

Industrial and Reformatory Schools Act 1893, Western Australia

1893 – 1907

URL: http://www.austlii.edu.au/au/legis/wa/num_act/iarsa189356vn5458/

Details

The Industrial and Reformatory Schools Act 1893(1893/005) amended the Industrial Schools Act 1874. It classified children ('inmates') into two types: those children deemed 'neglected' or in need of protection and those children who had been convicted of offences and were therefore 'juvenile offenders'. The juvenile offenders were sentenced to a reformatory school and the other children were sent to an industrial school (which could be the same institution). This Act also increased the age of a 'child' from 14 to 16 years, allowing more years of control. It was repealed by the State Children Act 1907.

The *Industrial and Reformatory Schools Act 1893* amended the *Industrial Schools Act 1874*. The need for the Act, according to the Attorney General Hon. S Burt (*Hansard* 28 November 1892 pp.187-188), came to the Government's attention through the education authorities at Fremantle. 'This is a Bill that has long been required', said the Attorney, 'for we know that in Perth and Fremantle especially there are children running about the streets who do not go to school, and over whom the parents have to admit they have no control; and it is for this class of neglected child that the Bill provides education and maintenance'. He went on to give a brief overview of the main points of the Bill:

In a reformatory school will be kept only children who are neglected, and in an industrial school will be retained neglected children who are not convicted... There are provisions in the Bill for putting out to service all the children in either class of school, in the country districts or elsewhere, under certain conditions... the parent or step-parent of any such inmate may be summoned for contributions towards the expenses of the child while in the school, and an order for contributing towards such maintenance may be made... industrial training of the children will be attended to, and ministers of religion will have access to children of their particular denomination in the school.

In the committee stage of the Industrial and Reformatory Schools Bill (*Hansard* 2 December 1892 pp.278-279), members of the Legislative Assembly debated whether a child's parents or the chairman of the District Board of Education should have the power to declare a child 'beyond the control' of the parent and, therefore, neglected. Mr Traylen MLA gave an emotive example of 'out of control' children and the reluctance of parents to have these children removed to an industrial school:

...there were children in Perth who not only did not go to school, but who did not go home for nights together, and, if interfered with or remonstrated with by their widowed mother, perhaps, would throw a brick at her. These children were altogether beyond their parent's control, yet... in very few cases, if the parent

were asked to make a declaration to that effect in order to have the child sent to an Industrial School, would the parent be willing to make such a declaration.

The Industrial and Reformatory Schools Bill did not intend to repeal the *Industrial Schools Act 1874*. The Attorney General (*Hansard* 2 December 1892 p.279) explained why this was so: the Industrial and Reformatory Schools Bill 'allowed magistrates, instead of convicting a child' to 'send them at once to a Reformatory School'. The *Industrial Schools Act 1874* 'only empowered the Governor to send a child to a Reformatory School after he had been convicted'.

In the third reading committee stage of the Industrial and Reformatory Schools Bill *Hansard* 9 December 1892 pp.352-353), members of the Legislative Assembly debated the powers of certified managers of orphanages under the proposed legislation. Mr Traylen MLA was concerned that these managers 'were not always as careful as they ought to be'. He gave the example of an adolescent girl who had been sent out to service from one of the institutions and 'had an extremely unhappy experience' and 'finally got into such a condition that she had to be taken to the House of Mercy'. He went on to outline what he felt was a very poor response by the Orphanage, which had sent the girl to service: 'The certified manager of the Orphanage to which she belonged had, he believed, declined to do anything such as a parent would be able to do under these circumstances...the unhappy creature was so young that he was not at all sure whether she would survive the act of child-bearing.'

Mr Traylen MLA also argued that a parent whose under-age child became pregnant may well have the child removed from their care, but when this happened while the child was under the control of an orphanage, there was no penalty applied to the manager of the orphanage. He found this 'extremely hard'. Following on from this, the Attorney General explained that the managers would not be guardians as they sometimes were under the *Industrial Schools Act 1874*. The debate moved on with no more discussion of orphanage managers' legal or moral responsibility to children in their care.

