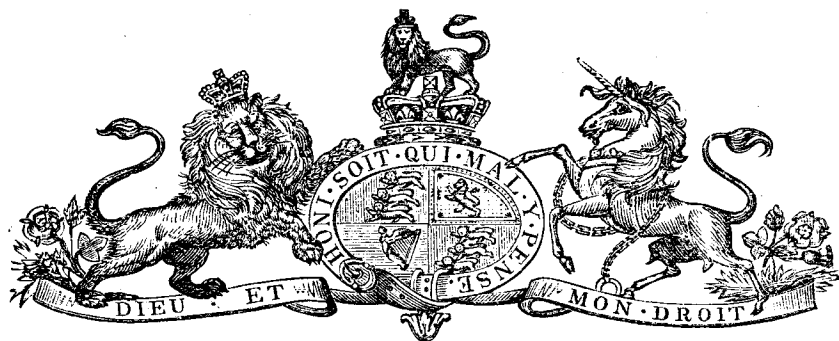


T A S M A N I A.



1896.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ,

No. 24.

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AN ACT to consolidate and amend the Law A.D. 1896.  
relating to Destitute Children and Youthful  
Offenders, and to make further provision  
for the Care and Control of neglected  
Children. [23 October, 1896.]

**W**HEREAS it is necessary to consolidate and amend the Law PREAMBLE.  
relating to Destitute Children and Youthful Offenders, and to make  
further provision for the Care and Control of neglected Children :

Be it therefore 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 Youthful Offenders, Destitute Short title.  
and Neglected Children Act, 1896,” and is divided into Ten Parts, as Division of Act.  
follows :—

Part I.—Receiving Depôts, Probationary Schools, and Officers.  
(Sects. 4–8.)

Part II.—Treatment of Neglected Children. (Sects. 9–17.)

Part III.—Power of the Department over its Wards. (Sects.  
18–25.)

Part IV.—Guardianship of Estates, and Management of  
Property of Wards. (Sects. 26–31.)

Part V.—Committal to Private Persons and certain Institutions.  
(Sects. 32–46.)

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- Part VI.—Youthful Offenders, Industrial and Training Schools. (Sects. 47–83.)  
 Part VII.—Boarding-out Committees, Visitors, &c. (Sects. 84–89.)  
 Part VIII.—Liability of Parents for Maintenance. (Sects. 90–103.)  
 Part IX.—Offences, Penalties, and Legal Proceedings. (Sects. 104–109.)  
 Part X.—Evidence, Regulations, and Procedure. (Sects. 110–116.)

Interpretation.

**2** In the construction and for the purposes of this Act, and of all proceedings under this Act or under any Rule or Regulation in force or made hereunder, unless inconsistent with the subject-matter or context :—

- “Casual employment” means employment for the purposes of gain in streets or other places in vending or exposing for sale any article whatsoever, and also employment of any other kind outside the child’s home, not being employment the lawful period whereof is regulated by any Act of Parliament :
- “The Department” means the Department for Neglected Children :
- “Gaoler” means the Keeper of any Gaol or House of Correction :
- “Gazette” means *The Hobart Gazette* :
- “Governors” means any person or persons having the management or control of any Industrial School to which this Act applies :
- “Industrial School” means any Industrial School or Institution in which children are lodged, clothed, and fed, as well as taught and trained in industrial occupations, and which may be approved and certified by the Minister for the purposes of this Act ; and also includes any such existing School or Institution which has at any time heretofore been approved by the Chief Secretary for the purposes of “The Industrial Schools Act, 1867,” hereby repealed :
- “The Inspector” means any Inspector appointed under Part I. of this Act :
- “Justice” means a Justice of the Peace having jurisdiction in the place where the matter requiring the cognizance of a Justice arises :
- “Justices” means Two or more Justices in Petty Sessions, and include a Police or Stipendiary Magistrate or other Justice having by law authority to act alone for any purpose with the powers of Two Justices :
- “Managers” includes any person or persons having the management or control of any Training School as hereinafter defined :
- “The Minister” means the Responsible Minister of the Crown administering this Act :
- “Neglected child” means every child apparently under the age of Fifteen years—
1. Found begging or receiving alms, whether actually or under the pretext of selling or offering for sale

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anything, or being in any street or public place for the purpose of begging or receiving alms; A.D. 1896.

- II. Found wandering and not having any home or settled place of abode or proper guardianship or any visible means of subsistence;
- III. Found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;
- IV. Associating or dwelling with any person known or reputed to be a thief, or where both parents are known to be habitual drunkards, or with any person convicted of vagrancy under any Act now or hereafter to be in force, whether the person so known, reputed, or convicted is the parent of the child or not, and not being properly cared for by such person or parent;
- V. Having committed an offence punishable by some less punishment than imprisonment, or punishable by imprisonment but not convicted of felony;
- VI. Being a female shall be found soliciting men, or otherwise behaving in an indecent manner in any street or public place;

And every child apparently under the age of Ten years found engaged in any casual employment during the months of *May, June, July, or August*, after the hour of Seven o'clock in the evening, or at any other part of the year after the hour of Nine o'clock in the evening:

“Regulations” means the Regulations of the Governor in Council now in force or made in pursuance of all or any of the powers herein contained:

“The Secretary” means the Secretary of the Department:

“The Treasurer” means the Treasurer of *Tasmania* for the time being:

“Training School” means any Training School for the better training of youthful offenders which has been certified as a school fitted for their reception either by the Minister under this Act or by the Chief Secretary under any Act hereby repealed:

“Ward of the Department” means—

- I. Any child committed under this Act to the care of the Department or committed under this Act or any Act hereby repealed to any school or institution or to the care of any person or persons;
- II. Also any child at present maintained at the public expense under “The Public Charities Act, 1873,” or who may hereafter be taken charge of and maintained at the public expense under the Boarding out System or otherwise:

“Youthful offender” means any offender who, in the judgment of the Court or Justices before whom he or she is charged, being a male, is under the age of Sixteen years, or, being a female, is under the age of Eighteen years, is convicted on an information, or in a summary manner, of any offence punishable with imprisonment.

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Repeal.

**3** The Acts or any portion of the Acts set forth in the Schedule (1.) are hereby repealed: Provided that—

- i. Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act:
- ii. This repeal shall not affect—
  - (a) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any such enactment; nor
  - (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any such enactment; nor
  - (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any such enactment; nor
  - (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid. And any such investigation, legal proceeding, or remedy may be carried on and prosecuted under this Act or under any of the Acts hereby repealed.

## PART I.

## RECEIVING DEPOTS, PROBATIONARY SCHOOLS, OFFICERS, &amp;c.

Receiving  
Depôts and  
Probationary  
Schools.

**4** The Governor in Council may, from time to time, for the purposes of this Act, establish and abolish Receiving Depôts and Probationary Schools, and every such Receiving Depôt or Probationary School shall be occupied by and used for males or females exclusively as the Governor in Council may direct, save that boys under the age of Six years may be sent to Receiving Depôts occupied and used for females.

Secretary.

**5** The Governor in Council may from time to time appoint a Secretary of the Department, and remove every such Secretary; and it shall be the duty of the Secretary, under the direction of the Minister, to carry into operation the provisions of this Act so far as the execution thereof is not expressly committed to any other person. Until any such appointment is made the Administrator of Charitable Grants shall exercise the functions and perform the duties of the Secretary.

Duties of  
Secretary.

**6** The Secretary shall, on or before the Thirtieth of *June* in each year, submit to the Minister for the purpose of presentation to Parliament during the first Session thereafter, a report of his proceedings and accounts of the receipts and expenditure under the powers or for the purposes of this Act during the preceding year, with returns showing the number of children received and discharged, their ages, religion, parentage, birthplace, location, and cost of maintenance, and the sums contributed by relatives toward their support, together with any general remarks he may think fit to make, and there shall be annexed to such report a summary of the reports sent in by the Superintendent, or Matron, of every Probationary School, and by the Managers or Gover-

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nors of every Training or Industrial School upon the state and requirements of such schools, which reports all such persons are hereby required to furnish to the Secretary on or before the Thirty-first day of *March* in every year for that purpose. A.D. 1896.

**7** The Governor in Council may from time to time appoint an Inspector of all Schools and Depôts subject to the provisions of this Act, and remove every such Inspector, whose duty it shall be to visit and inspect every such Institution as often as occasion may require, and not less often than the Regulations direct, and, when specially required by the Minister, any house or place where any ward of the Department is boarded out or placed, and to report to the Minister thereon and upon all matters connected therewith; and the Inspector shall have control over any officers appointed to visit such wards in such houses or places. Inspector. Duties of Inspector.

**8** In case of the absence on leave or temporary incapacity of any officer appointed under the provisions of this Act, the Governor in Council may appoint some fit and proper person to act in his stead, and every such person when so acting may exercise all the powers and duties of the officer in whose place such person is appointed. Substitutes.

## PART II.

## TREATMENT OF NEGLECTED CHILDREN.

**9** Every child found under circumstances which make such child a "neglected child," may be brought before a Justice, who may, until the charge is heard and disposed of in accordance with this Act, order such child to be detained under such care and in such manner as may be provided by the Regulations; but no such detention shall be for a longer period than Forty-eight hours unless Two Justices make an order in the form in the Schedule (2), authorising such child to be kept in custody for such further period not exceeding an additional Forty-eight hours as they may deem necessary for further information and inquiry: Provided, that no such detention shall be in a Gaol or House of Correction. Neglected child may be apprehended without warrant.

**10** Whenever any child is brought before any Justices charged with being a "neglected child," they shall, except as last provided, proceed to hear the charge, and if it be established to their satisfaction that such child, regard being had to his age and the circumstances of the case, is a fit subject to be dealt with under the provisions of this Act, they may direct such child to be forthwith committed to the care of the Department, or if the child is apparently under the age of Fourteen years to an Industrial School for any period that shall not extend beyond the time when the child shall be Sixteen years of age, or if proved to the satisfaction of such Justices that such child has been leading an immoral or depraved life, to a Training School for any period not exceeding Three years. Neglected children how dealt with.

