



ANNO SEXAGESIMO SECUNDO ET SEXAGESIMO
TERTIO

VICTORIÆ REGINÆ.

A.D. 1899.

No. 730.

An Act relating to the Protection of Children.

[*Assented to, December 21st, 1899.*]

BE it Enacted by the Governor, with the advice and consent of
the Parliament of South Australia, as follows:

1. This Act may be cited as "The Children's Protection Act, Short title.
1899."

2. In this Act, unless some other meaning is clearly intended— Interpretation.

"Child" means a boy or girl under the age, or apparent age, of sixteen years: Cf. Act 641 of 1895, s. 4.

"Council" means The State Children's Council:

"Obscene publication" includes—

(a) Any book, pamphlet, magazine, newspaper, or document devoted to the publication, or composed to any considerable extent of or giving special prominence to criminal news, police reports, or accounts, stories, or pictures of lust or crime:

(b) Any drawing, picture, or written or printed matter of an indecent, obscene, or immoral nature:

"Institution" means an institution within the meaning of "The State Children Act, 1895":

"Near relative" includes as regards—

A legitimate child—any parent, grandparent, stepfather, or stepmother of such child:

An illegitimate child—the mother, husband of the mother, and the father of such child: "Public

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Cf. Act 614 of 1895,
s. 4.

“Public place” includes every place used by the public, or to which the public resort, or have free access, or are admitted on the payment of money.

Age of consent.

3. The age of consent is hereby raised from sixteen years to seventeen years, so that, except when the accused is under the age of seventeen years, consent shall be no defence in any case relating to a child under seventeen years of age in which it would not before the passing of this Act have been a defence in a case relating to a child under sixteen years of age: Provided always that in cases of alleged offences where the female is between the ages of sixteen and seventeen years consent of such female shall be a defence if the defendant had reasonable ground for believing that the female was of or above the age of seventeen years.

Penalty for neglect or ill-treatment of child.

4. Any near relative, guardian, or other person having the care, custody, control, or charge of a child, who, without lawful excuse—

(a) Neglects to provide all such food, clothing, and lodging for such child as to the Court shall seem reasonably sufficient:

Cf. Imperial Act 41 of 1894, s. 1, and S.A. Act 38 of 1876, ss. 37, 38.

(b) Ill-treats, neglects, abandons, or exposes such child, or causes such child to be ill-treated, neglected, abandoned, or exposed, in a manner which the Court shall deem likely to subject the child to unnecessary risk, danger, injury, or suffering:

shall be liable to imprisonment for one year, with or without hard labor, and to a fine of not exceeding One Hundred Pounds.

Special Magistrate may issue warrant for removal of child being ill-used.

Cf. Imperial Act 41 of 1894, s. 10.

5. If it appears to a Special Magistrate, from evidence upon oath, that there is reasonable cause for suspecting that a child is being ill-treated, neglected, abandoned, or exposed in a manner likely to subject such child to unnecessary risk, danger, injury, or suffering, such Special Magistrate may issue a warrant authorising a police constable or an officer of the Council, to be therein named, to search for and remove such child to an institution, to be there detained until he can be brought before the Court.

Officer may enter buildings and places in search of child.

6. Any person authorised by warrant under section 5 to remove any child with or without search, may enter, and if need be by force, any house, building, or other place specified in the warrant, or wherein or whereon such child may be or may reasonably be supposed to be, and search for and remove the child therefrom.

Person in charge of institution to admit and detain child.

7. The superintendent, matron, or person in charge of any institution to which a child shall be taken for detention pursuant to this Act shall receive and detain such child accordingly.

Offence.

Cf. Imperial Act 41 of 1894, s. 2.

8. It shall be an offence against this Act for any child, being under the age of thirteen years, to be in a public place, other than

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than the child's home, at any time during the prohibited hours, in the act or for the purpose of selling any article or thing, or begging or receiving alms.

9. For the purposes of section 8 the prohibited hours shall be from eight o'clock in the evening till five o'clock of the following morning, at any time between the thirty-first day of March and the first day of October, and during any other period of the year, from nine o'clock in the evening to five o'clock of the following morning.

Prohibited hours.

10. Any person who shall—

Penalty for placing immoral documents before children.

- (a) Sell, lend, or give, or offer to sell, lend, or give to any child; or
- (b) In any manner employ or hire any child to exhibit, sell, give away, or in any manner distribute;
- (c) Or who, having the custody or control of any child, shall permit him or her to exhibit, sell, give away, or in any manner distribute

an obscene publication, shall be liable to imprisonment, with or without hard labor, for six months, and to a fine of Fifty Pounds.

11. If in any proceeding under this Act or whenever the age of any child is in question the Court or jury, on their own view and judgment, shall be satisfied that a child is under a certain age, such child shall be deemed to be under that age, unless the contrary be proved.

Presumption of age of child.

Cf. Imperial Act 41 of 1894, s. 17.

12. Any by-law of any Municipal Corporation under the first sub-section of section 314 of "The Municipal Corporations Act, 1890," may provide for the periodical licensing of boys of not less than thirteen years of age to sell newspapers, race cards, matches, and flowers in streets or public places, and for requiring the wearing of a badge by licencees, and the payment of a licence fee not exceeding One Shilling per annum, or Six Pence per half-year, in each case, including the cost of the badge, and for preventing sales by unlicensed persons.

Licences to boys to sell matches, &c.

13. For any offence against this Act for which no special penalty is provided there shall be a penalty of not exceeding Five Pounds.

Penalty.

14. All complaints and informations under this Act shall be heard and disposed of summarily by a Special Magistrate or two or more Justices of the Peace, under the provisions of Act No. 6 of 1850 or any Act amending or in lieu of that Act.

Summary procedure.

15. It shall not be necessary in any oath, information, or warrant under section 5 to name the child, if the Special Magistrate shall consider the case one of extreme urgency, and that the name cannot readily be ascertained.

In urgent cases not necessary to name the child in information or warrant.

Cf. Imperial Act, 41 of 1894, s. 40.

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Amendment of
proceedings.

16. A Special Magistrate may amend any order, conviction, or warrant of commitment at any time after signature, but before execution thereof.

Appeal.

17. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction from any order or conviction, and from any order dismissing an information under this Act.

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

TENNYSON, Governor.