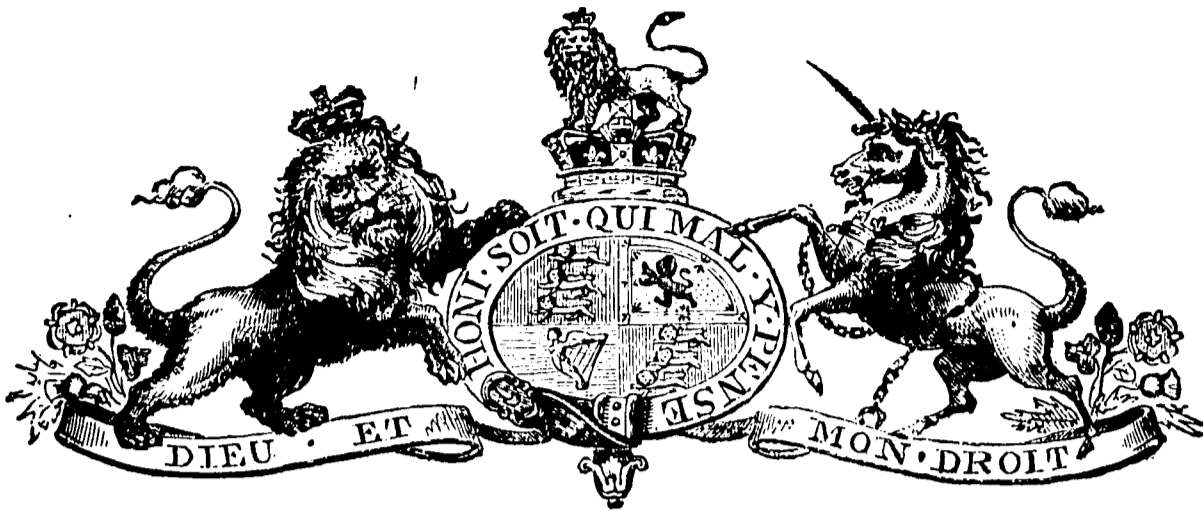


VICTORIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS.

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No. 2102.

An Act to amend the *Infant Life Protection Act* 1890.

[18th November, 1907.]

BE 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):—

1. (1) This Act may be cited as the *Infant Life Protection Act* 1907, and shall commence and shall come into operation on the thirty-first day of December One thousand nine hundred and seven. Short title and commencement.

(2) This Act shall be read and construed as one with the *Infant Life Protection Act* 1890 (hereinafter called the Principal Act), and the said Act and this Act may be cited together as the *Infant Life Protection Acts*. Construction. No. 1198.

2. The Principal Act to the extent to which the same is in and by the First Schedule to this Act expressed to be repealed or amended is hereby repealed and amended accordingly. Repeal and amendment. First Schedule.

3. (1) In the Principal Act for the words "Chief Commissioner" wherever they occur there shall be substituted the words "Secretary of the Department for Neglected Children." Change of administration.

(2) Anything

No. 1121 s. 9.

(2) Anything done or commenced before the commencement of this Act by the Chief Commissioner of Police under or pursuant to the Principal Act shall for the purposes of this Act be deemed and taken to have been done or commenced by the said Secretary and all books records and documents necessary for the purposes of this Act may be transferred by the said Chief Commissioner to the said Secretary.

Interpretation.

4. In the Infant Life Protection Acts unless inconsistent with the subject-matter or context—

- (a) The expression “board out” or “boarded out” means the placing of an infant in the care or charge of some person for the purpose of being nursed or maintained by such person or in such person’s house;
- (b) “infant” means child under five years of age;
- (c) “inspector” means a male or female inspector appointed pursuant to this Act;
- (d) “registered person” means person registered as the occupier of a house under the Infant Life Protection Acts; and
- (e) “Secretary” means Secretary of the Department for Neglected Children.

Male person not to be registered as occupier of registered house.

5. Notwithstanding anything contained in the Principal Act no male person shall be registered as the occupier of any house registered for the purposes of the Infant Life Protection Acts.

Power of Governor to establish Maternity Homes and Infant Asylums.

6. The Governor in Council may if deemed desirable, establish Maternity Homes, Infant Asylums, and also separate Cottage Homes for the care of infants and their mothers.

Additional purposes for which regulations may be made.