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Child residing in a brothel or with a prostitute to be taken before Justices.

How dealt with.

**11** Every female child apparently under the age of Fifteen years found residing in a brothel or associating or dwelling with a prostitute, whether the mother of the child or not, may be brought before some Justices to be dealt with according to this Act.

**12** Whenever any child apparently under the age of Fifteen years is brought before any Justices charged with residing in a brothel or associating or dwelling with a prostitute, whether the mother of the child or not, they shall proceed to hear the said charge, and if the same be established to their satisfaction, shall direct such child forthwith to be committed to a Training School for any period not exceeding Three years, or if in the opinion of such Justices such child has not been leading an immoral or depraved life, to the care of the Department. Provided always, that in case special and exceptional circumstances are proved which satisfy them that it would be inadvisable to commit such child, they may order such child to be discharged: Provided also, that no child shall be detained in any Training School under the powers of this Section beyond the age of Eighteen years.

Power to commit to the care of the Department or Industrial School child who is not controllable by its guardian, or who is surrendered by parent for that purpose. Interpretation of "guardian" in this Section.

**13** Where the parent or step-parent or guardian of any child under the age of Fifteen years represents to the Justices and proves to their satisfaction that he or she is unable to control such child, or in the presence of Justices surrenders such child for the purpose of being placed in an Industrial School, such Justices may order the child to be committed to an Industrial School for any period that shall not extend beyond the time when the child shall be Eighteen years of age, or to the care of the Department. The word "guardian" in this Section shall include the father as natural guardian, also the step-father or the mother in case the child has neither father nor guardian, or in case the father is from habits of drunkenness or conviction of felony or long continued absence unable or unwilling to maintain such child, and the mother has in fact the sole charge and care of it.

Child dealt with under 59 Vict. No. 10 may be committed under this Act.

**14** Any child brought in pursuance of the provisions of Section Five of "The Prevention of Cruelty to and Protection of Children Act, 1895," before Justices, may in their discretion be dealt with under that Act, or may be treated as though charged hereunder as a neglected child, and an order be made accordingly if the circumstances of the case would justify, an order being made under the said first-mentioned Act; but no order shall be made under this Act if there be a relation of the child willing and in the opinion of the Justices suitable to have charge of such child.

Child declined by Guardians or Managers to be committed to care of Department.

**15** If the Guardians of any Industrial School, or the Managers of any Training School, shall decline to receive any child mentioned in any order made hereunder, or shall, with the consent of the Minister, surrender any child to the Department, an endorsement shall be made upon the order of committal, or upon an office copy thereof, stating the fact, and shall be signed by the Secretary, and thereupon the child shall be treated as having been committed to the care of the Department in the first instance, and may be transferred to some other Industrial School or Training School, or otherwise dealt with in accordance with this Act as the Minister shall determine.

Form of order committing a

**16** Every order committing a child to any school or to the care of the Department, may be in such one of the forms in the Schedule (2.)

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hereto as may be applicable, or in any form which may be substituted therefor by the Regulations or to the like effect; and such order, or an office copy thereof, without any warrant, shall be sufficient authority for any constable to take such child to the School named therein, or, in case of a child committed to the care of the Department, to the place to which the Secretary may direct such child to be taken, or, in default of any such direction, to such Receiving Depôt for children of the same age and sex as may be nearest or most convenient.

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child to the care of the Department or to a Receiving Depôt.

**17** When a parent shall wilfully neglect to provide adequate food, clothing, medical aid, or lodging for his child, being in his custody, under the age of Sixteen years, whereby the health of such child shall have been, or shall be likely to be, seriously injured, he shall be guilty of an offence under this Act punishable on summary conviction, and being convicted thereof before any Justices, shall be liable to be imprisoned for any period not exceeding Six months, with or without hard labour, as such Justices shall decide: Provided, that such Justices may suspend the sentence until further notice if the offender enter into his own recognizances, with or without One or more sureties, as the Justices may think fit, to come up for judgment when called upon. And such Justices may, if they see fit, deal with such child in all respects as if the same had been brought before them under this Act as a neglected child.

Parents neglecting their children liable to punishment.

Child may be dealt with under this Act.

**PART III.****POWERS OF THE DEPARTMENT OVER ITS WARDS.**

**18** The Secretary is hereby constituted the guardian of the person of every ward of the Department to the exclusion of the father and every other guardian, and shall, except during the time the child shall be an inmate of any Industrial School or Training School, and except as hereinafter provided, continue to be such guardian until the child attains the age of Twenty years, unless the Governor in Council otherwise directs, and the Secretary shall as such guardian have (except as aforesaid) the sole right to the custody of such child, and shall deal with such child as directed by this Act and the Regulations.

Secretary to be guardian of the person of ward of the Department, except as afterwards provided.

**19** While any ward of the Department for Neglected Children is detained in any Receiving Depôt or Probationary School, the Superintendent or Matron of such depôt or school may exercise the powers of the Secretary as guardian of the person of such ward.

Guardianship of children while detained in Receiving Depôt or Probationary School.

**20** Whenever it is required that any ward of the Department shall be transferred to some Training School to which he may be lawfully committed, or from one Training School to another, or is to be transferred to an Industrial School, or from one Industrial School to another, the Secretary may write or cause to be written on the order committing

Method of transferring child from the care of the Department to a school.

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such ward to the care of the Department, or, if the child was in the first instance committed either to a Training School or to an Industrial School, upon the order so committing such child, or upon an office copy of any such order respectively, a memorandum to the following effect:—"The within-named child is hereby transferred to the Training School or Industrial School (as the case may be) at [*describing the school*]," and shall sign such memorandum as Secretary to the Department, together with the date, and thereupon the Minister, having first written thereafter the word "Approved" and his signature, such ward shall be deemed to be transferred to the school named in the memorandum.

Warrant not to be necessary to detain child.

**21** No warrant shall be necessary to authorise the detention of any ward of the Department, but if the right to the custody of such ward be called in question by *Habeas Corpus* or otherwise, it shall be sufficient to give in evidence the order committing such ward to the care of the Department, or the order committing such ward to any Training School or Industrial School, or in case such ward has been transferred to or from any school, as provided in the preceding Section, such order or office copy order, with the Secretary's endorsement and Minister's approval thereon, as is mentioned in that Section, and to show (except where the ward has been committed or transferred to a Training School or to an Industrial School), that such ward is detained by the authority of the Secretary as guardian of the person of such ward.

Governor in Council may discharge any ward.

**22** The Governor in Council may at any time order any ward of the Department to be discharged, and thereupon the guardianship of the person of such ward hereby provided for shall cease and determine.

Wards of the Department how dealt with.

**23** Subject to the Regulations, every ward of the Department may from time to time be dealt with by the Secretary in one or other of the following ways:—

- i. Placed in some Receiving Depôt:
- ii. Boarded out with some suitable person:
- iii. Placed at service with some suitable person:
- iv. Apprenticed to some trade, either on land or at sea:
- v. Placed in the custody of some suitable person who may be willing to take charge of such ward:
- vi. Detained in some Industrial or Probationary School:
- vii. Transferred with the approval of the Minister to some Training School to which such ward might be lawfully committed, or from one Training School to another, or from one Industrial School to another, but so as the original power of detention shall not thereby be in any case increased:

Provided always, that in case it shall come to the knowledge of the Minister that any ward has been leading an immoral or depraved life, such ward shall be transferred to a Training School, unless under the special circumstances of any case the Minister may think that it would be inexpedient, and it shall be the duty of the Secretary to take the proper steps for that purpose: Provided also, that no ward shall be detained in any Probationary School for more than Six months without the authority in writing of the Minister, who may from time to time authorise the detention of such ward for a



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further period not to exceed in the whole Twelve months, at the expiration of which period such ward must be dealt with in such other of the foregoing ways as under the circumstances of the case may seem proper: Provided also, that no ward who has been transferred from a Training School, or has been residing in a brothel, or associating or dwelling with a prostitute, shall be boarded out without such information as to the case of such ward being given to the person with whom such ward is proposed to be boarded as may be prescribed by or under the Regulations.

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**24** Every person with whom any ward of the Department may be boarded out, placed, or apprenticed, shall from time to time permit such ward to be visited in any place where such ward may be or reside to be inspected by the Inspector or any person authorised by or under the Regulations.

Power to visit and inspect wards boarded out, &amp;c.

**25** All constables shall assist the Secretary and every Superintendent or Matron of any School or Receiving Depôt in retaining or recovering the custody of any ward of the Department who may abscond or attempt to abscond or be unlawfully removed or enticed from any such School or Depôt.

Constables to assist in retaining custody of wards.

## PART IV.

## GUARDIANSHIP OF ESTATES AND MANAGEMENT OF THE PROPERTY OF WARDS.

**26** The Secretary is hereby constituted the guardian of the estate of every ward of the Department, to the exclusion of the father and every other guardian, and shall continue such guardian until the child attains the age of Twenty-one years, unless the Governor in Council otherwise directs: Provided always, that the Supreme Court may appoint any other person to be guardian of the estate of any ward who has been discharged, instead of the Secretary, but only upon condition that the amount expended for the maintenance of such ward shall be paid or secured to be paid out of the Estate to the Treasurer.

Secretary to be guardian of the estates of wards of the Department.

**27** The Secretary, as such guardian, with the consent of the Minister, may—

- I. Manage and demise for any term not exceeding Three years the lands of or to which any such ward is seized, possessed, or entitled, and make allowances to and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies, as fully and effectually as such ward if of the full age of Twenty-one years could do:

Power of the Secretary as guardian of the estate.

To manage and lease lands, &amp;c.

