

STATE CHILDREN RELIEF ACT, 1901.

COMMISSIONER'S MEMORANDUM AND CERTIFICATE.

Clause 4. The view which is taken of the Public Service Act is that it does not take away the power of appointment by the Governor ; it only introduces certain conditions precedent to the exercise of the power. The Public Service Board cannot appoint, they can only recommend. In this view, the retention of the words "shall be appointed by the Governor" does not alter the law ; he appoints, but subject to the conditions introduced by the Public Service Act. Practically, the Board appoint ; legally, the Governor appoints.

Clause 8. Sec. 1 of 60 Vic. No. 9 has been considered to refer only to State children—not to reformatory school children.

Clause 28. An immaterial alteration is here made to secure uniformity in the two sections consolidated.

I certify that, save as aforesaid, this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Acts therein consolidated.

CHAS. G. HEYDON,

Commissioner for the Consolidation of the Statute Law.

TABLE

Showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts	Section of Consolidated Act.	Remarks.
44 Vic. No. 24, s. 1	6	
" s. 2	8	
" s. 3	9	
" s. 4	4, 7	
" s. 5	5	
" s. 6	20, 21	
" s. 7	27	
" s. 8	22	
" s. 9	25	
" s. 10	24	
" s. 11	11	
" s. 12	10	
" s. 13	28	
" s. 14	3	
60 Vic. No. 9, s. 1	8	
" s. 2	20, 21	
" s. 3	12	
" s. 4	25	
" s. 5	26	
" s. 6	23	
" ss. 7-13	13-19	
" s. 14	28	
" s. 15	3	

ACT No. LXI., 1901.

STATE CHILDREN
RELIEF.

An Act to consolidate the Acts relating to the establishment of a system of Boarding-out Children. [Assented to, 19th December, 1901.]

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:—

PART I.

Preliminary.

Short title and
division.

1. This Act may be cited as the "State Children Relief Act, 1901," and is divided into Parts, as follows:—

PART I.—*Preliminary.*—ss. 1-3.

PART II.—*The Board and Boarding-out Officers.*—ss. 4-6.

PART III.—*Powers and duties of the Board and Boarding-out Officers.*—ss. 7-19.

PART IV.—*Regulations.*—ss. 20-21.

PART V.—*General provisions.*—ss. 22-24.

PART VI.—*Offences and procedure.*—ss. 25-28.

Repeal and
savings.

2. (1) The Acts mentioned in the Schedule hereto are to the extent therein expressed hereby repealed.

Officers under
repealed Acts.

(2) The President of the Board, the Board, the Boarding-out Officers, and all other persons appointed under the Acts hereby repealed shall remain in office as if this Act had been in force when they were appointed and they had been appointed hereunder.

Regulations
under repealed
Acts.

(3) All regulations framed or made under the Acts hereby repealed, and all licenses issued under the said Acts and regulations, and being in force at the passing of this Act, shall remain in force as if they had been made under this Act, and references in such regulations to the provisions of the Acts repealed shall be construed as references to the corresponding provisions of this Act.

State children
under repealed
Acts.

(4) The provisions of this Act shall apply to all children boarded-out or apprenticed under the repealed Acts, as if they had been boarded out or apprenticed under this Act.

3. In this Act, unless the context or subject-matter otherwise indicates or requires:—

No. 61.

Interpretation.
44 Vic. No. 24,
s. 14.
60 Vic. No. 9,
s. 15.

“Apprentice” means any boarded-out child under articles of indenture under this Act.

“Asylum” includes the Benevolent Asylum, every asylum for destitute children, or industrial asylum, and every charitable institution whatever, wholly or partly supported by grants from the Consolidated Revenue Fund.

“Board” means the board constituted or continued under this Act.

“Justice” means justice of the peace.

“Minister” means the Colonial Secretary; and

“State child” means any inmate of any asylum, and includes any child for whose admission thereto the Minister has issued an order.

PART II.

