

Act No. 38, 1901.

An Act to consolidate the Acts relating to REFORMATORY AND INDUSTRIAL SCHOOLS.  
Reformatories and Industrial Schools. [1st  
November, 1901.]

**B**E it enacted by the King'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:—

PART I.

*Preliminary.*

1. This Act may be cited as the "Reformatory and Industrial Schools Act, 1901," and is divided into Parts, as follows:— Short title and division.

PART I.—*Preliminary*—ss. 1-3.

PART II.—*Establishment, regulation, and support of schools*—  
ss. 4-12.

PART III.—*Children who may be sent to and detained in schools*—ss. 13-26.

PART IV.—*Discipline and contribution*—ss. 27-35.

PART V.—*Evidence and general provisions*—ss. 36-40.

PART VI.—*Penalties and procedure*—ss. 41, 42.

2. (1) The Acts mentioned in the First Schedule to this Act Repeal.  
are, to the extent therein expressed, hereby repealed.

(2) All persons appointed under any Acts hereby repealed Officers under repealed Acts.  
and holding office at the passing of this Act shall be deemed to have  
been appointed hereunder. (3)

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Schools under  
repealed Acts.

(3) All schools declared to be reformatory schools or public industrial schools, or certified as private industrial schools under any Act hereby repealed, shall be deemed to have been so declared or certified under this Act.

Regulations under  
repealed Acts.

(4) All regulations, rules, orders, and by-laws made or published under any Act hereby repealed, shall be deemed to have been made or published under this Act, and references in any such regulations, rules, orders, or by-laws to any of the provisions of any Act hereby repealed shall be construed as references to the corresponding provisions of this Act.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Justice” means a justice of the peace.

“Minister” means the Colonial Secretary.

“School” means any reformatory school, public industrial school, or private industrial school under this Act.

## PART II.

*Establishment, regulation, and support of schools.*

Establishment of  
reformatory and  
public industrial  
schools.

30 Vic. No. 2, s. 1.

30 Vic. No. 4, s. 1.

4. The Governor may, by proclamation, declare any ship or vessel, or any building or place, together with any yards, enclosures, grounds, or lands attached thereto, to be—

(a) a reformatory school; or

(b) a public industrial school.

Officers may be  
appointed.

30 Vic. No. 2, s. 2.

30 Vic. No. 4, s. 2.

5. The Governor 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.

30 Vic. No. 2, s. 3.

30 Vic. No. 4, ss. 3, 10.

6. The Governor may make regulations for the conduct, management, and supervision of every such school, and for the employment, education, correction, and restraint of such children, as may in manner hereinafter mentioned be ordered to be sent thereto, and such regulations shall immediately after their publication in the 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 is not then sitting, within one month after the commencement of the next session.

Support of schools.

30 Vic. No. 2, s. 21.

30 Vic. No. 4, s. 11.

7. Such schools shall be maintained by such funds as may be appropriated by Parliament to that purpose.

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8. The Minister may, upon the application of the manager of any establishment in which industrial training is provided, and in which children are clothed, lodged, and fed, as well as taught, appoint such person, as he may think fit, to examine into the conditions of such establishment and to report to him thereon, and if satisfied by such report he may by writing under his hand certify that such establishment is fitted for the reception of such children, and such establishment shall thereupon become and be a private industrial school under this Act.

Minister may grant certificate to private industrial school.  
30 Vic. No. 2, s. 22.

9. (1) Every private industrial school shall at least once in every year be inspected by a person appointed by the Minister, and if the Minister, upon receiving the report of such person, is dissatisfied with the condition of any such school, he may, by notice under his hand addressed to the manager of such school, declare that the certificate is withdrawn from and after a day specified in such notice and not less than two months from the date thereof.

Inspection and withdrawal of certificate.  
*Ibid.* s. 23.

(2) Such notice may be served on the manager of such school by delivering the same personally to him, or to any one of the managers if there are more than one, or by sending it by post to the manager or to any one of the managers at the school.

Service of notice.  
*Ibid.* s. 24.

10. (1) The manager of any private industrial school may, upon giving six months' notice, in writing under his hand, of his intention so to do, require the Minister to withdraw the certificate given to such school, and at the expiration of six months from the giving of the notice such certificate shall be deemed to be withdrawn, and from thenceforth no more children shall be sent to, or received in, such school under this Act.

Manager may require withdrawal of certificate.  
*Ibid.* s. 25.