- II. Demand, sue for, collect, and receive all the rents and profits which may be due to any such ward, and give effectual receipts and discharges for such rents and profits, or so much thereof as may be received, and in case of non-payment of the said rents and profits, or any of them or

To recover rents.

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To sue for wages  
and earnings.To take legal pro-  
ceedings on behalf  
of ward in other  
cases.To appoint  
authorised agent.Moneys of  
Wards, how  
dealt with.

any part thereof, in the name and on behalf of such ward enter into and upon all or any of the lands in respect of which any rents or profits may be unpaid, and for the same rents and profits and the costs and expenses incurred by or incidental to the nonpayment thereof distrain, and the distresses then and there found dispose of in due course of law, and take and use all lawful proceedings and means for recovering and receiving the said rents and profits, and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands, and determining the tenancy or occupation thereof, and for obtaining, recovering, and retaining possession of all or any of the lands held or occupied by such defaulters :

III. Sue for and recover any wages or earnings due to any such ward :

iv. In the name and on behalf of any such ward, commence and prosecute all actions, suits, claims, demands, and proceedings touching any lands, estate, interest, or rights of any such ward or of his tenants therein or thereto, or touching any matter or thing whatsoever in which any such ward or his real or personal estate or effects may be in any way interested, affected, or concerned :

v. Appoint and remove at his pleasure any attorney or agent under him in respect of all or any of the matters aforesaid, upon such terms and for such remuneration as the Minister may think fit.

**28** Subject to any Regulations as to earnings of wards of the Department, all moneys received by the Secretary as guardian of the estate of any ward shall be held by him—

i. To repay any expenses, the amount of which shall be approved by the Minister, lawfully incurred by the Secretary in executing the trusts or powers reposed in him by this Act for or on account of the said ward or his estate :

ii. Subject to any such authorised deduction to pay the same into the Treasury, at *Hobart*, in the manner and at the intervals from time to time prescribed by the Governor in Council ; and every such payment shall be accompanied by the Secretary's declaration that it includes all moneys received by him (not being earnings of any ward directed to be otherwise dealt with by the Regulations) since the date of the last payment made by him, excepting only any authorised deduction as aforesaid for expenses, the details of which, accompanied by proper and sufficient vouchers, shall be declared to by the Secretary and accompany the payment.

The Secretary shall, in every case where the authorised expenses exceed the moneys received, make a statement concerning the estate of the ward to the Treasurer, accompanied by a declaration, once at least in every year.

Every declaration to be made by the Secretary shall be in the form prescribed by the Regulations.

Deductions for  
maintenance, &c.

**29** The Treasurer shall deduct from every payment as aforesaid into the Treasury—(i.) such an amount as may from time to time be fixed

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by the Governor in Council, not exceeding Five Pounds per cent. ; and (II.) but not from the personal earnings of any ward, such weekly sum as the Minister may direct, for the past or continued maintenance of the ward for whom the said moneys have been received ; and the Secretary shall certify the amount to be deducted on that account whenever he makes a payment into the Treasury as hereinbefore directed.

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All deductions so as aforesaid made by the Treasurer shall be passed to the credit of the Consolidated Revenue, except as to maintenance money in cases provided for in Part V. of this Act, and any balance then remaining in the Treasury shall be placed by the Treasurer to an account in the Post Office Savings Bank opened in his name on account of the ward for whom the moneys were received.

**30** When any person shall be entitled to receive any money out of the funds standing to the credit of the Treasurer on account of any ward of the Department, the Secretary may certify to an account in favour of the person so entitled upon his subscribing a declaration that such account is true and just in every particular, and that the estate of the ward is legally liable to satisfy his claim, and thereupon the Treasurer shall forthwith satisfy the claim to the extent of the said fund.

Payment to persons entitled.

**31** The accounts of the Secretary of the moneys of any ward of the Department shall be subject and liable to all the provisions of "The Audit Act, 1888," in the same manner in all respects as if such accounts had been specifically mentioned therein.

Accounts to be subject to 52 Vict. No 43.

## PART V.

## COMMITTAL TO THE CARE OF PRIVATE PERSONS.

**32** Any private person, and any institution formed by private persons empowered in that behalf, desirous of taking charge of a neglected child or neglected children gratuitously, may be from time to time approved by the Governor in Council as a person or institution to whose care neglected children may be committed under this Act ; and the Governor in Council may revoke such order ; and every order approving of any institution, and every revocation of any such order, shall be published in the *Gazette*.

Power to the Governor in Council to approve private persons or institutions to have the care of neglected children.

**33** Every order approving any institution as an institution to the care of which neglected children may be committed hereunder, shall name some person as the Manager thereof, and when from time to time the Manager of any such institution is changed, every new Manager shall be submitted to the Governor in Council for his approval ; and the order approving of such Manager shall be published in the *Gazette*, and any copy of the *Gazette* purporting to contain any such order shall be conclusive evidence that the person named therein on that behalf is the Manager of any such institution.

Managers of institutions to be approved by the Governor in Council.

*Gazette* evidence of their appointment.

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Power to Judge, Justices, &c. to commit children to the care of approved person instead of the Department.

Approved person or manager of approved institution to whose care children are committed to become guardians of their persons.

**34** Any neglected child may by any Judge, or any Justices empowered to commit any child to the care of the Department, be committed to the care of any person or institution for the time being approved by the Governor in Council as aforesaid, upon such person or the Manager of such institution (as the case may be) consenting in writing to accept the care of such child.

**35** Whenever any child is committed to the care of any person or institution as aforesaid, such person, unless the order of the Governor in Council approving such person otherwise provides, or the Manager of such institution, shall, until the order approving such person or institution as aforesaid be revoked, become the guardian of the person of such child to the exclusion of the father and every other guardian until such child attains the age of Eighteen years, or such greater age not exceeding Twenty-one years as the Governor in Council may direct, unless such child is sooner discharged, and such person shall have the sole right to the custody of such child, and such Manager shall have the sole right to the custody of such child as on behalf of such institution, subject in both cases to the provisions of this Act and to the Regulations of the Governor in Council in force hereunder.

New Managers of approved institutions to succeed to the guardianship.

**36** Upon the publication of any order of the Governor in Council hereunder in the *Gazette* approving of any person as the Manager of any such institution in the place of any other person, the Manager so approved shall become the guardian of the person of every child, of whose person the Manager in whose place he is so approved was the guardian under the provisions of this Part of this Act, in the place of the Manager in whose place he is so approved.

Child not to be committed to care of approved person or institution if father, &c. object, or so as to be educated in a different religion.

**37** No child shall be committed to the care of any person or institution if the father or any other person having the right to direct in what religion the child shall be educated object, or so that any child may be educated in a religion different from that in which it would be the duty of any guardian of such child appointed by the Supreme Court to direct the child to be educated.

Approved person or institution to permit children to be visited and inspected.

**38** Every person or institution to whose care any child may be committed under the provisions of this Part of this Act, and every person intrusted with the care of any such child by any such person or institution, shall from time to time permit such child to be visited, and any place where such child may be or resides to be inspected by the Inspector or any person authorised in that behalf by or under the Regulations.

Transmission of guardianship upon death of approved person or revocation of approval of person or institution.

**39** Upon the death of any person having the care of any child by virtue of any order made under this Part of this Act, or upon the revocation of the order approving of any such person or of any institution, the Governor in Council may appoint some other person or institution approved as aforesaid in place of the person so dying, or the person or institution mentioned in the revoking order, and thereupon the same consequences shall ensue as though an order were at once made by a Judge or by Justices under the provisions of this Part of this Act committing the care of every such child to the care of the person or institution so newly appointed, and in the meantime, unless and until such other person or institution be so appointed, the same consequences shall ensue as if upon the date of such death, or of the

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revocation of such order, an order had been made hereunder committing every such child to the care of the Department. A.D. 1896.

A person or institution may be appointed in the place as well of a person or institution originally approved as aforesaid, as of any person or institution appointed in the place of such first appointed person or institution.

The order appointing an institution in the place of another institution shall be published in the *Gazette*.

**40** Upon the revocation of any order approving of any person or institution as a person or institution to whose care neglected children may be committed, such person or the manager of such institution shall cease to be guardian of any child under the provisions of this Part of this Act, whether such child be under the care of such person or institution by virtue of any order made under this Part of this Act, or of any writing signed as aforesaid by the father or mother of such child. Guardianship of approved person or institution to cease on revocation of approval.

**41** Every order committing a child to the care of any approved person or institution hereunder may be in such form as may be prescribed by the Regulation, or to the like effect; and such order, or any office copy thereof, without any warrant, shall be a sufficient authority for any constable to take such child to such person or institution. Form of order committing child to care of approved person or institution.

**42** No warrant shall be necessary to authorize the detention of any child in the care of any approved person or institution hereunder, but if the right to the custody of such child be called in question by *Habeas Corpus* or otherwise, it shall be sufficient to give in evidence the order committing such child to the care of such person or institution, and to show that such child is detained by the authority of such person or institution, or the Manager of such institution. Warrant for detention of child by approved person or institution.

**43** If any person or institution having the care of any child by virtue of any order made under the provisions of this Part of this Act, or the Manager of any such institution, desire for any cause sufficient in the opinion of any Two Justices to be relieved of the care of such child, such Justices may order such child to be committed to the care of the Department. Power to transfer child to the care of the Department for Neglected Children.

**44** No person who, whether as Manager of any institution or otherwise, is guardian of the person of any child by virtue of any order under the provisions of this Part of this Act, shall remove such child or suffer such child to be removed out of *Tasmania*, without the consent of the Minister being first obtained. Child not to be removed out of *Tasmania*.

