

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
2nd August, 1881.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Dick.

INDUSTRIAL SCHOOLS.

ANALYSIS.

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A BILL INTITLED

Title. AN ACT to amend and consolidate the Laws relating to the Care, Custody, and Education of Children in Industrial Schools.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. The Short Title of this Act is "The Industrial Schools Act, 1882," and it shall come into force on the *first* day of *January*, one thousand eight hundred and eighty-three.

Interpretation. 2. In this Act, if not inconsistent with the context,—

"Minister" means the person for the time being holding the office of Minister of Education under "The Education Act, 1877:"

"Judge" means any Judge of the Supreme Court of New Zealand, or of any District Court in New Zealand:

"Resident Magistrate" means any Resident Magistrate holding office under "The Resident Magistrates Act, 1867," or any Act passed in lieu thereof:

"Local body" means the Council of any Municipal Corporation, or of any County Council or Road Board, or Board of Commissioners, or of Wardens, or of Trustees, or other body empowered to levy rates, and also includes any Charitable Aid Board or other body formed under any Act now or hereafter to be passed relating to the administration of charitable relief of any sort:

"Child" means any boy or girl being under the age of fifteen years, or, in the absence of positive evidence as to age, being under the apparent age of fifteen years in the opinion of the Resident Magistrate or Judge dealing with such boy or girl under the provisions of this Act.

"Inmate" means any person under the age of twenty-one years who is now or shall hereafter be lawfully detained in any school by authority conferred by this Act, or by any Act hereby repealed, or who is now or shall hereafter be licensed out or apprenticed under such authority:

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- 5 "Parent" means the father, stepfather, grandfather, mother, stepmother or grandmother, or a brother, if of full age, of a child born in lawful wedlock, or the mother of a bastard child; and, as to any child, includes the person who has become the adopting parent thereof within the meaning of "The Adoption of Children Act, 1881:"
- "School," or "industrial school," means any school established under this Act:
- 10 "Government school" means any school as hereinbefore defined supported mainly by public moneys of the colony voted for the purpose, or by endowments out of the public estate, and which school is mentioned in the Schedule hereto as such, or declared by the Minister, by notice in the *Gazette*, to be such:
- 15 "Local school" means any school as hereinbefore defined supported either wholly or partially by the public moneys of any local body or bodies: Provided that such school be mentioned in the Schedule hereto as such, or be declared by the Minister, by notice in the *Gazette*, to be such:
- 20 "Private school" means any school as hereinbefore defined supported either wholly or partially by the moneys or endowments of private persons, or any school which is entirely under the management of private persons, including in the term "private persons," for the purposes of this definition, corporate bodies not being local bodies: Provided that such school is mentioned in the Schedule hereto as such, or declared by the Minister, by notice in the *Gazette*, to be such:
- 25 "Manager" means the manager of any school as herein defined:
- "Prescribed" means prescribed by any rules or regulations made under this Act:
- "This Act" includes any regulations made under this Act.

ESTABLISHMENT, MAINTENANCE, AND ABOLITION OF SCHOOLS.

30 3. The schools or institutions mentioned in the Schedule to this Act shall be deemed to have been established under this Act, as Government, local, or private schools, as mentioned in such Schedule, and shall be known for the purposes of this Act by the names therein mentioned.

Schools in Schedule to be deemed established under Act.

35 4. The Minister may from time to time, at such place or places within the colony as he shall think fit, and also on any vessel acquired for the purpose, establish new Government schools by notice by the Minister in the *Gazette*, and shall maintain all Government schools under this Act:

Minister empowered to establish schools, purchase lands, &c.

Provided that any Government schools hereafter established shall have an official name, which shall be specified in the said notice.

40 The Minister may from time to time purchase, take upon lease, or otherwise acquire such pieces or parcels of land, either with or without buildings, and erect such buildings or premises thereon, as he may think necessary, and may also purchase, charter, or otherwise acquire such vessels as he may deem necessary for the purposes of carrying this Act into execution.

45 5. All lands, buildings, or premises, and any vessels when purchased, leased, chartered, or acquired as aforesaid, shall be vested in Her Majesty and her successors for such estate or interest as may be purchased or otherwise acquired therein.

Lands, &c., to be vested in Queen.

6. The powers of making reserves of Crown lands, vested in the Governor by the one hundred and forty-fourth section of "The Land Act, 1877," are hereby declared to be capable of being used for the purpose of making reserves

Power to reserve Crown lands for sites for Government schools.

for sites for Government schools: Provided that no such site shall exceed one hundred acres in area.

Government school to be provided with furniture, &c.

7. Every Government school shall be provided, out of moneys to be appropriated for that purpose by the General Assembly, with such furniture, utensils, tools of trade, appliances, or fittings, as the Minister shall think necessary to carry on the proper and efficient teaching of the inmates thereof; and any vessel acquired as before mentioned may, out of moneys appropriated as aforesaid, be rigged, fitted up, and provided with such nautical appliances, rigging, and tackle as may be expedient for the proper and efficient instruction of the inmates thereof in seamanship and navigation. 5

Local school or private school may be approved for purposes of Act.

