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VICTORIÆ REGINÆ.

A.D. 1886.

No. 387.

An Act to amend "The Destitute Persons Act, 1881."

[Assented to, November 17th, 1886.]

WHEREAS it is expedient to amend "The Destitute Persons Act, 1881"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as "The Destitute Persons Act Amendment Act," and, except so far as inconsistent therewith, shall be incorporated and read with "The Destitute Persons Act, 1881." Short Title.
Incorporation.

2. An honorary board, under the name of "The State Children's Council" (hereinafter referred to as the Council), to be composed of not more than twelve persons, shall, as soon as conveniently practicable after the passing of this Act, be appointed by the Governor, which Council, in all matters appertaining to the boarding out, licensing out, adoption, and apprenticing of State children under this Act, shall, subject to the control of the Governor, have the care, management, and control of all Industrial Schools, Reformatory Schools, and houses of reception herebefore appointed or hereafter to be appointed, and shall be the authority for the boarding out, licensing out, adoption, or apprenticeship of all State children, and their removal, recall, and restoration to their parents or guardians. State Children's Council may be appointed.
Their powers

3. "State child" in this Act shall have the same meanings as "child," "destitute child," "neglected child" and "convicted child" in Definition of "State child."

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Council to have control of children.

in the principal Act, and under the age of eighteen years, whether male or female; and all children, whether committed by Justices, or declared in any other manner a destitute, criminal, neglected, or uncontrollable child, or for any other cause, being subject to the care and control of the State, shall be committed and placed under the care of the Council, who shall have absolute authority over such child for all the purposes of this Act.

Repeal of part section 24 of "The Destitute Persons Act, 1881".

4. Section 24 of "The Destitute Persons Act, 1881," shall be read as if the words, "and shall also have the control and supervision of schools as hereinafter mentioned for the education, employment, and training up of destitute, neglected, and convicted children, and the licensing out and apprenticing children," had been omitted from the said section.

Construction of Part III. of same Act.

5. The whole of Part III. of "The Destitute Persons Act, 1881," and any other part of that Act relating to destitute and neglected children shall be read and construed as if the words, "the State Children's Council" were inserted therein in lieu of the words, "the Board" and "the Chairman of the Board," wherever the same occur, unless such substitution shall conflict with this Act, and the forms contained in the Schedule to that Act shall, whenever necessary, be read as altered accordingly.

President to be appointed.

6. The president of the said council shall be appointed by the Governor, and shall preside at all meetings of the council; and the council may appoint one of their own number to be vice-president. Five members shall constitute a quorum.

Council may frame regulations, &c.

7. It shall be lawful for the Council to frame regulations from time to time for—

- i. Regulating generally the management and discipline of Industrial and Reformatory Schools, and houses of reception:
- ii. Providing for and prescribing the mode of removal and of free carriage on all Government railways of State children, together with any officer of the Council in charge of such children, and of free access to and from any public schools by such railways:
- iii. Prescribing the terms and conditions of issuing licences to persons desirous of receiving State children as boarders or for service:
- iv. Providing for the visitation and inspection of State children boarded out, licensed out, or apprenticed:
- v. Prescribing the terms and conditions upon which State children may be adopted by fit persons:
- vi. Prescribing the person or persons by whom and in whose name State children may be apprenticed, and the conditions of indentures of such apprenticeship:

