

New Zealand.



ANALYSIS.

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1893, No. 35.

AN ACT to make Better Provision for the Protection of Infant Title.
Life. [2nd October, 1893.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Infant Life Protection Act, 1893," and it shall commence and come into operation on the first day of January, one thousand eight hundred and ninety-four. Short Title and commencement.
2. Nothing in this Act contained shall be construed—
 - (1.) To affect, annul, or repeal any of the provisions of "The Adoption of Children Act, 1881," or any Act passed in amendment thereof; nor to apply to any infant children lawfully adopted thereunder: or,
 - (2.) To apply in respect of any children committed or sent to any industrial school under "The Industrial Schools Act, 1882."Saving of Adoption of Children Act and Industrial Schools Act.
3. So much of "The Offences against the Person Act, 1867," as is mentioned in the Schedule hereto is hereby repealed. Repeal. Schedule.
4. In this Act, if not inconsistent with the context,—
 - "Commissioner" means the person for the time being holding the office of Commissioner of Police:
 - "Minister" means the Minister of Defence or such other member of the Executive Council as for the time being is in control of the Police Department.Interpretation.

Houses where infants received or adopted to be registered.

5. After the commencement of this Act no person shall in consideration of any payment or reward at any time made or given or to be made or given to such person, or to any other person on behalf of such person, retain in or receive into his or her care or charge in any house any infant under the age of two years, either—

(a.) For the purpose of nursing or maintaining such infant apart from its parents for a longer period than three consecutive days ; or

(b.) For the purpose of adopting such infant,—
unless such person be registered as the occupier of such house, and such house be also registered under this Act.

Any persons offending against the provisions of this section shall be guilty of an offence against this Act, and on conviction thereof be liable to imprisonment for a period not exceeding six months or to a penalty not exceeding twenty-five pounds.

Register of persons and houses to be kept.

6. The Commissioner shall, subject to regulations to be made as hereinafter provided, cause a register or registers to be kept in which shall be entered the name of any person who, being the occupier of any house, applies to have the same registered for the purposes of this Act.

Opposite the name of any person so registered in any such register shall be entered particulars of the situation of such house, and such other particulars with respect to such person and such house, the calling or occupation of such person, and, if she be a married woman, the calling or occupation of her husband, as may be directed by regulations to be made as hereinafter provided.

When registration to be renewed.

Every such registration shall, unless cancelled under the provisions of this Act, remain in force until the thirty-first day of the month of December next following the making of such registration, and no longer, unless the same be renewed. Registrations may be renewed during the month of December in which the same expire ; and all such renewed registrations shall, unless cancelled under the provisions of this Act, remain in force for one year from the expiration of such month of December in which the same are made. No fee shall be charged or taken for the making of any registration or renewed registration under this section.

The person in whose charge such register shall be kept shall give to the person so registering a certificate under his hand of such registration or renewal, which shall in all matters be *prima facie* evidence of such registration or renewal.

Power to make regulations.

7. The Governor in Council may at any time and from time to time make regulations for all or any of the following purposes, that is to say :—

For prescribing how many registers shall be kept under this Act, and where the same shall respectively be kept :

For prescribing the mode in which applications for registration under this Act shall be made, the mode in which registration shall be effected, and that in which entries shall be made in registers kept under this Act :

For directing what particulars as to the persons and houses registered, in addition to those hereinbefore required, shall be inserted in such registers :

For arranging houses registered under this Act into classes in such manner as to the Governor in Council seems fit, and for fixing the maximum number of infants to be retained in or received into houses of any particular class :

For regulating the inspection from time to time of such houses and infants :

Generally for giving effect to and carrying out the provisions of this Act.

Any such regulations may impose a penalty not exceeding twenty-five pounds for any breach of the same, and any such penalty may be recovered before any two Justices on the information of any member of the Police Force.

All regulations made under the authority of this section shall within two weeks of the making thereof be published in the *New Zealand Gazette*.

8. The Commissioner, or any member of the Police Force authorised in that behalf by the Commissioner, and accompanied by a legally-qualified medical practitioner, if the Commissioner or such member of the Police Force (as the case may be) think fit, may from time to time, subject to regulations made as aforesaid, inspect any house registered under this Act, and any infant or infants retained in or received into any such house.

Inspection.

