

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 19 September, 1916.*

New South Wales.



ANNO SEPTIMO

GEORGI V REGIS.

Act No. , 1916.

An Act to transfer to and vest in the Crown all lands and buildings now held by or on behalf of or vested in the Society for the Relief of Destitute Children; to constitute and to provide for governing and managing an institution for defective children; to vest in a board to be constituted for such institution all moneys and securities for moneys held by or on behalf of or vested in the said Society; to repeal the Destitute Children's Society Act, 1901; and for purposes consequent thereon or incidental thereto.

Institution for Defective Children.

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:—

Preliminary.

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(2) The Destitute Children's Society Act, 1901, is repealed: Repeal.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, and to transfer in accordance with the provisions of this Act, any real or personal property.

2. In this Act—

"defective children" means—

(a) feeble-minded children: That is to say, children in whose case there exists from birth or from an early age mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection or for the protection of others, or that they by reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools;

(b) moral imbeciles—that is to say, children who from an early age display some permanent mental defect, coupled with strong vicious or criminal propensities on which punishment has had little or no deterrent effect.

"The board" means the board constituted by this Act.

"The institution" means the institution established by this Act.

Definition of
"defective
children."
Secs. 3 and 4,
Geo. V, c. 38.

Vesting of lands in Crown.

3. All lands (including any buildings thereon) held by or on behalf of or vested in the Society for the Relief of Vesting of lands in Crown.

Institution for Defective Children.

of Destitute Children are hereby transferred to and vested in the Crown, to be used as a hospital home for invalided and wounded soldiers and sailors, freed and discharged from all other trusts and conditions attaching thereto.

5 *Vesting of property in board.*

4. All moneys and securities for money held by or on behalf of or vested in 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 upon trust for the purposes of the institution, but freed and discharged from any other trusts or conditions affecting the same: Provided that the board shall out of its funds pay to the persons whose names are mentioned in the Schedule to this Act gratuities to the amounts set opposite to those names respectively.

Vesting of property in board.

The institution.

5. The Governor shall, as soon as practicable after the commencement of this Act, constitute by proclamation in the Gazette an institution for defective children.

Constitution of the institution.

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

The board.

6. (1) There shall be a board of eight members which shall govern and manage the institution.

Constitution of the board.

(2) The members of the board shall be appointed by the Governor.

(3) The persons who at the commencement of this Act were the directors of the Society for the Relief of Destitute Children may nominate four members of the board who shall be appointed by the Governor for their respective lives. On the death or retirement of any member so nominated, the vacancy shall be filled by appointment of the Governor without any nomination.

(4) Except as aforesaid the members of the board shall be appointed without any nomination, and one of the members so appointed shall be constituted by the terms

Institution for Defective Children.

terms of his appointment chairman of the board, and as such chairman shall have a casting as well as an original vote.

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

(6) Three members shall be a quorum of the board.

7. The board shall, by the name of the "Board for
the care of Defective Children," be a body corporate and
10 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.

Reception of children.

8. A child may, with the consent of the board, be
15 received into the institution—

(a) at the request of either parent or of the guardian having lawful custody of the child; or

(b) at the request of the governing body of any
20 institution having by law the custody of the child.

Management of children in institution.

9. Every child received into the institution shall,
until the attainment of the age of twenty-one, remain
within the control of the board, and the board shall have
25 all the powers and privileges of a father over and in respect of such child:

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

30 10. (1) The board shall have the complete control and shall provide for the care, maintenance, and education of all children received into the institution, and all justices and members of the police force are hereby empowered and directed to afford every practicable assistance
35 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. (2)

Institution for Defective Children.

(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
 5 entices or persuades, or endeavours to entice or persuade, any child to remove or escape from the institution or its premises, or from such charge or care, shall be liable to a penalty not exceeding fifty pounds.

11. Whenever it is made to appear to the satisfaction of two justices before whom the father of any
 10 child, received into the institution, is summoned for that purpose, is able to contribute towards the maintenance of such child, the justices may by their
 15 order direct that such father shall contribute such weekly sum, not exceeding twenty shillings, as they may deem 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.

Contribution
towards
support of
children.

12. If at any time after the receiving of a child
 20 into the institution 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 main-
 25 tenance of such child, the board may, upon such conditions as it sees fit, 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.

13. Any child in the institution may, by order of
 30 the Minister, on the request of the board, be removed from the institution and boarded out under the State Children Relief Act, 1901, or placed in some other institution wholly or partly supported by grants from the Consolidated Revenue Fund, but only with the
 35 consent of the governing body of such other institution.

Removal of
children to
other insti-
tutions.

Investment of moneys.

14. The board may invest any of its funds which
 40 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

Investment
moneys by
board.

or

Institution for Defective Children.

or personal property to the institution in any Government funds or debentures of New South Wales, or in any debentures or debenture stock of any municipal corporation, or of any bank or incorporated company
 5 carrying on business therein, or by way of purchase of or mortgage upon any freehold estate therein 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
 10 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.

15 *Regulations.*

15. The Governor may make regulations prescribing
 the times and modes of meetings and of transacting the
 business of the board, for authorising and regulating
 the appointment of a house committee and sub-com-
 20 mittees of the board and prescribing their powers and duties, for the appointment of medical officers, auditors, executive and other officers, and the nursing staff of the board, and generally for the management and government of the institution and of all officers, servants, and
 25 inmates thereof.

Such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after such publication, or if Parliament be not sitting, within fourteen days after the next
 30 meeting of Parliament.

Indemnity to directors of society.

16. The directors of the society for the relief of
 destitute children are, and each of them is hereby
 indemnified and held harmless in respect of the handing
 35 over by them to the Government of any property, and the custody and control of children under their custody and control in pursuance of the Destitute Children's
 Society

Institution for Defective Children.

Society Act, 1901, hereby repealed ; and no action, suit, or other proceeding at law or in equity shall lie or be continued against them or any of them in respect of or in connection with such handing over.

5

SCHEDULE.

Mr. Joseph Coulter	£1,500
Miss K. Bergen	250
Miss Kimbell	100

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[6d.]

16. The directors of the society for the relief of indigent children are, and each of them is hereby indemnified and held harmless in respect of the handling over by them to the Government of any property, and the custody and control of children under their custody and control in pursuance of the Destitute Children's Society.

15. The Governor may make regulations prescribing the time and mode of meetings and of transacting the business of the board, for authorising and reserving the appointment of a house committee and sub-committees of the board and prescribing their powers and duties, for the appointment of medical officers, auditors, executive and other officers, and the nursing staff of the board, and generally for the management and government of the institution and of all officers, servants, and inmates thereof.

Such regulations shall be published in the Gazette, and shall be laid before both Houses of Parliament within fourteen days after such publication, or if Parliament be not sitting, within fourteen days after the next meeting of Parliament.

Regulations.

10. Any other investment authorised by this Act, provided that the board shall at any time report to the Governor the proceeds of any such sale to the purpose of the institution.

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