

No. XXIV.

*Amended
60 Vic. 9*

An Act to establish a System of boarding-out
Children. [5th April, 1881.]

STATE CHILDREN
RELIEF.

BE it enacted by the Queen'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. It shall be lawful for the Governor to appoint one or more persons under the title of "Boarding-out Officer" to carry out the provisions of this Act. Appointment of officers for purposes of Act.

2. It shall be lawful for a Boarding-out Officer and he is hereby authorized and required whenever so directed to remove any State child from an Asylum and to 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 of by the Colonial Secretary) beyond the time when such child shall attain the age of twelve years. Duties of Boarding-out Officers.

3. A Boarding-out Officer whenever so directed by the Colonial Secretary 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 to be prescribed by the Regulations. Power to remove State children from Reformatory Schools &c.

4. A Board under the name of "The State Children's Relief Board" to be composed of not more than nine persons shall as soon as conveniently practicable after the passing of this Act be appointed by the Governor which Board shall in all matters appertaining to the boarding-out of State children under this Act but subject to the direction of the Colonial Secretary be the Authority to direct the removal of such children—to issue licenses for the reception of State 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. Board of advice.

5. 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 own number to be Vice-President. Three Members shall constitute a quorum. President and Vice-President.

6. It shall be lawful for the Governor to frame Regulations from time to time— Regulations.

- (1.) Exempting any State child from liability to be boarded-out
- (2.) 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
- (3.) Prescribing the terms and conditions of issuing licenses to persons desirous of receiving State children as boarders
- (4.) Providing for the visitation and inspection of State children boarded-out
- (5.) Prescribing the terms and conditions upon which State children may be adopted by fit persons

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(6.)

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- (6.) Prescribing the person or persons by whom and in whose name State children may be apprenticed and the conditions of indentures for such apprenticeship
- (7.) Prescribing the mode of conducting the business of the Board at all meetings thereof
- (8.) Declaring the duties of Boarding-out Officers and their relation to the said Board
- (9.) Defining the kit or outfit with which each child to be boarded-out shall be supplied before removal for that purpose
- (10.) Providing for the attendance of all such children at some Public School whenever practicable
- (11.) Providing for the punishment of children in accordance with section eight of this Act
- (12.) Providing for medical attendance to any such child being ill or having met with an accident and for the burial of any such child who shall have died
- (13.) Providing for the attendance at some place of worship of all State children and generally for their moral training and discipline while boarded-out
- (14.) Prescribing the mode time and place of payment for the maintenance of children boarded-out to the persons with whom they are so boarded Appointing the terms and conditions subject to which State children may be adopted
- (15.) 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
- (16.) And generally for carrying out the purposes of this Act in all matters of detail whatsoever

And 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 making thereof if Parliament be then in Session and if not within fourteen days after the commencement of the then next ensuing Session of Parliament.

Ill-usage of boarded-out children.

7. If any person ill-uses or neglects to perform his duty towards any child boarded-out with such person or violates any regulation concerning such child such person 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.

Boarded-out child absconding.

8. If any child boarded-out under the authority of this Act 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 such child 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.

Penalty for withdrawing harbouring &c. children boarded-out.

9. If any person shall directly or indirectly withdraw from or counsel or induce any child boarded-out to abscond from the person with whom such child is boarded-out before the expiration of his term of boarding-out or knowing any child to have been so withdrawn or to have so absconded shall harbour or conceal such child or prevent him from returning to the person with whom he was boarded-out or to the place of his original detention (as the case may be) such person 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.

Expenses of boarding-out State children how defrayed.

10. The expenses incurred in respect of children boarded-out under this Act and the necessary current expenditure incurred by the Board

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Board shall be defrayed from such moneys as Parliament shall appropriate for that purpose. Provided that if there shall be 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. And the said Treasurer shall pay out of the said Fund only such charges as shall be certified to be correct under the hand of the President of the Board or the Colonial Secretary 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 shall be 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 shall be sufficient funds to the credit of such vote.

11. It shall be the duty of the Board to compel the attendance at some Public School wherever reasonably practicable of all children boarded-out under this Act except in cases where the Board shall be satisfied that the children are otherwise properly educated without charge to the State and 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.

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

12. 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 particularizing 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 Colonial Secretary may direct from time to time to be contained in such Report.

Report to Parliament.

13. Every offence against this Act may be prosecuted and every penalty or punishment in respect thereof be imposed before and by any two Justices in a summary way upon the complaint of any constable or householder or person authorized by the Board.

Offences how prosecuted.

14. This Act may be cited as the "State Children Relief Act of 1881". And in its construction and for its purposes the word "Governor" means the Governor with the advice of the Executive Council. "Board" means the Board constituted under the provisions of this Act. The word "Asylum" means and 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. And the expression "State child" means any inmate of any such Asylum School or Institution as last aforesaid and also any child for whose admission thereto a Colonial Secretary's order has been issued.

Short title and interpretation of terms.