9. The Commissioner may refuse to register any person applying for registration under this Act, or to renew any registration, unless he be satisfied by the production of certificates, or, if he think fit to dispense with certificates, by the production of any other evidence, that the person applying to be registered or for a renewal of registration is of good character and able to properly nurse and maintain any infants retained in or received into his or her care or charge in such house ; and the Commissioner may refuse to register or renew the registration of any house unless he be satisfied that such house is suitable for the purpose for which it is to be registered, and situated in a suitable locality.

Commissioner may refuse to register.

10. Every person registered as aforesaid shall keep a roll, in which shall be forthwith entered by such person the name, sex, and age of each infant under the age of two years retained in or received into the care or charge of such person, for the purpose of being nursed or maintained apart from its parents for a longer period than three consecutive days, or for the purpose of adoption.

Registered persons to keep a roll containing certain particulars.

Every person registered as aforesaid shall forthwith also enter in such roll, opposite the name of each infant, the date at which such infant was so retained or received, and the names and addresses, calling or occupation of the parents of such child, and of the person or persons by whom such infant was left or from whom it was received, and, if any such last-mentioned person be a married woman, the calling or occupation of her husband.

If any such infant be at any time removed from such registered house, whether before or after attaining the age of two years, such registered person as aforesaid shall forthwith after such removal enter in such roll the time of such removal, and the names and addresses, calling or occupation, of the person or persons by whom such infant was so removed.

Every person registered as aforesaid shall cause the person from whom any such infant is received, or by whom any such infant is removed, to sign such entry, and shall forward to the Commissioner a copy of each such entry within three days of the reception or removal of each infant.

Roll to be produced.

Every roll kept in pursuance of the provisions of this section shall be at all times produced when the production of the same is demanded by any member of the Police Force in charge of a station, or by any member of the Police Force being a sergeant or of higher rank, and may be by him examined and perused, and if he think fit by him retained.

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

If any person registered as aforesaid neglect, refuse, or omit to produce any such roll kept by him or her in pursuance of this section forthwith on being so required, or if any such person neglect, refuse, or omit to keep such a roll, or to insert therein all the particulars by this section required, or to obtain such signature thereto, or to forward a copy of such entry to the Commissioner within three days of the reception or removal of each infant, such person shall be guilty of an offence against this Act, and shall be liable on conviction thereof to imprisonment for a period not exceeding six months or to a penalty not exceeding twenty-five pounds.

Forgery of certificate, &c.

11. If any person make any false representation, or forge any certificate, or make use of any forged certificate knowing it to be forged, with intent to obtain the registration either of such person or of any other person under this Act, or falsify any roll kept in pursuance of the provisions of the last-preceding section, or furnish false particulars of any matter which is required to be entered in such roll, such person shall be guilty of an offence against this Act, and shall on conviction be liable to imprisonment for a period not exceeding six months or to a penalty not exceeding twenty-five pounds.

Names may be removed from register.

12. If at any time it be made to appear to the Commissioner that any person registered as aforesaid has been guilty of neglecting or is incapable of providing the infants retained in or received into the care or charge of such person with proper food or attention, or that the registered house of such person has become unfit for the reception of infants, or if for any other reason it appears to the Commissioner desirable in the public interest so to do, he may strike the name of such person and such house off the register, and the registration thereof shall be thereby cancelled.

Ten days' previous notice in writing of his intention so to do shall be given by the Commissioner to any such person whose name is about to be struck off the register, and such notice may be given by leaving the same at the registered house of such person. But the Commissioner may at the time of giving such notice order the immediate removal of such infants from such registered house to the custody of any person in the neighbourhood who will take care of the infants, or, if within a moderate distance, to the nearest available industrial school, the manager whereof shall then be charged with the care of such infants until the removal of such infants by their respective parents or guardians, or the return of such infants to such first-mentioned registered house.

Any order of the Commissioner under this Act for the removal of an infant to an industrial school shall have the same effect as an order of committal to an industrial school by a Resident Magistrate under "The Industrial Schools Act, 1882"; and the manager of any industrial school to which any infants are removed under any such order may recover the cost of the removal, maintenance, and clothing of and medical attendance on such infants from their respective parents or guardians.