vii. Providing

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- vii. Providing for the cancelling of any indentures of apprenticeship, licences for boarding out, adoption, or for service, in case of ill-treatment of any State child, or misconduct of the person in whose care such child shall have been placed, or in the case of the misconduct or unsuitableness of the child for the employment to which he has been indentured:
- viii. Prescribing the mode of conducting the business of the Council at all meetings thereof:
- ix. Declaring the duties of officers, and their relation to the Council:
- x. Defining the outfit which each child to be boarded out, licensed out, or apprenticed, shall be supplied with before removal for that purpose:
- xi. Providing for the education of State children, under thirteen years of age, who have not passed the educational standard provided by the Education Act and regulations:
- xii. Providing for the punishment of such children for absconding or misbehaving in any school or place under control of the Council, or absconding from any person with whom they may be boarded out, licensed out, or apprenticed:
- xiii. Providing for medical attendance to any State child when necessary, and for the burial of any deceased State child:
- xiv. Providing for the attendance at some place of worship of State children, and generally for their moral training and discipline whilst boarded out, licensed out, or apprenticed:
- xv. Establishing a fund to be called the Reward Fund, to be distributed as rewards for good conduct to children under the control of the Council:
- xvi. Prescribing the mode, time, and place of payment for the maintenance of children licensed out, boarded out, or apprenticed to the persons with whom they are so boarded:
- xvii. Providing for the payment to the Council of the wages of the children due by persons to whom they are licensed out or apprenticed:
- xviii. Prescribing the mode, time, place, and guarantee of payment for maintenance of children admitted into industrial and reformatory schools 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:
- xix. Prescribing the mode of proceedings by the police for demanding and collecting maintenance fees:
- xx. Providing

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xx. Providing for the establishment of a house of reception and cottage homes whenever necessary and practicable:

xxi. Providing for the closing of the Magill Industrial School, and any other industrial or reformatory school when children are otherwise provided for:

xxii. And generally for carrying out the purposes of this Act in all matters of detail whatsoever:

Regulations to be approved and gazetted,

And to be judicially noticed.

And all such regulations when approved by the Governor in Council, and published in the *Government Gazette*, shall have force of law, and any *Government Gazette* containing a copy of such regulations shall be received in evidence and judicially noticed in all proceedings whatsoever. All regulations shall also be laid before Parliament, and any breach of any such regulations shall be punishable by a penalty not exceeding Ten Pounds, recoverable in a summary way.

Age of child.

8. The Justices, whenever committing a child to the care of the Council, shall inform themselves as fully as they can of the child's age and religion, and there shall be inserted in mandate detaining or committing such child a statement of the age and religion of such child; and in every proceeding, criminal or civil, the statement in such mandate that such child is of a certain age and religion therein specified shall be taken to be true until the contrary is proved.

Parents liable for maintenance.

9. The parents of every child, upon its being committed to the care of the Council, shall be liable to pay to the Council for its maintenance a sum not less than two shillings per week nor more than ten shillings per week until such child shall have attained the age of fourteen years.

Maintenance fees, how recovered.

10. All maintenance fees shall be sued for and recovered by the Council in a summary way in the manner provided in sections 7 and 8 of the principal Act.

Wages may be retained until child eighteen.

11. Notwithstanding anything contained in section 68 of the principal Act, no wages or sums of money deposited, either as principal or interest in the Savings Bank to the credit of any child, as provided in the said section, shall be payable to such child until he or she shall have attained the age of eighteen years: Provided that should any girl, with the consent of the Council, marry before attaining that age, any money standing to her credit may be settled upon her in such manner as the council may determine.

Proviso.

Illusage of children.

12. If any person ill-uses or neglects to perform his contract in respect of any child boarded out, licensed out, or apprenticed to such person, or violates any regulation concerning such child, such person shall be liable to a penalty of not exceeding Ten Pounds, or be imprisoned with or without hard labor for any term not exceeding three months.

Child absconding may be punished.

13. If any child boarded out, licensed out, or apprenticed under the authority of this Act absconds from the person with whom he is placed,

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placed, or refuses at the end of his term of boarding out, licensing out, or apprenticeship, 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 regulation.

14. If any person shall, directly or indirectly, withdraw from or counsel or induce any child boarded out, licensed out, or apprenticed to abscond from the person with whom such child is boarded out, licensed out, or apprenticed, before the expiration of his term of boarding out, licensing out, or apprenticeship, or, knowing any child to have been so withdrawn or to have so absconded, shall harbor or conceal such child or prevent him from returning to the person with whom he was boarded out, licensed out, or apprenticed 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 of not exceeding Twenty Pounds, or to be imprisoned with or without hard labor for any term not exceeding three months.

