

## Act No. 9, 1913.

An Act to provide for the performance by prisoners committed under the Deserted Wives and Children Act, 1901, or under the Infant Protection Act, 1904, of certain work in prison; to amend the said Acts, the Prisons Act, 1899, and the Neglected Children and Juvenile Offenders Act, 1905; and for purposes incidental thereto or consequent thereon. [15th October, 1913.]

DESERTED  
WIVES AND  
CHILDREN  
AMENDING.  
—

**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:—

**1.** This Act may be cited as the “Deserted Wives and Children Amending Act, 1913.” Short title.

*Work for prisoners committed.*

**2.** The following section is inserted next after section sixteen of the Prisons Act, 1899:— Prisoners work.

16A. (1) The Comptroller-General of Prisons may direct any prisoner who has, before or after the commencement of this Act, been committed to prison under sections eight or eleven of the Deserted Wives and Children Act, 1901, or sections five, fifteen, or eighteen of the Infant Protection Act, 1904, to perform any specified class of work.

The said Comptroller-General, shall, in directing the performance of work under this section, have regard to the capability of the prisoner to perform the work and the value of the work,

(2)

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(2) An estimate shall from time to time be made in pursuance of regulations which the Governor is authorised to make under this Act of the value of the work performed by any such prisoner.

From the amount of such value shall be deducted the cost of the prisoner's keep, or so much thereof as is borne by the Government.

(3) The amount of such value, after making the deductions aforesaid, shall be applied in such manner as the Comptroller-General directs—

(a) in or towards satisfaction of the order for the support of the wife or children of the prisoner under the Deserted Wives and Children Act, 1901, or the order for maintenance, education, expenses, and costs under the Infant Protection Act, 1904, as the case may be, in so far as any such order is unsatisfied ;

(b) in the case of a commitment under section five or section fifteen of the Infant Protection Act, 1904, in or towards the deposit of any sum for preliminary expenses, and the payment into court of the amount ordered to be secured by recognisances.

(4) The Governor may release from prison any prisoner committed as aforesaid, and such release may be subject to such conditions as the Governor thinks fit to impose.

Any justice may in a summary way, on proof made before him that any such condition has been broken, rescind such release, or the release may be revoked by the Governor.

Where a release is rescinded or revoked as aforesaid, the person released may be taken by any member of the police force and returned to prison, and there detained for the residue of the term for which he was originally committed, and subject to the same conditions as if he had not been released from prison.

*Amendment*

*Deserted Wives and Children Amending.**Amendment of Acts.*

**3.** (1) Section seven of the Deserted Wives and Children Act, 1901, is repealed, and the following section substituted in lieu thereof:—

Repeal of s. 7 of  
Deserted Wives  
and Children  
Act, 1901.

7. (1) Upon the hearing the justices shall inquire into the matter of the complaint; and—

- .. (a) if they are satisfied that the wife is in fact left without means of support, they may order the defendant to pay for the use of the wife such allowance as they think reasonable, and in addition may commit the legal custody of any child of the marriage to the wife or such other person as they think proper, and order the defendant to pay for the support of such child such allowance as they think reasonable;
- (b) if they are satisfied that any child of the defendant is in fact left without means of support, they may order the defendant to pay for the support of such child such allowance as they think reasonable and may commit the child to the legal custody of the wife or such other person as they think proper.

(2) Any such allowance shall be paid either weekly or monthly and to such person and in such manner as the justices may order.

Any order for the maintenance of a child and any order committing the legal custody of a child to any person shall not have effect beyond the time when such child completes his sixteenth year.

(3) Provided that where the complaint is by a wife against her husband, the justices may, upon reasonable cause shown for the desertion or leaving without support alleged, decline to make any order.

(4) Any order under this section committing a child to the legal custody of any person shall be subject to appeal under section one hundred and twenty-two of the Justices Act, 1902, and the provisions of the said section shall, *mutatis mutandis*, apply to such appeal.

(2) Section twenty-one of the same Act is amended by omitting the words "for the support of any wife or child" and inserting in lieu thereof the words "under section seven."

Amendment  
of s. 21.  
*Ibid.*

*Coff's Harbour Improvement.*

Alternative  
fine in certain  
cases  
abolished.

**4.** (1) Section eleven of the Deserted Wives and Children Act, 1901, is amended by omitting the words "or by the infliction of a fine not less than five pounds nor more than fifty pounds."

(2) Section eighteen of the Infant Protection Act, 1904, is amended by omitting the words "or by the infliction of a penalty not exceeding fifty pounds."

Amendment  
of s. 10.

**5.** (1) Section ten of the Neglected Children and Juvenile Offenders Act, 1905, is amended in paragraph (b), by inserting after the word "authorities" the words "of a justice or justices to hear and determine complaints under the Deserted Wives and Children Act, 1901, or" and by omitting the word "and" at the end of the paragraph.

Amendment  
of s. 11.

(2) Section eleven is amended by the insertion after the word "jurisdiction," where that word occurs for the second time in the said section, of the words "except those matters in which a justice or justices has or have jurisdiction under the Deserted Wives and Children Act, 1901."