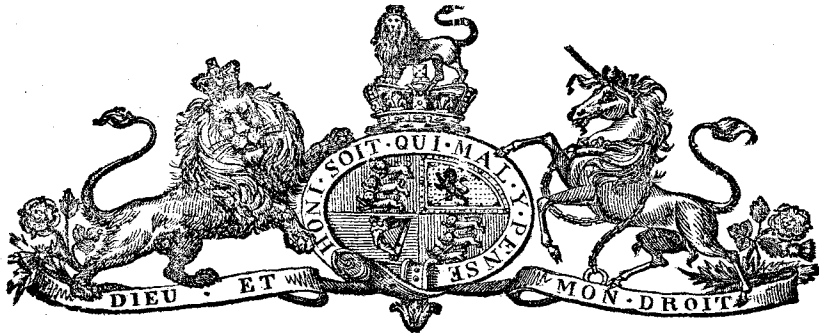


T A S M A N I A.

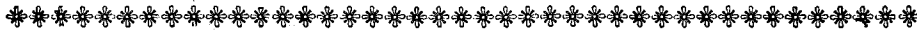


1867.

ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 37.



AN ACT to provide for the Establishment in *Tasmania* of Institutions for the Industrial Training and Benefit of Vagrant Children and Youthful Offenders. [11 October, 1867.]

WHEREAS it is expedient that provision should be made to facilitate the establishment in *Tasmania* of Institutions for the education and training of vagrant and unprotected Children and youthful Offenders: 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:—

PREAMBLE.

1 In the construction and for the purposes of this Act,—

Interpretation.

“School” shall mean any industrial school or institution in which children are lodged, clothed, and fed, as well as taught and trained in industrial occupation, which may be established within the Colony, and which may be approved and certified by the Colonial Secretary for the purposes of this Act:

“Governors” shall mean any person or persons having the management and control of any School to which this Act applies:

“Justice” shall mean a Justice of the Peace for the Territory:

“Justices” shall mean Two or more Justices in Petty Sessions:

“Gazette” shall mean *The Hobart Town Gazette*.

Industrial Schools.

In whom the management vested.

2 The management and control of any School under this Act may be vested in a Governor or 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 settled and determined by the said donors or subscribers.

School may be certified.

3 The Colonial Secretary may, upon the application of the Governors of a School, 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 children as may be sent there in pursuance of this Act; and thereupon the School shall be deemed a certified Industrial School.

Certificate to be gazetted.

4 A notice of the grant of each certificate shall within One month be inserted, by order of the Colonial Secretary, in the *Gazette*: a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant.

Classes of children to be detained in certified Industrial Schools.

5 Any child apparently under the age of Fourteen years that comes within any of the following descriptions; namely,—

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms;

That is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence;

That is found destitute, either being an orphan or having a surviving parent who is undergoing Penal Servitude or Imprisonment;

That frequents the company of reputed thieves;

may be brought by any person before any Two Justices; and such Justices, if satisfied on enquiry of the fact that the child so brought before them comes within one of these descriptions, and that it is expedient to deal with him under this Act, may order him to be sent to a School, there to be detained under the provisions of this Act for any period that shall not extend beyond the time when the child shall be Sixteen years of age.

As to children under Twelve years of age charged with offences.

6 Where a child apparently under the age of Twelve years is charged before Two Justices with an offence punishable by imprisonment or a less punishment, but has not been convicted of Felony, and the child ought in the opinion of the Justices (regard being had to his age and the circumstances of the case) to be dealt with under this Act, the Justices may order him to be sent to a School, there to be detained under the provisions of this Act for any period that shall not extend beyond the time when the child shall be Sixteen years of age.

Justices, with consent of parent, may send child to school.

7 Where the parent or step-parent or guardian of a child apparently under the age of Fourteen years represents to two Justices that he or she is unable to control the child, and that he or she desires that the child be sent to a School under this Act, the Justices, if satisfied on enquiry that it is expedient to deal with the child under this Act, may order him to be sent to a School.

Industrial Schools.