**45** Any person or institution having the care of any child by virtue of the provisions of this Part of this Act shall be entitled to receive from the Treasurer out of any moneys paid into the Treasury by the Secretary as guardian of the estate of the child such maintenance money as the Minister may from time to time direct, and shall also be entitled to any maintenance moneys which may be received or recovered under the provisions of Part VIII. of this Act from any parent of any such child. Maintenance money.

**46** Where any child being then destitute has been, without objection on the part of its father or other guardian, received into any Children received into and maintained in asylums.

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without objection on the part of their fathers or guardians for Two years not removable without the consent of the Committee or order of the Governor in Council.

school or institution for the care and management of destitute children, the By-laws of which have been approved of by the Governor in Council, and maintained at the expense of such institution for a period of Two years and upwards, the father or other guardian of such child shall not be entitled to remove such child out of the custody of such institution or the managing body thereof without the consent of such managing body or the order of the Governor in Council unless such father or guardian can show that he was ignorant that such child was being so maintained, and that he has not been guilty of negligence with regard to such child during the period such child has been so maintained; and the managing body of such institution shall have the custody of the person of such child until such child attains the age of Eighteen years.

## PART VI.

## YOUTHFUL OFFENDERS, INDUSTRIAL AND TRAINING SCHOOLS.

*(a.) Provisions relating to Industrial Schools.*

In whom the management of Industrial School vested.

**47** The management and control of any Industrial School under this Act may be vested in a body of Governors elected by the donors or subscribers thereto; and the number of the said Governors, and the mode of their election, may be regulated by the constitution of the School as determined by the said donors or subscribers.

Industrial School may be certified.

**48** The Minister may, upon the application of the Governors of an Industrial School, examine into the condition and regulations thereof, and may by writing under his hand certify that such School is fitted for the reception of such children as may be sent there in pursuance of this Act; and thereupon the School shall be deemed a certified Industrial School.

Order of Committal.

**49** The order of Justices sending a child to an Industrial School may be in the form in the Schedule (2.). The School shall be some Industrial School, whose Certificate has not been withdrawn or resigned, the Governors of which are willing to receive the child; and the reception of the child by the Governors shall be deemed to be an undertaking by them to teach, train, and feed him during the whole period for which he is liable to be detained in the School, or until the withdrawal or resignation of the certificate of the School takes effect, or until the payment of money promised from the Treasury (or judicially imposed on the parent or guardian) is discontinued. The order shall be a sufficient warrant for the detention of the child there, and shall specify the time for which he is to be detained, being such time as to the Justices seems proper for his teaching and training; but nothing in this Act contained shall be deemed to render it compulsory upon the Governors of an Industrial School to receive any child.

Enquiry into management.

**50** If complaint be made to the Minister that any Industrial School is mismanaged, the Governor in Council may appoint a Commission of not less than Three fit and competent persons to enquire into the management and condition of the School complained of, and on

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receiving from them a Report that it is not so conducted as to be entitled to a continuance of its certificate, and specifying the defects complained of, then the Minister shall, by writing under his hand, require the Governors of such School within One month from the date and service of such notice at the School premises to remedy all such defects; and failing this the Minister may, by notice under his hand addressed to and served upon the Governors thereof, or left at the said School with the Director of or Superintendent thereof, declare that the certificate of the School is withdrawn as from a time specified in the notice, not being less than Six months after the date thereof, and at that time the certificate shall be deemed to be withdrawn accordingly, and the School shall thereupon cease to be an Industrial School within the meaning of this Act.

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Withdrawal of certificate.

**51** The Treasurer may from time to time contribute, out of money provided by the Parliament for the purpose, such sums as the Governor thinks fit from time to time to order towards the custody and maintenance of children detained in Industrial Schools certified under this Act: Provided that such contributions shall in no case exceed the sum of Five Shillings per head per week; and in the case of children detained on the application of their parents, step-parents, or guardians, shall in no case exceed Two Shillings and Sixpence per head per week.

Contribution from Treasury.

*(b.) Training Schools and Youthful Offenders.*

**52** The Minister may, upon the application of the Managers of any Training School for the better training of youthful offenders, examine into the condition and regulation of the School, and may, by writing under his hand, certify that such School is fitted for the reception of such youthful offenders as may be sent there in pursuance of this Act, and the same shall be deemed a certified Training School. No substantial addition or alteration shall be made in or to the buildings of any Training School without the approval in writing of the Minister.

Mode of certifying Training Schools.

**53** The Court or Justices before whom a youthful offender is charged may either order such offender to be forthwith removed to and detained in a Training School for a period of not less than Three years and not more than Five years, or else may sentence such offender to be imprisoned for the term of Ten days or a longer term, and to be sent at the expiration of his term of imprisonment to a Training School and to be there detained for a period of not less than Three years and not more than Five years: Provided always, that a youthful offender under the age of Ten years shall not be sent to a Training School unless he has been previously charged with some crime or offence punishable with penal servitude or imprisonment, or sentenced by a Judge of a Supreme Court.

Offenders under certain ages may be sent to Training Schools.

**54** Where any offender shall under the preceding Section be sentenced to be imprisoned and to be sent at the expiration of his period of imprisonment to a Training School, the particular school to which the youthful offender is to be sent may be named either at the time of his sentence being passed, or within Seven days thereafter by the Court or Justices who sentenced him, or in default thereof, at any time before the expiration of his imprisonment, by any Visiting Justice of the gaol to which he is committed.

Mode of naming school to which offender to be sent.

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Removal of  
offenders to  
certified Training  
School.

**55** Every gaoler having in his custody any youthful offender sentenced to be sent to a Training School shall, at the appointed time, deliver the offender into the custody of the Superintendent or other person in charge of the School in which he is to be detained, together with the warrant or other document in pursuance of which the offender was imprisoned and is sent to such School.

Officers to have  
powers, &c. of  
Constables.

**56** Every Officer of a Training School authorised by the Managers of the School, in writing under their hands or the hand of their Secretary, to take charge of any youthful offender sentenced to detention under this Act, for the purpose of conveying him to or from the School, or of bringing him back to the School in case of his escape or refusal to return, shall for such purpose and while engaged in such duty have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as a Training Officer as any Constable duly appointed has within *Tasmania*.

Power to Minister  
to send offenders  
to Training  
Schools on con-  
ditional pardon.

**57** Where, after the passing of this Act, a youthful offender is sentenced to penal servitude or imprisonment, and is pardoned on condition of his placing himself in some Training School, the Minister may direct him, if under the age of Sixteen years, to be sent to a Training School the Managers of which consent to receive him for a period of not less than One year and not more than Five years; and thereupon such offender shall be deemed to be subject to all the provisions of this Act as if he had been originally sentenced to detention in a Training School.

Liabilities of  
Managers of  
Training School.

**58** The Managers of any Training School may decline to receive any youthful offender proposed to be sent to them under this Act, but when they have once received him they shall be deemed to have undertaken to educate, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the School, or until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by Parliament towards the custody and maintenance of the offenders detained in the School is discontinued, whichever shall first happen.

Power of Minister  
to contract with  
Managers of  
Training Schools.

**59** The Minister may contract with the Managers of any Training School for the reception and maintenance therein of youthful offenders whose detention in a Training School is directed by a Court or Justices, in consideration of such payment as may be from time to time agreed on; and the Treasurer is hereby empowered, out of any moneys which would be applicable to the maintenance of such offenders if they were committed to gaol, to pay the amount so agreed upon.

Withdrawal of  
certificate.

**60** The Minister, if dissatisfied with the condition of a Training School as reported to him by the Inspector, may withdraw the certificate, and may, by notice under his hand addressed and sent to the Managers of such School, declare that the certificate is withdrawn as from a time specified in the notice, being not less than Six months after the date of the notice.

Effect of with-  
drawal of  
certificate of  
Training School.

**61** Whenever the certificate is withdrawn from or resigned by the Managers of a Training School, no youthful offender shall be received into such School after the date of the receipt by the Managers of the School of the notice of withdrawal, or after the date of the notice of



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resignation (as the case may be); but the obligation of the Managers to educate, clothe, lodge, and feed any youthful offenders in the School at the respective dates aforesaid shall, excepting so far as the Minister may otherwise direct, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by Parliament towards the custody and maintenance of the offenders detained in the School is discontinued, whichever shall first happen.

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**62** When the withdrawal or resignation of the certificate of a Training School takes effect, the youthful offenders detained therein shall be, by order of the Minister, either discharged or transferred to some other Training School.

Disposal of inmates of Training School on withdrawal of Certificate.

**63** When any youthful offender is imprisoned in any Gaol for a term of not less than One year, he may, at any time during such term, with the consent of the Governor in Council, be apprenticed by the Minister to any trade or calling to any person willing to receive him as an apprentice, for a term not exceeding Five years.

Power to apprentice offenders from gaol.

*(c) Provisions relating to Industrial and Training Schools.*

**64** In the construction of the remaining portion of this Part of this Act—

Interpretation.

“Directors” means the Governors of any Industrial School and also the Managers of any Training School, or any Three of such Governors, or any Three of such Managers:

“Inmate” means any youthful offender detained in a Training School certified as aforesaid; also any child detained in an Industrial School certified as aforesaid:

“Institution” means and includes any such certified Training School or Industrial School.

**65** While any ward of the Department shall be lawfully detained in any Industrial School, or in any Training School, the powers of the Secretary as guardian, with the sole right to the custody of the person of such ward, shall be reposed in and exercised by the Governors of the Industrial School or the Managers of the Training School, as the case may be, who shall also continue to be guardians of the child during the continuance of any licence granted by them, or during the period of any apprenticeship to which they are parties, as hereinafter provided, or which has been granted or entered into under any Act hereby repealed; and the Governors of any Industrial School shall be guardians of any child surrendered to be placed at such School during the period fixed at the judicial surrender of the child, or, if no such period is fixed, until the child attains the age of Eighteen years.

Guardianship while child inmate of Industrial or Training School.

