

Destitute Persons Relief Ordinance, Western Australia

1845 – 1994

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_10987_homepage.html

Details

The purpose of the Destitute Persons Relief Ordinance 1845 (9 Vict. No. 2) was to stop people avoiding their financial responsibilities towards their dependents (usually women and children), but it also had a mechanism to put children into the 'care' of others. Section XI of the Ordinance allowed children over the age of ten years who were subject to an order of maintenance under the Ordinance to be 'indentured' to work as an apprentice to 'any master or mistress willing to receive' them in any 'suitable' trade, business or employment until they were 18 years old. There was a limited ability for the court to oversee wages, the 'reasonable provision' of clothing and 'proper and humane treatment' of these children. The Ordinance also set out the grounds on which either the apprentice or the master (or mistress) could make a complaint and what penalties might be given. The Act was repealed by the Statutes (Repeals and Minor Amendments) Act 1994 (No 73 of 1994).

In 1845, a law to make families support their destitute relatives was passed in the Colony of Western Australia. This ordinance sought in particular to ensure that the property of family could be seized by the government to support wives and/or children in the event of the husband deserting them or if he became sick or died. As the ordinance explained: 'it has happened that wives and families have been left without adequate support, and it is expedient that the property and means of such husbands, parents, and other near relatives, should be made available for the relief of those who have a natural or just claim to their assistance' (s.1). This ordinance put a burden upon family members to show good cause why they could not support their destitute relatives (s.2).

In the case of a husband or wife deserting the other and/or any children of the marriage and failing to provide support, there was an additional penalty of a fine or imprisonment (s.3).

If a husband or near relative left the Colony to avoid paying support, Justices of the Peace were authorised to seize and sell property or redirect rents to pay for the maintenance of their family (s.4). If a husband applied to leave the Colony and intended to leave his wife and any legitimate or illegitimate child under the age of 10 years behind, he was expected to give a surety to the Colonial Secretary for the maintenance of this family in his absence. Otherwise, the Colonial Secretary could refuse to permit his departure by sea (s.5).

Interestingly, a husband and wife were not required to provide proof of marriage for this Ordinance to take effect. It was enough to prove that the couple had 'arrived and resided together in this colony as reputed man and wife' (s.6).

In relation to illegitimate children, 'no man shall be taken to be the father of any illegitimate child upon the oath of the mother only' but if the Justice was satisfied of parenthood, he could require the mother to contribute to the child's support if she had the means, even to the exclusion of the putative father if the Justice deemed her to have sufficient resources (s.8).

Justices had the power (s.11) to apprentice out any child between the ages of 10 and 18 years who was subject to this Ordinance.

The Ordinance was assented on 23 July 1845.

More info

Related Entries

Related Organisations

- [Colonial Secretary's Office, Crown Colony of Western Australia \(30 December 1828 - 1890\)](#)

Resources

- Hetherington, Penelope, *Paupers, Poor Relief and Poor Housing in Western Australia 1829 to 1910*, 2009

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