8 The father of any child may surrender it to any School, and the mother of any child may lawfully surrender it to any School where 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; and on such surrender being made in the presence of Two Justices, they may, on due proof of the facts alleged, order the child to be sent to a School, and to be there detained for a period of not less than One nor more than Seven years.

Child may be surrendered to School.

9 Every child placed in any School in conformity with the provisions of this Act shall, during its continuance at such School, or during the period fixed at the judicial surrender of the said child, be in the custody of the Governors for the time being of such School, who shall have all the powers and privileges of a father over and in respect of such child; but nothing in this Act contained shall authorise the detention of any child in such School beyond the age of Eighteen years.

Governors to have power of parent.

10 The order of Justices sending a child to a School (in this Act referred to as the "Order of Detention") shall be in writing, signed by the Justices, and shall specify the name of the School, and may be in the form in the Schedule (1). The School shall be some School, 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 Colonial Treasury (or judicially imposed on the parent or guardian) is discontinued. The order shall specify the time for which the child is to be detained in the School, being such time as to the Justices seems proper for his teaching and training.

Order of Detention.

11 It shall be lawful for any two Justices before whom any child falling within any of the descriptions contained in the fifth Section of this Act may be brought, when such Justices see fit, and also before the transmission of any such child to any School, to make an order in the form in the Schedule (2) authorising such child to be kept in custody for such period as he may deem necessary for further information and inquiry, but not exceeding in any case Forty-eight hours, in such place not being a Gaol or House of Correction as he may appoint, and to be brought before any Two Justices within such period in order that such child may be dealt with under the provisions of this Act; and any person so authorised shall be entitled, by virtue of such authority, to keep such child in custody for the period authorised and in the place so appointed.

Child may be detained in custody for 48 hours.

12 The Order of Detention shall be forwarded to the Governors of the School with the child, and shall be a sufficient warrant for the conveyance of the child thither and his detention there.

Effect of Order of Detention.

13 When it is made to appear to the satisfaction of any Two Justices before whom the father or step-father of any child placed in any School as aforesaid is summoned, that such father or step-father is able to contribute towards the maintenance of such child, it shall be lawful for such Justices, by order under their hands, to direct that he shall contribute such weekly sum, not exceeding Five shillings,

Parents to contribute to child's maintenance.

Industrial Schools.

as they may deem expedient in respect of the then past or future time of detention of such child, to be paid at such times as they may specify to the Governors or any officer by them appointed to receive the same; and in default of any such payment for the space of Fourteen days any Justice may on proof thereof cause the sum in arrear to be levied by distress warrant on the goods of such parent or step-parent, or compel the payment by warrant against his person. And the like order may be made and proceedings taken against the mother of any such child where the father is dead or absent and she is able to contribute to its maintenance.

Governor may remit contribution from parent.

14 The Governor, upon proof of the inability of the parent or step-parent so to contribute to the maintenance of any child, may remit all or any part of any weekly payment which may have been ordered under this Act; but the amount so remitted shall be made good to the Governors of the School affected by such remission by the Colonial Treasurer for the time being.

Child may be licensed to live out of School.

15 The Governors of a School may at any time after the expiration of Eighteen months of the period of detention allotted to a child, by licence under their hands, permit him to live with any trustworthy and respectable person named in the licence, and willing to receive and take charge of him. Any licence so granted shall not be in force for more than Three months, but may at any time before the expiration of these Three months be renewed for a further period not exceeding Three months, to commence from the expiration of the previous period of Three months, and so from time to time until the period of the child's detention is expired. Any such licence may also be revoked at any time by the Governors of the School by writing under their hands, and thereupon the child to whom the licence related may be required by writing under their hands to return to the School. The time during which a child is absent from a School in pursuance of a licence shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the School, and at the expiration of the time allowed by the licence he shall be taken back to the School. A child escaping from the person with whom he is placed under a licence, or refusing to return to School on the revocation of his licence, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the School.

Power to apprentice.

16 The Governors of a School may at any time after a child has been placed out at licence as aforesaid, if he have conducted himself well during his absence from the School, bind him, with his own consent, apprentice 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.