7. In addition to the purposes for which regulations may be made under section six of the Principal Act the Governor in Council may pursuant to the said section make regulations for all or any of the following purposes (that is to say):—

- (a) for the appointment by the Minister of consulting and visiting committees and for the removal from office by the Minister of any member thereof and for prescribing the powers and duties of such committees;
- (b) for prescribing the food to be given to and the care and management and medical treatment of infants boarded out under the Infant Life Protection Acts;
- (c) for prescribing the accommodation to be provided in registered houses;
- (d) for prescribing conditions as to milk supply for boarded-out infants and the methods of storing milk for such infants;
- (e) for the regulation management and inspection of Maternity Homes, Infant Asylums and Cottage Homes; and
- (f) for

(f) for fixing and determining the fees payable by or on behalf of infants or mothers placed in Maternity Homes, Infant Asylums and Cottage Homes.

8. (1) Subject to the provisions of the Public Service Acts the Governor in Council may appoint male or female inspectors to enforce the provisions of the Infant Life Protection Acts and may at any time suspend or remove any such inspectors.

Male or female inspectors may be appointed.

See 60 & 61 Vict. c. 57 s. 3.

Comp. No. 1198 s. 7.

Powers of inspectors.

(2) Any such inspector may for the purposes of the Infant Life Protection Acts enter and inspect any house registered thereunder and inspect any infant boarded out in such house and examine the registered occupier of such house in order to satisfy such inspector as to the proper care and maintenance of such infant and give any necessary advice or directions as to such care and maintenance.

(3) If any person registered as the occupier of any house registered under the Infant Life Protection Acts or any other person refuses to admit any inspector into any such registered house or obstructs such inspector in inspecting any infant therein or the premises in which any infant is retained or received or refuses to answer or answers falsely any questions such inspector may put for the purposes of the said Acts such person shall be guilty of an offence against this Act, and shall be liable on conviction to a penalty not exceeding Ten pounds.

Penalty.

9. (1) Any person who desires to board out an infant with a registered person shall make application to the Secretary in the form of the Second Schedule to this Act or to the like effect and shall include in such application a statement of the amount which he will pay weekly to the Secretary for the maintenance of such child.

Application for permission to board out an infant.

Second Schedule.

(2) The Secretary on receipt of such application shall cause such infant to be examined by a medical officer appointed pursuant to the regulations under the *Neglected Children's Act* 1890. If such medical officer reports that such infant is free from syphilis or epilepsy or any disease which the Governor in Council may by Order published in the *Government Gazette* declare to be of a serious nature as far as he is able to determine, and the Secretary is satisfied that the home is suitable he may grant such application in the form of the Third Schedule or to the like effect.

Infant to be examined by a medical officer.

Third Schedule.

(3) No infant under the age of twelve months shall be boarded out for a sum of less than ten shillings a week, nor when any infant shall have attained the age of twelve months for a sum of less than seven shillings a week, nor in any case for a sum of more than forty shillings a week.

Weekly payment.

(4) Payments for the maintenance of such infant shall be made through the Secretary and in no other way. The Secretary shall not pay any registered person more than two weeks in advance for the maintenance of any infant boarded out with such person and no instalment of any such payment shall be paid after the death of such infant except for any arrears at the time of the death. (5) Where

Payments to be made through Secretary.

Infant to become ward of Department on payments falling in arrear.

No. 1121.

(5) Where such weekly payments fall into arrear for a period of four weeks at any one time the infant in respect of whom such payments should have been paid shall thereupon become *ipso facto* a ward of the Department for Neglected Children under the *Neglected Children's Act 1890*.

Provision as to infants boarded out before passing of this Act.

(6) Within two months after the commencement of this Act the parent or guardian of any infant boarded out with a person registered under the provisions of the Principal Act before the passing of this Act may if he so desires make application under sub-section (1) of this section to the Secretary for permission to board out such infant. At the expiration of the said two months all infants boarded out under the Principal Act shall subject to this sub-section be returned to their parents or guardians by the registered persons in whose care or charge they may be.

Penalty for receiving payment for maintenance &c. of infant contrary to this section.

(7) Any person who either directly or indirectly pays or receives or agrees to pay or receive any payment for the boarding out of any infant otherwise than in pursuance of the provisions of this section shall on conviction thereof be liable to a penalty not exceeding One hundred pounds with or without imprisonment for any term not exceeding one year.

Information as to parentage of infant to be treated as confidential.

10. (1) The Secretary shall keep every application for permission to board out an infant and shall enter the same in a book to be kept for that purpose to be called the "Private Register."