The Board and Boarding-out Officers.

4. Subject to the provisions of section two, subsection two, a Board, under the name of “the State Children’s Relief Board,” to be composed of not more than nine persons, shall be appointed by the Governor.

The Board.
44 Vic. No. 24,
s. 4.

5. Subject to the provisions of section two, subsection two, the president of the Board shall be appointed by the Governor, and shall preside at all meetings of the Board, but in his absence the Board shall appoint one of their number to be vice-president. Three members shall constitute a quorum.

President and vice-president.
44 Vic. No. 24,
s. 5.

6. The Governor may appoint one or more persons under the title of “Boarding-out Officer” to carry out the provisions of this Act.

Boarding-out Officers.
Ibid. s. 1.

PART III.

Powers and Duties of the Board and Boarding-out Officers.

7. The Board shall in all matters appertaining to the boarding-out of State children under this Act, subject to the direction of the Minister, be the authority to direct the removal of such children, to issue licenses for the reception of State

Functions of the Board,
Ibid. s. 4.

No. 61 children as boarders, to apprentice any child so boarded-out, at or before the end of his term of residence, to any person approved by such Board for any period not exceeding five years, to approve of persons applying to adopt State children and to arrange the terms of such adoption, and to direct the restoration of any child to his parent or guardian on such terms as they may think proper.

Officer may board-out State child.

44 Vic. No. 24, s. 2.

60 Vic. No. 9, s. 1.

8. A Boarding-out Officer may, and shall whenever so directed, remove any State child from an asylum and cause him to be boarded-out in the house of some person licensed as hereinafter provided for any period not extending, except in special cases to be approved by the Minister, beyond the time when such child shall attain the age of twelve years :

Proviso.

Provided that at the discretion of the Board such period may extend to the time when such child shall attain the age of fourteen years.

Power to remove children from reformatory schools.

44 Vic. No. 24, s. 3.

9. A Boarding-out Officer, whenever so directed by the Minister, may remove any child from a reformatory school and cause him to be boarded-out in the house of a person, licensed under this Act, for any period not extending beyond the term of detention of such child, but subject to the conditions and directions prescribed by the regulations.

Report to Parliament.
Ibid. s. 12.

10. The President of the Board shall report to Parliament every year on the working of this Act, and shall in such report specify the number of children boarded-out during the past year or portion thereof, particularising the name, sex, and age of every such child, and the person and place with whom he or she has been boarded-out, the cost of such child's outfit and maintenance, the number of children apprenticed or returned to their original place of detention, and all other particulars which the Minister may direct to be contained in such report.

Boarded-out children entitled to free railway passes and free education.
Ibid. s. 11.

11. The Board shall compel the attendance at some public school, where reasonably practicable, of all children boarded-out under this Act, except in cases where the Board is satisfied that the children are otherwise properly educated without charge to the State.

All children shall during the term of such boarding-out be entitled to attend any public school without payment of fees, and to travel free on all Government railways whilst going to and from such school.

Extension of period of supervision.
60 Vic. No. 9, s. 3.

12. The Board may visit and inspect all children for two years after their official period of boarding-out or apprenticeship has terminated.

No. 61.

13. The Board may at their discretion compel parents to pay, on the restoration of their children, the value of the outfits of such children.

Payment for outfits.
60 Vic. No. 9, s. 7.

14. The Board may deduct from the payments due to any guardian such amount as may be deemed equivalent to the loss occasioned by the neglect of such guardian to keep outfits up to regulation standard.

Deduction from payments to guardian.
Ibid. s. 8.

15. When a child is surrendered by his parents for adoption, such parents shall have no further control over such child, except by the consent of the Board.

Control of children
Ibid. s. 9.

16. The Board may—

- (a) in their discretion, board out to any deserving widow her own children; and
- (b) by the unanimous vote of a meeting of the Board, and with the approval of the Minister, board out to any deserted wife her own children

Children may be boarded out to widows and deserted wives.
Ibid. s. 10.

under the provisions of this Act.

