

292

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having
this day passed as now printed is transmitted to the HOUSE
OF REPRESENTATIVES for its concurrence.*

*Legislative Council,
17th July, 1890.*

Hon. Mr. Stevens.

INDUSTRIAL SCHOOLS ACT AMENDMENT

ANALYSIS.

1. Short Title.	6. Maintenance of children in certain cases.
2. Amendments of principal Act.	7. Maintenance of imbecile or crippled children of fifteen years and upwards.
3. Public Trustee may execute deeds, &c., of sale.	8. Maintenance-moneys may be recovered summarily.
4. Property of inmate liable for past maintenance, not exceeding seven years.	9. Imprisonment not to satisfy debt for maintenance.
5. Public Trustee may apply funds for past maintenance.	10. Repeal.

A BILL INTITULED

AN ACT to amend "The Industrial Schools Act, 1882."

Title.

BE IT ENACTED by the General Assembly of New Zealand, in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Industrial Schools Act Amendment Act, 1890." Short Title.

2. "The Industrial Schools Act, 1882" (herein referred to as "the said Act"), is hereby amended as follows, that is to say, — Amendments of principal Act.

10 (1.) In section sixteen, subsection (3), the word "or" shall be substituted for the word "and."

15 (2.) In section nineteen, all words after "such child is convicted" shall be omitted, and the following substituted: "order such child to be sent at the expiration of such sentence to any school, to be there detained up to the age of fifteen years, or in lieu of passing such sentence, or, in the case of a child so accused as aforesaid, whether such child be convicted or not, may order such child to be sent to any such school, to be there detained until as aforesaid."

20 (3.) In section twenty-four, after the words "or between," there shall be inserted the words "any such manager and."

(4.) In section sixty-nine, after the words "abscond therefrom," there shall be inserted the words "or from licensed service."

25 3. For the purpose of effectuating any sale of property under section forty-one of the said Act, the Public Trustee may execute, make, and do all such deeds, conveyances, transfers, and things relative to any such sale as shall be necessary; and every such deed, Public Trustee may execute deeds, &c., of sale.

conveyance, transfer, or thing shall be valid to all intents and binding upon all persons whomsoever.

Property of inmate liable for past maintenance, not exceeding seven years.

4. Any real or personal property whatsoever in the colony, or any interest therein, which is liable to be charged with the future maintenance of any inmate of an industrial school in manner provided by sections thirty-nine to forty-four of the said Act, shall also be liable to be charged, in priority to such future maintenance, with all the cost of the past maintenance of such inmate, which has been defrayed either by the Government of the colony, or out of rates by any local authority or Charitable-aid Board, during any period previous to the time when the said inmate becomes entitled to such property. 5 10

But in no case shall any amount be paid in respect of any such past maintenance in excess of a sum equivalent to an amount that would be payable for seven years' maintenance of an inmate at the rate of eight shillings per week. 15

Public Trustee may apply funds for past maintenance.

5. The Public Trustee is hereby authorised, under section forty-two of the said Act, to apply any moneys in his possession from time to time to the past maintenance of an inmate as aforesaid, as well as and in priority to the future maintenance of such inmate. 20

Out of any such moneys paid by the Public Trustee for the past maintenance of any inmate there shall be paid by the Colonial Treasurer to every local authority or Charitable-aid Board which may have contributed in the first instance, in payment of the cost of the past maintenance of the said inmate, one-half of the amount of such contributions paid by them respectively. 25

Section forty-two of the said Act is hereby amended by the insertion, after the words "guardian of such inmate," of the following words, that is to say: "or in one sum if he has sufficient moneys in hand for the purpose, the total cost of the past maintenance of the said inmate which has been defrayed as aforesaid, subject however also as aforesaid, or so much of such cost as the said moneys will provide; and, after that, shall from time to time pay to the aforesaid manager": 30

Maintenance of children in certain cases.

6. The cost of maintaining at an industrial school any child who has become an inmate thereof by virtue of an order made at any place under subsection one or subsection three of section sixteen of the said Act shall be defrayed by the Board of the hospital district wherein such place is situate, or the Board of the united district wherein such hospital district is comprised, out of moneys available for charitable aid in such district; but no such cost shall exceed a rate of eight shillings a week. 35 40

And, in case any such maintenance-money shall not be paid by the Board aforesaid, the manager of the school of which such child is an inmate may recover the sum from the said Board as a debt due to the said manager. 45

The first proviso to section two of "The Hospitals and Charitable Institutions Act, 1885," is hereby repealed.

Maintenance of imbecile or crippled children of fifteen years and upwards.

7. If any person being an inmate of an industrial school proves, on or after attaining the age of fifteen years, to be unable, either from physical or mental cause (other than lunacy), to earn his or her living by his or her own labour, the Hospital and Charitable-aid Board, or 50

the Charitable-aid Board, as the case may be, of the district wherein the order committing such person to the aforesaid school was made shall be liable to defray the whole cost of maintaining such person until he or she ceases to be an inmate of the said school; and there-
 5 after shall also be liable to defray the whole cost of maintaining the same person as a destitute person within the meaning of "The Destitute Persons Act, 1877," and the provisions of such Act shall apply accordingly.

Nothing in this section contained shall be construed to exempt
 10 any such Board as aforesaid from any liability such Board may have to defray the cost of maintaining any child under the age of fifteen years at an industrial school.

8. Whenever, after the making of any one of such orders for the payment of moneys as are mentioned in sections thirty-three, thirty-
 15 four, and thirty-five of the said Act, it shall be made to appear to any Resident Magistrate, by the manager for the time being the guardian of the inmate in respect of whose maintenance and education any moneys are payable under any such order, or by any person authorised by the Minister in that behalf either generally or for any particular
 20 case, that the whole or any portion of any weekly or other sum to be paid in pursuance of such order has not been paid, such Resident Magistrate may issue his warrant of distress for the purpose of levying the same, or so much thereof as shall then remain unpaid, and all proceedings may be had under "The Justices of the Peace Act, 1882,"
 25 for the enforcement of any such order as if it were for a penalty adjudged on a conviction.

Maintenance-moneys may be recovered summarily.

9. No imprisonment suffered by any person in consequence of the failure to comply with any order for maintenance made under the provisions of the said Act shall operate as an extinguishment of the
 30 debt or liability in respect of which such order was made; and, in any subsequent proceedings against any such person in respect of such debt or liability, the costs and expenses of any previous orders or warrants made or issued in connection therewith, including the expenses of conveying such person to or from the place of hearing, may be reco-
 35 vered in the same manner as if such costs and expenses had formed part of the original debt or liability, and may be added thereto.

Imprisonment not to satisfy debt for maintenance.

10. "The Industrial Schools Act 1882 Amendment Act, 1885," Repeal.
 is hereby repealed.