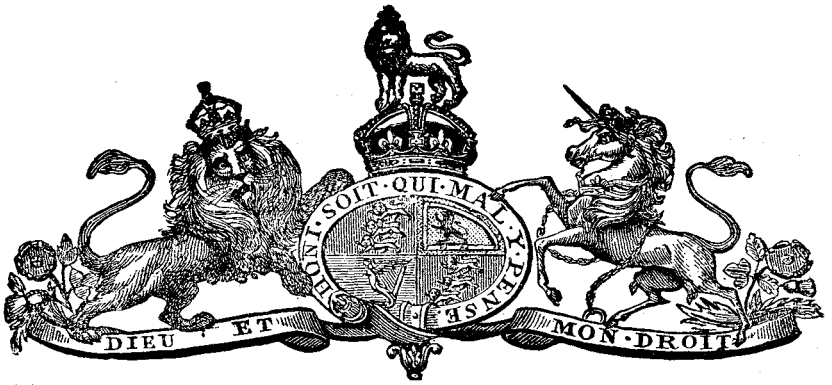
TASMANIA.

THE PUBLIC WELFARE INSTITUTIONS ACT 1935.

ANALYSIS.

TASMANIA.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 15.

A.D. 1935.

AN ACT to provide for the Establishment and Regulation of Institutions for the Shelter, Care, or Detention of Aged, Infirm, and other Persons requiring Protection or Control.

[27 *August*, 1935.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Public Welfare Institutions Act* 1935. Short title.

2 The *Public Charities Act* 1873 and the *Public Charities Act* 1929 are hereby repealed. Repeal of 37 Vict. No. 15 and 20 Geo. V. No. 30.

A.D. 1935.

PART I.

PRELIMINARY.

Interpretation.

3 In this Act, unless the contrary intention appears—

"Collector" means any person lawfully appointed to demand, sue for, and recover maintenance or other moneys payable by an indigent person or relative under this Act:

"Indigent person" means any inmate and any person who is or has at any time been in receipt of relief from public funds:

"Inmate" means any person who is maintained in any institution:

"Institution" means any institution established under this Act, and also any institution proclaimed to be an institution under this Act:

"Relative" means the husband, wife, father, grandfather, mother, grandmother, and children of any inmate or indigent person:

"Superintendent" includes any person in charge of an institution.

PART II.

ESTABLISHMENT AND REGULATION OF INSTITUTIONS.

Act applied to certain institutions.

4 The several institutions named in the schedule shall be institutions within the meaning of this Act.

Proclamation of institutions.

5 The Governor by proclamation may declare any building, or number of buildings within the same enclosure, together with any yards, enclosures, grounds, or lands attached thereto, to be an institution under this Act.

Appointment of officers.

6 Subject to any statutory provisions in respect of any particular institution, the Governor may—

I. Appoint a superintendent for any institution with such officers as may be necessary:

Regulations.

II. Make regulations for the admission of persons into any institution for the purpose of being maintained therein, and for the conduct, management, and supervision of every institution, and for the detention, employment, correction, and restraint of such persons as may be admitted thereto, and for the discharge of inmates therefrom: and

Superintendent to have custody of persons.

III. The superintendent of every institution shall have the custody and control of the inmates maintained therein until they are lawfully discharged therefrom.

A.D. 1935.

Visiting justices.

7—(1) The Governor may appoint visiting justices for any institution, who shall have such powers and duties as may be prescribed.

(2) It shall be lawful for the visiting justices of any institution to punish any person committed thereto who may disobey any lawful order of the superintendent, or violate or fail to observe any regulation, by placing such person in confinement in such institution for any period not exceeding forty-eight hours.

Offences by inmates.

8—(1) No inmate shall—

Abscond or escape from or leave any institution during any period for which he may be lawfully detained therein and before he is discharged therefrom :

Refuse to be removed to any other institution :

Refuse or neglect to do any work which he may be ordered by the superintendent to perform :

Wilfully violate or refuse or neglect to observe any regulation : or

Wilfully give a false name or make a false statement to the superintendent of any such institution.

Penalty : For a first offence, confinement in such institution for seven days or imprisonment for one month; For a subsequent offence, imprisonment for three months.

(2) No inmate shall wilfully destroy or injure any bedding or clothing or damage any property of His Majesty.

Penalty : Imprisonment for three months.

Prohibition of intoxicating liquors.

9—(1) No person without the written order of the superintendent shall bring, carry, or procure to be brought or carried into any institution any intoxicating liquor.

Penalty : Ten pounds.

(2) The superintendent or any person authorised by him may arrest without warrant any person found offending against this section and cause the person so arrested to be brought before a justice or taken into custody by a police officer to be dealt with according to law.

Offences by officers.