8. If any institution now or hereafter in existence in the colony, but not established under this Act, shall be approved by the Minister for the purposes of this Act and shall by notice to that effect in the *Gazette*, signed or purporting to be signed by the Minister, be declared to be a local school or a private school, as the case may be, then, until such approval be withdrawn by a like notice, the same shall be deemed to be established as a local or private school within the meaning of this Act, according as the notice of approval shall state, and shall be known by such name as is therein mentioned, and shall be subject in all respects to the provisions of this Act so far as they relate to local schools or private schools. 10 15

Provided always that, if any such school so approved as aforesaid shall be supported for any one or more than one religious denomination exclusively, no child shall be sent to the same unless he shall belong to such denomination, or to one of such denominations if more than one; and every notice approving such school shall state the denomination or denominations, if any, for which the same is supported. 20 25

Minister may agree as to terms of approval.

9. The Minister may at the time of approving such school, or at any time or times thereafter, enter into such agreement with the persons or bodies having control of such school as to the terms or conditions on which such approval is given, either as to cost or otherwise, as he shall think fit, and may, from time to time, vary, or alter, or annul such agreement, or make a new agreement in lieu thereof. 30

Minister may appoint managers and other officers of Government schools.

10. The Minister may from time to time appoint fit and proper persons to be officers, teachers, and servants in Government schools, and such other persons as he may think necessary to perform the several duties by this Act required to be performed in regard to Government schools, and some person shall be in like manner appointed to be manager of each Government school. 35

No person may act as manager of local or private school without consent of Minister.

11. No person shall be permitted to act as manager of a local or private school within the meaning of this Act until the approval of the Minister has been obtained. 40

Minister may appoint Inspectors.

12. The Minister may from time to time appoint one or more persons to be Inspector or Inspectors of Industrial Schools, to inspect the same according to the regulations to be made hereunder.

Gazette notice of approval of school to be sufficient evidence.

13. Notice in the *Gazette*, if signed or purporting to be signed by the Minister, that any school has been established or approved as aforesaid for the purposes of this Act, shall for all purposes be sufficient evidence of the existence of such school, and that it has been duly established under this Act. 45

Minister may abolish school, or withdraw approval, and sell lands, &c.

14. The Minister may from time to time, by notice in the *Gazette*, abolish any Government school, or declare that any school mentioned in the Schedule hereto as a local school or a private school, from and after a date to be mentioned in such notice, shall cease to be a local school or a private school respectively within the meaning of this Act, or may withdraw his approval given as aforesaid 50

from any school, and thenceforth the same shall cease to be a school for the purposes of this Act.

5 Upon such abolition or withdrawal of approval the Minister shall have full power to sell, in such manner, at such times, and on such terms in all respects as he shall think fit, any land, buildings, premises, ships, or other property whatsoever vested in Her Majesty for the purposes of a school so abolished, or of which the approval has been withdrawn as aforesaid.

10 The moneys received by virtue of any such sale, after paying the expenses thereof, shall be paid into the Public Account, and form part of the Consolidated Fund.

Any document or assurance necessary for vesting any real or personal property sold under this section in the purchaser thereof may be executed by the Governor in the name and on behalf of Her Majesty.

15 15. When any Government school is abolished, or any local or private school mentioned in the Schedule hereto is declared to cease to be such, or the approval of any local or private school is withdrawn under the provisions hereof, the inmates detained therein shall, by order of the Governor, be either transferred to some other school or discharged, subject always to the provisions set forth in the *second* clause of section *thirty* hereof.

Inmates of abolished school to be transferred or discharged.

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HOW CHILDREN BECOME INMATES.

16. Any constable, finding a child answering to one or other of the descriptions following, may immediately, without any warrant, take such child before the nearest available Resident Magistrate, to be dealt with according to this Act:—

Constable may take any child answering to certain description without warrant.

25 (1.) Any child having no means of subsistence, or whose parent is in indigent circumstances and unable to support such child;

(2.) Any child found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

30 (3.) Any child found wandering about or frequenting any street, thoroughfare, hotel, or place of public resort, or sleeping in the open air, and not having any home or settled place of abode, or any visible means of subsistence;

35 (4.) Any child residing in any brothel, or associating or dwelling with any person known or reputed to be a prostitute or habitual drunkard, or with any person convicted of vagrancy under any Act or Ordinance now or hereafter to be in force:

On the complaint on oath of any constable that a child is such a child as described in this section, a Resident Magistrate may issue a warrant to cause such child to be brought before him on a day to be named therein.

Resident Magistrate may issue warrant to bring child before him.

40 17. Any parent having a child whom he is unable to control, and wishing him to be sent to a school, may, without any warrant, take such child before the nearest available Resident Magistrate, and if he prove to the satisfaction of such Resident Magistrate that he is unable to control such child, and give security to the satisfaction of such Resident Magistrate for the payment of the maintenance of such child, the Resident Magistrate may make an order such as mentioned in the next section hereof.

Parent may bring uncontrollable child before Resident Magistrate.

45 18. Whenever any child shall be brought before any Resident Magistrate under the two last preceding sections, such Resident Magistrate may, after inquiry, and the hearing of such evidence as may be adduced before him, make an order in the prescribed form directing such child to be sent forthwith to a school, to

Resident Magistrate to hear evidence, and may issue order sending child to a school.

be there detained until he shall have attained the age of fifteen years, unless previously discharged under the provisions hereof.

