

Empire, Administrator of the Government of the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council agrees and acknowledges and the parties to the said Agreement agree and acknowledge that for all purposes the Agreement shall be deemed to have been entered into on behalf of the State of Tasmania by the said His Excellency the Administrator.

Dated this 20th day of August 1963.

SIGNED SEALED AND DELIVERED by }
 the Honourable Sir Stanley Charles Burbury }
 for and on behalf of the State of Tasmania }
 in the presence of— }
 ERIC REECE. }
 F. J. CARTER. }

S. C. BURBURY.
 (L.S.)

SIGNED SEALED AND DELIVERED by }
 Isaac Richard Norman General Manager of }
 the Commonwealth Savings Bank of Aus- }
 tralia for and on behalf of that Bank in the }
 presence of— }
 M. TEASDALE. }

I. R. NORMAN.

CHILD WELFARE.

No. 56 of 1963.

AN ACT to amend the *Child Welfare Act 1960.*
 [1 November 1963.]

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

Short title and citation.

1—(1) This Act may be cited as the *Child Welfare Act 1963.*

(2) The *Child Welfare Act 1960*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpre-
 tation.

2 Section three of the Principal Act is amended by inserting in subsection (1), after the definition of “child welfare officer”, the following definition:—

“ ‘committal order’ means an order made under subsection (1A) of section twenty-three or subsection (1) of section twenty-eight directing that a child be committed to an institution;”.

Establish-
 ment of
 children's
 courts.

3 Section thirteen of the Principal Act is amended by omitting subsections (4) and (5) and substituting therefor the following subsections:—

“(4) A children’s court shall consist of one or more of the special magistrates appointed for that court, or a police magistrate, or a police magistrate together with one or more of those special magistrates.

“(5) Notwithstanding anything in subsection (3) of this section where a police magistrate sits as a member of a children’s court with one or more special magistrates, he shall be the chairman of that court.

“(5A) Notwithstanding anything in subsection (4) of this section, if, where a children’s court is required to be held, no police magistrate and no special magistrate appointed for that court is present, the court may consist of any two or more justices having jurisdiction at the place at which the court is held.”.

4 Section twenty-one of the Principal Act is amended— Restrictions on punishment of children.

- (a) by omitting from subsection (1) the words “, or order a child who has attained that age to be imprisoned for more than twelve months for any offence”; and
- (b) by inserting after that subsection the following subsection:—

“(1A) In sentencing a child who has attained the age of sixteen years to any term or terms of imprisonment a children’s court or any other court of summary jurisdiction shall not impose upon him any term of imprisonment that exceeds, or any terms of imprisonment that in the aggregate exceed, a period of two years.”.

5 Section twenty-three of the Principal Act is amended by inserting after subsection (1) the following subsection:— Additional powers of courts of summary jurisdiction in respect of children found guilty of offences.

“(1A) Where a court makes an order under paragraph (c) of subsection (1) of this section in respect of a child, it may make a further order directing that he be committed to an institution.”.

6 Section twenty-eight of the Principal Act is amended— Additional powers of Supreme Court in respect of convicted children.

- (a) by omitting from subsection (1) all the words following the word “State,” and substituting therefor the words “and, if it makes an order under paragraph (b) of this subsection, may make a further order directing that he be committed to an institution.”; and
- (b) by inserting after that subsection the following subsection:—

“(1A) For the purposes of the *Criminal Code* an order under subsection (1) of this section shall be deemed to be a sentence.”.

7 After section twenty-nine of the Principal Act the following section is inserted:—

Effect of
committal
orders.

"29A—(1) A committal order made in respect of any person is, for so long as it remains in force, sufficient authority for his detention in any institution in which the Director may direct him to be placed and for any police officer or authorized officer to convey him to that institution.

"(2) Where, after the consideration of a report from the Director, the Minister, having regard to the public interest and the welfare of the person to whom a committal order relates, considers that it is no longer necessary that that person should remain liable to be detained in pursuance of that order, he may by writing under his hand discharge that order, and thereupon that order ceases to be of effect.

"(3) A committal order in force in respect of any person ceases to have effect when he ceases to be a ward of the State.

"(4) The Director may grant to a person who is authorized to be detained in an institution under this section leave to be absent from that institution subject to such conditions (if any) as he may consider necessary or desirable.

"(5) Where a person is absent from an institution in pursuance of leave of absence granted under this section the Director may, by notice in writing given to him or the person for the time being having his charge or care, revoke the leave of absence and recall him to the institution in which he is liable to be detained or to such other institution as may be specified in the notice."

Definition of
neglected
child.

8 Section thirty-one of the Principal Act is amended by omitting paragraph (g) of subsection (1) and substituting therefor the following paragraph:—

"(g) who, being a child who has not attained the age of sixteen years and in respect of whom there have been at least two convictions under section nine of the *Education Act 1932*, does not, without lawful excuse, attend school regularly;"

Bringing of
neglected
children
before
children's
court.

9 Section thirty-two of the Principal Act is amended—

(a) by omitting from subsection (1) the words "a police officer, or some person of good repute" and substituting therefor the words "or a police officer,";

(b) by omitting from subsection (3) the words "a police officer or some person of good repute" and substituting therefor the words "or a police officer"; and

(c) by omitting from subsection (4) all the words following the word "accompanied" and substituting therefor the words "by a child welfare officer."

Supplement-
ary provisions
as to
detention.

10 Section forty-one of the Principal Act is amended—

(a) by inserting in subsection (2), after the word "person" (fourth occurring), the words "or, being authorized to be detained in that institution under section twenty-nine A, is absent from that institution without leave";

- (b) by inserting in paragraph (a) of that subsection, after the word "escape", the words "or so to be absent without leave";
- (c) by inserting in paragraph (c) of that subsection, after the word "away", the words "or is so absent without leave"; and
- (d) by inserting after that subsection the following subsection:—

"(2A) For the purposes of this section a person who is authorized to be detained in an institution under section twenty-nine A, shall be deemed to be absent from that institution without leave if he is absent from that institution without leave granted under that section or, if having been absent from the institution with leave so granted, has failed to return to that institution on being recalled thereto under that section."

11 Section sixty-nine of the Principal Act is amended— Public entertainment by children.

- (a) by omitting from subsection (1) the words "for the purposes of this section" and substituting therefor the words "in respect of children who have not attained such age as may be specified in that order in relation to that public entertainment or class of public entertainment, not being an age that exceeds fourteen years"; and
- (b) by omitting subsection (4) and substituting therefor the following subsection:—

"(4) Where by an order under subsection (1) of this section, any public entertainment or any class of public entertainment has been declared to be restricted public entertainment in respect of children who have not attained an age specified in that order, no person shall cause or procure a child who has not attained that age, or being the parent or guardian of such a child, allow the child, to take part in that public entertainment or any public entertainment of that class, unless the child takes part in that public entertainment in accordance with a permit in force under section seventy.

Penalty: Fifty pounds or six months' imprisonment."

12 Section seventy-four of the Principal Act is amended Communication with wards of the State, &c.
by omitting from paragraph (a) of subsection (1) the words "child who is being detained" and substituting therefor the words "person who is being detained in an institution or".