(2) Such application and register shall be kept in the Secretary's own custody and shall not be inspected by any other person except on the order of the Chief Secretary or where it is necessary to take proceedings for the recovery of maintenance under the *Neglected Children's Act 1890*.

No. 1121 Part VII.

Syphilitic infant to be removed from control of registered person.

11. If any medical officer appointed pursuant to the regulations under the *Neglected Children's Act 1890* reports at any time that an infant boarded out with a registered person has developed syphilis or epilepsy or any disease which the Governor in Council may by Order published in the *Government Gazette* declare to be of a serious nature such infant shall be removed by the parents or guardians of such infant from the control of such registered person or taken before justices for committal to the care of the Department for Neglected Children.

Amendment of s. 9 No. 1198.

12. For section nine of the Principal Act there shall be substituted the following section, namely:—

Registered persons to keep a roll containing certain particulars.

9. (1) Every registered person shall keep a roll in a form to be supplied by the Secretary, in which shall be forthwith entered by such person the names sex and age of each infant received into the care or charge of such person and the date at which such infant was so received.

Notice to Secretary.

(2) Every registered person shall forthwith on receiving any infant as aforesaid forward a notice thereof to the Secretary. (3) Forthwith

(3) Forthwith after the removing from a registered house of any infant, whether before or on attaining the age of five years, such registered person shall enter in such roll the time of such removal and the names and addresses and calling or occupation of the person or persons by whom such infant was removed and if any such person be a married woman the address and calling or occupation of her husband, and shall forthwith forward notice of such removal to the Secretary.

Removal of infant to be entered on roll.

(4) Every such roll shall be at all times produced by the registered person when the production of the same is demanded by any inspector, and may be examined and perused and (if such inspector thinks fit) retained by such inspector.

Roll to be produced.

(5) If when so demanded any registered person neglects refuses or omits to forthwith produce or deliver up any such roll, or if any such person neglects refuses or omits to keep such a roll or to insert therein all the particulars prescribed by this section, or to forward a notice as herein required to the Secretary within three days after the receiving or removing (as the case may be) of each infant, such person shall be guilty of an offence, and shall be liable on conviction to a penalty not exceeding Twenty-five pounds or to imprisonment for a period not exceeding six months.

Penalty for neglecting to produce roll or to keep it in proper form.

13. Every infant in the care or charge of any registered person (other than her own children) shall be under the medical care of a medical officer appointed pursuant to the regulations under the *Neglected Children's Act 1890* to give medical attendance to wards of the Department for Neglected Children boarded out under the provisions of section thirty of the said Act, and it shall be the duty of such medical officer to see such infant and of such registered person to permit and take such infant to be seen by such medical officer at such times and on such occasions as may be prescribed by regulations under the Infant Life Protection Acts.

Medical treatment of infants.

No. 1121.

14. (1) In the second paragraph of section eleven of the Principal Act after the words "first-mentioned" the words "or their transfer to another" are hereby inserted and at the end of such paragraph there shall be inserted the following words, namely:—"Such cost shall be deemed to be a debt due to His Majesty by such parents or guardians and may be recovered in a summary manner before any court of petty sessions on the complaint of the said Secretary or of any person authorized in writing by him; and the cost of the maintenance and clothing of and medical attendance on any such infant shall be deemed to be One shilling for each day such infant is under the care of the Secretary; and the word 'parents' in this section includes father mother step-father or step-mother, and any person against whom an order of affiliation has been made as the putative father of an illegitimate child, and shall include mother or step-mother, notwithstanding a father

Amendment of s. 11 No. 1198.

Cost of removal maintenance &c.

father or step-father of the child is alive, also the putative father of any illegitimate child which he may have recognised as his though no order of affiliation may have been made against such putative father."

Comp. No. 1121  
s. 58.

(2) In the third paragraph of the said section for the word "his" the word "her" is hereby substituted.

Infant to become a  
ward of the Depart-  
ment for Neglected  
Children in certain  
cases.

15. (1) Where any infant temporarily removed to the care of the Secretary under the provisions of section eleven of the Principal Act, as amended by this Act, is not returned to the registered house from which such infant was removed or is not transferred to another registered house or is not removed from the care of the Secretary by such infant's parent or guardian within one month after being so taken under the care of the Secretary, then such infant shall without further or other authority become a ward of the Department for Neglected Children within the meaning of the *Neglected Children's Act 1890*.