**66** The Directors of any Institution may, by licence under their hands, permit any inmate to live with any trustworthy and respectable person, named in the licence, willing to receive and take charge of him. Any such licence may also be revoked by the Directors of the Institution from which the inmate was licensed by writing under their hands at any time, and thereupon the inmate to whom the licence related may be required by the said Directors, by writing under their hands, to return to the Institution of which he was an inmate when licensed. The time during

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which an inmate is absent from any Institution in pursuance of a licence under this Section shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention therein, and at the expiration of the time fixed by his licence he shall be taken back to the Institution. Any inmate escaping from the person with whom he is placed in pursuance of this Section, or refusing to return to the Institution at the expiration of the time fixed by his licence, or any renewal thereof, or when required to do so on the revocation of his licence, shall be liable to the same penalty as if he had escaped from the Institution itself. But no such licence shall be granted by the Managers of a Training School without the approval of the Minister, nor by the Governors of an Industrial School, until after Eighteen months of the period of detention allotted to the inmate.

Power to apprentice offenders with their consent.

**67** The Directors of any Institution may at any time after an inmate has been placed out on licence as aforesaid, if he conducted himself well during his absence from the Institution, bind him, with his own consent, apprentice to the sea, or to any trade, calling, or service, notwithstanding that his period of detention has not expired; and every such binding shall be valid and effectual to all intents.

Children not previously placed out on licence may be apprenticed.

**68** It shall not be necessary in every case to first place an inmate out on licence, but the Directors of any Institution may, if they see fit, apprentice any inmate therein to the sea or to some trade, calling, or service for any period not exceeding Five years, although he has not previously been placed out on licence as aforesaid, provided that the Minister's consent is first obtained in the case of any youthful offender.

Apprentices in legal custody of Directors.

**69** Any child apprenticed under this Act, or under any Act hereby repealed, shall during the whole term of apprenticeship be deemed to be in the legal custody of the Directors of the Institution of which he was an inmate when apprenticed; and the indentures of apprenticeship may be at any time cancelled by mutual consent of the Directors and the master of such child, or if such apprentice misbehaves or misconducts himself in his service, or if the master of the apprentice misuses or ill-treats him, the Directors may, without any warrant or authority other than this Act, and with or without the consent of the said master, cancel the indenture, and remove such child back to the Institution from which he was apprenticed, or transfer such apprentice to another person for the residue of the unexpired term of apprenticeship, or may apprentice such child anew to some other person for such term, not exceeding Five years, as they see fit; and such transfer and new apprenticeship shall be good and valid, anything in any Law to the contrary notwithstanding.

Children may be apprenticed anew.

**70** Any child removed back to any Institution under the preceding Section may, at any time thereafter during the continuance of the original term for which he was bound, be apprenticed to any trade, calling, or service for any term not exceeding Five years, notwithstanding that his period of detention may have expired; and every such binding shall be valid and effectual to all intents.

Duration of indenture.

**71** No child shall be apprenticed under this Act for any term extending beyond the age of Eighteen years.

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**72** All indentures and licences existing under any of the Acts hereby repealed shall continue and be of full effect, but shall hereafter be subject to the provisions of this Act.

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Existing indentures and licence continued.

Power to make Rules.

**73** The Directors of any Institution may make Rules—

For regulating generally the management and discipline of the Institution :

For regulating the periods and times at which the Institution may be visited, and the mode of obtaining permission to visit the same :

which Rules may be amendments of, or be in substitution for, or in addition to any existing Rules.

All such Rules shall be submitted to, and be approved of by, the Governor in Council, and until so approved they shall have no force; and no alteration in any Rules so approved shall be valid until the same has been approved by the Governor in Council. Every such Rule shall be published in the *Gazette*, and a copy thereof shall be laid upon the Tables of both Houses of Parliament within Fourteen days after the meeting of the next ensuing Session of Parliament after the making thereof.

All Rules heretofore made under any Act hereby repealed shall continue in force until altered under the provisions of this Act, in so far as the same are not inconsistent therewith.

Existing Rules continued.

A copy of any such Rules purporting to be signed by the Inspector shall be evidence of such Rules in all legal proceedings whatever.

**74** The Directors, or the executors or administrators of a deceased Director (if only one) of an Institution may give notice in writing to the Minister of their intention to resign the certificate of that Institution, and at the expiration, in the case of Directors of Six months, and in the case of executors or administrators of One month, from the receipt of that notice by the Minister, the certificate shall be deemed to be resigned accordingly, unless before that time the notice is withdrawn.

Certificate may be resigned.

**75** A notice of the grant of any certificate to an Institution, or of the withdrawal or resignation of such a certificate, shall within One month be advertised in the *Gazette*. A copy of the *Gazette* containing any such notice shall be conclusive evidence of the granting, resignation, or withdrawal of any certificate. The grant of a certificate to any school as aforesaid may also be proved by the production of the certificate itself, or of a copy of the same purporting to be signed by the Inspector.

Publication of the grant or withdrawal of certificate.

Proof of certificate.

**76** Any notice may be served on the Directors of any Institution by delivering the same personally to any one of them, or by sending it by post or otherwise in a letter addressed to them or any of them at the Institution, or at the usual or last known place of abode of any Director or of their Secretary.

Service of notice on Directors of any Institution.

**77** All inmates of any existing Institution may continue to be lawfully detained therein, notwithstanding the repeal of the Acts mentioned in the Schedule hereto, but shall hereafter be subject to the provisions of this Act: Provided that the period of the detention of each such inmate shall be the period to which he is now liable, and no more.

Inmates of existing Institution.

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*(d) Offences by Inmates.*

Punishment for misconduct in Industrial School.

**78** If a child sent to an Industrial School, and while liable to be detained there, being apparently above Ten years of age, and whether lodging in the School or not, be guilty of gross and repeated insubordination, he shall be guilty of an offence against this Act, and on summary conviction thereof before Two Justices shall be liable to be imprisoned, with or without hard labour, for any term not exceeding Three months; and the Justices before whom he is convicted may direct him to be sent, at the expiration of the term of his imprisonment, to a Training School, and to be there detained until the expiration of the period assigned for his original detention.

Escape of children from Industrial Schools.

**79** If any child sent to an Industrial School, and while liable to be detained there escapes from the School, he shall be guilty of an offence against this Act, and may be apprehended without warrant and brought before any Justice of the Peace on complaint of any Officer of any such School, and such Justice may punish such child by imprisonment for any term not exceeding Twenty-one days, and may direct him to be sent at the expiration of the term of his imprisonment to a Training School, and to be there detained until the expiration of the period assigned for his original detention.

Refusal to conform to rules of Training School.

**80** If any inmate of a Training School wilfully neglects or wilfully refuses to conform to the rules thereof, he shall, upon summary conviction before a Justice, be imprisoned with or without hard labour for any term not exceeding Three months; and at the expiration of his term of imprisonment he shall, by and at the expense of the Managers of the School, be brought back to the School from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to prison.

Escaping from Training School.

**81** If any inmate of a Training School escapes therefrom, he may, at any time, be apprehended without warrant, and if the Managers of the School think fit, but not otherwise, may be then brought before a Justice having jurisdiction in the place or District where he is found, or in the place or District where the School from which he escaped is situate, and he shall thereupon be liable, on summary conviction before such Justice, to be imprisoned with or without hard labour for any term not exceeding One month; and at the expiration of such term he shall, by and at the expense of the Managers of the School, be brought back to the School from which he escaped, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping, but no inmate shall be detained after attaining Eighteen years of age.

Constables to apprehend children escaping from any Institution.

**82** All Justices and Constables are hereby empowered and directed to apprehend and cause to be conveyed into the custody of the Directors of any Institution, or their proper Officer, every child who may escape or be unlawfully removed or enticed from any Institution.

Alternative punishment of child who absconds from or misconducts himself in any Institution.

**83** If any child while an inmate of any Institution absconds therefrom, or is guilty of gross or repeated insubordination, it shall be lawful for the Directors, instead of proceeding under the preceding Sections, either to order that such child shall be kept apart from the

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other inmates of such School and fed upon bread and water only for any period not more than Two days, or to order that such child, being a male, shall suffer such moderate corporal punishment as the Directors may prescribe; and a report of every case in which any such punishment is inflicted shall be made in a book to be kept specially for that purpose in such School, which book shall be produced to any Inspector of Schools under this Act who may desire to view the same.

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## PART VII.

## BOARDING-OUT COMMITTEES, VISITORS, &amp;c.

**84** The Governor in Council may appoint Committees for boarding out neglected children, and may at any time remove any Member thereof, and appoint another person in the room of any Member resigning or removed.

Committees for boarding out children.

Every such Committee shall consist of not less than Three persons; and if at any time from any cause such Committee does not consist of Three persons, or if any Member refuses to act, then the remaining Members of such Committee shall have and exercise all the powers of such full Committee until the appointment of their successors, and if all the Members of such Committee cease to be such Members or refuse to act, then all the powers of a full Committee shall vest in and may be exercised by such person as the Governor in Council appoints to exercise the same.

Every such Committee may exercise all or any of the powers contained in the Regulations now or hereafter in force under this Act.

Every Committee acting under those Sections of "The Public Charities Act, 1873," which are hereby repealed, shall be continued and have the same authority as though appointed under this Act.

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**85** The Governor in Council may appoint for every Receiving Depôt and School subject to this Act, and also for the boarded-out children in any locality, so many fit and proper persons as may be determined by the Regulations in that behalf, and in default of any such determination as may seem desirable, a majority of whom reside in the locality, to be a Visiting Committee, and the members of such Visiting Committee shall from time to time visit such Depôt, School, or Children as occasion may require, and may report to the Minister as to them may seem fit.

Visiting Committee.

