begging or receiving alms or inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise ; or Begging, &c.,
Prohibited.
- (2) Cause, procure, suffer, or allow any child under fourteen years of age to be employed or engaged in any work in or about any racing stable, or in connection with the training of horses for racing, or to be employed or engaged as a jockey in any horse or pony race, whether run under the management of any racing club or association or not ; or Racing
stables.
- (3) Except with a license in writing, granted by the Director or an authorised officer and subject to such restrictions and conditions as may be prescribed or are therein expressed, cause, procure, suffer, or allow any child to be in or on any premises or place used or intended to be used for the purpose of any public entertainment for the purpose of singing, playing, or performing for profit or reward to the child or to any other person, or of offering anything for sale : Provided that this provision shall not apply in the case of an occasional entertainment, the proceeds Public
entertain-
ments.

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of which are intended to be applied for the benefit of any church, school, or charitable or patriotic object.

Any person guilty of a breach of this section shall be liable to a penalty not exceeding twenty-five pounds or to imprisonment for any period not exceeding six months.

Power of
entry and
inquiry.

[67c.] The Director or an authorised officer or any police officer may at all reasonable hours of the day or night enter any theatre, place of amusement, shop, factory, warehouse, or other place in which children are employed or are reasonably supposed by him to be employed, and may make all such investigations and inquiries relative to such children as he shall consider advisable.

No person shall resist or obstruct such Director or officer in the exercise of any power under this section, and any person to whom such Director or officer shall put any question pursuant to this section shall forthwith answer such question truthfully to the best of his knowledge, information, and belief."

Amendment
of s. 18 of
"The
Criminal
Code."

3. Section eighteen of *"*The Criminal Code*" is amended by the insertion, after the words "Detention in an industrial or reformatory school," of the words—

"Detention for [*such period as may be specified by the Court*] in such place and on such conditions as the Minister may direct pursuant to the provisions of "*The State Children Acts, 1911 to 1928.*" "

COAL MINING.

See MINING.

COMMONWEALTH AND STATE INCOME TAX COLLECTION.

See INCOME TAX.

COMMONWEALTH AND STATE—LOANS AND FINANCIAL AGREEMENT.

See LOANS.

CONSENTS TO MARRIAGE OF INFANT.

See CHILDREN.