No. 1121 Part IV.

See No. 1121 s. 45,  
&c.

(2) The Secretary shall by writing under his hand determine the periodical sums not exceeding Twelve shillings per week which the parents or guardians of such infant shall be liable to pay for or towards the maintenance of any such infant and in determining such liability the Secretary shall have regard to the provisions of Part VII. of the *Neglected Children's Act 1890* so far as they can be applied to the determining of such periodical sums and the persons by whom they are to be paid; and the same consequences shall thereupon ensue as if such infant had been committed upon an order of two or more justices under Part III. of the said last-mentioned Act and as if such justices had fixed the periodical sums to be paid by the parents or guardians at the sums so determined by the said Secretary.

(3) In any proceedings for the recovery of any amount due under the provisions of this section a determination in writing of the periodical sums payable on account of the maintenance of any infant if purporting to be signed by the Secretary shall be evidence of the periodical sums payable for such infant.

Amendment of s. 12  
No. 1198.

16. For section twelve of the Principal Act there shall be substituted the following section, namely:—

Notice to be given of  
death of infant.

12. (1) Every registered person shall within twelve hours after the death of an illegitimate infant in her house or after the death of any infant in her care or charge other than her own children give or cause to be given notice thereof to the Secretary and also to the police officer in charge of the nearest police station; and such police officer shall inform the coroner or deputy coroner of the district or some justice of such death.

See 60 & 61 Vict.  
ch. 57 s. 8.

(2) The coroner deputy coroner or justice shall hold an inquest on the body of such infant unless a certificate under the hand of a medical officer appointed pursuant to the regulations under the *Neglected Children's Act 1890* is produced to him certifying that such medical officer has personally attended or examined such infant,

infant, during its life-time and specifying the cause of its death, and unless the coroner deputy coroner or justice is satisfied that there is no ground for holding such inquest.

(3) Where an inquest is held it shall be the duty of the coroner deputy coroner or justice holding such inquest to inquire not only into the immediate cause of death, but into all such circumstances as may throw any light upon the treatment and condition of the infant during life, and into any other matters into which in his opinion it is desirable in the interests of public justice that he should inquire; and the coroner deputy coroner or justice after holding such inquest shall report to the Chief Secretary the cause of death, and shall in such report make such remarks with respect to the matter as to him seems fit.

(4) No infant dying under the age of five years whilst in the care or charge or if illegitimate in the house of a registered person shall (unless such infant is the child of such person) be buried without the production of a certificate under the hand of such coroner deputy coroner or justice authorizing such burial or of a certificate signed by a member of the police force stating that such burial has been so authorized.

(5) If any registered person neglects refuses or omits to give notice of the death of an infant in accordance with the provisions of this section or if any person buries or causes to be buried any infant in contravention of the provisions of this section such person shall be guilty of an offence, and shall on conviction be liable to a penalty not exceeding Twenty-five pounds or to imprisonment for a period not exceeding six months.

(6) The provisions of this section shall apply to the case of the death of every infant who has within two months previously to death been in the care or charge of any registered person and it shall be the duty of the occupier of the house in which such infant dies and of the person who has the care and charge of such infant at the time of such infant's death to give the notice required by sub-section (1) of this section.

(7) Except by direction of a coroner deputy coroner or justice it shall not be lawful for any legally qualified medical practitioner (other than a medical officer appointed pursuant to the regulations under the *Neglected Children's Act 1890*) to give a certificate of the cause of death of any infant to whom the provisions of this section apply. Any person who acts in contravention of this provision shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding Fifty pounds.

(8) Notwithstanding anything in the Registration of Births Deaths and Marriages Acts it shall not be lawful for any registrar of births and deaths to give to an undertaker or other person a certificate of the registration of the death of any infant to whom the provisions of this section apply unless authorized so to do by a coroner deputy coroner or justice or a member of the police force on behalf of such coroner deputy

No. 1137 s. 24.



deputy coroner or justice. Any registrar of births and deaths who acts in contravention of this provision shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding Fifty pounds.

Exemption from the operation of certain sections of Acts.

See 60 & 61 Vict. ch. 57 ss. 14, 15.

Comp. No. 1198 s. 14.