In addition to or in lieu of sentence, convicted child may be sent to a school.

19. The Judge before whom, or the Resident Magistrate by whom, a child shall be convicted of any offence punishable by imprisonment, or before whom a child shall be accused of any offence punishable by imprisonment or some less punishment, which child so accused ought nevertheless in the opinion of such Judge or Resident Magistrate, regard being had to his age or circumstances, to be sent to a school, may, in addition to the sentence which may be passed as a punishment for the offence of which such child is convicted, or in lieu of passing such sentence, or in the case of a child so accused as aforesaid whether such child be convicted or not, order such child to be sent at the expiration of such sentence to any school, to be there detained up to the age of fifteen years. 5 10

Order as to child convicted by two Justices of the Peace to be made by Resident Magistrate.

20. When any child has been convicted by two or more Justices of any offence punishable by imprisonment, such order as mentioned in the preceding section may be made at any time subsequently to such conviction by any Resident Magistrate upon the recommendation of the convicting Justices, or upon the application of any other respectable person. 15

Judge or Resident Magistrate, when making order, to fix age of child, and say what school child to be taken to.

21. Any Judge or Resident Magistrate shall, when making any order under sections *eighteen*, *nineteen*, and *twenty* hereof, in his own discretion, fix the age of such child, after hearing such evidence as may be adduced before him at the time of making the said order, and shall specify the same in the order, and such order shall also state which school the child dealt with thereby is to be detained in. 20

Order as to convicted child not to form part of judgment.

22. When any child shall be ordered to be detained under section *nineteen* hereof, such order shall not be included in, or form any part of, the judgment or adjudication passed upon such child, but shall be a distinct and collateral proceeding. 25

Clerk or Registrar of Court to forward copy of order to Minister.

23. The Clerk or Registrar of the Court in which any order under the *eighteenth*, *nineteenth*, or *twentieth* sections hereof, shall be issued as aforesaid, shall, immediately upon the issue of the same, forward a true copy thereof to the Minister; and if he shall from any cause fail to do so he shall be liable to a penalty not exceeding *ten* pounds. 30

Child may be admitted an inmate by agreement.

24. Any child may be admitted as an inmate of any school upon such terms as to cost of maintenance and education thereof and otherwise howsoever as may be agreed upon between the parent of such child and the manager of such school, or between any person authorized by the Governor or any local body to act as a Relieving Officer for the purposes of this Act. 35

Governor may order that any person under eighteen sentenced to imprisonment become an inmate under Act.

25. The Governor may, if he think fit, order that any person under the age of eighteen, who has been sentenced to imprisonment, shall, either in lieu of or after serving his term of imprisonment or any part thereof, be and he shall thereby become an inmate within the meaning of this Act. 40

Such order shall specify the particular school of which such person shall be deemed to be an inmate.

Guardianship vested in manager.

GUARDIANSHIP OF INMATES.

26. The guardianship of every inmate detained in a school, except an inmate admitted under section *twenty-four* hereof, shall be vested in the manager for the time being of the school where such inmate is for the time being detained. 45

In the case of an inmate who is licensed out or apprenticed, as herein provided for, or who has been licensed out or apprenticed under the hereby repealed Acts, or who has attained the age of fifteen years, such guardianship 50

shall be vested in the manager for the time being of the school where such inmate was last detained, or of which he is deemed to be an inmate under the preceding section.

Any guardianship created under this section shall last until the person over whom such guardianship is exercised has attained the age of twenty-one years, or until he has been previously discharged.

27. Each manager shall, as such guardian as aforesaid, have all and singular the powers and authorities over the person over whom such guardianship is exercised ~~of whom he is guardian as aforesaid~~ which a guardian of the person of an infant appointed by the Supreme Court would have.

Powers of manager as guardian.

The parent of any child being the person over whom such guardianship is exercised shall wholly cease to have any legal control or guardianship over such person over whom such guardianship is exercised so long as he continues to be the person over whom such guardianship is exercised.

28. The Governor may at any time make an order that the guardianship of any inmate may be transferred from the manager in whom it is then vested under this Act to such person as he may by such order appoint; and such transferee shall have all the powers conferred upon managers by the *preceding* section.

Governor may transfer guardianship.

29. On any school being abolished as hereinbefore provided, or upon any local or private school mentioned in the Schedule hereto being declared to cease to be such, or when the approval of the Minister is withdrawn from any local or private school, as before mentioned, the Minister may appoint the manager for the time being of some other school to exercise all the powers as a guardian which are then vested in the manager of the school so abolished, or as aforesaid declared to cease to be a local or private school, or from which approval has been so withdrawn, and thereupon such manager so appointed shall have and may exercise the said powers.

When school abolished Minister may appoint another manager as guardian.

DISCHARGE OR TRANSFER OF INMATES.

30. Notwithstanding anything herein contained, the Governor may, at any time during the detention under the provisions of this Act of any inmate, order the discharge of such inmate from the school in which such inmate may be detained, and thereupon he shall wholly cease to be an inmate within the meaning of this Act, or the Governor may order the transfer of such inmate from one school to any other school.

Inmates, how discharged or transferred.