**86** Subject to the Regulations, all ministers of religion, or any person being duly authorised by the recognised head of any religious denomination, shall have admission to every Receiving Depôt and to every such School maintained at the sole expense of the State, and access to such of the persons placed or detained therein as may be members of their respective denominations, and may give instruction to them on the days and at the times allotted by such Regulations for the religious education of such persons of their respective denominations.

Religious instruction.

**87** It shall be lawful, upon the representation of the parent, or in the case of an orphan then of the guardian or nearest adult relative, of any youthful offender detained in any Training school, for a minister of the religious persuasion of such offender, at certain fixed hours of the

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day which shall be fixed by the minister, to visit such School to afford religious assistance to such offender, and to instruct him in the principles of his religion.

Other visitors.

**88** Subject to the Regulations, all persons authorised in that behalf by the Minister, all Executive Councillors, Members of either House of Parliament, Judges of Courts, and Justices, shall be entitled to visit every Receiving Depôt and School, and shall have admission to the same accordingly.

Visitors' book.

**89** Every person entitled to visit any such Depôt or School as aforesaid, and every minister of religion, may inscribe in a book (to be for that purpose provided and kept in such Depôt or School by the Superintendent or Matron thereof) any remarks or observations which he may think fit to make touching or concerning such Depôt or School, and the Superintendent, Matron, teachers, officers or servants, or the persons placed or detained therein, or any of them, and such book shall be produced to the Inspector whenever he visits such Depôt or School.

## PART VIII.

## LIABILITY OF PARENTS FOR MAINTENANCE.

Definition of parent.

**90** In this part of this Act, and in any complaint, summons, order, or distress warrant issued or made hereunder, "parent" shall include "father," "mother," "stepfather," or "stepmother," of any ward of the Department, and any person against whom an order of affiliation has been made as the putative father of any illegitimate child, and shall include mother or stepmother of any such ward, notwithstanding a father or stepfather of the child is alive, also the putative father of any illegitimate child which he may have recognised as his though no order of affiliation may have been made against him. And where more persons than one are liable to contribute to the maintenance of any child under the provisions of this Part of this Act, one order may be made against all of them, or separate orders may be made against each or any of them jointly or severally, as to the Judge or Justices may seem fit, so that such persons shall not be liable to pay more than Twelve Shillings a week in the aggregate in respect of any one child.

Where several liable.

Amount payable by parent how fixed.

**91** Every parent of any child who is a ward of the Department shall be liable to pay for or towards its maintenance during the period such child remains a ward of the Department, a periodical sum not exceeding Ten Shillings a week, to be fixed in manner hereinafter mentioned—

- i. By the Judge or the Justices by whom the child is committed, by the order committing the child or any subsequent order made within One month thereafter :
- ii. If within the period aforesaid such Judge or Justices fail to make such order, or in the case of any child who was an inmate of an Industrial School or of a Training School before the commencement of this Act, or has been committed to the charge of the Secretary by the Minister as aforesaid, by any Two Justices.

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In fixing the amount to be paid as aforesaid regard shall be had to the ability of the parent against whom such order is made to maintain or contribute to the maintenance of such child: Provided always, that no parent shall be liable to pay anything for the maintenance of any child during any time the child is at service or apprenticed, and is not chargeable to Her Majesty. Provided also, that the executors or administrators or other personal representatives of any parent who may have died leaving any estate shall be liable to the amount of such estate to pay for the past or future maintenance of any child of such parent, and an order may be made against such personal representatives accordingly.

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**92** The amount so fixed may by subsequent orders from time to time made by Justices be increased to any amount not exceeding the maximum if such parent is able to pay such greater amount.

Power to increase the amount.

**93** Any such order may be made either during or after the time the child remains a ward of the Department, or increasing the sum payable by any parent, and may name any day, not earlier than the day on which the child became a ward of the Department, as from which the payment or increased payment is to take place, and such parent shall be liable to make such payment or increased payment accordingly.

Power to make order retrospective.

**94** In any proceeding for fixing or increasing the amount payable by any parent under this Part of this Act, such parent shall be presumed to be able to pay the sum of Ten Shillings a week unless the contrary is shown, and may be ordered by the Judge or Justices to enter into recognizances, with or without some sufficient surety or sureties, conditioned for compliance with the order as to payment of maintenance, and to be imprisoned until such recognizances are entered into.

Burden of showing inability to pay to be on parent, who may be ordered to give recognizances.

**95** Applications to fix or increase the sum payable by any parent, or to vary or revoke any order suspending or dispensing with payment, or to recover payment of the same, may be made by or on behalf of any person authorised by any general or special order of the Minister, but after the commitment of any child no order shall be made before the parent has been summoned to answer the complaint of such person.

By whom applications may be made.

**96** Every such sum shall be a debt due to Her Majesty by such parent, and shall be paid by such parent at the several times appointed for paying the same to some Clerk of Petty Sessions or other collector of imposts appointed by the Governor in Council to receive the same.

Maintenance money how payable.

**97** No bankruptcy proceedings, liquidation by arrangement or composition with creditors under any law now or hereafter to be in force relating to bankruptcy, shall discharge any parent from liability to pay any such sum or any part thereof.

Proceedings in bankruptcy not a discharge.

**98** If any parent be so poor as to be unable to pay the said sum, any Justices may, upon his application, from time to time make an order suspending payment of the whole or any part thereof for any time not exceeding Six months, or reducing the amount payable, or

Persons too poor to pay may be relieved from payment.

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altogether dispensing with payment; and any Justices may from time to time, upon the application of any person authorised as aforesaid, vary or revoke any such order; and payment of such sum or any part thereof of which payment may be suspended shall not be enforced while such suspension lasts, but no such parent shall be therefore discharged from liability to pay the same.

Payment may be recovered before Justices.

**99** In addition to any other remedy for the recovery thereof, every such sum and every part thereof may be recovered before any Justices on the complaint of any person authorised as aforesaid to sue for the same, and if such parent do not pay the amount due forthwith, or within any time not exceeding Seven days that such Justices may fix, or prove to the satisfaction of such Justices that he has not then, and has not had since the order made against him, sufficient means and ability to pay the amount due, or any part thereof, and that he does not intend to go away with intent to evade payment, such parent shall be liable to be imprisoned, with or without hard labour, if the amount due do not exceed Twenty Pounds, for any term not exceeding One month, and if the amount due exceed Twenty Pounds, for any term not exceeding Three months, unless the amount due, together with the costs of the proceedings, be sooner paid, or unless security, with one or more sufficient sureties, to the satisfaction of any Justices, for payment of such amount and costs by instalments or otherwise within such reasonable time as to such Justices may seem fit.

Imprisonment to be ordered only once for the same arrears.

**100** No imprisonment as aforesaid shall discharge any parent from his liability to pay any sum he has not paid, but no parent shall be imprisoned twice for non-payment of the same arrears.

Warrant may issue in the first instance for arrest of parent.

**101** If it be made to appear to any Justice, upon the complaint in writing of any person authorised as aforesaid to sue for the same, that any parent has neglected to pay any such sum or any part thereof to the Clerk of the Court or other collector of imposts appointed to receive the same on any day on which the same is payable, such Justice may issue his warrant for apprehending such parent and bringing him before any Justices to answer the said complaint and to be further dealt with according to law; but a summons may issue in the first instance instead of a warrant, if that be thought more advisable.

Constables to assist in collecting money from parents.

**102** All Registrars of Courts and Constables shall assist every collector of imposts appointed to receive the same in the recovery of the moneys payable to Her Majesty by the parents of wards of the Department and inmates, and in particular by obtaining and furnishing information as to the residence, occupation, movements, and means of every such parent who may be in or may leave any district of which such Registrar or Constable has charge or in which he is on duty.

Existing maintenance orders continued.

**103** All orders made under any of the Acts hereby repealed for payment of maintenance money shall be of the same force and effect as though made under this Act, and shall be subject to the provisions hereof.



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## PART IX.

## OFFENCES, PENALTIES, AND LEGAL PROCEEDINGS.

**104** In the construction of this Part of this Act—

Interpretation.

“Institution” means any Receiving Depôt or Probationary School established hereunder, or any Industrial School or Training School, or any Institution approved by the Governor in Council hereunder; and also any building, yard, or ground belonging to any such Depôt, School, or Institution as aforesaid:

“Officer” includes every Superintendent or Matron, and every Teacher, Officer, and Servant of any such Institution.

**105** If any person without lawful authority or excuse—

Penalty for entering schools, &amp;c., or holding communication with wards of the Department.

- i. Holds or attempts to hold any communication with any child in any Institution; or
- ii. Enters any such Institution, and does not depart therefrom when required to do so by any officer thereof—

he shall, on conviction of any such offence before Justices, be liable to a penalty not exceeding Twenty Pounds.

**106** If any officer negligently or voluntarily permits any ward of the Department to escape, every person so offending shall, on conviction of any such offence before any Two Justices, be liable to a penalty not exceeding Twenty Pounds.

Penalty for allowing ward of the Department to escape.

**107** If any person directly or indirectly—

Penalty for inducing any ward of the Department to abscond, &amp;c., or illtreating any such ward.

- i. Withdraws unlawfully any child, or counsels or assists directly or indirectly, or induces any child to abscond from any Institution, or from any person to or with whom such child is licensed, apprenticed, placed, or boarded out, or who has custody of such child under the provisions of this Act; or
- ii. Knowing any such child to have been so withdrawn or to have so absconded, harbours or conceals or assists in harbouring or concealing such child, or prevents such child from returning to the Institution from which, or the person from whom, such child has been so withdrawn or has so absconded; or
- iii. Being a person to or with whom any such child is licensed, apprenticed, placed, or boarded out, or having the control of any such child, ill-treats or neglects to discharge his duty to such ward or child;

every person so offending, on conviction of any such offence before any Two Justices, shall be liable to a penalty not exceeding Ten Pounds, or to be imprisoned for any term not exceeding Fourteen days.

