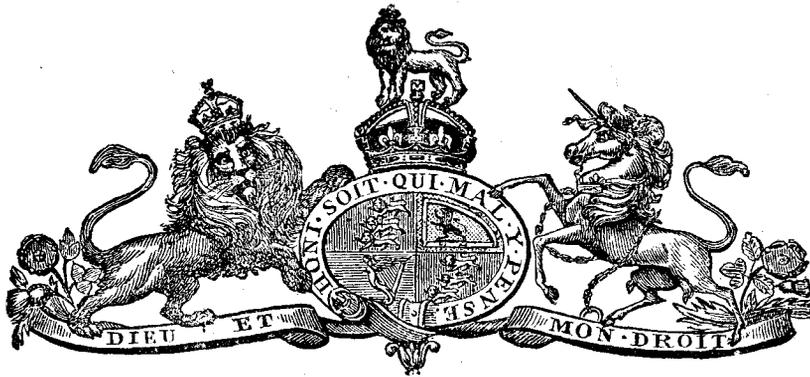


T A S M A N I A.



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 7.



AN ACT to provide for the Custody, otherwise than in Gaol, of certain Persons.

A.D. 1906.

[13 September, 1906.]

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

1 This Act may be cited as “The Young Persons’ and Women’s Short title. Detention Act, 1906.”

2 Notwithstanding any law to the contrary, it shall be lawful for the Governor to cause to be detained otherwise than in the common gaol pending trial, disposal, or conveyance—

Detention of persons otherwise than in gaol.

- i. Any person apparently under the age of Eighteen years, and any woman who is charged with and has been arrested or committed for trial for any crime other than murder, and for whom bail has not been found :
- ii. Any child or youthful offender dealt with by Justices, under the provisions of “The Youthful Offenders, Destitute and

Young Persons' and Women's Detention.

A.D. 1906.

Neglected Children Act, 1896," and awaiting the carrying into effect of the direction or order given or made by the Justices or conveyance in accordance with the direction or order.

And the Governor is hereby empowered to make such rules and regulations in regard to the person or body of persons to whom or institutions to which such prisoner may be delivered for custody, the nature of the custody, visits of inspection, and generally the means by which the purposes of this Act may be effected, as to him shall seem just and meet.

Powers of
custodian or head
of institution.

3 Any person, or manager, superintendent, or head of an institution to whom a prisoner, as in the next preceding Section mentioned, is delivered for custody under the provisions of this Act, shall have power and authority to keep, restrain, and prevent from escape any such prisoner, and shall conform therein to the rules and regulations made by the Governor in that behalf.

Warrant.

4 In all cases in which the provisions of this Act are applied, the warrant or process under which the prisoner would, but for the Governor's intervention under this Act, have been placed in gaol, shall have endorsed thereon by the Magistrate, Justice, or officer signing such warrant, the fact of the prisoner's removal, the name of the person or body of persons, or of the manager, superintendent, or head of the institution, to whom such prisoner is delivered for custody, and the address of such person or body of persons or the situation of such institution, and such endorsement shall be the gaoler's warrant for the surrender of such prisoner in terms thereof.

Gaol returns.

5 All gaol returns required by law to be furnished by a gaoler shall include the name of any prisoner removed from gaol under the provisions of this Act, and shall contain the information endorsed by the Magistrate, Justice, or other proper officer upon the original warrant as in the next preceding Section mentioned.

Jurisdiction of
Judges of
Supreme Court.

6 The Supreme Court of *Tasmania*, or a Judge thereof, shall have like jurisdiction and authority in regard to any such prisoner as if he were a prisoner confined in the common gaol.

Commutation of
sentences against
women.

7 It shall be lawful for the Governor to commute a sentence of imprisonment against any woman to compulsory residence in any rescue home, or other institution of a like character, for any period not exceeding the unexpired period of such sentence, and to annex to such commutation the condition that if the said woman escape from or refuse to continue to reside in such home or institution for the period assigned, she shall be liable to be re-imprisoned in the gaol or house of correction in which she was originally imprisoned, for the unexpired period of the original sentence, after deducting the period of residence aforesaid; and the Governor may make such rules and regulations

Young Persons' and Women's Detention.

regarding the detention and visiting of any such woman in a rescue home or similar institution as to him may seem just and meet. A.D. 1906.

8 Upon any such commutation as aforesaid, the original warrant of commitment shall have endorsed thereon by the Judge or Magistrate proper to sign such warrant the fact of the commutation and the name and situation of the home or institution to which the prisoner is to be removed, and, upon any re-imprisonment under the provisions of the next preceding Section, such warrant shall revive and shall be the warrant for the imprisonment of the said woman for the unexpired portion of the original sentence, after deducting the period of residence, if any. Endorsement on warrant.

9 The person locally in charge of any such home or institution as aforesaid, shall have power and authority to keep and subject to the discipline of any such home or institution, any woman removed thereto under the provisions of this Act, and shall conform to the rules and regulations framed by the Governor in that behalf. Discipline of institution.

10 Nothing in this Act shall be taken to derogate from or diminish the prerogative of pardon vested in the Crown. Saving Clause.

