

# Child Welfare Act Amendment Act 1962, Western Australia

1962 – 2004

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## Details

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The Child Welfare Act Amendment Act 1962 (Act no.1962/022 (11 Eliz. II No.22)) was passed on 4 October 1962 and commenced on 1 December 1962. This Act (s.3) amended the Child Welfare Act 1947 to make the director of the department responsible for child welfare the guardian of all children who were wards of the State, to enable the Minister to extend the period of probation (s.6) and (s.5) to enable the Children's Court to hear cases of indecent dealing with girls under 13 years of age and other assaults on children. The Minister was also able to order (s.8) that a child without an apparent guardian could be made a ward of State even if the child was not 'destitute' or 'neglected'. The Child Welfare Act Amendment Act 1962 was repealed by the Children and Community Services Act 2004.

The *Child Welfare Act Amendment Act 1962* (s.3) amended the *Child Welfare Act 1947* to enable the Director of the Child Welfare Department to become the guardian of all children who were wards of the State. The Act as it stood gave the director the powers of a guardian, but did not actually make that appointment. The definition of 'ward' was broadened somewhat in this amendment, by substituting the phrase 'children committed to the care of the department' with the term, 'ward'. The Hon. Minister for Transport explained this change in the Bill's second reading speech (*Hansard* 4 September 1962, p.821): 'This amendment will give the director the right to utilise the facilities at his disposal in the treatment of all wards, including those committed to an institution'.

The amendments (s.6) also gave the Minister the power to extend a period of probation for a young person whose committal ended before they reached 18 years of age.

The most important change made by the *Child Welfare Act Amendment Act 1962* was, according to Minister Craig (p.820), the ability to hear cases of assaults on children, including 'indecently dealing with a girl under 13' in the Children's Court rather than in an adult court (s.5). This was an important amendment, because when these matters were heard in an adult court, the proceedings were open to the public, including the child's cross-examination. The intent was to make the ordeal of going to court less onerous for the child. 'This is being done', said Minister Craig (pp.820-821), 'for the sake of the children involved'.

Section 8 enabled the Minister to 'commit a child to the care of the Department' if it appeared to the Minister that a child was 'without parent or guardian, or the whereabouts of any parent, near relative or guardian of the child are not readily ascertainable', even if the child was not a 'destitute or neglected child' within the meaning of the Act.

Section 14 enabled both male and female inspectors to check on the welfare of 'illegitimate' children. Previously, this task had been confined to female inspectors.

The *Child Welfare Act Amendment Act 1962* was repealed by the *Children and Community Services Act 2004*.

# More info

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## Related Entries

### Related Organisations

- [Child Welfare Department, State of Western Australia \(22 December 1927 - 15 June 1972\)](#)  
The Child Welfare Department administered the *Child Welfare Act Amendment Act 1962*.

### Amends

- [Child Welfare Act 1947, Western Australia \(1948 - 2006\)](#)

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