

No. IV.

REFORMATORY
SCHOOLS.An Act to establish Juvenile Reformatories.
[12th September, 1866.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Reformatory Schools
may be established.

1. The Governor with the advice of the Executive Council may by proclamation in the *Government Gazette* declare any ship or vessel or any building or place together with any yards enclosures grounds or lands attached thereto to be a "Reformatory School."

Superintendent
chaplain teachers
and officers may be
appointed.

2. The Governor with the like advice may appoint a Superintendent and such chaplains teachers officers and servants as may be necessary for the management of every such school.

Regulations to be
made.

3. The Governor with the like advice may from time to time as occasion may require make regulations for the conduct management and supervision of every such school and for the employment education correction and restraint of such offenders as may in manner hereinafter mentioned be ordered to be sent thereto and such regulations shall immediately after their publication in the *Government Gazette* be in force. Provided that all such regulations shall be laid before Parliament if then sitting within one month after the publication thereof or if Parliament be not then sitting then within one month after the next meeting of Parliament.

Juvenile offenders
how to be dealt with.

4. Whenever any person whose age shall in the opinion of the Court or Justices by or before whom such person shall be convicted as hereinafter mentioned be under sixteen years shall be convicted of any offence punishable by law either upon information before a jury or on summary conviction by imprisonment for the period of fourteen days or any longer period such Court or Justices may in addition to the sentence which may be then and there passed as a punishment for such offence direct such offender to be sent at the expiration of such sentence or instead of passing upon such person the sentence prescribed by law for such offence direct such offender to be sent forthwith to some one of the aforesaid Reformatory Schools to be there detained for a period of not less than one year and not exceeding five years and such offender shall be liable to be detained pursuant to such direction. Provided that the Governor with the advice of the Executive Council may at any time order any such offender to be discharged from any such Reformatory School.

Reformatory to
which offender
committed need not
be named in
sentence.

5. It shall not be necessary at the time of passing sentence for the Court or Justices to name the particular Reformatory School to which any such offender is to be sent but it shall be sufficient for such Court or Justices to direct that such offender be sent to such Reformatory School as may thereafter be directed by the Colonial Secretary. Provided also that the Colonial Secretary may make a supplemental order at any time thereafter and before the expiration of any such term of imprisonment or detention exchanging such Reformatory School for any other Reformatory School and such offender shall be sent to and detained at such last-mentioned Reformatory School accordingly.

Reformatory Schools.

6. The gaoler or other chief officer of any prison having the custody under sentence of any such offender ordered to be sent to any Reformatory School at the expiration of his sentence as aforesaid shall forward with such offender to such Reformatory School an original duplicate if any exists of the warrant of commitment under which such offender has been imprisoned and if none such exists then a copy of such warrant and shall at the foot of such duplicate or copy make a memorandum signed by him stating that the offender named therein and sent therewith is the same person who was delivered to such prison with the warrant of which the instrument is a duplicate or a copy and the possession of such warrant or copy with such memorandum so signed shall be a sufficient authority for the detention of such offender in such Reformatory School.

Chief officer of prison to send duplicate or copy of warrant of commitment with offender to Reformatory.

7. The production of such duplicate or copy and memorandum accompanied by a statement signed or purporting to be signed by the Superintendent of any Reformatory School that the offender named in such warrant or copy was duly received into and is at the signing of such statement detained in such Reformatory or has been otherwise disposed of according to law shall in all proceedings whatsoever be sufficient evidence of the due conviction imprisonment subsequent detention and identity of the offender named therein respectively.

What sufficient evidence as to identity of juvenile offenders.

8. Every offender sent to any Reformatory School shall so far as religious teaching is concerned be placed under the guidance and control of clergymen of the persuasion to which the parents of such offender shall belong or in which such offender shall have been brought up and in the event of such parents not being known or of their religious persuasion not being known and of the offender not having been brought up in any religious persuasion then such offender shall be placed under the guidance and control so far as religious teaching is concerned of the clergymen of such persuasion as the Colonial Secretary may direct unless such offender shall himself state some persuasion in which he may desire to be educated.

Provision for religious teaching.

9. Whenever it shall be made to appear to the satisfaction of any two Justices of the Peace in Petty Sessions assembled before whom the father or the mother where the father is dead of any offender sent to any Reformatory School shall be summoned at the instance of the Superintendent of such school that such father or mother is able to contribute towards the maintenance of such child then it shall be lawful for such Justices to direct by order under their hands and seals that such father or mother shall contribute for such period as the Justices may direct such weekly or other sum as such Justices may find such father or mother able to pay not exceeding the rate of ten shillings per week towards the maintenance of such offender such contribution to be paid into the Treasury and form part of the Consolidated Revenue Fund and in default of payment within twenty-four hours after the time when any such payment shall be directed to be made it shall be lawful for the Justices to direct the same to be levied by distress and sale of the goods and chattels of such father or mother as the case may be.

Parents if able to contribute towards maintenance of offenders in Reformatory Schools.

10. It shall not be lawful to send male and female offenders to the same Reformatory School.

Male and female offenders not to be sent to same school. Reformatory Schools maintained by such funds as Parliament may appropriate.

11. Reformatory Schools shall be maintained by such funds as may be appropriated by Parliament to such purpose.

12. If any such offender as aforesaid shall abscond from any Reformatory School or shall neglect or refuse to abide by and conform to the rules thereof he may be taken before any Justice of the Peace who is hereby empowered on proof on oath of such absconding neglect or refusal to commit such offender to gaol for any period not exceeding three calendar months such period of imprisonment to be

Absconding or refractory conduct at Reformatory School how punished.

Drunkards Punishment.

passed as far as practicable in strict separation and such offender shall at the termination of such imprisonment be transmitted to the same Reformatory School from which he absconded or in which the said neglect or refusal as aforesaid took place there to complete the full term of his sentence.

Penalty for assisting
absconders from
Reformatory School.

13. Any person who directly or indirectly withdraws an offender from any Reformatory School to which he has been sent previously to the expiration of the period for which he has been directed to be kept there or to his being duly discharged or who induces or aids him to abscond or who knowingly conceals or harbours him or in any way prevents his return shall for every such offence on conviction before any two Justices of the Peace in a summary way incur a penalty not less than five nor more than fifty pounds or shall be liable at the discretion of the Justices to be imprisoned for any period not exceeding three months.

Recovery of
penalties.

14. All penalties imposed by this Act may be recovered and all payments hereby directed to be made may be enforced under this Act in a summary way and in the manner provided by the Act of the Imperial Parliament eleventh and twelfth Victoria chapter forty-three as adopted in this Colony by the Act fourteenth Victoria number forty-three.

Summons &c. not to
be invalid for want
of form.

15. No summons or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only.

Commencement of
Act.

16. This Act shall come into operation so soon as the Governor with the advice of the Executive Council shall by proclamation in the *Government Gazette* declare that it shall take effect.

Short title.

17. This Act may be cited for all purposes as the "Reformatory Schools Act of 1866."