(2) The manager of any such school shall not, except as provided by this section, without the written consent of the Minister, withdraw from the obligation of educating, clothing, lodging, and feeding any children who, at the time of the giving of such notice, are in the school under this Act until the certificate is withdrawn, or until such children are by order of the Minister removed to some other school.

Manager to maintain children meantime.  
*Ibid.*

(3) Any manager who, in contravention of the preceding subsection, fails to educate, clothe, lodge, and feed any such child shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty on default.  
*Ibid.*

11. The manager of any private industrial school may make rules for the regulation of such school. Such rules shall not be repugnant to this Act, and shall not be enforced until they have been approved by the Minister.

Manager may make rules.  
*Ibid.* s. 28.

12. The Colonial Treasurer shall pay towards the maintenance of children in any private industrial school such sums as may be appropriated by Parliament for that purpose.

Maintenance.  
*Ibid.* s. 30.

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## PART III.

*Children who may be sent to and detained in schools.*

Juvenile offenders  
how to be dealt with.  
30 Vic. No. 4, s. 4.

**13.** Whenever any person is convicted of any offence punishable by imprisonment for fourteen days or any longer period the Court or justices may, if the offender is in their opinion under the age of sixteen years, in addition to the sentence which may be 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 reformatory school, to be there detained for a period of not less than one year, nor more than five years, and such offender shall be liable to be detained pursuant to such direction :

Provided that the Governor may at any time order any such offender to be discharged from such reformatory school.

Reformatory to  
which offender  
committed need  
not be named in  
sentence.  
*Ibid.* s. 5.

**14.** 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 shall be sent to such reformatory school as may thereafter be directed by the Minister, and the Minister 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.

Chief officer of  
prison to send  
duplicate or copy  
of warrant of  
commitment  
with offender to  
reformatory.  
*Ibid.* s. 6.

**15.** 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.

What sufficient  
evidence as to  
identity of  
juvenile offenders.  
*Ibid.* s. 7.

**16.** 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 school, or has been otherwise

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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.

17. Every child whose age, in the opinion of the person apprehending or ordering the apprehension as hereinafter mentioned, does not exceed sixteen years, who—

- Vagrant or destitute children may be taken before two justices.  
30 Vic. No. 2, s. 4.
- (a) is found lodging, living, residing, or wandering about in company with reputed thieves, or with persons who have no visible lawful means of support, or with common prostitutes, whether such reputed thieves, persons, or prostitutes are the parents or guardians of such child or not, or
  - (b) has no visible lawful means of support, or has no fixed place of abode, or
  - (c) is found begging about any street or other public place, or is found habitually wandering or loitering about the streets, highways, or public places in no ostensible occupation, or is found sleeping in the open air,

may be apprehended by any constable or by any other person and taken before any two justices to be dealt with as hereinafter directed.

18. Any justice may, upon oath being made before him that any child believed by the person making such oath to be under the age of sixteen years, is living in any of the conditions specified in the last preceding section, issue his warrant directing such child to be apprehended and brought before any two or more justices, in petty sessions assembled, to be dealt with as hereinafter is directed.

Justice may issue warrant for apprehension of vagrant or destitute children.  
*Ibid.* s. 5.

19. Such justices may summarily inquire into the matter, and for that purpose examine on oath such witnesses as are called for or against such child, and if such child appears to such justices to be under the age of sixteen years, and if it is proved on oath to the satisfaction of such justices that such child is living or has been found in any of the conditions aforesaid, such justices may order and direct, by warrant under their hands and seals in the form or to the effect set forth in the Second Schedule to this Act, that such child shall be sent to any such public industrial school as aforesaid.

Justices may send vagrant or destitute children to public industrial school.  
*Ibid.* s. 6.

20. The Minister may order the removal of any child from any public industrial school to another public industrial school, and every superintendent of any school to which any child is so removed shall have the same custody and control of such child as if such child had been ordered to be sent to such school in the first instance.

Children may be removed from one public industrial school to another.  
*Ibid.* 14.

21. The Minister may, on any order being made by any two justices directing any child to be sent to any public industrial school, and before such child is so sent, by writing under his hand endorsed on such order, direct such child to be sent to any other public industrial school than the one mentioned in such order, and such endorsement

Minister may vary the order of the justices.  
*Ibid.* s. 15.

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endorsement shall have the same effect as if the order had directed the child to be sent to the public industrial school mentioned in such endorsement.

Governor may order the discharge of any child.  
30 Vic. No. 2, s. 16.