**108** No proceedings shall be taken in any Court touching the conduct of the Secretary as guardian of the person or estate of any person, or in respect of anything done or omitted or purported to be done or omitted under the provisions of this Act, without the previous consent in writing of the Attorney-General.

Consent of the Attorney-General required to proceedings against Secretary, &amp;c. in his character of guardian.

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—  
Determination of  
age by Court to  
be conclusive.

**109** When for the purpose of exercising any of the powers conferred by this Act it is necessary to determine the age of any person, the Court or Justices dealing with the case shall determine such age as they may be best able having regard to the evidence before them, or, if there is no other sufficient evidence, to the appearance of such person; and every order directing any person to be committed to the care of the Department, or to a Training or Industrial School, or to the care of any person or institution, shall state the age of the person so committed as determined by the Court or Justices making such order; and the statement of the age of any such person contained in any such order shall be conclusive for the purposes of this Act.

## PART X.

## EVIDENCE, REGULATIONS, AND PROCEDURE.

Additional rules  
as to evidence.

**110** In addition to the several provisions hereinbefore contained, the following Rules are enacted with respect to evidence under this Act:—

Judicial notice  
of signatures.

i. All Courts, Judges, and persons acting judicially shall take judicial notice of the signature of the Minister, the Secretary, the Inspector, and of any Governor or Manager, Superintendent, or Matron, or Clerk of a Court, or of any person acting in any of such offices, to every document required to be signed for the purposes of this Act.

Detention of  
child in Training  
School.

ii. The production of any Order or Office Copy Order mentioned in Part III. of this Act, in pursuance of which any youthful offender is ordered to be detained in a Training School, with a statement endorsed thereon or annexed thereto, purporting to be signed by the Superintendent or other person in charge of the School, to the effect that the offender therein named was duly received into, and is at the date of the signing thereof detained in the School, or has been otherwise dealt with according to law, shall, in all proceedings relating to such offender, be evidence of the identity of, and of the due conviction and imprisonment of, and subsequent detention of the offender named in such Order or Office Copy Order. So likewise the production of any such Order or Office Copy Order relating to any child committed to or transferred to any Industrial School, with a statement endorsed thereon or annexed thereto, purporting to be signed by the Superintendent or other person in charge of the School, to the effect that the child therein named was duly received into, and is at the date of the signing thereof detained in the School, or has been otherwise dealt with according to law, shall, in all proceedings relating to such child, be evidence of the identity of, and of the due commitment or transference of, and subsequent detention of the child named in such documents.

Detention of  
child in Industrial  
School.

What shall be  
deemed a new  
Training School.

iii. A School to which any youthful offender is directed to be sent in pursuance of this Act shall, until the contrary is proved,

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be deemed a new certified Training School within the meaning of this Act. A.D. 1896.

- iv. During the first month in every year a notice of the names of the Managers of every Training School, the names of the Governors of every Industrial School, as well as the name of the Superintendent or Matron of each such School, and of every Receiving Depôt or Probationary School established hereunder shall be gazetted by the Secretary, who shall also gazette the name of any such person appointed during the year immediately after the appointment is made, and no other proof than the production of a copy of the *Gazette* containing any such notification shall be required to establish the fact that the persons named therein are such Managers, Governors, Superintendent, or Matron, as the case may be, of the Institution mentioned in the notice. *Gazette proof of Managers, Governors, &c. of Institutions.*

**111** The Governor in Council may from time to time, by order to be published in the *Gazette*, make, alter, and repeal Regulations for the following purposes :— Power to make Regulations.

- i. The conduct, management, inspection, and supervision of Receiving Depôts, Industrial, Training, and Probationary Schools, and for the inspection of any house or building where any ward of the Department may be living :
- ii. The employment, education, supervision, and correction of wards of the Department : Provided that no such Regulation shall permit any corporal punishment, except such as may be lawfully inflicted by schoolmasters :
- iii. The boarding out of wards of the Department :
- iv. The placing out at service or apprenticing of wards of the Department either on land or at sea :
- v. Fixing what (if any) percentage upon moneys recovered from parents shall be paid to persons who have assisted in recovering the same, and the persons to whom, and the times at which, and the conditions on which, such percentage is to be paid :
- vi. Prescribing the forms of orders, warrants, bonds, and other instruments to be used by Courts, Judges, Justices, the various officers mentioned in this Act, and others, in carrying into execution this Act, which may be in addition to or in substitution for any of the forms in the Schedule :
- vii. The collection and investment, either with the Postmaster-General in the Post Office Savings Bank or otherwise, of any earnings of any ward of the Department for Neglected Children and the application thereof, or any part thereof :
- viii. Prescribing the method of keeping account of payments and moneys payable under the provisions of this Act :
- ix. Prescribing the times and conditions during and under which, and not longer or otherwise, children committed under this Act to the care of any private person or institution may be boarded together in any school or asylum or establishment of a like nature :
- x. Defining the duties and powers of Committees for Boarding-out Neglected Children, and the duties and liabilities of

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the foster parents with whom any such child shall be boarded-out, and generally to deal with the care and control of such boarded-out children :

xi. For the various purposes mentioned in this Act, and generally for carrying this Act into effect.

And may by such Regulations appoint such penalties as he deems necessary for enforcing compliance with such Regulations; but no such penalty shall exceed the sum of Ten Pounds.

Regulations to be laid before Parliament.

**112** All Regulations made hereunder shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within Fourteen days after the publication thereof, if Parliament is then sitting, or if not then sitting, then within Fourteen days from the next assembling of Parliament: and upon publication in the *Gazette* all such Regulations shall have the force of law.

Continuation of Regulations under repealed Acts.

**113** Any Regulations in force at the commencement of this Act under any Acts hereby repealed, shall, until repealed or altered hereunder, have the same force and effect as if made under this Act.

Application of *Magistrates Summary Procedure Act*.

**114** *The Magistrates Summary Procedure Act* shall apply to all offences, payments, and orders in respect of which jurisdiction is given by this Act or by the Regulations to Justices, or which are directed to be prosecuted, enforced, or made in a summary manner or upon summary conviction; and any proceedings for breach of any of the provisions of this Act or of any of the Regulations may be taken upon the complaint of the Secretary, the Inspector, or any Superintendent, Matron, or Officer of any School or Receiving Depôt, or by any person duly authorised by the Minister for that purpose, or having the custody of any ward of the Department under this Act; and any person aggrieved by any summary conviction or order made under this Act may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

Appeal.

Penalty for breach of Act.

**115** Any person found guilty of any breach of any of the provisions of this Act for which no penalty is hereinbefore specifically provided shall, upon conviction, be liable to a penalty not exceeding Five Pounds.

Use of forms in Schedule.

**116** No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the forms in the Schedule, or prescribed in the Regulations or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient.

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## SCHEDULE.

(1.)

## REPEAL.

<i>Year and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
31 Vict. No. 36.	"The Training Schools Act, 1867."	The whole Act.
31 Vict. No. 37.	"The Industrial Schools Act, 1867."	The whole Act.
37 Vict. No. 15.	"The Public Charities Act, 1873."	Sections 24, 25, 26, 27, 28.
39 Vict. No. 5.	"An Act to amend the Law relating to Destitute Children."	The whole Act.
49 Vict. No. 26.	"The Training Schools Amendment Act, 1885."	The whole Act.
53 Vict. No. 17.	"An Act to further amend the Law relating to Destitute Children."	The whole Act.

(2.)

## FORMS.

## (1.) ORDER OF COMMITTAL TO AN INDUSTRIAL SCHOOL.

"The Youthful Offenders, Destitute and Neglected Children Act, 1896."

TASMANIA }  
(TO WIT.) }

BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ of the age of \_\_\_\_\_ of \_\_\_\_\_ years on the \_\_\_\_\_ day of \_\_\_\_\_ last past, is proved to the satisfaction of us, the undersigned Justices of the Peace for \_\_\_\_\_ and we adjudge the said \_\_\_\_\_ to be committed to the Industrial School at \_\_\_\_\_ in Tasmania, and we further adjudge that \_\_\_\_\_, the parent of the said \_\_\_\_\_, pay the sum of \_\_\_\_\_ shillings every week for and towards the maintenance of the said \_\_\_\_\_, the first payment to be made on \_\_\_\_\_ day next; and such payments are to be made to \_\_\_\_\_, the Clerk of Petty Sessions at \_\_\_\_\_, or such other person as may for the time being be appointed by the Governor in Council to receive the same.

Given under our hands at \_\_\_\_\_, in Tasmania,  
the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

<sup>1</sup> Name of child.<sup>2</sup> Place where found.<sup>3</sup> Boy or girl.<sup>4</sup> Date to be inserted only if the age can be exactly determined.<sup>5</sup> Here state charge or offence and particulars thereof.<sup>6</sup> Name of parent.

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(2.) ORDER OF COMMITTAL TO THE CARE OF THE  
DEPARTMENT FOR NEGLECTED CHILDREN.

“The Youthful Offenders, Destitute and Neglected Children Act, 1896.”

TASMANIA }  
(TO WIT.) }

BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_  
of the age of \_\_\_\_\_ of<sup>2</sup> \_\_\_\_\_ in Tasmania, a<sup>3</sup>  
years on the \_\_\_\_\_ day of \_\_\_\_\_ last past, is  
<sup>1</sup> Name of child. proved to the satisfaction of us, the undersigned Justices of the Peace for  
<sup>2</sup> Place where found. of the age of \_\_\_\_\_, and we adjudge the said \_\_\_\_\_ to be committed to the care  
<sup>3</sup> Boy or girl. of the Department for Neglected Children; and we further adjudge that<sup>6</sup>  
<sup>4</sup> Date to be inserted only if the exact age can be determined. the parent of the said \_\_\_\_\_, pay the sum of \_\_\_\_\_ shillings  
<sup>5</sup> State the charge or offence and particulars thereof. every week for and towards the maintenance of the said \_\_\_\_\_, the  
first payment to be made on \_\_\_\_\_ day next; and such payments are to be made to  
<sup>6</sup> Name of parent. \_\_\_\_\_, the Clerk of Petty Sessions at \_\_\_\_\_, or such other person as  
may for the time being be appointed by the Governor in Council to receive the same.  
Given under our hands at \_\_\_\_\_, in Tasmania,  
the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(3.) ORDER UNDER SECTION NINE.

