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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1916.

A BILL

To constitute and to provide for governing and managing an institution for defective children ; to vest certain property in a board for such institution ; to repeal the Destitute Children's Society Act, 1901 ; and for purposes consequent thereon or incidental thereto.

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 :—

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Preliminary.

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1. (1) This Act may be cited as the "Institution for Defective Children Act, 1916". Short title.

(2) The Destitute Children's Society Act, 1901, is repealed: Repeal. Provided that such repeal shall not affect the incorporation of the Society for the Relief of Destitute Children or affect the power of that corporation to hold, subject to this Act, any real or personal property.

The Institution.

2. The Governor shall, as soon as practicable after the commencement of this Act, constitute by proclamation in the Gazette an institution for defective children (hereinafter in this Act referred to as "the institution"). Constitution of the institution.

The objects of the institution shall be the care, protection, maintenance, and education of children who are mentally defective.

The board.

3. (1) There shall be a board of eight directors (hereinafter referred to as "the board") which shall govern and manage the institution. Constitution of the board.

(2) Four of such directors shall be nominated by the Governor, and shall hold office during his pleasure; one of such four directors, chosen by the Governor, shall be chairman of the board.

The other four of such directors shall be elected annually, as hereinafter provided.

(3) In constituting the first board, the elective directors shall be elected by the persons who at the commencement of this Act were the directors of the Society for the Relief of Destitute Children.

In constituting any subsequent board the elective directors shall be elected annually by the persons who contribute at least one pound annually to the support of the institution (hereinafter in this act referred to as "the contributors.")

4. At any meeting of the board the chairman chosen as aforesaid shall preside, and where the voting is equal shall have a casting vote in addition to his original vote. Chairman and vice-chairman.
The

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The board may appoint a director to be vice-chairman, who shall, in the absence of the chairman, preside at meetings of the board.

Five directors shall be a quorum of the board.

5. The board may from time to time appoint from its directors a house committee and such and so many sub-committees as may be thought fit for transacting the affairs and business of the institution with and subject to such powers, privileges, provisions, and conditions as may be expressed and declared by the by-laws. Committees of the board.

6. The election of members of the first board shall be held within weeks after the commencement of this Act, and the four directors then elected, together with the four persons nominated by the Governor, shall collectively form the first board under this Act. The first board. Until such election and nomination have been held and made, the directors of the Society for the Relief of Destitute Children shall manage the institution and shall have power to make such rules and take such steps as they may consider necessary for the proper carrying out of the said election.

7. A meeting of the contributors shall be held in every year, to be called by the board of directors by advertisement in any one or more of the newspapers published in Sydney. Election of elective members.

At every such annual meeting all the four directors elected shall retire, but shall be eligible for re-election, and four persons shall be elected directors according to the provisions of this Act in the room of the directors so retiring.

8. When and so often as any person nominated by the Governor ceases to be a director the Governor shall nominate some other person to be a director in his place, and when and so often as any person elected a director ceases during the period between two annual meetings of the contributors to be a director, the remainder of the directors representing the contributors shall elect his successor. Vacancies in board.

9. The board shall, by the name of the "Board for the care of Defective Children," be a body corporate and shall have perpetual succession and a common seal, and may under that name sue and be sued, proceed and be proceeded against in all courts. Incorporation of board.

Vesting

Vesting of property.

10. All real and personal property, including all moneys and securities for money vested in or held in trust for the society for the relief of destitute children, shall, on the constitution of the board and on a proclamation to that effect being published by the Governor in the Gazette, vest in the board, and shall be held by the board subject to the provisions of this Act, but freed and discharged from any other trusts or conditions affecting the same.

Vesting of property in board.

Management of children in institution.

11. (1) Every child voluntarily surrendered by its parent or guardian to the care of the board, or compulsorily placed in the institution in conformity with the provisions of any Act, shall, until the attainment of the age of nineteen, or if the child was received for a term expiring at an earlier age then until the expiration of the latter term, be in the custody of the board, and the board shall have all the powers and privileges of a father over and in respect of such child :

Custody of children.
Act No. 36,
1901, s. 9.

Provided that if any female child marries, with the consent of the board, before the age of nineteen, the power of the board over such child shall cease.

(2) The mother of any child may, with the sanction of a justice of the peace in writing under his hand, lawfully surrender it to the care of the board for the purposes of this section where the father is from habits of drunkenness, or conviction for felony, or long continued absence, unable or unwilling to maintain such child, and the mother has in fact the sole charge and care of it :

Provided that nothing herein shall be deemed to require the board to admit any child into the institution without the consent of the board.