**22.** The Governor may order any child sent to any public industrial school to be discharged therefrom at any time.

No child above the age of eighteen to be detained.

*Ibid.* s. 17.

**23.** No child shall in pursuance of this Act be detained in any public industrial school against his consent, after he has attained the age of eighteen years.

Children may be removed from public to private industrial school or from one school to another.

*Ibid.* s. 26.

**24.** The Minister may, by writing under his hand, remove any child originally sent to a public industrial school in pursuance of this Act therefrom to a private industrial school, and may remove the child so sent to such private industrial school from such school to another private industrial school, or back to a public industrial school, so that the whole period of detention of such child at industrial schools is not thereby increased :

Provided that on sending a child to a private industrial school the Minister shall select, if possible, an industrial school conducted in accordance with the religious persuasion to which the child or the parents of the child may appear to him to belong.

Minister may direct children ordered to be sent to a public industrial school to be sent to a private industrial school.

*Ibid.* s. 27.

**25.** The Minister may, on any order being made by two justices, for the sending of any child to any public industrial school, and before such child is so sent direct, by writing under his hand endorsed on such order, and subject to the direction as to religion contained in the last preceding section, that such child shall be sent to any private industrial school, and such endorsement, as well as any other order made by the Minister for sending any child to any private industrial school shall have the same effect as to placing the child named therein under the custody and control of the manager of such private industrial school, as the original order for placing such child in a public industrial school would give the superintendent thereof.

Male child under six years may be sent to school for females.

*Ibid.* s. 20.

30 Vic. No. 4, s. 10.

34 Vic. No. 4, s. 1.

**26.** (1) The Minister may direct any male child under the age of six years, who has been ordered to be sent to an industrial school, to be placed in the charge of the superintendent or matron of any female industrial school, there to be detained for such time as the Minister may think desirable, or until such child has reached the age of seven years, and afterwards to cause such child to be removed to a male industrial school, to be detained therein or in some other male industrial school, in accordance with the provisions of this Act. Every such child, while in any such industrial school, shall be subject to all the regulations of such school, so far as the same are applicable.

(2) Except as in the preceding subsection provided, male and female children shall not be sent to the same reformatory or public industrial school.

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PART IV.

*Discipline and contribution.*

**27.** Any offender in any reformatory school who absconds therefrom, or neglects or refuses to conform to the rules thereof, may be taken before any justice, and on proof on oath of such absconding, neglect, or refusal, such justice may commit such offender to gaol for any period not exceeding three months, such period of imprisonment to be passed as far as practicable in strict separation, and such offender shall at the termination of such imprisonment be returned to such reformatory school there to complete the full term of his sentence.

Abscorder from reformatory may be punished.  
30 Vic. No. 4, s. 12.

**28.** The superintendent of any public industrial school shall have the custody and control of every child sent to such school until such child attains the age of eighteen years, or is discharged or apprenticed.

Custody of children in public industrial school.  
30 Vic. No. 2, s. 7.

**29.** If any child sent to any public or private industrial school shall before such discharge or apprenticing be absent therefrom without the leave of the superintendent or manager, any constable may apprehend and convey such child to such school to be delivered into the custody of such superintendent or manager.

Child deserting may be apprehended.  
*Ibid.* ss. 8, 29.

**30.** Any justice may, on oath made before him that any child has left any public or private industrial school without the leave of the superintendent or manager thereof, issue his warrant directing such child to be apprehended and taken back to such school and delivered into the custody of such superintendent or manager.

Justice may issue his warrant to apprehend deserter.  
*Ibid.* ss. 9, 29.

**31.** The superintendent of any public industrial school or the manager of any private industrial school may punish any child above the age of ten years, who leaves such school without permission, by placing such child in close confinement for any period not exceeding fourteen days.

Superintendent may punish child deserting.  
*Ibid.* ss. 10, 29.

**32.** (1) Every offender sent to any reformatory school, and every child sent to any public industrial 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 or child belong, or in which such offender or child has been brought up.

Religious teaching.  
*Ibid.* s. 18.  
30 Vic. No. 4, s. 8.

(2) In the event of such parents or their religious persuasion not being known, and of the offender or child not having been brought up in any religious persuasion, then as far as religious teaching is concerned—

- (i) such offender shall be placed under the guidance and control of the clergyman of such persuasion as the Minister may direct, unless such offender himself states some persuasion in which he desires to be educated; and

(ii)

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- (ii) such child shall, if under the age of twelve years, be placed under the guidance and control of the clergymen of such persuasion as the Minister may direct, but may on attaining the age of twelve years select the persuasion in which he desires to be educated, and if at any time the religious persuasion of such child or of his parents shall become known to the Minister, he shall at once order the child to be placed under the guidance and control, as far as religious teaching is concerned, of clergymen of such persuasion.

