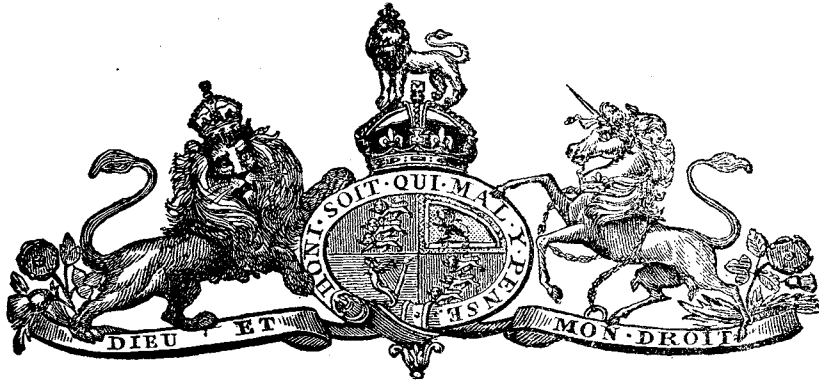


T A S M A N I A.



1921.

ANNO DUODECIMO

GEORGII V. REGIS,

No. 62.

ANALYSIS.

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| <p>1. Short title and incorporation.</p> <p>2. Repeal and re-enactment of Section 48 of Principal Act.</p> <p>3. Term of imprisonment corresponding to penalty.</p> <p>4. Amendment of Section 52 of Principal Act.</p> <p>5. Amendment of Section 55 of Principal Act.</p> <p>6. Mode of imprisonment.</p> | <p>7. Amendment of Section 84 of Principal Act.</p> <p>8. Amendment of Section 88 of Principal Act.</p> <p>9. Repeal and re-enactment of Section 104 of 9 Geo. V. No. 15.
Foster-mothers to be licensed and nursing homes registered.
Payments.</p> <p>10. Children privately boarded out may be inspected.</p> |
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AN ACT to amend "The Children's Charter."
[14 February, 1922.]

A.D.
1921.

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 Children's Charter Amendment Act, 1921," and shall be read and construed as one with "The Children's Charter" which is hereinafter called "The Principal Act." Short title and incorporation.
9 Geo. V. No. 15.

Children's Charter Amendment.

A.D. 1921.

Repeal and re-enactment of Section 48 of Principal Act. Cf. (Vic.) 6 Geo. V. No. 2627, s. 21.

2 Section Forty-eight of the Principal Act is hereby repealed and the following new section substituted in lieu thereof:—

“**48**—(1. Where a child is summarily convicted by a children's court of an offence, other than an indictable offence, punishable by penalty or imprisonment, the court may —

- i. Release the child on probation upon such terms and conditions, and for such period of time as the children's court may think fit : or
- ii. Commit the child to the care of the department : or
- iii. Commit the child to an institution : or
- iv. Upon convicting the child, discharge him conditionally on his entering into recognisances for a nominal sum with a surety or sureties to the satisfaction of the court, in such sum as the court thinks reasonable and proper, to appear for punishment when called upon or be of good behaviour for a term of not more than Twelve months, and also, if it thinks fit, in addition, order him to pay such damages and costs or either of them as the court thinks reasonable : or
- v. Adjudge the child to pay a penalty of not exceeding Five Pounds : or
- vi. Sentence the child according to law.

Cf. (N.S.W.) 1905, N. 16, s. 24.

“(2) When a sentence is imposed on a child under this section the court shall forthwith transmit to the Minister a copy of the proceedings and a statement of the reasons for imposing such sentence, and the Minister may order the removal of such child to an institution.

“(3) When a child is dealt with under this section, the court may, if there is no previous conviction against such child, order that no conviction shall be recorded against him, and any such order may, in the discretion of the court, be subject to the condition that he shall pay such damages and costs, or either of them, as the court directs.”

Term of imprisonment corresponding to penalty.

3 After Section Fifty-one of the Principal Act the following new Section 51a is hereby inserted:—

“**51a** Where any child over the age of Fourteen years has been adjudged by a children's court to pay any sum or sums of money by way of penalty the court may, in default of payment thereof, forthwith, or within such time as the court may direct, order the child to be imprisoned for such period as the court may order, not exceeding in any case the maximum fixed by the following scale:—

Where the amount adjudged to be paid—	The term shall not be more than—
Is not more than Twenty Shillings	Three days
Is over Twenty Shillings, but not more than Forty Shillings	Seven days
Is over Forty Shillings, but not more than Five Pounds	Fourteen days
Is over Five Pounds	One month.”

Children's Charter Amendment.

- 4** Section Fifty-two of the Principal Act is hereby amended by expunging the words "and is not dealt with summarily" from the Fourth line of Subsection (1) thereof. A.D. 1921.
Amendment of Section 52 of Principal Act.
- 5** Section Fifty-five of the Principal Act is hereby amended by expunging the words "shall not sentence such child to imprisonment but" from the Fourth line thereof, and inserting at the end of the section the word "or," and the following additional paragraph:—
"VIII. Sentence the child according to law."
- 6** After Section Fifty-seven of the Principal Act the following new Section 57a is hereby inserted:—
"57a Any child sentenced to imprisonment under this Act may be detained during the term of his sentence in such place and under such conditions as the Governor may from time to time direct."
- 7** Section Eighty-four of the Principal Act is hereby amended by expunging the words "or placed out for adoption or otherwise" from the Second and Third lines thereof. Amendment of Section 84 of Principal Act.
- 8** Section Eighty-eight of the Principal Act is hereby amended by inserting after the word "institution" in the Sixth line of Subsection (3) the words "or such other person." Amendment of Section 88 of Principal Act.
- 9** Section One hundred and four of the Principal Act is hereby repealed, and the following section substituted therefor:—
"104—(1) No person shall receive into or retain in his care or charge in any house any infant for the purpose of nursing or providing for such infant apart from its parents for a longer period than Twenty-four hours, unless such person in this Act called a "foster-mother," is licensed for such purpose in respect of such house, and such house is also registered as a nursing home under this Act. Repeal and re-enactment of Section 104 of 9 Geo. V. No. 15. Foster-mothers to be licensed and nursing homes registered. 7 Ed. VII. No. 51, s. 6.
" (2) The secretary or any person authorised by him may receive payment of any sum in advance for the keep and care of any such child in a nursing home, and may pay out such money in such monthly instalments as he deems requisite. In case of the death of such child, any sum unexpended, after payment of the funeral expenses of such child, shall be returned to the person entitled to receive same." Payments.
- 10** After Section One hundred and eleven of the Principal Act the following new section is inserted:—
"111a In every case in which any person shall have in his care or charge any child over the age of Five years in respect of whom it would be necessary for such person to be licensed as a foster-mother if such child were under the age of Five years, the Secretary and officers Children privately boarded out may be inspected.

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of the Department shall have the like powers of inspection and entry in respect of such child, and the house where such child lives, or is kept, as are provided by Subsection (1) of the last preceding section; and every such person shall be liable to the like penalty as is provided by Subsection (2) of the last preceding section for refusing to admit the Secretary or such officer of the Department or medical practitioner into such house, or obstructing them or any of them in such inspection, or refusing to answer or answering falsely any questions which they or any of them may put for the purposes of this Act."