35. The power of transferring inmates from one school to another hereby conferred shall not authorize the transfer of any inmate of a private school intended as before mentioned for the use of any one or more religious denominations to any other school, or from any other school to any private school intended as before mentioned for any one or more religious denominations, unless the transfer shall be such as that the inmate shall not be deprived of the religious teaching of the denomination to which he belongs.

COST OF MAINTENANCE OF INMATES, HOW DEFRAIDED.

31. The whole cost of the conduct and management of all Government schools, and all other costs and expenses whatsoever relating to the maintenance and education of children being inmates of Government schools, and all other costs and expenses connected with or incidental to the administration of this Act, or to the exercise of any of the powers hereby conferred upon the Governor, or the Minister, or other public officer, shall be paid out of the public moneys of the colony appropriated by the General Assembly for the purpose, but

Cost of Government schools defrayed out of moneys appropriated by Parliament.

without prejudice to the provisions hereof requiring parents or others to contribute towards the support of inmates.

Parent to contribute as ordered by Judge or Resident Magistrate.

32. The parent of every inmate shall, if of sufficient ability so to do, contribute to the support of such inmate such sum as he shall be ordered to pay by any Judge or Resident Magistrate as hereinafter appears. 5

Order against parent if present at committal.

33. The Judge or Resident Magistrate, at the time of making an order under the *eighteenth, nineteenth, or twentieth* sections hereof, shall, if the parent of such child be then before him, make an order in the prescribed form directing such parent to pay eight shillings a week towards the maintenance and education of such child, unless such parent shall clearly prove to his satisfaction that he is unable to pay so much, in which case the Judge or Resident Magistrate may make an order for the payment of any lesser sum than eight shillings a week, unless such parent shall clearly prove to the satisfaction of the Resident Magistrate that he is unable to pay any sum whatever: 10

An order may be made under this section against the putative father of a bastard child against whom an order for the support of such child has been made, but so that he shall not have, by an order under this section, to pay a greater sum in the whole than that remaining unpaid under the said order for support; and any order made against such putative father under this section shall, to the extent of the payments thereby ordered to be made by him, discharge him from liability under the said order for support. 15 20

Order against parent if not present at committal, which may also include past maintenance.

34. The manager for the time being the guardian of any inmate, or any person appointed by the Minister for the purpose, either generally or for any particular case, may apply to a Resident Magistrate for a summons in the prescribed form to be served on the parent of such inmate for the purpose of obtaining contribution towards the maintenance and education of such inmate. 25

On the return of such summons the Resident Magistrate shall proceed to hear the same, and he shall thereupon make an order in the prescribed form for the payment of such weekly sum as he shall think fit, subject to the same provisions as to the amount of the same as if such parent had been before him at the committal of the said child as mentioned in the preceding section. 30

Such order may also adjudge the parent to pay either in one or more sums, as may be therein mentioned, such sum in respect of the past maintenance of such child, at a rate not exceeding eight shillings a week, as the Resident Magistrate making the same shall think fit. 35

Amount of contribution may be lessened or increased.

35. Any Resident Magistrate may, on the application of any parent, or of the manager for the time being the guardian of the inmate in respect of whose maintenance the contribution is payable, or on the application of any person appointed by the Minister for the purpose, either generally or for any particular case, at any time while any order made under sections *thirty-three* or *thirty-four* hereof continues in force, make further inquiry into such parent's ability to contribute as aforesaid, and, by order in the prescribed forms, may remit or lessen the amount of the weekly payments that shall have been adjudged by the then existing order, or increase the same if he sees cause so to do, and such remission, lessening, or increase may also apply to any period prior to the making of such complaint; but the amount shall not in any case be such that a parent shall be compelled to pay in the whole a larger sum than at the rate of eight shillings for every week for which such inmate shall have been or may be detained. 40 45

Distress may issue if amount of order not paid.

36. Whenever, after the making of any one of such orders as are mentioned in the last three preceding sections of this Act, it shall be made to appear to any Resident Magistrate, by the manager for the time being the guardian of the inmate in respect of whose maintenance and education any 50

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moneys are payable under any such order, or by any person authorized by the Minister in that behalf either generally or for any particular case, that the whole or any portion of any weekly or other sum to be paid in pursuance of such order has not been paid, such Resident Magistrate may issue a warrant of distress in the prescribed form, directed to the bailiff of the Court or to some other fit person to be named in such warrant, authorizing and requiring him to levy or cause to be levied such sum of money as shall be ordered or adjudged to be paid, or so much thereof as shall then remain unpaid, and also the costs of the execution, by distress and sale of the goods and chattels of the party against whom such order shall have been made.

37. In lieu of issuing a warrant of distress as mentioned in the *thirty-sixth* section, or after issuing such warrant, if the moneys thereby authorized to be levied or any part thereof have not been paid in conformity with the order made in that behalf under this Act, any Resident Magistrate on application by the manager for the time being the guardian of the inmate in respect of whose maintenance and education such moneys are payable, or on the application of any person authorized by the Minister in that behalf, either generally or for any particular case, may order that any moneys which may then be due to the person against whom such order was made, or which may thereafter become due to such person, whether in payment for his personal services or in respect of the sale or letting of any real or personal property, or by gift, bequest, or in any other way whatsoever, shall, in whole or in part, up to the amount then unpaid under the said order by the person by whom such moneys are payable, immediately or as soon as they become payable be paid to the person who under this Act is entitled to receive the moneys payable under such order, and an order made under this section shall, to the extent of the moneys thereby ordered to be paid, be a sufficient discharge to the person required to pay the same in respect of the debt on account of which they are payable.