Any such person on receiving such notice may within one week give notice in writing to the Commissioner of his intention to appeal, and when giving such notice shall deposit the sum of twenty shillings with the said Commissioner. The Commissioner shall thereupon refrain from striking off such person's name from the register, and shall inform the Minister of such notice of appeal. The Minister shall thereupon fix a time for the hearing of such appeal, of which due notice shall be given to the Commissioner and person appealing; and the Minister shall at the appointed time proceed to hear the Commissioner and the person appealing, or their representatives, and shall determine the appeal, and if he decide that such person's name shall be struck off the register, the Commissioner shall strike it off accordingly, and the registration thereof shall be thereby cancelled, and the sum of twenty shillings deposited as aforesaid shall be forfeited and paid into the Public Account, but otherwise the same shall be repaid to the person depositing the same.

Any infants removed by order of the Commissioner under the authority of this section and not restored to the custody of their parents or guardians shall, if such registration be not cancelled, be returned to the care or charge of such person as aforesaid, and the decision of the Minister on such appeal shall not be subject to review in any Court of law, and shall be final and conclusive.

13. Every person registered as aforesaid shall, within twenty-four hours after the death of an infant under the age of three years in his or her care or charge, other than his or her own children, give or cause to be given notice thereof to the police officer in charge of the nearest police station, and thereupon an inquest shall be held upon the body of such infant.

Notice to be given
of death of infant.

It shall be the duty of the Coroner 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, after holding such inquest, shall report to the Minister the cause of death, and shall in such report make such remarks with respect to the matter as to him seems fit.

Inquest to be held,
and report made to
Minister.

No infant dying under the age of three years, whilst in the care or charge of a person registered as aforesaid, shall (unless such infant be the child of such person) be buried without the production of a certificate under the hand of such Coroner authorising such burial.

If any person registered as aforesaid neglect, refuse, or omit to give notice of the death of an infant in accordance with the provisions of this section, such person shall be guilty of an offence against this Act, and shall on conviction thereof be liable to imprisonment for a period not exceeding six months or to a penalty of twenty-five pounds.

Offenders against certain provisions of this Act not to be registered.

14. The name of every person convicted of an offence against this Act shall, if such person be registered under this Act, be at once removed from the register, and the registration of every such person and of the house of such person shall be thereby cancelled.

No person convicted of—

(a.) Retaining or receiving into his or her care or charge any infant under the age of two years without being registered as required by this Act; or

(b.) Neglecting to give notice of the death of an infant as required by the last-preceding section,—

shall at any time thereafter be registered under this Act.

Registration of adopted children.

15. If any person adopt or take over the entire care and charge of any child under the age of three years from its parents or guardians, such person shall, within fourteen days of so doing, give or send notice thereof to the Commissioner, and such person shall in such notice state his or her name and place of residence and occupation, and the name of such child. If any person neglect, refuse, or omit to comply with the provisions of this section, he shall be guilty of an offence under this Act, and on conviction thereof be liable to imprisonment for a period not exceeding three months or to a penalty not exceeding fifteen pounds.

Nothing in this section shall excuse any person from making any other registration required by any other provision of this Act, or from any penalty for omitting to do so.

Exemptions from operation of Act.

16. The Minister may at any time, by writing under his hand, order that the preceding provisions of this Act shall not apply in any particular case where he is satisfied that an infant is a near relative of the person in whose care or charge it is retained or received, or where for any other reason he is satisfied it is undesirable or unnecessary that the provisions of this Act should apply; and he may by any such writing as aforesaid order generally that such provisions of this Act shall not apply to any institution of a public nature established for the reception of infants. All such orders shall before being issued be recorded in a book to be kept for the purpose in the office of the Commissioner: Provided that any Justice of the Peace may suspend in any particular case the operation of the preceding provisions of this Act for the period of eight days, to enable such order to be obtained from the Minister.

Offences may be prosecuted summarily.

17. All offences against this Act may be prosecuted and all penalties recovered summarily under "The Justices of the Peace Act, 1882," before a Resident Magistrate or any two Justices of the Peace.

Schedule.

SCHEDULE.

Number and Date of Act.	Short Title of Act.	Extent of Repeal.
1867, No. 5 ...	"The Offences against the Person Act, 1867."	In section 24, the words "whereby the life of such child shall be endangered or the health of such child shall have been or shall be likely to be permanently injured."