17. The Board may place invalid or sick children under their control in cottage-homes in approved localities, and may make the necessary regulations for their management.

Cottage homes for sick children.
Ibid. s. 11.

18. The Board may, in the name of a Boarding-out Officer, institute legal proceedings against any parents for moneys expended in the maintenance of their children when satisfied that such parents are in a position to pay for such maintenance.

Prosecution of defaulting parents.
Ibid. s. 12.

19. The Board may, in the name of a Boarding-out Officer, institute legal proceedings against the parents of illegitimate children for the recovery of maintenance money, and such parents shall be liable jointly and severally.

Parents of illegitimate children.
Ibid. s. 13.

PART IV.

Regulations.

20. The Governor may frame regulations—

- (1) Exempting any State child from liability to be boarded-out:
- (2) Exempting any boarded-out child from apprenticeship, and extending the time for a period not exceeding three years during which such child may be maintained:

Governor may frame regulations.
44 Vic. No. 24, s. 6.
60 Vic. No. 9, s. 2.

No. 61.

- (3) Prescribing the terms and conditions of indentures of apprenticeship of boarded-out children, with power to transfer such apprentices or to cancel their indentures in cases of ill-treatment of the children, or for other sufficient cause :
- (4) Authorising the Board to deduct from payments due to apprentices in the event of misconduct :
- (5) Defining the mode of procedure for the recovery of wages due to apprentices :
- (6) For the purpose of enabling the Board to carry out the objects of this Act in regard to apprenticed children :
- (7) Providing for and prescribing the mode of removal and of free carriage on all Government railways of State children, together with their attendants, and of free access to and from public schools by such railways :
- (8) Prescribing the terms and conditions of issuing licenses to persons desirous of receiving State children as boarders :
- (9) Providing for the visitation and inspection of State children boarded out :
- (10) Prescribing the terms and conditions upon which State children may be adopted by fit persons :
- (11) Prescribing the person or persons by whom and in whose name State children may be apprenticed, and the conditions of indentures for such apprenticeship :
- (12) Prescribing the mode of conducting the business of the Board at all meetings thereof :
- (13) Declaring the duties of Boarding-out Officers, and their relation to the said Board :
- (14) Defining the kit or outfit with which each child to be boarded-out shall be supplied before removal for that purpose :
- (15) Providing for the attendance of all such children at some public school whenever practicable :
- (16) Providing for the punishment of children in accordance with section twenty-two of this Act :
- (17) Providing for medical attendance to any State child being ill, or having met with an accident, and for the burial of any such child who has died :
- (18) Providing for the attendance at some place of worship of all State children, and generally for their moral training and discipline while boarded-out :

- (19) Prescribing the mode, time, and place of payment for the maintenance of children boarded-out to the persons with whom they are so boarded : No. 61.
- (20) Appointing the terms and conditions subject to which State children may be adopted :
- (21) Prescribing the mode, time, place, and guarantee of payment for maintenance of children admitted into asylums as State children, and afterwards boarded-out according to the provisions of this Act, but whose parents are able, in whole or in part, to defray the cost of such maintenance :
- (22) And generally for carrying out the purposes of this Act in all matters of detail whatsoever.

21. All such regulations upon publication in the Gazette shall have the full force of law, and shall be laid before Parliament within fourteen days after the making thereof if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.

To be published in the Gazette and laid before Parliament.
44 Vic. No. 24, s. 6.
60 Vic. No. 9, s. 2.

PART V.

General provisions.

22. Any child boarded-out under this Act who absconds from the person with whom he is placed, or refuses at the end of his term of boarding-out, but before the end of his term of detention (if any), to return to his original place of detention, shall be liable to be whipped, if a male, with a birch rod or cane and, whether male or female, to the punishment of bread and water in accordance with the directions contained in the regulations.

Boarded-out child absconding
44 Vic. No. 24, s. 8.

