

VICTORIA.



ANNO TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

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No. CCCCXCV.

An Act to amend the Law relating to Neglected and Criminal Children. [24th December 1874.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows :

1. This Act may be cited as "*The Neglected and Criminal Children's Amendment Act 1874*," and shall be construed with and read as part of "*The Neglected and Criminal Children's Act 1864*" hereinafter referred to as the "Principal Act."

Title of Act.

2. In the construction of this and the Principal Act the word "inmate" shall be deemed to include and apply to any child in respect of whom a "mandate" may have been issued whose period of detention shall not have expired or who is licensed out or boarded out or who has been re-committed or who has not been duly released.

Interpretation of "inmate."

3. Notwithstanding anything contained in section three of the Principal Act the Governor in Council may authorize any industrial school to be occupied by both males and females under the age of six years.

Children under six years may be detained in any industrial school.

4. The Inspector-General of Penal Establishments or Deputy or Assistant Inspector-General or such other fit person or persons as may be necessary may be appointed Inspectors of Industrial and Reformatory Schools, and every person when so appointed may exercise all the powers and duties conferred upon the superintendents teachers and officers by this and the Principal Act.

Inspector of industrial and reformatory schools.

5. In case of the absence on leave illness or temporary incapacity of any inspector of industrial and reformatory schools for the time being the Governor in Council may appoint some fit and proper person to act in

Appointment of temporary, deputy, or assistant inspector.

in his stead, and may when it shall seem expedient appoint a deputy or assistant-inspector, and every such person when so appointed shall have and exercise all the powers and duties of the Inspector of Industrial and Reformatory Schools.

Immoral or depraved child may be sent to reformatory school.

6. Any "neglected child" as mentioned in section thirteen of the Principal Act who in the opinion of the justices appears to have been leading an immoral or depraved life may be sent forthwith to a reformatory school instead of to an industrial school.

No child to be received into any industrial school unless security be shown on mandate to have been given.

7. No child adjudged to be a neglected child under the description contained in sub-section (v.) section thirteen of the Principal Act shall be received into any industrial school unless the mandate issued in respect of such child sets forth that the security mentioned in the said sub-section has been given.

Age of "convicted" child.

8. Section sixteen of the Principal Act shall apply to any child "convicted" being a boy or girl under the age of seventeen years.

Age to which children may be detained.

9. A "Mandate" as provided in section nineteen of the Principal Act may authorize—

(I.) The detention of a "neglected child" until the age of sixteen years but not afterwards, and

(II.) The detention of a "convicted" child until the age of seventeen years but not afterwards.

Parent to include putative father.

10. In the construction of section twenty-four of the Principal Act the word "parent" shall be deemed to include and to apply to any person against whom an order of affiliation has been made.

Recovery of arrears.

11. Any parent or step-parent liable to contribute to the support of any inmate under section twenty-four of the Principal Act, who by reason of being unable to be found or being absent from the colony has not been summoned, shall on being summoned and an order for contribution made be liable to pay any sum found to be due for maintenance, computed at a rate not exceeding Ten shillings per week for each and every week from the date of the mandate ordering the detention of such inmate and for which maintenance has not been paid.

Re-committal of neglected children whose term expired before they attain sixteen years of age.

12. Any "neglected child" who has been dealt with or who may hereafter be dealt with under this or the Principal Act and whose term of detention shall expire before he attains the age of sixteen years may be brought before two or more justices, who in their discretion may issue a mandate directing the further detention of such child until he attains the age of sixteen years. The period for which a child is so again sent to an industrial school shall be deemed to be a continuation of the latter half of his original term of detention.

Act No. 216, s. 23.

Children may be boarded out.

13. Subject to such regulations and conditions as the Governor in Council shall from time to time make all children who have become or may become inmates of industrial schools may be boarded out for any period or periods not extending beyond their term of detention.

Penalty on boarded out child absconding.

14. Any child boarded out from an industrial school who shall abscond from the person with whom he is placed, or who shall neglect

or

or refuse to return to the said school at the expiration of his term of boarding out, the term of his detention not having expired, or when required to do so by the Chief Secretary shall be held to have absconded from the said school and be liable for the punishment on conviction provided for in section thirty-nine of the Principal Act.

15. Any person who shall directly or indirectly withdraw from or counsel or induce any child licensed out or boarded out to abscond from the person to whom he is licensed or with whom he is boarded out before the expiration of his period of service or boarding out, or who knowing any such child to have been so withdrawn or to have so absconded shall harbor or conceal or assist in concealing such child or prevent him from returning to such person with whom he is placed or to any industrial or reformatory school, shall on conviction thereof forfeit and pay any sum not exceeding Ten pounds or may be imprisoned for any time not exceeding fourteen days.

Penalty for withdrawing, harboring or concealing licensed out or boarded out children.

16. Any person who shall ill-treat or who shall neglect to discharge his duty towards any child who is licensed out or boarded out with such person may be summoned to appear before two or more justices, and upon conviction shall be fined by the said justices any sum not exceeding Ten pounds or may be imprisoned for any time not exceeding fourteen days.

Ill-usage of licensed or boarded out children.

Act No. 193, s. 15.

17. The Chief Secretary or some person appointed by him in that behalf shall have the like powers of binding by indenture any inmate of an industrial or reformatory school as are by the Act number CXCI. or any amendment thereof vested in the person or persons who shall have the control or management of any orphan school. The provisions of the said Act or any amendment thereof with reference to the age at which the persons to whom and the period for which orphan apprentices may be bound and all other provisions which may apply to such orphan apprentices shall equally apply to apprentices from industrial and reformatory schools.

Inmates may be apprenticed.

18. The wages or earnings due by any person to any inmate who may have been licensed out may be sued for and recovered by any person the Chief Secretary may appoint in writing for that purpose.

Recovery of wages of children.

19. Notwithstanding anything contained in section thirty-three of the Principal Act the whole or any portion of the wages or earnings of a child who is licensed out may be lodged to the credit of such child in any Post Office Savings Bank. All expenses incurred in consequence of the ill-behaviour or misconduct of any such child may when so ordered by the Chief Secretary be defrayed from the child's earnings or wages.

Wages or earnings of licensed child to be paid into Post Office Savings Bank and to be subject to expenses.

20. The Governor in Council shall make regulations and conditions for generally regulating the apprenticing licensing out and boarding out and for the deposit of the wages or earnings of children, and shall have power to amend alter or rescind such rules from time to time. The rules regulations and conditions already made by the Governor in Council as to licensing out and boarding out shall be deemed to have been made under and by virtue of the authority of this Act.

Regulations to be made.

MELBOURNE:

By Authority: JOHN FERRES, Government Printer.