10 No superintendent or officer of an institution shall—

I. Bring or carry or procure to be brought or carried into any institution any intoxicating liquor except for the domestic use of himself or some other officer thereof or except as may be prescribed :

II. Use or sell, lend, give, or in any way supply intoxicating liquor to any person in the institution contrary to the regulations :

III. Knowingly permit any intoxicating liquor to be brought into or used in the institution contrary to this Act :

IV. Inflict or cause to be inflicted corporal punishment on any person in the institution : or

A.D. 1935.

v. Confine any such person by way of punishment for any offence except as provided by this Act.

Penalty : Twenty pounds.

Officer may take disorderly inmate before a justice.

11 The superintendent or any officer of any institution may take before any justice, without any summons or warrant, any inmate who is charged with any offence against this Act ; and, if such inmate is committed by such justice to gaol, may convey him to such gaol; and for the purposes of this section such superintendent or officer shall have all the powers and authorities of a constable.

PART III.

LIABILITY FOR AND RECOVERY OF MAINTENANCE.

Indigent person liable for past maintenance or relief.

12 Every indigent person shall, when he is of sufficient means, be liable upon demand to pay all sums of money which may be demanded of him for and in respect and on account of his maintenance in an institution, and to repay the amount of all relief granted to him from public funds otherwise than in an institution ; and the same may be recovered from him in the manner hereinafter provided for recovering the same from any relative.

Relatives of indigent persons liable for maintenance.

13 The relatives of an indigent person shall, if they are of sufficient means, and if such person is not of sufficient means, be liable in the order hereinafter mentioned to pay—

i. The cost of such person's past maintenance in an institution for any period not exceeding twelve months :

ii. The amount of all relief granted to such person from public funds, otherwise than in an institution, for any period not exceeding twelve months :

iii. The cost of conveying such person to an institution : and

iv. The cost of such person's maintenance in an institution.

Governor may appoint collectors.

14 The Governor may appoint persons as collectors to demand, sue for, and recover any sum of money payable by any indigent person or relative under this Act.

Payment of maintenance may be enforced.

15—(1) If any relative of an indigent person refuses or neglects to pay on demand any sum of money which may be demanded of him by a collector, the collector may recover such sum by action in any court of competent jurisdiction or upon the complaint of such relative under the *Justices Procedure Act* 1919.

(2) Any such action may be taken or complaint be made at any time within two years after such sum becomes payable.

A.D. 1935.

16 The court in which such action is taken, or the justices hearing such complaint, may make such order therein as to such court or justices seems meet.

Justices may make order for maintenance.

17—(1) In making any such order the relatives of any indigent person shall be held liable for his maintenance in the order and according to the priority hereinafter enumerated—

Order of liability of relatives.

I. Husband or wife :

II. Father or mother:

III. Children :

IV. Grandfather or grandmother or grandchildren.

(2) If it appears to such court or justices that any person liable under this Part is unable wholly to pay any sum of money which may be demanded of him as aforesaid, but is able to contribute towards the same, such court or justices, in its or their discretion, may order two or more of such persons to pay any such sum of money, and may determine the proportion which each shall contribute for that purpose; and, if it appears that such two or more persons are unable wholly to pay such sum of money, but are able to contribute towards paying the same, such justices shall direct the sum in proportion to their ability which such relatives shall pay weekly or otherwise.

Persons liable to contribute according to ability.

(3) The court or justices may, by such order as aforesaid, specify the time during which any sum ordered to be paid for maintenance shall be paid.

Duration of order.

18—(1) Upon the trial of any proceeding for the recovery from any relative of any sum of money under this Act, the onus of proving that the defendant is not a relative, or is not of sufficient means, or that the indigent person is of sufficient means, as the case may be, shall lie upon the defendant, who shall be competent and compellable to give evidence touching the matter of such complaint.

Proof of sufficient means.

(2) The statement in any complaint or other proceeding that any person named therein was appointed by the Governor as a collector, or that any institution is an institution, or that any person at the time therein named was at any relevant time an inmate or indigent person within the meaning of this Act, shall be evidence of the fact so stated, unless the contrary is proved.

Statements in proceedings.

19 Any person who may be ordered to pay or contribute as aforesaid may, at any time thereafter, upon giving at least fourteen days previous notice thereof in writing to the collector, apply to a police magistrate to vary or discharge any such order upon showing the altered circumstances or means of the indigent person or of the applicant, and the police magistrate, if he thinks fit, may vary or discharge the said order accordingly.

Order may be varied.

A.D. 1935.

PART IV.

MISCELLANEOUS.

Appropriation.

20 All sums of money recovered under Part III. shall be paid into the Consolidated Revenue.

Application of Part III.

21 The provisions of Part III. shall apply in relation to the Mental Hospital, New Norfolk, in all respects as if the same were an institution.

THE SCHEDULE.

The New Town Rest Home.
The Home for Invalids, Launceston.
The Home for Defectives, New Town.

WALTER E. SHIMMINS,
GOVERNMENT PRINTER, TASMANIA.