

Industrial Schools Act 1874 Amendment Act 1877, Western Australia

1877 – 1893

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_10465_homepage.html

Details

The Industrial Schools Act 1874 Amendment Act 1877 amended the Industrial Schools Act 1874. It stopped children who were voluntarily placed in an industrial school from coming under the guardianship of the manager of that institution until they had been there for at least one year (s.2). The manager's power to apprentice children without their consent was also removed (s.3). The Act was repealed by the State Children Act 1907.

The *Industrial Schools Act 1874 Amendment Act 1877* amended the *Industrial Schools Act 1874*.

The Acting Colonial Secretary Hon A O'Grady Lefroy explained (*Hansard* 17 July 1877 p.35) that the Government believed the amendments to guardianship were necessary to 'remedy an evil' by the manager of one of the institutions certified under the *Industrial Schools Act 1874*: 'In the case alluded to, a child, without receiving any benefit whatever from the institution in question, had been apprenticed by the certified manager, who had exercised the powers and privileges of a lawful guardian over the child.'

In debating the amount of time a child should be in an institution before the manager can obtain powers of guardianship over the child during the committee stage of the Bill (*Hansard* 23 July 1877 pp.64-65), members of the Legislative Council had a number of different views. The Bill suggested a child should be in the institution for three years before granting guardianship to the manager. Mr Steere thought this 'would operate very injuriously indeed' against the institution which would not be able to apprentice the child unless their consent was obtained and would thus have to continue to keep them on the institution's 'very small funds'. Mr Marmion thought one year would be an appropriate period. Mr Brown said it would be 'detrimental' to have any fixed period because if the orphanage 'did not assume this parental control over an orphan, who was to do so?' Mr Randell supported the 'wholesome' three-year period, which would 'prevent many a wrong being committed'. Mr Padbury felt three months would be better, because it 'would be a great mistake to interfere too much with the managers of...orphanages, which were doing a great deal of good without any ostentation'.

Although the Bill was passed with the three year period, when the Act was proclaimed the period before granting guardianship had been reduced to one year (s.2), as Mr Marmion had suggested.

During the debate in committee on 23 July, the Legislative Council also had a small discussion about the need to gain the consent of young people in institutions before they were apprenticed. The Attorney General agreed that the law already required apprentices to consent to indenture. Mr Randell, however, felt that it was 'desirable, in the interests of humanity' that the young person's consent should be obtained by the manager of the institution. The need for consent was included in the Act (s.3).

In a further debate on the Bill (*Hansard* 1 August 1877 p.95), members of the Legislative Council discussed whether or not Aboriginal children should be covered by the Act. One of the Members, Mr Brown, had been told by 'a gentleman' that the proposed amendments 'dealt a severe blow at the native missions of the Colony'. Others felt there was no need to alter the Bill and it was passed in the form agreed after the committee stage, with no mention of Aboriginal children.

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