

Children's Welfare Act 1954, Victoria

1955 – 1959

URL: http://www5.austlii.edu.au/au/legis/vic/hist_act/cwa1954167/

Details

The Children's Welfare Act 1954 (No. 5817) came into operation on 1 September 1955. It contained some significant changes to the Victorian system. It gave the government the power to establish its own institutions for the care of children and for the detention of young offenders. Non-government children's institutions were required to be registered with the Children's Welfare Department, and were subject to Departmental inspection. It also abolished the Department for Reformatory Schools, transferring responsibility for juvenile offenders and reformatory schools (from 1954 known as juvenile schools) to the Children's Welfare Department. The Children's Welfare Act 1954 replaced the term 'neglected child' by the term 'child in need of care and protection' – a term which was borrowed from the English Children and Young Persons Act 1933. In addition to this change in language, the Act widened the scope of children who could be judged as 'in need of care of protection'. After the new legislation came into operation in 1955, there were steep increases in the number of children coming into care in 1956 and 1957. The Children's Welfare Act 1954 was repealed by Children's Welfare Act 1958 (No.6219) on 11 April 1959.

The Secretary of the Children's Welfare Department described the 1954 Act as a 'very notable milestone on the road of progress in the child welfare field of this state'. The legislation was prepared in close consultation between the government and the many 'voluntary organisations' involved in the care of children.

However, in 1963, Tierney, the Victorian child welfare academic disputed such a view that the 1954 Act was a significant reform. Tierney depicted the Act as more of the same, 'with the outdated and offensive terminology taken out'.

Section 16 of the Act ('Every child or young person who answers to any of the following descriptions shall be deemed to be a child or young person in need of care and protection ...') set out the ways in which children could come into the care of the Department. The scope was made wider by the new legislation. For example, a description from the old legislation of children being in the circumstances of 'no visible means and no settled place of abode' was amended to 'no visible means or no settled place of abode'. The Secretary of the Department wrote in 1957 of this legislative amendment: 'This made it possible for more applications to be made to a Children's Court'.

The Act introduced a clause which stated that a child or young person could be found to be 'in need of care and protection' if he or she were not 'provided with sufficient or proper food nursing clothing medical aid or lodging or who is ill-treated or exposed'. This could be abbreviated on a child's records as NPSN. The 'not provided with sufficient nursing' assessment would typically be applied to infants (defined as children under 5 years), when a welfare worker judged that the physical needs of a child were not properly provided for.

Another new provision in the Act was Section 20(10) which enabled non-government institutions to apply for a child to become a ward of the state when the parent had defaulted in payments to the institution, for six months or more.

Non-offending children were now 'admitted', rather than 'committed' by the Children's Courts.

Part V of the Act relates to the Department's payment of maintenance to children's parents or carers. The 1954 Children's Welfare Act repealed the Children's Maintenance Act 1928. Part V of the 1954 legislation provided for the parents or carers of children in 'necessitous circumstances' to receive a weekly sum from the Department towards the child's maintenance. This provision assisted widows, deserted wives, and wives of prisoners to support their children and keep them in the family home. Children receiving this assistance did not come under the legal guardianship of the Department.

The Children's Welfare Act 1954 was repealed by Children's Welfare Act 1958 (No.6219) on 11 April 1959.

More info

Chronology

- Children's Welfare Act 1928, Victoria (1929 - 1955)
- Maintenance Act 1928, Victoria (1929 - 1958)
 - **Children's Welfare Act 1954, Victoria (1955 – 1959)**
 - Children's Welfare Act 1958, Victoria (1959 - 1971)
 - Social Welfare Act 1970, Victoria (1971 - 1978)
 - Community Welfare Services Act 1978, Victoria (1979 - 1983)
 - Community Services Act 1987, Victoria (1987 - current)

Related Entries

Related Glossary Terms

- [In Moral Danger \(c. 1939 - c. 1980\)](#)

Related Organisations

- [Children's Welfare Department, State Government of Victoria \(1924 - 1960\)](#)
- [Beth-el Children's Home \(1963 - c. 1983\)](#)

The Heather Anderson Home was established under the Infant Life Protection provisions of the Children's Welfare Act.

- [Department for Reformatory Schools, State Government of Victoria \(1901 - 1954\)](#)
The Department of Reformatory Schools was abolished by the Children's Welfare Act 1954.
- [Children's Welfare Advisory Council \(1954 - current\)](#)
- [Aborigines Welfare Board \(1957 - 1968\)](#)
- [Padua Hall \(1945 - 1960\)](#)
- [Heather Anderson Home \(c. 1967 - 1973\)](#)

The Heather Anderson Home was established under the Infant Life Protection provisions of the Children's Welfare Act.

Is amended by

- [Maintenance \(Consolidation\) Act 1957, Victoria \(1958\)](#)
- [Children's Welfare \(Amendment\) Act 1955, Victoria \(1955 - 1959\)](#)
- [Children's Court Act 1956, Victoria \(1957 - 1959\)](#)

Amends

- [Children's Court Act 1928, Victoria \(1929 - 1957\)](#)

Related Concepts

- [Stolen Generations](#)