

Child Welfare Ordinance 1958, Northern Territory

1959 – 1984

URL: http://www5.austlii.edu.au/au/legis/nt/reprint_ord/cwo19581960168/

Details

The Child Welfare Ordinance 1958 (Act no. 20/1958) replaced the South Australian State Children's Act 1895. Its full title was 'An ordinance relating to the welfare of children'. It was passed on 14 November 1958 and commenced on 2 February 1959. The Child Welfare Ordinance 1958 appointed the Director of Welfare as the guardian of every State child and established the first Children's Court in the Northern Territory. It was repealed by the Community Welfare Ordinance (Act) 1983, which commenced on 20 April 1984.

The passing of the new Ordinance was regarded as a significant turning point in welfare and legislative history in the Northern Territory because it passed full responsibility for child welfare services into the hands of the local Welfare Branch. The first Director of Child Welfare was also appointed under this Ordinance. The Director took on responsibility for the duties previously performed by the Chairman of the State Children's Council.

The Director was made the guardian of every State Child 'to the exclusion of the parent or other guardian' and he was 'responsible for the care, management and control of every State child and of the property of every State child.' The State Children's Council ceased to exist and instead a Child Welfare Council was appointed to advise the Director on all matters relating to child welfare.

In the 1958/59 report of the Welfare Branch the Ordinance was described as follows:

The Ordinance itself, modelled as it is on the best of the Australian and overseas legislation in this field, will undoubtedly provide the legislative framework by means of which effective child welfare services to meet the changing needs of the Northern Territory in this regard can be developed

The Ordinance also established the Children's Court in the NT for the first time. This Court could declare a child brought before the magistrate to be 'destitute', 'neglected', 'incorrigible' or 'uncontrollable'. The definitions in the 1958 Ordinance of 'neglected' and 'destitute' were similar to those in the 1895 SA Act. The Act did not provide definitions of the other terms.

Once charged, the Court could commit the child to the care of the Director or another person 'willing to undertake the care on such terms and conditions as the Court thinks fit'. The court could order a child to be sent to an institution up to the age of 18 or to be released on probation. Under the Ordinance, a State child who absconded from 'proper custody', such as from an institution or from foster care, was regarded as having committed an offence.

Most significantly the Ordinance allowed for State Children to be sent interstate. Section 68 stated that:

The Director may, with the approval of the Administrator, send a State child to a place within the Commonwealth in order that the child may be there placed under control, trained, educated, cared for and maintained in accordance with arrangements made by the Director.

This legislation, like the 1953 Welfare Ordinance, paved the way for a significant number of children to be sent, by the Director, to interstate institutions. The lack of welfare institutions in the Northern Territory made this a common occurrence.

The Child Welfare Ordinance 1958 was repealed by the Community Welfare Act 1983.

More info

Chronology

- The State Children Act 1895, Northern Territory (1895 - 1959)
 - **Child Welfare Ordinance 1958, Northern Territory (1959 – 1984)**
 - Community Welfare Act 1983, Northern Territory (1984 - 2008)
 - Care and Protection of Children Act 2007, Northern Territory (2008 - current)

Related Entries

Related Events

- [Interstate movement of Northern Territory children \(1930s - 1970s\)](#)

Is amended by

- [Child Welfare Amendment Act 1981, Northern Territory \(1981 - 1984\)](#)
- [Child Welfare Amendment Act 1982, Northern Territory \(1982 - 1984\)](#)
- [Child Welfare Amendment Act \(No.2\) 1982, Northern Territory \(1983 - 1984\)](#)
- [Child Welfare Ordinance 1964, Northern Territory \(1964 - 1984\)](#)
- [Child Welfare Ordinance 1960, Northern Territory \(1960 - 1984\)](#)
- [Child Welfare Ordinance 1965, Northern Territory \(1965 - 1984\)](#)
- [Child Welfare Ordinance 1967, Northern Territory \(1967 - 1984\)](#)
- [Child Welfare Ordinance \(No.2\) 1967, Northern Territory \(1967 - 1984\)](#)
- [Child Welfare Ordinance 1969, Northern Territory \(1969 - 1984\)](#)
- [Child Welfare Ordinance 1971, Northern Territory \(1971 - 1984\)](#)
- [Child Welfare Ordinance \(No.2\) 1971, Northern Territory \(1971 - 1984\)](#)
- [Child Welfare Ordinance 1973, Northern Territory \(1974 - 1984\)](#)

Related Organisations

- [Children's Court, Northern Territory](#)
- [Welfare Branch, Northern Territory Administration, Australian Government \(1955 - 1970\)](#)
- [Child Welfare Advisory Council, Australian Government \(1959 - current\)](#)

Related Legislation

- [Juvenile Justice Act 1983, Northern Territory \(1983 - 2002\)](#)

Related Concepts

- [Law in the Northern Territory \(1863 - current\)](#)