17. Sections seven to thirteen of this Act and sections four to thirteen of the Principal Act shall not apply—

- (a) to any infant being a ward of the Department for Neglected Children ;
- (b) to any infant retained by or received into any public charitable institution approved by the Minister ;
- (c) in the case of any infant whom the Minister by order under his hand exempts from the operation of such sections on the ground that he is satisfied that such infant is a relative of the person in whose charge or care it is retained or received, or that for any other reason he is satisfied that it is unnecessary or undesirable that such provisions should apply ; or
- (d) during a period of eight days in the case of any infant in respect to whom any justice may suspend such provisions for such period to enable an order from the Minister to be obtained as hereinbefore provided.

Custody of the child of person guilty of cruelty or neglect.

18. Where under section seventeen of the Principal Act any person has been charged with any offence against any child such child shall be deemed to be a "neglected child" within the meaning of the *Neglected Children's Act 1890*. Where subsequent to any such child having been committed to the care of the Department for Neglected Children it is found that such person so charged was not guilty of such offence, such child shall without further or other authority than this Act be discharged and shall cease to be a ward of the Department for Neglected Children.

Annual report. Comp. No. 1121 s. 10.

19. (1) The Secretary shall on or before the last day of June in each year submit to the Minister a report as to all proceedings taken under the Infant Life Protection Acts during the year ended on the preceding thirty-first day of December, and in such report shall include any particulars which the Minister may direct to be included therein.

(2) The Minister shall cause such report to be laid before both Houses of Parliament within three weeks after receiving the same, if Parliament be then sitting, or if not sitting then within three weeks from the next assembling of Parliament.

SCHEDULE.



## SCHEDULES.

## FIRST SCHEDULE.

Section 2.

| No. of Act.  | Short Title of Act.                    | Nature and Extent of Repeal or Amendment.   |
|--------------|--|---|
| No. 1198 ... | <i>Infant Life Protection Act 1890</i> | <p>Section three is hereby repealed.</p> <p>In section four the words "his or" are hereby repealed.</p> <p>In the same section for the word "two" the word "five" is hereby substituted.</p> <p>In the first paragraph of section five the word "who" and the words "applies to have the same" are hereby repealed.</p> <p>In section six the words "For arranging houses registered under this Act into classes in such manner as to the Governor in Council seems fit and" are hereby repealed.</p> <p>In the same section after the words "houses and infants" the words "by inspectors and members of the visiting committees" are hereby inserted, and after the words "information of any" the words "inspector or of any" are hereby inserted.</p> <p>Section seven is hereby repealed.</p> <p>In section eight the words "his or" are hereby repealed.</p> <p>In section thirteen for the word "two" the word "five" is hereby substituted.</p> <p>Section fourteen is hereby repealed.</p> <p>In section seventeen after the word "adequate" the words "and proper" are hereby inserted, and for the words "twelve" and "fourteen" the words "fourteen" and "sixteen" are hereby respectively substituted.</p> <p>In section twenty-two for the word "three" there shall be substituted the word "five."</p> |

## Section 9 (1).

## SECOND SCHEDULE.

## APPLICATION FOR PERMISSION TO BOARD OUT AN INFANT.

To the Secretary of the Department for Neglected Children,

I, A.B. of \_\_\_\_\_ in the State of Victoria, hereby apply for permission to board out C.D. a [male or female] infant born on \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ with E.F. of \_\_\_\_\_ a person registered under the provisions of the Infant Life Protection Acts.

Name of such infant's—

|            |           |            |
|------------|-----------|------------|
| (a) Father | residence | occupation |
| (b) Mother | residence | occupation |

I hereby agree to pay to the Secretary of the Department for Neglected Children the sum of \_\_\_\_\_ a week for the maintenance of such infant.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

(Signed) A.B.

## Section 9 (2).

## THIRD SCHEDULE.

## PERMISSION TO BOARD OUT AN INFANT.

Whereas A.B. of \_\_\_\_\_ having made application to me for permission to board out a [male or female] infant named C.D. born on the \_\_\_\_\_ day of \_\_\_\_\_ with E.F. of \_\_\_\_\_ a person registered under the provisions of the Infant Life Protection Acts, and the said A.B. having agreed to pay to me the sum of \_\_\_\_\_ a week for the maintenance of such infant, I hereby grant such permission.

If such weekly payments fall into arrears for a period of four weeks at any one time thereupon such infant becomes *ipso facto* a ward of the Department for Neglected Children and the parent or parents of such infant will be liable to be proceeded against under the provisions of the *Neglected Children's Act 1890* for the maintenance of such infant.

(Signed)

Secretary of the Department for Neglected Children.

MELBOURNE:

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