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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1912.

A BILL

BE 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:—

1. This Act may be cited as the "Infant Protection Act, 1912." It shall be read with the Infant Protection Act, 1904, hereinafter referred to as the Principal Act.

2. The definition of "preliminary expenses" in section two of the Principal Act is amended as follows:—

- (a) Insert after "infant" where it first occurs, the words "and notwithstanding that such infant is stillborn, or dies within three months after birth"

- (b) Insert after "confinement of the mother" the words "like expenses for illness consequent upon the birth"
- (c) Insert after "mother and infant" the words "and expenses of medical attendance on the infant"

3. Section four of the Principal Act is amended as follows:—

- (a) Insert after "Magistrate" where it occurs in that section, the words "or justice"
- (b) Omit the words "and shall when making such complaint produce evidence on oath, either oral or on affidavit, in corroboration in some material particular of the allegation as to the paternity of the infant."

4. Paragraph (a) of section five of the Principal Act is amended as follows:—

- (a) Insert after "Court" the words "either forthwith or at such time or times and in such amounts as the Court may direct"; and
- (b) insert after "expenses" the words "and the court may at any time order that payment of the sum deposited, or any part thereof, may be made to the complainant or any person who has maintained her or the infant, or supplied them with medical or nursing aid."

5. Paragraph (b) of the same section is amended as follows:—

- (a) Insert after "sureties" where it first occurs the words "(or with the consent of the complainant, without such surety or sureties)"
- (b) Insert after "court" where it first occurs the words "or justice"
- (c) Insert after "recognizances and" the words "so much of"
- (d) Insert after "preliminary expenses" the words "as the court may deem just"
- (e) Insert at the end of the paragraph the words "Every such order may be made although the birth may have taken place after the making of the complaint but prior to the making of the order."

6. The second paragraph of the same section is amended by adding after "prostitute" the words "provided that with the consent of the defendant, the certificate of a legally qualified medical practitioner that the woman is quick with child, may be received as evidence of that fact."

7. The third paragraph of the same section is amended as follows:—

- (a) Insert after "months" the words "and such order of committal may be enforced by a justice"

(b)

- (b) Add after "prison" the words "and provided also that upon proof that the child was stillborn or died within three months after birth, the court may make such order in respect of the said term of imprisonment as it may deem just, and may by warrant order the release of the defendant from prison at any time before the expiration of the term for which he was so committed."

8. Section six of the Principal Act is amended by inserting after "lapsed" the words "the court may proceed to make an order as provided in the next section and"

9. Section seven of the Principal Act is amended as follows:—

- (a) Insert after "payment by the defendant" the words "either weekly or monthly, and to such person or in such manner as the court thinks fit."
- (b) Add the following at the end of the section:—"Provided that if the court be constituted of the magistrate who heard and determined so much of the complaint as relates to the paternity of the infant, such magistrate may, on the application of the defendant, hear and receive any fresh evidence tendered by the defendant or on his behalf, as to the paternity of the infant and any evidence in reply to such fresh evidence tendered by the complainant, and may thereupon confirm his order as to the paternity of the infant, and make such further order as is herein provided, or dismiss the complaint. Any defendant intending to produce such fresh evidence shall give seven days notice of his intention to the complainant, and such defendant shall not be entitled to recover any moneys which may have been paid out to the complainant as preliminary expenses under the order first made by the court."

10. Section eight of the Principal Act is amended as follows:—

- (a) Insert after "magistrate" where it occurs in the section the words "or justice"
- (b) Omit the words "and shall when making such complaint produce evidence on oath, either oral or on affidavit, in corroboration in some material particular of any allegation in such complaint as to the paternity of the infant."

11. Section nine of the Principal Act is amended by inserting after "defendant" the words "either weekly or monthly, and to such person, or in such a manner as the court thinks fit."

12. Section eleven of the Principal Act is amended—

- (a) by omitting "one month" and inserting "three months";
- (b) by omitting "if it has died prior to the making of the order" and inserting "should have died before reaching the age of three months";
- (c) by adding to the section as amended, the words "or should it die during the currency of the order"

13.

13. Section fourteen of the Principal Act is amended as follows :—

- (a) Omit the words “ if a male ” after “ infant has ”;
- (b) Omit the words “ or has, if a female, attained the age of sixteen years ”;
- (c) Omit from the proviso the words “ a male ” and inserting “ the ”

14. Section fifteen of the Principal Act is repealed and the following section substituted :—

15. When an order is made under this Act for the maintenance and education of any infant, the court may at the time of making such order, or at any time during the currency thereof, require the defendant to enter into a recognizance, with a surety of sureties, for the due performance for periods of not exceeding twelve months at one time, of such order, and in default of immediately entering into such recognizance, with such surety or sureties, the court may order the committal of the defendant to prison, there to remain for any term not exceeding twelve months, or until such recognizance has been entered into, or the said order complied with.

15. Section sixteen of the Principal Act is amended by inserting after “ the court may ” the words “ either then or at any future time ”

16. Section seventeen of the Principal Act is amended as follows :—

- (a) Omit “ in making any order ” and insert the words “ when an order is made ”
- (b) Omit “ further ”
- (c) Insert after “ the said order ” the words “ or at any time by a further order ”

17. Section eighteen of the Principal Act is amended as follows :—

- (a) Omit “ summons and ”
- (b) Add after “ pounds ” the words “ and may order that such portion of the penalty inflicted as it may think fit shall be applied to the maintenance and education of the infant. For the purposes of this section, any justice may summon such parties or witnesses to appear before the court, or, if the circumstances seem to require it, may issue a warrant to apprehend the defendant and bring him before the court, and any justice may, by his warrant, enforce such order of committal.

“ Provided that all sums of money ordered to be paid by the court, other than preliminary expenses under section five, and sums adjudged to be paid for maintenance and education

education under orders, to remain in full force and validity for the periods described, namely, under section fourteen, may be recovered as provided by the Justices Act, 1902."

18. Section nineteen of the Principal Act is amended by adding at the end of the section the words "and may vary the amount of any recognizance ordered to be entered into, or may dispense with a surety or sureties in respect of such recognizance."

19. Subsection one of section twenty of the Principal Act is amended as follows:—

- (a) Omit "found" and insert the words "conveniently met with"
- (b) Add after "residence" the words "with some person apparently of or above the age of sixteen years"

20. Section twenty-two of the Principal Act is amended as follows:—

- (a) Omit "magistrate" and insert "justice"
- (b) Insert after "defendant" the words "cannot be found, or"
- (c) Insert after "thereof" the words "or has so removed"

21. Section twenty-six of the Principal Act is amended by adding thereto the words:—"Provided also that when an order is made under section seven of this Act, the defendant, if aggrieved thereby, may appeal as hereinbefore provided, and such appeal may be as to the paternity of the infant as well as to the order made under such section."

22. Section twenty-seven of the Principal Act is amended by inserting after "mother's" the words "notwithstanding any provisions to the contrary which may be contained in the "Destitute Children's Society