WE, *G.H.* and *L.M.*, Two of Her Majesty's Justices of the Peace for *Tasmania*, do, under the powers of “The Youthful Offenders, Destitute and Neglected Children Act, 1896,” hereby order that *N.O.*, apparently of the age of \_\_\_\_\_ years, be kept in the custody of *P.Q.*, at \_\_\_\_\_ for the period of \_\_\_\_\_ hours.

Given under our hands at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

*G.H.*  
*L.M.*

*Justices of the Peace.*

(4.) CONVICTION OF YOUTHFUL OFFENDER.

TASMANIA }  
(TO WIT.) } BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
in *Tasmania*, *A.B.*, under the age of Sixteen years, to wit, of the age of [*Thirteen*] years, is convicted before us Two of Her Majesty's Justices of the Peace, for that [*§c. state offence in usual manner*]; and we adjudge the said *A.B.* for his said offence to be imprisoned in the Gaol at \_\_\_\_\_ [*and there to be kept to hard labour*] for the space of \_\_\_\_\_

And that, in pursuance of “The Youthful Offenders, Destitute and Neglected Children Act, 1896,” we also sentence the said *A.B.* to be sent, at the expiration of the term of imprisonment aforesaid, to \_\_\_\_\_ Training School, at \_\_\_\_\_, in *Tasmania* aforesaid, (the Managers whereof are willing to receive him) [*or to some Training School to be hereafter, and before the expiration of the term of imprisonment aforesaid, named in this behalf*] and there to be detained for the period of \_\_\_\_\_ commencing from and after the \_\_\_\_\_ day of \_\_\_\_\_ [*the date of the expiration of the sentence.*]

Given under our hands, the day and year first above mentioned, at \_\_\_\_\_, in *Tasmania* aforesaid.

*J.S.*  
*L.M.*

(5.) ORDER OF DETENTION AND COMMITTAL TO A  
TRAINING SCHOOL.

TASMANIA } To all Constables, and to the Keeper of the Gaol at \_\_\_\_\_,  
(TO WIT.) } in *Tasmania*.

WHEREAS *A.B.* late of \_\_\_\_\_ [*Labourer*] under the age of Sixteen years, to wit, of the age of [*Thirteen*] years, was this day duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace, for that [*§c. stating the offence as in the conviction*], and it was thereby adjudged that the said *A.B.* for his said offence should be imprisoned in the Gaol at \_\_\_\_\_ in *Tasmania* [*and there to be kept to hard labour*] for the space of \_\_\_\_\_; and in pursuance of “The Youthful Offenders,

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Destitute and Neglected Children Act, 1896," the said *A.B.* was thereby sentenced A.D. 1896. to be sent at the expiration of the term of imprisonment aforesaid to the Training School at \_\_\_\_\_ in *Tasmania* aforesaid, (the Managers whereof are willing to receive him therein) [or to some Training School, to be before the expiration of the said term named in that behalf], and to be there detained for the period of \_\_\_\_\_, commencing from and after the \_\_\_\_\_ day of \_\_\_\_\_ [the date of the expiration of the sentence.]

These are therefore to command you and each of you to take the said *A.B.* and him safely to convey to the gaol aforesaid, and there to deliver him to the Keeper thereof, together with this precept; and we do hereby command you the said Keeper of the said gaol to receive the said *A.B.* into your custody into the said gaol, there to imprison him [and keep him to hard labour] for the space of \_\_\_\_\_: And we further command you the said Keeper to send the said *A.B.* at the expiration of his term of imprisonment aforesaid, as and in the manner directed by "The Youthful Offenders, Destitute and Neglected Children Act, 1896," to the Training School at \_\_\_\_\_ aforesaid, [or to the Training School named by an order endorsed hereon under the hands of us or under the hand of one other of Her Majesty's Justices of the Peace being a Visiting Justice of the said Gaol,] together with this order. And for so doing this shall be your sufficient warrant.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_,  
at \_\_\_\_\_, in *Tasmania* aforesaid.

*J.S.*  
*L.M.*

## (6.) NOMINATION OF SCHOOL ENDORSED ON THE ORDER OF DETENTION.

IN pursuance of "The Youthful Offenders, Destitute and Neglected Children Act, 1896," I the undersigned, one of Her Majesty's Justices of the Peace, hereby name the Training School at \_\_\_\_\_ in *Tasmania*, as the School to which the within-named *A.B.* is to be sent as within provided [and where required, in lieu of the School within, or above-named.]

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_, at \_\_\_\_\_, in *Tasmania*.

*E.F.*

## (7.) COMPLAINT FOR ENFORCING CONTRIBUTION FROM PARENT &amp;c.

TASMANIA } THE complaint of \_\_\_\_\_ [as the case may  
(TO WIT.) } be] made to us, the undersigned, Two of Her Majesty's Justices of the Peace, this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ in *Tasmania*, who says that one *A.B.* of (\*) the age of \_\_\_\_\_ years, or thereabouts, is now detained in the School at \_\_\_\_\_ in *Tasmania* aforesaid, (1.) [or is now a ward of the Department for Neglected Children as the case may be] under "The Youthful Offenders, Destitute and Neglected Children Act, 1896," and has been duly ordered (2.) [or committed to care of the said Department] and directed to be detained therein until the \_\_\_\_\_ day of \_\_\_\_\_. That one *C.D.* dwelling at \_\_\_\_\_ in *Tasmania* aforesaid, is the parent [or step-parent, &c.] of the said *A.B.*, and is of sufficient ability to contribute to the support and maintenance of the said *A.B.* his son [or as the case may be] (\*). The said complainant therefore prays that the said *C.D.* may be summoned to show cause why an order should not be made on him so to contribute.

*E.F.*

Exhibited before us,

*J.S.*  
*L.M.*

## (8.) SUMMONS TO PARENT, &amp;c.

This will be in Form (A) in Schedule to *The Magistrates Summary Procedure Act.*

## (9.) ORDER ON PARENT, &amp;c. TO CONTINUE A WEEKLY SUM.

TASMANIA } BE it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_ at  
(TO WIT.) } in *Tasmania*, a certain complaint of \_\_\_\_\_ [as the case may be] for that one *A.B.*, of &c., [stating the cause of complaint as in the form (7) between the asterisks (\*) (\*)] was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace, [in the presence and hearing of the said *C.D.*, if so,

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or the said *C.D.*, not appearing to the summons duly issued and served in this behalf], and we having duly examined into the ability of the said *C.D.*, and on consideration of all the circumstances of the case, do order the said *C.D.* to pay to the said [or to such other person as may for the time being be appointed by the Governor in Council to receive the same] the sum of Shillings per week from the date of this order, until the day of , the same to be paid at the expiration of each Seven days [or as the case may be.]

Given under our hands, the day and year first above mentioned, in *Tasmania* aforesaid.

J.S.  
L.M.

## (10.) DISTRESS WARRANT FOR AMOUNT IN ARREAR.

TASMANIA }  
(TO WIT.) } To all Constables and to all other Peace Officers in *Tasmania*.

WHEREAS on the hearing of a complaint made by [as the case may be] that *A.B.* of &c. [stating the cause of complaint as in the Form (7) between the asterisks (\*) (\*)] an Order was made on the day of by us the undersigned [or by *L.M.* and *J.S.*], Two of Her Majesty's Justices of the Peace, against the said *C.D.*, to pay to the said [or to such other person as the Governor in Council appointed to receive the same], the sum of per week from the date of the said Order until the day of , the same to be paid at the expiration of each days [as the case may be]. And whereas there is due upon the said Order the sum of being for [Three] periods of [Fourteen] days each, and default has been made therein for the space of Fourteen days:

These are therefore to command you in Her Majesty's name forthwith to make Distress of the goods and chattels of the said *C.D.*, and if within the space of [Five] days next after the making of such Distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said Distress is not paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of Petty Sessions at that he may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said *C.D.*; and if no such Distress can be found, then that you certify the same to us to the end that such proceedings may be had therein as the law requires.

Given under our hands this day of at in *Tasmania* aforesaid.

J.S.  
L.M.

## (11.) COMMITMENT IN DEFAULT OF DISTRESS.

TASMANIA }  
(TO WIT.) } To all Constables and to the Keeper of the Gaol in *Tasmania*.

WHEREAS [§c., as in Form (9) to the single asterisk (\*), and then thus:] And whereas afterwards on the day of last, I the undersigned, together with *L.M.*, Esquire, [or *J.S.* and *L.M.*, Esquires,] two of Her Majesty's Justices of the Peace, issued a Warrant to the Constable of aforesaid, commanding him to levy the sum of due upon the said recited Order, being for [Three] periods of [Fourteen] days by Distress and sale of the goods and chattels of the said *C.D.*: And whereas a return has this day been made to me the said Justice [or the undersigned, one of Her Majesty's Justices of the Peace] that no sufficient goods of the said *C.D.* can be found:

These are therefore to command you to take the said *C.D.*, and him safely to convey to the Gaol at aforesaid, and there deliver him to the keeper thereof, together with this precept. And I do hereby command you the said Keeper of the said Gaol to receive the said *C.D.* into your custody in the said Gaol, there to imprison him for the term of unless the said sum and all costs and charges of the said Distress, and of the commitment and conveying of the said *C.D.* to the said Gaol, amounting to the further sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient warrant.

Given under my hand this day of 189 , at in *Tasmania* aforesaid.

J.S.