

# Community Welfare Services Act 1978, Victoria

1979 – 1983

**Other Names:** • Social Welfare Act 1970

**URL:** [http://www5.austlii.edu.au/au/legis/vic/hist\\_act/cwsa1978300/](http://www5.austlii.edu.au/au/legis/vic/hist_act/cwsa1978300/)

## Details

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The Community Welfare Services Act 1978 (No. 9248) brought into being the Department of Community Welfare Services. It amended the Social Welfare Act 1970, and provided that its title be changed to the 'Community Welfare Services Act 1970'. The 1978 Act defined the objectives and philosophies guiding child welfare in Victoria in the late 1970s, with an emphasis on prevention, and supporting and enhancing family life. Sections of the legislation commenced on different dates from 24 January 1979. Most sections of it were repealed by the Statute Law Revision (Repeals) Act 1982 (No. 9836) on 5 January 1983 and (remaining sections) Community Welfare Services Amendment Act 1983 (No.9879) on 10 May 1983.

The 1978 Act shows another shift in the language being used by the Government. In 1954, the Department abandoned the term 'neglected child' and replaced it with 'child in need of care and protection'. With the Community Services Act 1978, this changed again to the term 'child or young person in need of care'.

The 1978 legislation also amended the categories of a child and young person in need of care. The new Act abandoned the 'likely to lapse into a life of vice or crime' and 'in moral danger' provisions. The relevant section of the Community Welfare Services Act is as follows:

*19 (1). Every child or young person under 17 years of age who is in need of care by reason of any of the following shall be admitted to the care of the Department, namely:*

- a. The child or young person has been ill-treated or is likely to be ill-treated, or his physical, mental or emotional development is in jeopardy;*
- b. The guardians of or persons having the custody or responsibility for the child or young person are unable or unwilling to provide adequate supervision and control over the child or young person;*
- c. The guardians of the child or young person are dead or incapacitated and no other appropriate persons are available to care for the child or young person;*
- d. The child or young person has been abandoned and his guardians or persons having the custody of or responsibility for him cannot, after reasonable inquiries, be found.*

The Act defined the objectives and philosophies guiding child welfare in Victoria in the late 1970s, with an emphasis on prevention, and supporting and enhancing family life. Section 19(2) provided that a child would not be admitted to the care of the Department unless all reasonable steps had been taken by the Department to enable the child to remain in the care of his or her family.

# More info

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## Chronology

- Social Welfare Act 1960, Victoria (1960 - 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 Organisations

- [Department of Community Welfare Services, State Government of Victoria \(1978 - 1985\)](#)

### Amends

- [Children's Court Act 1973, Victoria \(1974 - 1992\)](#)

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