At the second reading of the Industrial and Reformatory Schools Bill in the Legislative Council *Hansard* 14 December 1892 pp.390-391), the Colonial Secretary Hon. SH Parker, explained that any 'inmates' of industrial or reformatory schools who inherited money or owned revenue-generating estates would have that money invested in trust by the 'superintendent' (certified manager), until the child was 21 years old. According to the Hon J Morrison, it was found when the Bill was discussed in committee on 15 December, that some of 'this class of children have very large estates left to them'. However, the Legislative Council believed the Bill provided sufficient protection for the children's assets.

In debating the Bill in the committee stage in the Legislative Council *Hansard* 15 December 1892 pp.402-403), the Hon JGH Amherst said that the leaving age of 16 years seemed 'rather high'. The Colonial Secretary explained that it was consistent with the age 'universally adopted in the other colonies.' The reason 'was to send the children to the schools, instead of to prison, and if any age less than sixteen were adopted one of the principal objects of the Bill would be defeated'. During this session, the Legislative Council struck out a sub-section of Clause 7 which would have made 'any child born of an aboriginal or half-caste mother a neglected child' (p.403).

The *Industrial and Reformatory Schools Act 1893* was assented to and came into operation on 13 January 1893. The Act (s.5) defined a 'child' to be apparently under the age of 16 years (rather than 14 as in the 'Industrial Schools Act 1874'). Neglected children were described (s.6) and could be taken by any police officer to a Justice of the Peace to be detained in an Industrial School (s.7). Children who were convicted of 'any offence punishable by law' were to be detained in a Reformatory School for 2-7 years (s.9).

Institutions classed as 'industrial schools' previously could be 'taken to be an Industrial or Reformatory School' under the new Act (s.37) but the Rottneest Island Reformatory was stipulated as a reformatory school (s.34). The Act made it lawful to whip or extend the term of a young person who ran away (absconded) from an institution (s.26).

The Act described the roles of managers, teachers and other officers (s.3-4), and enabled the Governor to discharge a child (s.14). It prescribed the process of putting the young people out to service (s.15) and gave

sweeping powers to the managers of institutions to control the property (if any) of children under their guardianship (s.19-24).

The Rottnest Island Reformatory was scheduled under the Act, enabling children to be kept there until they were 16 years old.

The *Industrial and Reformatory Schools Act 1893* was repealed by the *State Children Act 1907*.

More info

Chronology

- Industrial Schools Act 1874, Western Australia (1874 - 1893)
 - **Industrial and Reformatory Schools Act 1893, Western Australia (1893 – 1907)**
 - State Children Act 1907, Western Australia (1907 - 1948)
 - Child Welfare Act 1947, Western Australia (1948 - 2006)
 - Children and Community Services Act 2004, Western Australia (2004 - current)

Related Entries

Related Glossary Terms

- [Neglected Child \(c. 1864 - 1970s\)](#)

Related Legislation

- [Aborigines Act 1905, Western Australia \(1906 - 1964\)](#)

In debating the *Industrial and Reformatory Schools Act 1893* before it was passed, the Legislative Council struck out a sub-section of Clause 7 which would have made 'any child born of an aboriginal or half-caste mother a neglected child'. This concept later became part of the *Aborigines Act 1905* (s.8) when the Chief Protector of Aborigines was made the legal guardian of these children.
- [Factories Act 1904, Western Australia \(1904 - 1920\)](#)

Related Organisations

- [Government Industrial School \(1893 - 1907\)](#)

The Government Industrial School was established after the passage of the *Industrial and Reformatory Schools Act 1893*.

Resources

- Hetherington, Penelope, [Reformatories](#), Historical Encyclopedia of Western Australia, 2009

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