23. All moneys and other property to which children boarded out, adopted, or apprenticed shall be entitled shall be placed to a separate fund, and shall be under the control of the Board for the benefit and maintenance of such children.

Money of State children to be controlled by Board.
60 Vic. No. 9, s. 6.

24. (1) The expenses incurred in respect of children boarded-out under this Act and the necessary current expenditure incurred by the Board shall be defrayed from such moneys as Parliament shall appropriate for that purpose, and if there are no such moneys available such expenses shall be defrayed out of the Consolidated Revenue Fund by warrant under the hand of the Governor directed to the Colonial Treasurer.

Expenses of boarding-out State children.
44 Vic. No. 24, s. 10.

No. 61.

(2) The said Treasurer shall pay out of the said Fund only such charges as are certified to be correct under the hand of the President of the Board or the Minister and countersigned by the Boarding-out Officer, and all payments in pursuance of such warrants shall be credited to the said Treasurer, and the receipts of the persons to whom the same are paid shall be his discharge in respect of the sum therein mentioned in the passing of his accounts. All payments made under any such warrant shall be recouped out of the vote for the boarding-out of State children so soon as there are sufficient funds to the credit of such vote.

PART VI.

Offences and procedure.

Penalty for withdrawing child or apprentice.
44 Vic. No. 24, s. 9.
60 Vic. No. 9, s. 4.

25. Any person who

- (a) directly or indirectly, withdraws from, or counsels, or induces any child or apprentice boarded-out or apprenticed, to abscond from the person with whom, or to whom, such child is boarded-out or apprenticed, before the expiration of his term of boarding-out or apprenticeship, or
- (b) knowing any child or apprentice to have been so withdrawn or to have so absconded, harbours or conceals such child or apprentice, or prevents him from returning to the person with whom he was boarded-out, or to whom he was apprenticed, or to the place of his original detention,

shall be liable for any such offence to a penalty not exceeding twenty pounds, or to be imprisoned, with or without hard labour, for any term not exceeding two months.

Arrest of absconding apprentices.
60 Vic. No. 9, s. 5.

26. Any justice may issue a warrant for the arrest of any apprentice, or boarded-out, or adopted child, who has absconded, or been illegally removed by parents, or other persons, from the control of the legal guardian under this Act.

Penalty for ill-usage of child.
44 Vic. No. 24, s. 7.

27. Any person who ill-uses or neglects to perform his duty towards any child boarded-out with him, or violates any regulation concerning such child, shall be liable to a penalty not exceeding ten pounds, or to be imprisoned, with or without hard labour, for any term not exceeding two months.

28. Any person offending against any of the provisions of this Act may be prosecuted upon the complaint of any constable, or householder, or person authorised by the Board.

No. 61.

Prosecution of offences.

44 Vic. No. 24, s. 13.

60 Vic. No. 9, s. 14.

Section 2 (1).

SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
44 Vic. No. 24 ...	State Children Relief Act of 1881 ..	The whole.
60 Vic. No. 9 ...	State Children Relief Act of 1896 ...	The whole.

ACT No. LXII., 1901.

No. 62.

An Act to authorise the raising of a Loan for the Public Service of the State, and for other purposes. LOAN.
 [Assented to, 20th December, 1901.]

ACT No. LXIII., 1901.

No. 63

An Act to appropriate and apply out of the Consolidated Revenue Fund of New South Wales certain Sums to make good the Supplies granted for the Service of the year from the 1st day of July, 1901, to the 30th day of June, 1902, inclusive of both dates, and to adjust the vote "Advance to Treasurer, 1900-1901," for supplementary charges during the period from 1st July, 1900, to 30th June, 1901, inclusive of both dates, and to cover payments charged to "Expenditure Suspense Account" for Services of the year 1900-1901; and for purposes connected with and incidental to the above objects. APPROPRIATION.
 [Assented to, 20th December, 1901.]

The statutes of New South Wales (public and private) passed during the session of... [electronic resource]

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