38. If the person by whom such moneys are payable under the last preceding section hereof does not pay the moneys which he may be ordered to pay under such section at the times when the same are payable, then the same may be recovered from him by the persons entitled to receive the same as above-mentioned as a debt in any Court of competent jurisdiction.

39. If any inmate shall be entitled to any real or personal property whatsoever in the colony, or to any interest therein, and whether the same be vested in any trustee on behalf of such inmate or not, then and in such case, and whether or not any order for contribution to the support of such inmate shall have been made as hereinbefore provided, and if such an order has been made, whether the moneys payable in pursuance of such order have been or are being duly paid in accordance therewith or not, the Minister in writing may direct the Public Trustee to proceed to act in accordance with the five following sections with respect to the property of such inmate.

40. Upon the receipt of such instructions the Public Trustee shall forthwith with all convenient speed proceed to take, seize, and reduce into possession the said property or interest therein, or any part thereof, which such inmate above referred to is entitled to, and for that purpose may bring all such actions, and signall such deeds, instruments, receipts, discharges, and other documents of any kind whatsoever, and generally may do all such acts, deeds, matters, or things whatsoever which the inmate himself could respectively bring, sign, seal, execute, deliver, or do if of full age and entitled to the immediate possession of the said property or interest therein, subject nevertheless to all binding contracts in existence affecting the same.

In lieu of distress amount of order may be ordered to be paid out of moneys due.

If not paid moneys may be recovered in any Court of competent jurisdiction.

Provisions when inmate entitled to property.

Public Trustee may take immediate possession thereof.

Public Trustee may then convert property into money.

41. Thereafter the Public Trustee, at such time or times, and in such manner, and subject to such conditions as he shall think fit, and with full right to buy in or bid for and again to offer the same for sale, may proceed to sell or convert into money the said property or interest therein, or any part thereof, as fully and effectually as an administrator can as regards property coming to him by virtue of an administration, for the purpose of paying the debts of the deceased.

Application of proceeds.

42. The Public Trustee shall apply the proceeds of any such sale, or the interest, rent, dividends, or income arising from such property or interest therein, if he does not sell the same, first, in payment of all costs, charges, and expenses incurred by him in respect thereof, including all charges which he may lawfully make for or in connection with the management or sale of similar property; and next, shall from time to time pay to the manager for the time being the guardian of such inmate, at such times as may be arranged between them, a sum of eight shillings per week, or so much thereof as the said moneys will provide for the maintenance and education of such inmate :

Provided that all moneys which may be from time to time received by virtue of any such order for contribution as above mentioned shall either be paid over by the Colonial Treasurer to the Public Trustee without the necessity of any appropriation by Parliament, to be credited to the account of such inmate in reimbursement of all moneys paid by the Public Trustee to the said manager under this section, or the amounts to be paid by the Public Trustee as aforesaid may lawfully from time to time be diminished by the amount of the moneys so received under such order as aforesaid.

Provision when such inmate has ceased to be a charge on the public revenue.

43. When and so soon as the Minister shall inform the Public Trustee in writing that the maintenance or education of such inmate has ceased in any way to be a charge on the public revenue of the colony, the Public Trustee may deliver over to the person or persons for the time being entitled thereto all property or interest therein then held by him under the provisions of the four last preceding sections.

Foregoing provisions not to prevent order from being made where it can be made.

44. Nothing in the *five* last preceding sections shall prevent an order for contribution towards the maintenance or support of such inmate from being made against any person against whom it can be made under this Act, nor shall it prevent any order already made from being enforced.

Moneys received from parents or local bodies to be part of public revenue.

45. All moneys payable by parents under orders made under sections *thirty-three*, *thirty-four*, and *thirty-five* hereof, or by local bodies, or otherwise, under the provisions of this Act, in respect of inmates, or as the products of the labour of inmates, shall be paid to the manager for the time being the guardian of the inmate in respect of whom such moneys are payable, or to such other person as may be appointed by the Minister either generally or for any particular case to collect moneys payable, and shall by such manager, or other person, with all convenient speed, be paid into the Public Account, and form part of the Consolidated Fund of the colony.

Governor in Council may make regulations as to Government schools.

POWER TO MAKE REGULATIONS, AND AS TO VISITORS AND RELIGIOUS INSTRUCTION.

46. The Governor in Council may, from time to time, make regulations prescribing the form of all orders, summonses, applications, or other documents referred to in this Act, or needful to be used for the purposes of this Act, and for the conduct, management, supervision, and inspection of Government schools, for the employment, education, diet, clothing, correction, and religious instruction and industrial training of the inmates thereof, for the classifying of them, and keeping certain of them separate and apart from others, either according to sex or character, place of committal, cause of committal,

or antecedents, or otherwise; and so that such regulations may either be general and relating to all Government schools, or the inmates thereof, or may relate only to one or more Government schools, or the inmates thereof.