Punishment for misconduct.

17 If a child sent to a 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 less than Fourteen days and 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 certified Training School, and to be there detained until the expiration of the period assigned for his original detention.

Industrial Schools.

18 If any child sent to a 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 certified Training School, and to be there detained until the expiration of the period assigned for his original detention.

Escape of children from Schools.

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

Constables to apprehend children escaping.

20 If any person does any of the following things; that is to say,—

Offences.

1. Knowingly assists, directly or indirectly, a child liable to be detained in a School to escape therefrom :
2. Directly or indirectly induces such a child to escape :
3. Knowingly harbours or conceals a child who has so escaped, or prevents him returning to School, or knowingly assists in so doing :

every such person shall be guilty of an offence against this Act, and shall, on summary conviction thereof before Two Justices, be liable to a penalty not exceeding Twenty Pounds, or at the discretion of the Justices to be imprisoned for any term not exceeding Two months, with or without hard labour.

21 It shall be lawful for the Governor in Council, by writing under his hand, to authorise the removal of any child from any one School to any other School; and such writing shall have the like authority and effect, and shall subject the child named therein to the like detention and treatment, as the original Order of Detention; and the Governor may at any time order the discharge of any child from a School.

Removal of children.

22 Nothing in this Act contained shall be deemed to render it compulsory upon the Governors of any School to receive any child.

Governors not compelled to receive any child.

23 If complaint be made to the Colonial Secretary that any 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 receiving from them a Report that the School is not so conducted as to be entitled to a continuance of its certificate, and specifying the defects complained of, then the Colonial Secretary 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 Colonial Secretary 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 a School within the meaning of this Act.

Enquiry into management.

Industrial Schools.

Certificate of School may be resigned.

24 The Governors, or the executors or administrators of a deceased Governor (if only one) of a School may give notice in writing to the Colonial Secretary of their intention to resign the certificate of that School, and at the expiration in the case of Governors of Six months, and in the case of executors or administrators of One month, from the receipt of that notice by the Colonial Secretary the certificate shall be deemed to be resigned accordingly, and the School shall thereupon cease to be a School within the meaning of this Act.

Notice of withdrawal of certificate.

25 Notice of any such withdrawal or resignation of certificate shall within One month be inserted by order of the Colonial Secretary in the *Gazette*.

School to be inspected.

26 Every School shall from time to time, and at least once in every year, be visited by a person appointed by the Governor to be the Inspector of Industrial Schools, and the Colonial Secretary, if dissatisfied with the condition of any such School as reported to him, may take steps for the appointment of a Commission as hereinbefore provided.

Contribution from Treasury.

27 The Colonial 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 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.

Recovery of penalties, &c.

28 All offences against this Act shall be heard and determined, and all orders shall be made, and all penalties recovered in a summary way by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*, upon the complaint of any Officer of any School, or any person duly authorised by the Governor for that purpose; and any person aggrieved by any summary conviction or order under this Act may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

Act to apply to boys and girls.

29 This Act shall apply to children of either sex.

Short title.

30 This Act may be cited as "The Industrial Schools Act, 1867."

Industrial Schools.

SCHEDULE.

FORMS.

(1.)

Sect. 10.

ORDER SENDING CHILD TO INDUSTRIAL SCHOOL.

TASMANIA }
 (TO WIT.) } BE it remembered that on the day of
 } in pursuance of "The Industrial Schools Act, 1867," we, Two of Her
 Majesty's Justices of the Peace for *Tasmania*, do order that *A.B.*, of
 being a Child subject to the provisions of Section of the said Act be sent to
 the Certified Industrial School at
 and that he be detained there during

(Signed) *C.D.*
 E.F.
 Justices of the Peace.

(2.)

Sect. 11.

WE, *G.H.* and *L.M.*, Two of Her Majesty's Justices of the Peace for *Tasmania*, do,
 under the powers of "The Industrial Schools Act, 1867," 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 1867.

(Signed) *G.H.*
 L.M.
 Justices of the Peace.

