

# Destitute Persons Relief Act 1866, South Australia

1867 – 1872

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## Details

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The Destitute Persons Relief Act 1866-67 (No 12 of 30 Vic, 1866-7) commenced on 11 January 1867. Its full title was: An Act to provide for the Relief and Maintenance of Deserted and Destitute Persons, and the Education and Advancement in life of Orphan and Neglected, and Criminal Children, and for the Establishment and Government of Asylums, Schools, and other Institutions, for the better carrying into effect the above objects, and for other like purposes. It was repealed by the Destitute Persons Relief and Industrial and Reformatory Schools Act 1872 on 27 November 1872.

The Destitute Persons Relief Act 1866-67 created the Destitute Board which among other powers took on responsibility for 'orphaned', 'neglected' and 'convicted' children. The Act allowed for the establishment of industrial and reformatory schools and gave the Board the power to place children out as apprentices. As a result of this legislation children were moved out of the Destitute Asylum into temporary institutions and later into the Magill Industrial School.

This Act was divided into four parts dealing with different aspects of the care of children and adults who were destitute and in need of care and support.

Part 1 of the Act made it the duty of relatives to care for destitute persons who were members of their family. Men, who were husbands or fathers, were expected to maintain deserted wives and children, whether legitimate or illegitimate. Women were also expected to contribute to the support of illegitimate children.

Part 2 of the Act established the Destitute Board and outlined its duties and powers. The Board administered any funds allocated to care for the destitute. It controlled asylums and other institutions which took in people who were destitute, including schools for destitute and 'neglected' children. The Board could also appoint superintendents for any of these institutions. The 1866 Act repealed Act 8 of 1848 and made the Destitute Board, rather than the Children's Apprenticeship Board, responsible for apprenticing children.

Part 3 of the Act provided the government with the power to establish industrial and reformatory schools which were to be institutions specifically for 'neglected' and 'convicted' children. Schools established privately for these children, such as those run by religious organisations, were also to be regarded as reformatories or industrial schools if they were approved by the Board. As a result of the passing of this legislation children were moved out of the overcrowded Destitute Asylum.

Under the provisions of the Act, the term 'child' referred to boys and girls under the age of 16 and the term 'inmate' was to be used for any child detained in a school or reformatory.

The 1866 Act is of particular significance because it was the first legislation to introduce and define the term 'neglected child'. This label was given to abandoned children, including those found begging, 'wandering about',

sleeping outdoors or residing in a brothel. The definition also included children whom parents were 'unable to control'. The legislation allowed parents to request that their child be placed in an industrial school. If this occurred the parent took responsibility for the maintenance of their child in the school.

When the 1866 legislation was put into action, a child who fitted the definition, could be 'arrested' and brought before two justices in court on the charge of being 'a neglected child'. The court would usually commit the child to an institution under the control of the government. Until 1869, however, when the Magill Industrial School was established, the government was forced to use various temporary accommodations. The Act allowed that a child could be sentenced to the industrial school 'for not less than six months, nor more than seven years'. No child over the age of 16 was to remain in the school.

Children who were charged and convicted of criminal offences were not sent to an industrial school but rather to a reformatory where they could be detained for periods between one and seven years, until the age of 16. The Act allowed children sentenced to the reformatory to be transferred to the Industrial School for good conduct. The Government at this time was also authorised under the Act to pay subsidies for children maintained in private institutions. This meant that children in 'State' care could also be transferred to homes run by church organisations. These homes were subject to inspection by the Board.

Mandate forms to be used in committing children, either to a 'neglected child' to an industrial school or a 'convicted child' to a reformatory, were included as appendices to the Act.

Part 3 of the Act also gave the Destitute Board the power to place out children from industrial schools or reformatories with individuals willing to take in and care for them. The Board paid a subsidy to assist with the cost of caring for, clothing, and educating children placed out in this way until they reached the age of 16.

In addition the Act gave the Board the power to apprentice 'neglected children' for up to seven years to any 'such useful calling or occupation'. Children were generally sent out as domestic servants or farm hands. Their employers provided food, lodging and clothing in return for their work. Sometimes apprenticed children were paid a wage. As with the provisions of the 1848 Children's Apprenticeship Act, complaints by a child about maltreatment by an employer could result in the employer being fined ten pounds. The punishment for children who misbehaved, however, was committal to the 'nearest gaol or house of correction, there to be kept in confinement on bread and water for any time not exceeding fourteen days.'

Children who absconded from an industrial school or reformatory were also subject to punishment which included 'private whipping' for boys. The Act also included penalties for people who assisted children to abscond, harboured absconders or communicated with any child detained in institution.

Part 4 covered procedures and other general matters.

## More info

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### Chronology

- Maintenance Act 1843, South Australia (1843 - 1867)
- Destitute Asylum Act 1863, South Australia (1863 - 1867)
- Orphans Act 1848, South Australia (1848 - 1867)
- **Destitute Persons Relief Act 1866, South Australia (1867 – 1872)**
  - Destitute Persons Act 1872, South Australia (1872 - 1881)
  - Destitute Persons Act 1881, South Australia (1881 - 1927)
  - Maintenance Act 1926, South Australia (1927 - 1972)
  - Community Welfare Act 1972, South Australia (1972 - current)

### Related Entries

## Related Organisations

- [Boys Reformatory, Magill \(1891 - 1967\)](#)
- [Destitute Asylum \(1851 - c. 1917\)](#)
- [Destitute Board, South Australian Government \(1849 - 1886\)](#)

The Destitute Persons Relief Act 1866 established the Destitute Board.

- [Brighton Industrial School \(1867 - 1869\)](#)
  - [Ilfracombe, Boys Reformatory \(1869 - 1880\)](#)
  - [Magill Industrial School \(1869 - 1898\)](#)
  - [Boys' Reformatory, Magill \(1869 - 1880\)](#)
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