5 47. The Governor in Council may make regulations as to the inspection of all industrial schools, or any one or more of them, and the licensing out or apprenticing of the inmates thereof, and also for the supervision of such inmates after they have left the school but while the guardianship of the manager still exists.

Governor in Council may make regulations as to inspection of all schools, or as to inmates during guardianship.

10 48. No regulations made under either of the two last-preceding sections shall be repugnant to or inconsistent with this Act, or shall authorize the infliction of any corporal punishment except such as may be lawfully inflicted by school-masters.

Regulations not to be inconsistent with Act.

15 49. Subject to the regulations to be made as hereinbefore mentioned, all persons authorized in that behalf by the Minister, including therein Inspectors of Industrial Schools appointed hereunder, all members of the Legislative Council or House of Representatives, all Judges of the Supreme Court or any District Court, and all Justices of the Peace shall be entitled to visit at all times any Government or local school, and shall have admission to the same accordingly.

What persons entitled to visit Government or local schools.

20 50. All Inspectors of industrial schools, appointed hereunder, shall be entitled to visit at all times any private school hereunder, and shall have admission to the same accordingly.

What persons may visit private schools.

25 51. Subject to the regulations to be made as hereinbefore mentioned, all ministers of religion shall have admission to every school in which any of the inmates shall belong to the particular denomination to which such ministers respectively belong, and shall have access to such of the inmates thereof as may belong to their respective denominations, and may give instruction to them on the days and at the times appointed by such regulations for the religious education of the inmates belonging to their particular denominations respectively.

Ministers of religion to have admission to schools.

30 52. Every person who by virtue of the provisions hereinbefore contained is entitled to visit any school, and every minister of religion, may inscribe in a book (to be provided and kept in such school by the manager) any remarks or observations which he may think fit to make touching or concerning such school, or the manager, officers, teachers, servants, or inmates thereof, or any of them.

Entries in visitors' book, by whom made.

35 53. The Governor or any Judge or Resident Magistrate shall, when ordering any child to be sent to a school, state to what religious persuasion, creed, or denomination such child in his opinion belongs, and shall order and direct that such child shall be brought up and educated in that persuasion, creed, or denomination:

When child sent to a school, Judge or Resident Magistrate to decide in what religion such child is to be brought up.

40 Provided always that the father or mother of any inmate, or, in the case of an orphan inmate, any adult person being the parent within the meaning of this Act, of such orphan inmate, may apply to any Resident Magistrate to change, alter, or vary the religious education in which such child is then being brought up or educated to that of any other persuasion, creed, or denomination, and thereupon such Resident Magistrate may make such order as to him shall seem fit.

45 54. The Governor or any Judge or Resident Magistrate when ordering any child to be sent to a school, and the Minister when licensing out any inmate, except as a servant, shall, in fixing the school to which such child is to be sent, or the person to whom such inmate is to be licensed, have regard to and comply with all the provisions of this Act as to religious education, and also to 50 any regulations which are made hereunder with respect to the classification of inmates.

Orders for detention and arrangements as to licensing out to have regard to provisions as to religion, and also to regulations as to classification.

LICENSING OUT.

Terms upon which inmates may be licensed to reside with person outside school.

55. Notwithstanding anything hereinbefore contained, the Minister may, subject to the regulations to be made hereunder, license in the prescribed form any inmate to reside with some person who shall be willing and qualified to receive, take charge of, and qualified to provide for, maintain, and educate such inmate, and so that either the person so taking such inmate shall be paid for the maintenance and education of such inmate at a rate not exceeding ten shillings a week, or shall be entitled to the services of such inmate in lieu of pay, or shall pay wages for his services, and, generally, upon such terms and conditions in all respects as shall be prescribed by regulations aforesaid or specially agreed between the Minister and the person receiving such inmate :

Provided that the Minister shall not make payment for the maintenance and education of any such inmate whose age exceeds twelve years, and that no such license shall be of force after the inmate has attained the age of twenty-one years ; and that, if an inmate placed out under this section, and being under the age of fourteen years, has not reached the standard of education prescribed by any regulations under the ninetieth section of "The Education Act, 1877," it shall be part of the terms on which he is so placed out that he shall have reasonable opportunity of continuing his education until he has attained the age of fourteen years.

Notwithstanding license, Minister may order inmate to return to school.

56. The Minister may at any time during the term for which an inmate is licensed out under this Act, or the hereby repealed Acts, require such inmate to return to the school in which he was last detained, unless he shall have been previously discharged as aforesaid.

Wages of licensed or apprenticed inmate, how disposed of.

57. All wages payable to or in respect of any inmate licensed under section *fifty-five* hereof, or apprenticed as hereinafter provided, or licensed out or apprenticed under the hereby repealed Acts, shall be payable to the manager who is his guardian for the time being, and, after payment by the manager thereof of all moneys necessary for the maintenance and education of such inmate, shall be deposited by such manager, in his official name only, in a trust account in the Post Office Savings Bank, which account shall also in the books of the Savings Bank be referred to or headed as "The Earnings of _____," naming the inmate; and the whole or any portion thereof may be at any time and from time to time withdrawn therefrom, on the application of the manager for the time being, if countersigned by the Minister or some person authorized by him, either generally or for any particular case, and may either be paid over in whole or in part to such inmate or into the Public Account of the colony as part of the Consolidated Fund of the colony, according as the Minister in his own absolute discretion shall direct.