Penalty for withdrawing, harbouring, &c., children.

15. The expenses incurred in respect of children maintained, boarded out, licensed out, or apprenticed under this Act, and the necessary current expenditure incurred by the Council for giving effect to the provisions of this Act, shall be defrayed and expended in the most economical manner by the said Council from such moneys as Parliament shall appropriate for the purposes of destitute poor, under the titles in the Estimates of Girls' Reformatory, Industrial Schools, and Criminal and Deserted Children, and State Children's Council.

Expenses how defrayed.

16. All gifts of money, and all property and moneys bequeathed to the Council by will for the benefit of State children, shall be invested in the best manner possible for the benefit and advancement in life of State children.

Gifts and moneys bequeathed to be invested.

17. The Council shall have the power of appointment and dismissal of all officers and persons connected with industrial and reformatory schools, criminal and deserted children, and State children, and all officers and servants employed in connection with the said institutions shall, from and after the date of this Act coming into operation, be under the orders and management of the said Council.

Power to appoint officers, &c.

18. The Council shall report to the Governor once or oftener in every year on the working of this Act, and shall in such report specify the number of children in the several institutions under their control, the number boarded out or licensed out during the past year or portion thereof, the number apprenticed, and any other particulars which the Chief Secretary may direct from time to time to be included in such report. All reports shall be laid before Parliament.

Council to report to the Governor.

19. When

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Trial or hearing may be held privately.

19. When any hearing or trial takes place of any child, the Court or Justices may direct that all persons not directly interested in the case shall be excluded from the Court or place where such hearing is being held or conducted, and whenever practicable in the opinion of the Court or Justices, the father or mother, and, in the case of State children, an officer of the Council, shall be present.

Unlawful desertion of wife, &c., a misdemeanor.

20. In addition to the remedies provided by section 9 of "The Destitute Persons Act, 1881," whenever any husband unlawfully deserts his wife, or leaves her without or fails to provide her with adequate means of support, or when any father or mother deserts his or her child under the age of fourteen years, or leaves them without or fails to provide them with adequate means of support, and goes to reside beyond the province of South Australia, either temporarily or permanently, such husband, father, or mother, shall be deemed to be guilty of a misdemeanor, punishable with hard labor, for any term not exceeding twelve months.

Justice may issue warrant.

21. In any of the cases specified in the last preceding section, if complaint be made on oath to any Justice of the Peace by any respectable person, such Justice, upon the production of a certificate under the hand of the Chairman of the Destitute Board that such complaint is well founded, may, if satisfied that an offence has been committed within the meaning of the said section, but not otherwise, issue his warrant for the apprehension of the person against whom such complaint has been made.

Certain breaches of "The Destitute Persons Act, 1881," created an offence if offender leaves province.

22. Every person who refuses, fails, or neglects to comply with an order made against him by Justices, under any of the provisions of "The Destitute Persons Act, 1881," and goes to reside beyond the province of South Australia, either permanently or temporarily, with intent to evade such order, shall be deemed to be guilty of a misdemeanor, punishable by imprisonment with hard labor for any term not exceeding twelve months.

Provision as to illegitimate children.

23. Section 14 of Part I. of the principal Act is hereby repealed, and, in lieu thereof, it is hereby enacted that the provisions of the principal Act shall extend to and be made use of by and on behalf of illegitimate children as against the father or mother of such children: Provided that no man shall be adjudged to be the father of an illegitimate child upon the evidence of the mother, unless such evidence be corroborated in some material particular by other evidence to the satisfaction of the Justices hearing the case: And provided also that, if it be proved by evidence before the said Justices that at the time such child was begotten the mother of it was a common prostitute, no order shall be made hereunder as against the alleged father of such child.

Proviso.

Indemnification of Destitute Board for transfers.

24. All transfers from the Industrial School to any reformatory heretofore made by the Destitute Board, or the chairman, members,
or

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or officers thereof are hereby declared to have been legal, and the chairman, members, and officers of the Destitute Board are hereby indemnified against all liability in respect thereof.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.