

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1920.

A BILL

To provide for the endowment of motherhood by making payments to mothers in certain cases for or towards the maintenance of their children ; and for purposes consequent thereon or incidental thereto.

[MR. MCGIRR ;— *September, 1920.*]

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 "Motherhood Short title. Endowment Act, 1920."

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2.

Commence-
ment.

2. This Act shall come into operation on a date to be proclaimed by the Governor and published in the Gazette.

Interpreta-
tion.

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

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“ Alien ” means any person who is or has been a subject of any State with which His Majesty was at war at any time after the fourth day of August, one thousand nine hundred and fourteen, and who is not a naturalized British 10 subject, and includes the wife of such person.

“ Board of Trade ” means the New South Wales Board of Trade as constituted by the Industrial Arbitration (Amendment) Act, 1918.

“ Child ” means the third or subsequent child, 15 male or female, under fourteen years of age in any family in which there are not less than three living children under that age; and includes an illegitimate child and an adopted child. 20

“ Minister ” means the Minister for Public Health and Motherhood, or other Minister of the Crown for the time being charged with the administration of this Act.

“ Month ” means a period of four weeks, and 25 “ monthly ” has a corresponding interpretation.

“ Mother ” includes any woman (other than a paid housekeeper, nurse, or other servant) who is in charge of the domestic affairs of a household in which a child resides, and who has the care, 30 control, and management of a child, and if there is no such woman, the father, or any person who is otherwise in loco parentis to a child; but does not include the female parent of any child which is subject to the care, 35 control, and management of another person to whom payments under this Act are made in respect of such child.

“ Prescribed ” means prescribed by this Act or by any rule, regulation, or order made thereunder. 40

“ Widow ”

5 "Widow" means any mother whose husband is dead, or is permanently confined in an institution for the insane, or is permanently incapacitated for work through physical or mental infirmity, or is undergoing a sentence of penal servitude; and includes—

- (a) a mother who has been divorced and is not re-married; and
- 10 (b) a mother who has been and is deserted by her husband; and
- (c) a mother of an illegitimate child;

15 Provided that in any of the three last mentioned cases such mother is not in receipt of maintenance from such husband or from the putative father of such child.

Payments to mothers.

4. Subject to the provisions of this Act—

- 20 (1) every mother shall be entitled to be paid in respect of each child a sum of six shillings per week to be applied for or towards the maintenance of such child;
- (2) every mother who is also a widow, shall, in addition to any sum to which she may be entitled under the last preceding subsection, be entitled to be paid a further sum of ten shillings per week to be applied for or towards the maintenance of such child or children.

Payments to mothers.

25 5. (1) All applications for payment, both original and subsequent, shall be made in the forms, within the 30 times, at the places, and in the manner prescribed, and shall be accompanied by such proof or verified in such manner as shall be prescribed.

Applications for payment.

(2) No payment shall be made unless and until such proof or verification shall have been accepted as 35 satisfactory by the Minister or by some person authorised by him in that behalf.

6. All payments shall be made monthly at such times and in such manner as may be prescribed.

Time and manner of payment.

40 7. For any month in which a child is born, or attains fourteen years of age, or dies, payment shall be made only for that portion of the month in which the child was maintained.

Apportionment of payments.

8.

No payments
in certain
cases.

8. No payments shall be made under this Act to a mother who—

- (a) is an alien; or
- (b) shall not have been a bona fide resident of the State for a period of not less than six consecutive months before the date of her application for payment; or 5
- (c) is not a bona fide resident of the State at the date of such application.

Payments to
cease in
certain cases.

9. (1) Any mother who— 10

- (a) is convicted of an offence against this Act; or
- (b) fails at any time, when so required, to satisfy the Minister— 15
 - (i) that she is a person of good character and repute; and
 - (ii) that she is expending to his satisfaction moneys paid to her under this Act,

shall cease forthwith to be entitled to further payments thereunder.

(2) In any such case the Minister may in his discretion direct that any moneys, which the mother would otherwise have been entitled to receive, be paid to some approved person to be expended by such person pursuant to this Act.

10. Where any payment is made under the State Children Relief Act, 1901, to any mother for or towards the maintenance of any child, no payment shall be made in respect of such child under subsection one of section four of this Act. 25

Offences.

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Offences and
penalties.

11. Any person who—

- (1) refuses to answer or knowingly makes a false answer to any relevant question put to him by the Minister or any inspector or other officer in the exercise of his duties and powers under this Act; or 35
- (2) knowingly signs or delivers, or causes to be signed or delivered, any document containing any false statement as to any relevant matter; or 40

(3)

(3) fraudulently obtains, or attempts to obtain, any moneys payable under this Act, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding *fifty* pounds or to 5 imprisonment for any term not exceeding *six* months or to both penalty and imprisonment.

Administration of Act.

12. The administration of this Act is vested in the Minister.

10 13. The Governor may, on the recommendation of Inspectors and officers. the Public Service Board, appoint inspectors and such other officers as may be necessary for the purposes of this Act. Such inspectors and other officers shall receive such remuneration and allowances as shall be fixed by 15 the Public Service Board, and shall be subject to the provisions of the Public Service Acts during their tenure of office.

14. All sums payable under this Act and all expenses of and incidental to the administration thereof shall be 20 paid out of the Consolidated Revenue Fund which is hereby charged, without further appropriation, with such payment. Provision for payment of sums for maintenance and expenses of administration.

Annual inquiries by the Board of Trade.

15. The Board of Trade shall, before the expiry of 25 the first year after the date upon which this Act comes into operation and thereafter from year to year, after public inquiry as to the increase or decrease in the average cost of living, fix and declare the respective sums which shall be paid under section four of this Act during 30 the second year after the date upon which this Act comes into operation and during each succeeding year thereafter; and such respective sums shall be deemed to have been fixed by such section. Power of Board of Trade to fix sums payable under s. 4.

Regulations and orders.

35 16. (1) The Governor may, subject to this Act, make such regulations or orders, whether general or Regulations and orders.

to meet particular cases, as may be necessary or convenient for administering and carrying into effect the purposes of this Act and for supplying any omission or insufficiency as to any matter therein.

(2) Such regulations and orders may fix a penalty 5
not exceeding in any case *twenty* pounds for any breach thereof.

(3) All such regulations and orders shall be published in the Government Gazette, and if not disallowed as hereinafter provided shall have the force 10
of law.

(4) All such regulations and orders on being gazetted shall be laid before both Houses of Parliament within fourteen days if Parliament is then sitting, and if not sitting, then within fourteen days after the next 15
meeting of Parliament. But if either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations and orders have been laid before such House disallowing any regulation or order, such regulation or 20
order shall thereupon cease to have effect.