Licensed inmate absconding held to have absconded from school.

58. Any inmate having any license as aforesaid, who shall abscond from the person named therein during the term mentioned in such license, or shall neglect or refuse to return to the said school at the expiration of the said term, or when required as aforesaid, shall be held to have absconded from the said school.

APPRENTICING.

Male inmates, how apprenticed to sea-service.

59. Whenever any male inmate being of the age of fourteen years at least shall be desirous of or be thought suited for being apprenticed to the sea service, the manager of the school in which he is detained may, with the consent of the

Minister, apprentice such inmate to the master or owner of any British ship trading with or registered at any port in the colony, and such apprenticeship shall be for such period of years as may be agreed upon, but so that no such apprenticeship shall be made to last beyond the time when such inmate will attain the age of twenty-one years.

5 **60.** The manager who is the guardian for the time being of any inmate, or other his guardian for the time being as hereinbefore mentioned, may, with the consent of the Minister, apprentice such inmate to some trade or calling with such person or persons as may be thought fit and proper for that purpose, 10 or to some art or trade to which the provisions of "The Government Apprentices Act, 1875," are made to extend with a master under that Act, but so that no such inmate shall be apprenticed under the age of twelve years, nor for a term extending beyond five years from the date of his apprenticeship, nor beyond the age of twenty-one years.

Inmates, how apprenticed to other callings.

15 **61.** No inmate shall be apprenticed under this Act unless he has passed the standard of education hereinbefore mentioned, or has attained the age of fourteen years.

Educational standard necessary before apprenticing.

20 **62.** Every indenture of apprenticeship made under this Act shall be in such form as the Minister shall approve, or as shall be prescribed, and shall be executed by the manager for the time being the guardian of such inmate, or other his guardian for the time being as hereinbefore mentioned, and by the inmate and the person to whom the inmate is to be bound, and such binding shall be as valid as if such inmate were of full age, and had bound himself.

Form of apprenticeship indenture, how executed.

25 **63.** Sections twelve and thirteen of "The Master and Apprentice Act, 1865," when applied to inmates apprenticed under this Act, shall be read as requiring the consent of the Minister instead of that of two Justices, as mentioned therein, in relation to the assignment, transfer, or discharge of apprentices.

Sections of "The Master and Apprentice Act, 1865," when applied to inmate how to be read.

30 **64.** The Minister, if from any cause whatsoever it shall seem desirable or expedient to him so to do, may, on the application either of the master or of the apprenticed inmate, requesting him to discharge such apprenticed inmate, inquire into the matter of such application, and either grant or refuse the same; and if the Minister shall grant such application he shall issue an order accordingly in the prescribed form, and every such order shall release and discharge the said master and apprenticed inmate, respectively, from the said apprenticeship, 35 and from every stipulation and agreement incident thereto.

Minister may release and discharge master or apprentice from apprenticeship.

40 **65.** In case any apprenticed inmate is guilty of any gross misconduct in the service to which such apprenticed inmate is bound, then, upon complaint being made to any Resident Magistrate, and upon notice to the manager who is the guardian for the time being of such apprenticed inmate, such Resident Magistrate may, by certificate under his hand, discharge such apprenticed inmate from such service, and such apprenticed inmate may, either in addition to being discharged or without being discharged as aforesaid, be, on the order of such Resident Magistrate, imprisoned with or without hard labour in any gaol for any term not exceeding one month.

Penalty for gross misconduct of apprentice.

45 **PENALTIES FOR OFFENCES.**

66. If the manager of any school, or any officer, teacher, or servant thereof, shall negligently or voluntarily permit any inmate thereof to escape therefrom, every such offender shall on conviction thereof forfeit and pay any sum not exceeding *twenty* pounds.

Penalty for or other officer permitting escape of inmate.

Penalty for inmate absconding, damaging property, or disobeying regulations.

67. If any inmate shall abscond from any school, or wilfully destroy or damage any real or personal property belonging to any such school, or wilfully neglect or refuse to obey or conform to any regulations made hereunder, such inmate shall, on conviction thereof in a summary manner before a Resident Magistrate, be ordered by the said Resident Magistrate to be sent back to the school in which he was detained, or to which he neglected or refused to return as mentioned in the *fifty-eighth* section hereof, there to be punished as shall be prescribed; and such inmate, if a male, shall, in addition to such punishment, be liable, at the discretion of such Resident Magistrate, to be privately whipped in such manner as the Resident Magistrate shall direct:

Provided that nothing herein contained shall prevent regulations being made hereunder, prescribing punishment by managers, without conviction before a Resident Magistrate, for inmates committing ordinary breaches of school discipline.

Absconding inmate may be taken by constable back to school, or taken before Resident Magistrate.

68. Any inmate absconding from a school may be immediately apprehended, without a warrant, by any constable, and forthwith taken back to the school from which he has absconded, or forthwith taken before any neighbouring Resident Magistrate to be dealt with according to law.

Penalty for person inducing inmate to abscond, or concealing absconded inmate.

