

Infant Protection Act 1904, New South Wales

1904 – 1923

URL: <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-1904-27>

Details

The Infant Protection Act of 1904 (27/1904) was also known as ‘An Act to make further and better provision for the protection, maintenance, education and care of infants; and to provide for the inspection, supervision, and control of places established or used for their reception and care.’ It was intended to reduce infant mortality amongst ‘illegitimate’ children by supervising ‘nursing homes’ and institutions where single mothers placed their babies so they could work. The Act also made it easier for single mothers to claim maintenance from the child’s father. This Act was amended by the Neglected Children and Juvenile Offenders Act 1905 and was repealed in 1923 by the Child Welfare Act.

The Infant Protection Act of 1904 was a law developed after the 1903 Royal Commission into the Decline of the Birth Rate. That inquiry had been led by Dr Charles Mackellar and other medical specialists who were interested in reducing the high rate of infant mortality in Sydney and preventing unlicensed child care and fostering, which was popularly called ‘baby-farming’. The Commissioners had recognised that unmarried mothers turned to unlicensed carers as they had to work, yet babies who were not breastfed were vulnerable to gastroenteritis and ‘summer fever’, which was essentially poisoning from milk that was off or adulterated.

Mackellar was passionate about reducing infant mortality in Sydney and had chaired important inquiries into the city’s low birth rate, high rate of infant deaths and the risk of ‘baby-farming’, or unlicensed fostering of tiny babies. Mackellar knew the babies of single mothers were vulnerable, as single mothers usually had to work, so placed their young babies with unlicensed foster mothers. Proper formulas did not exist, and milk supplies were unreliable and unsafe so any baby that was not being breastfed by its mother was at risk of gastroenteritis and other illnesses. In addition, babies were often given unsuitable foods and medicines.

In 1904 Mackellar became the head of the State Children’s Relief Board so introduced this law to make sure the care of babies was at a reasonable standard. During his tenure (1904-1914) he opened several State Children’s Relief Board homes that were designed to keep unmarried mothers and babies together during the critical first months. Mackellar was adamant that breastfeeding was best for the health of the child, and said the strong bonds created between mother and baby during this period would help the mother, as well as motivate her to do the best for her baby’s welfare during its infancy. Mackellar hoped to help mothers keep their babies after weaning, but if that could not happen, the babies had at least reached the age where they would survive being boarded out.

This Act also contained important provisions to help single mothers claim support from their child’s father.

More info

Chronology

- **Infant Protection Act 1904, New South Wales (1904 – 1923)**
 - Child Welfare Act 1923, New South Wales (1923 - 1939)
 - Child Welfare Act 1939, New South Wales (1939 - 1987)
 - Adoption of Children Act 1965, New South Wales (1965 - 2003)
 - Adoption Act 2000, New South Wales (2000 - current)

Related Entries

Related Glossary Terms

- [Baby Farming \(c. 1867 - c. 1910\)](#)
- [Infant Life Protection \(1890s - 1960s\)](#)

The Infant Protection Act 1904 was the first ILP legislation in New South Wales.

Related Organisations

- [Sydney Norland Nurseries \(1908 - 1945\)](#)

Sydney Norland Nurseries was licenced under the Infant Protection Act.
- [Shaftesbury Home for Babies and Mothers \(c. 1913 - 1915\)](#)
- [Dr Dill Macky Memorial Home for Children, Auburn \(1917 - 1982\)](#)
- [Sydney Home for Babies \(1910 - 1911\)](#)

The Sydney Home for Babies was closed because it was refused a licence under the *Infant Protection Act*.
- [Corelli Hospital for Women \(1919 - c. 1945\)](#)
- [State Children's Relief Board \(1881 - 1923\)](#)
- [State Children's Relief Department \(1881 - 1923\)](#)
- [Children's Court of New South Wales \(October 1905 - current\)](#)
- [Eastwood Home for Mothers and Babies \(1915 - 1922\)](#)
- [Hillside Home for Mothers and Babies \(1913 - 1920\)](#)
- [Santa Marina \(1919 - 1930?\)](#)
- [Cicada Home \(1911 - 1930s\)](#)
- [Thirlmere Babies' Home \(1907 - 1913\)](#)
- [Home for Mothers with Infants, Croydon \(1909 - 1911?\)](#)

Is amended by

- [Neglected Children and Juvenile Offenders Act 1905, New South Wales \(1905 - 1923\)](#)

Related Legislation

- [Deserted Wives and Children Act 1901, New South Wales \(1901 - 1964\)](#)

The Infant Protection Act replaced the clauses relating to illegitimate children in the Deserted Wives and Children Act 1901

Resources

- Weigall, Cecil Edward, *Infants' custody, maintenance & protection acts, (N.S.W.) : being Deserted Wives & Children Act, 1901; Infant Protection Act, 1904; Infants' Custody and Settlements Act, 1899; Infant Convicts' Adoption Act, 1901; Destitute Children's Society Act, 1901; State Children Relief Act, 1901; Children's Protection Act, 1902; and Neglected Children and Juvenile Offenders' Act, 1905, and regulations thereunder*, 1908
- Department of Justice, [History](#), Children's Court of New South Wales, 2012
- Parliamentary Counsel's Office, [NSW legislation](#), No date
- ["The Death Roll": The Babies' Home: Condemnatory Reports: Mother's Complaint](#), The Sydney Morning Herald, 8 November 1911
- State Records Authority of New South Wales, [Dept of Community Services](#), No date
- [Fifth Sectional Report Covering the Administration of the Acts relating to State Children](#), Royal Commission to Inquire into the Public Service of New South Wales, August 1920

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