

# Child Protection Act 1974, Tasmania

1974 – 1998

URL: [http://www.austlii.edu.au/au/legis/tas/num\\_act/cpa1974104o1974223/](http://www.austlii.edu.au/au/legis/tas/num_act/cpa1974104o1974223/)

## Details

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The Child Protection Act 1974 (Act No.104/1974) was intended to protect children under 12 from abuse. The long title of the Act was 'An Act to provide further and better protection for children of tender years who have suffered from beatings or other cruel treatment'. Before its introduction, Tasmanian child welfare legislation had focused more on neglect than abuse. This legislation was repealed by the Children, Young Persons and Their Families and Youth Justice (Consequential Repeals and Amendments) Act 1998.

The long title of the *Child Protection Act* was 'AN ACT to provide further and better protection for children of tender years who have suffered from beatings or other cruel treatment'.

Part 1 Section 2 (3) of the Act stated that:

*For the purposes of this Act, a child may be regarded as having suffered cruel treatment notwithstanding that the treatment was not intended to be cruel or was not intended to result in injury to the child; and the neglect, or failure to perform any act required for the welfare, of the child may constitute cruel treatment of that child.*

Part 1 Sections 3 to 6 of the Act provided for the establishment of a Child Protection Assessment Board with five members appointed by the Governor. The Chairman was a legal practitioner and there was also a paediatrician, a doctor with experience in treating 'mental disorders', and someone with social work experience. The Board could receive and act on notifications of abuse.

Part 3 Section 8 (1-2) enabled anyone who believed that a child under 12 had been abused could make a verbal or written report to the Board. Under a system of mandatory reporting introduced by the Act, people working in specific areas designated by the Governor were obliged to report suspected cases of abuse in writing.

Under Part 3 Section 10 (1-2) and Section 11 (1), after investigation, the Board could refer the matter of abuse to a magistrate who could detain the child for up to 60 days in a hospital or other institution that had the facilities for treating children with injuries. The magistrate could also order that the child be made a ward of state under the *Child Welfare Act 1960*.

The government amended the *Child Protection Act* in 1986.

## More info

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# Related Entries

## Related Events

- [Tasmanian Task Force on Sexual Abuse \(1989\)](#)  
The Tasmanian Task Force on Sexual Abuse recommended amending the *Child Protection Act* 1974 so that restraining orders could be placed on perpetrators and so that they could be forced to leave the child's home.

## Related Legislation

- [Children, Young Persons and Their Families Act 1997, Tasmania \(2000 - current\)](#)

## Related Organisations

- [Child Protection Assessment Board \(1975 - 1991\)](#)  
The Child Protection Act 1974 established the Child Protection Assessment Board.

## Is amended by

- [Child Protection Act Amendment Act 1990, Tasmania \(1990 - 1998\)](#)
- [Child Protection Amendment Act 1982, Tasmania \(1982 - 1998\)](#)
- [Child Protection Amendment Act 1986, Tasmania \(1986 - 1998\)](#)
- [Child Protection Act 1978, Tasmania \(1978 - 1998\)](#)
- [Child Protection Act 1975, Tasmania \(1975 - 1998\)](#)
- [Child Protection Amendment Act 1987, Tasmania \(1987 - 1998\)](#)

# Resources

- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), [To Remove and Protect](#), 2014

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