12. It shall be lawful for the board to provide for the care, maintenance, and education of all children so surrendered or placed in the institution, and to apprentice them in such manner and at such times as to the board

Care and maintenance of children.
Ibid. s. 10.

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board may seem expedient, either to some trade, or as agricultural labourers or domestic servants. Every indenture or deed poll of apprenticeship under the seal of the board and signed by the treasurer or secretary of the board, in which the party apprenticed is described as a child under the protection and care of the board, shall be taken to be a valid apprenticeship of the party so described for the term mentioned therein. The party's age, and that he or she was so surrendered or placed in the institution shall be taken to be true respectively until the contrary is proved :

Provided that no child shall be apprenticed under the age of twelve years, or for a term extending beyond the age of nineteen years, or, if a girl, beyond the day of her marriage.

13. (1) The board, on behalf of the institution, shall have the complete control of the persons of all children so surrendered or so placed in the institution, and all justices and constables are hereby empowered and directed to afford every practicable assistance to the board and its officers in the exercise of such control, and to apprehend and cause to be conveyed into the custody of the board, or its proper officer, every child who may escape or be unlawfully removed or enticed from such custody.

Control of children.
Act No. 36,
1901, s. 11.

(2) Every person who without lawful cause removes or assists in removing any child from the charge or care of the board, or its officers, or from the premises of the institution, or assists any child in escaping, or entices or persuades, or endeavours to entice or persuade, any child to remove or escape from such institution or premises, or from such charge or care, shall be guilty of a misdemeanour.

14. Whenever it is made to appear to the satisfaction of two justices before whom the father of any child, compulsorily placed in the institution, or voluntarily surrendered to the care of the board, is summoned for that purpose, is able to contribute towards the maintenance of such child, the justices may by their order direct that such father shall contribute such weekly sum, not exceeding twenty shillings, as they may deem expedient,

Contribution towards support of children.
Ibid. s. 12.

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expedient, to be paid at such times as they may specify to the board. The like order may be made against the mother of any child where the father is dead and she is able to contribute to its maintenance.

15. If at any time after the surrender or placing of a child in the institution as aforesaid, either of the parents or any other relative of such child satisfies the board that he is able and willing to provide properly for the care and maintenance of such child, the board may, upon such parent or relative paying to the board the amount expended for the child, or such proportion as it may determine, surrender such child to such parent or relative, and thereupon all the powers and privileges of the board over and in respect of such child shall cease.

Surrender of children to their parents.
Act No. 36, 1901, s. 13.

Investment of moneys.

16. The board may invest any of its funds which are not in its opinion required to defray the current expenses of the institution, and any moneys given or bequeathed to or arising from any donation of real or personal property to the institution in any Government funds or debentures of any Australian States, or in any debentures or debenture stock of any municipal corporation in any such States, or of any bank or incorporated company carrying on business therein, or by way of purchase of or mortgage upon any freehold estate there as well as in bank or deposit receipts for fixed periods or otherwise, with power from time to time and at any time to vary and transfer any such investment for or into any other investment authorised by this Act: Provided that the board may at any time resort to any such investments and sell the same for the purpose of applying the proceeds of any such sale to the purposes of the institution.

Investment moneys by board.
See Act No. 27, 1915, s. 15.

By-laws.

17. Subject to the provisions of this Act, the board may make, repeal, and alter by-laws for regulating the times and modes of meetings and of transacting business, for

By-laws.
Ibid. 13.

for fixing the number of votes of contributors in proportion to the amount of their contributions, for the election of directors and the appointment of medical officers, auditors, executive and other officers, and nursing staff and sub-committees of the board, and generally for the management and government of the institution and of all officers, servants, and inmates thereof.

18. A copy of any such by-laws, sealed with the seal of the board, and purporting to be certified by the secretary of the board as being correct, shall be received in any court as conclusive evidence of such by-laws, and of the same having been duly made under this Act.

Evidence of
by-laws.
Act No. 27,
1915, s. 14.

Miscellaneous.

19. No irregularity, informality, or illegality in the election or appointment of any director or officer of the institution shall render illegal or invalid any act, deed, matter, or thing done or executed or suffered to be done or executed by such director or officer in pursuance of such election or appointment; but any such election or appointment may in such way as may be provided for in the by-laws made under this Act be determined by resolution to be good or bad, and if bad the vacancy may be filled in such way as may be provided for in such by-laws, the provisions whereof as to the validity of any such election or appointment and the acts, deeds, and things done by any director or officer in pursuance of any such election or appointment shall have the force and effect of law.

Validation of
certain acts.
See Act No.
27, 1915,
s. 18.