69. Any person who shall directly or indirectly withdraw from any school any inmate thereof, or counsel or induce him to abscond therefrom before he has been regularly discharged, or who, knowing any such inmate to have been withdrawn or to have absconded from any school, shall harbour or conceal, or assist in harbouring or concealing, such inmate, or prevent him from returning to such school, shall on conviction thereof forfeit and pay any sum not exceeding *ten* pounds.

Penalty for person holding unlawful communication with inmate, or not leaving school when required by manager.

70. Any person who without lawful authority or excuse shall hold or attempt to hold any communication with any inmate of any school, or shall enter any such school, or any building or yard belonging thereto, and shall not depart therefrom when required so to do by the manager or other officer or servant of such school, shall on conviction forfeit and pay any sum not exceeding *twenty* pounds.

MISCELLANEOUS.

Information, &c., when deemed valid and sufficient.

71. Every information, conviction, order, or warrant under this Act shall be deemed valid and sufficient in which the matter therein dealt with is set forth in the words of this Act, and no conviction, order, or warrant shall be held void by reason of any defect therein: Provided it be alleged in such conviction, order, or warrant that the person therein dealt with had been adjudged to have done the act or acts therein referred to, and which brought him within the scope of this Act, or otherwise that such conviction, order, or warrant was lawfully made or issued under this Act.

Evidence as to order made under this Act.

72. Every order issued under this Act authorizing the detention of a child shall be executed and obeyed by the person to whom the same is directed or delivered, and shall be sufficient authority for the detention of the child therein mentioned, according to the terms thereof; and the production thereof, accompanied by a statement signed by the manager of any school that the child named in such order was duly received into and is at the signing thereof detained in such school, or has been otherwise disposed of according to law, shall, in all proceedings whatsoever, be sufficient evidence of the facts by this Act required to be stated in such order, or of the subsequent detention or identity of the child named therein until the contrary be proved.

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- 73.** In any action for anything done in obedience to such order as aforesaid by any person to whom the same may be directed, or by any other person by his authority or command, it shall be sufficient for the defendant to justify under such order alone, without setting forth the previous proceedings, in like manner as any Sheriff can and may justify under any writ of execution out of the Supreme Court in any civil action, and proof of the matters alleged shall be sufficient evidence in support of such plea. Order, how pleaded.
- 74.** No fee, emolument, or reward whatsoever shall be demanded or taken by any officer of the Resident Magistrate's Court, or Supreme Court, or District Court, for any matter or thing done in any of the said Courts, or by or before a Resident Magistrate or a Judge thereof, in pursuance of the provisions of this Act. No fees chargeable in Courts.
- 75.** Section twenty-three of "The Offences against the Person Act, 1867," shall apply to any person to whom any inmate is apprenticed hereunder, and also to any person with whom any inmate is licensed to reside hereunder, and the penalty imposed thereby is also hereby imposed for a neglect by such person to perform any part of the agreement entered into by him respecting such inmate. Section 23 of "The Offences against the Person Act, 1867," to apply.
- 76.** "The Justices of the Peace Act, 1866," or any Act for the time being in force regulating summary proceedings before Justices of the Peace, shall apply to all offences, payments, and orders in respect of which jurisdiction is given to a Resident Magistrate or to Justices of the Peace by this Act, or which are by this Act directed to be prosecuted, enforced, or made in a summary manner or on summary conviction. "Justices of the Peace Act, 1866," to apply.
- No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the prescribed form or forms to the like effect may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient. Proceedings not to be invalidated for want of form.
- 77.** Where power is by this Act given to do anything, it shall imply, unless the context shows that it was not so intended, that such power is capable of being exercised from time to time as occasion shall require; and in the case of appointments it shall include the power of suspending or removing persons from the office to which they were appointed, as often as occasion may require, and of making *ex-officio* appointments, and, in the case of authorizing any person, shall include the power of withdrawing the authority and of conferring it *ex officio*. Powers given by Act may be exercised from time to time.
- 78.** All persons now in office under the hereby repealed Acts in the schools mentioned in the Schedule hereto shall be deemed to have been appointed under this Act. Persons now in office deemed appointed under this Act.

REPEAL.

- 79.** "The Neglected and Criminal Children Act, 1867," "The Neglected and Criminal Children Act 1867 Amendment Act, 1870," "The Neglected Children's Act, 1873," "The Neglected and Criminal Children's Acts Amendment Act, 1875," "The Neglected and Criminal Children Acts Amendment Act, 1881," and "The Naval Training Schools Act, 1874," are hereby repealed. Repeal of existing Acts.

Schedule.

SCHEDULE.

GOVERNMENT SCHOOLS.

Name of School.	Where Situate.
Auckland Industrial School ...	Howe Street, Auckland; and Kohimarama, near Auckland.
Burnham Industrial School ...	Burnham, in the County of Selwyn.
Caversham Industrial School...	Caversham, near Dunedin.

LOCAL SCHOOLS.

Thames Orphanage	... Near Grahamstown.
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PRIVATE SCHOOLS.

St. Mary's Industrial School, Auckland Ponsonby.
St. Mary's Industrial School, Nelson Nelson.

By Authority: GEORGE DIDSBURY, Government Printer, Wellington.—1882.