Parent may be ordered to contribute to the maintenance of child.

30 Vic. No. 2, ss. 19, 32.

30 Vic. No. 4, ss. 9, 14.

**33.** The father, or, if the father is dead, the mother of any offender sent to any reformatory school, or of any child sent to any industrial school, may be summoned at the instance of the superintendent of such school to appear before any two justices to show cause why he or she should not contribute to the maintenance of such offender or child, and if such justices are satisfied that the defendant in any such case is able to contribute to the maintenance of such offender or child, they may order that the defendant shall contribute for such period as they may direct such weekly or other sum not exceeding ten shillings per week as they may find the defendant able to pay towards such maintenance. Such contribution shall be paid into the Treasury and form part of the Consolidated Revenue Fund, and may be enforced in a summary way according to the provisions of the Acts regulating proceedings before justices.

Child may be apprenticed.

30 Vic. No. 2, s. 11.

**34.** (1) The superintendent of any public industrial school under this Act may by indenture bind or cause to be bound any child under his care and control, in accordance with and subject to the provisions of the Apprentices Act, 1894.

Apprentice may be punished for misconduct.

*Ibid.* s. 12.

(2) Any child so apprenticed shall be liable to be proceeded against and punished for absconding, or for other misconduct, in the same way as any child apprenticed by his father with such child's consent.

Justice may put an end to apprenticeship.

*Ibid.* s. 13.

**35.** Any justice, upon complaint made to him by the superintendent of any such school that any person to whom any such child has been apprenticed is not performing the conditions of such indenture, or is unfit, to have the further care or control of such apprentice, may summon such person to appear before him or any other justice to answer such complaint, and on proof thereof on oath may order such apprenticeship to be put an end to and may direct the apprentice to be sent back to such school, and such child shall thereupon be subject to the like custody and control as under the original order by which he was sent to such school.



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## PART V.

*Evidence and general provisions.*

**36.** Whenever the Minister in pursuance of this Act grants a certificate to, or withdraws it from any private industrial school, he shall within one month cause a notice of such grant or withdrawal to be published in the Gazette, and such notice or an attested copy of the certificate shall be evidence of the facts therein stated in all Courts and proceedings.

Grant or withdrawal of certificate to be published in the Gazette.  
30 Vic. No. 2, ss. 33, 35.

**37.** The order made by justices sending any child to a public industrial school, or by the Minister sending any child to a private industrial school, shall be forwarded to the superintendent or manager thereof, and shall be a sufficient warrant for the detention of the child.

Effect of order sending child to a school.  
*Ibid.* s. 34.

**38.** The parent or guardian of any child detained in any public or private industrial school may make application to any two justices for the possession of such child, and the justices may if they think fit, upon payment by the applicant of such sum, and upon performance by him of any other conditions the said justices may impose and determine, order the said child to be restored to such applicant.

Parent may apply for custody of child.  
15 Vic. No. 2, s. 2.

**39.** The production of—

- (a) the order under which any child has been sent to, or is detained in any public or private industrial school; or
  - (b) a copy of such order with a memorandum signed by the superintendent, manager, master, or matron of any such school stating that the child named in such order was duly received into, and is at the time of the signing thereof detained in such school, or has been otherwise disposed of according to law; or
  - (c) any order made under this Act, or a copy thereof certified by the justices making the same, or the clerk of petty sessions at the Court at which the same was made to be a correct copy,
- shall in all Courts and proceedings be evidence—

Certain orders and copies to be evidence.  
30 Vic. No. 2, s. 35.

- (1) of the due making and signing of any such order, memorandum, or certificate, and
  - (2) of the sending, detention, and identity of the child or parent named in any such order, memorandum, or certificate,
- without proof of the signatures of the justices or other persons purporting to have signed the same.

**40.** No summons, notice, or order made for the purpose of carrying into effect any of the provisions of this Act shall be invalidated for want of form only, and the form in the Second Schedule to this Act, or any form to the like effect, may be used in the case to which it refers, and when used, shall be deemed sufficient.

Proceedings not to be invalid for want of form.  
*Ibid.* s. 26.  
30 Vic. No. 4, s. 15.

