

Transfer of children from Australian Capital Territory (ACT) and Norfolk Island to New South Wales (NSW)

1941 – 1986

Details

A number of children and young people from the Australian Capital Territory (ACT) were transferred to New South Wales (NSW) to be placed in 'care'. Under a Commonwealth agreement called the Child Welfare Agreement Ordinance 1941, children who were committed to institutions by courts in the Australian Capital Territory went to placements in New South Wales. (Children from Norfolk Island could also be transferred to NSW if committed to an institution in the Court of Norfolk Island.) It is likely that some children went from the ACT to non-government Homes in NSW through other, less formal processes, such as being 'voluntarily' placed in a Home by their parents. Although in 1957 NSW child welfare legislation ceased to apply in the ACT, the transfer of children to NSW for detention and maintenance in State institutions continued, and the practice did not end until the 1980s.

The Child Welfare Agreement Ordinance 1941 was a Commonwealth Government law that approved an agreement between New South Wales Government and the Commonwealth Government, which was the government of the Australian Capital Territory and Norfolk Island at that time. The agreement was that children who were committed to an institution under the Child Welfare Act by the Supreme Court or the Court of Petty Sessions in Canberra could be transferred to institutions in New South Wales. Children from Norfolk Island could be transferred if committed to an institution in the Court of Norfolk Island.

According to the law, the child was to be escorted from the ACT or Norfolk Island by an officer of the court, and taken to a Metropolitan Shelter in Sydney. The child was then handed to the care of the Superintendent of the Metropolitan Shelter, along with the child's court papers. Once the child was handed over, she or he became the responsibility of the state of New South Wales, and was dealt with under the NSW Child Welfare Act. This meant the child could be placed in any NSW institution, or adopted, boarded out or apprenticed.

Where the child was placed once she or he arrived in NSW depended on whether the child was judged as neglected, uncontrollable or a juvenile offender. Those considered neglected were more likely to be boarded out (fostered), or apprenticed or adopted. Children who were considered uncontrollable or juvenile offenders were likely to be placed in training institutions such as Parramatta Girls Training School and Gosford Farm Home, but some children who were considered neglected were also placed in training institutions. It is likely that some children from the ACT who were placed in non-government Homes in NSW, like Bungarimbil Boys' Home and Boys' Town, Engadine, did not go through the courts before being placed in 'care'. Some children were likely 'voluntarily' placed in these Homes by their parents, or sent to a Home for temporary care during times of family crisis.

The Child Welfare Ordinance 1957 led to the creation of the Welfare Section in the ACT and a children's court through the ACT Court of Petty Sessions. Under the 1957 Ordinance, the ACT could establish its own depots, shelters, hostels and institutions, and to foster children within the ACT. However, the transfer of children from the ACT to NSW continued after this law was introduced.

From 1962, ACT children and young people were generally placed at the Quamby Youth Detention Centre before their transfer to NSW, regardless of whether they were committed for being neglected, uncontrollable or for juvenile offences.

The transfer of children from the ACT to New South Wales ended in the 1980s. This is because NSW state institutions closed down. The Australian Capital Territory achieved self-government in 1988 and set up a more complete child welfare program.

At the time of writing it is unclear whether children in Norfolk Island are covered to Commonwealth or New South Wales laws, or how many Norfolk Island children were transferred to the mainland over time.

More info

Related Entries

Related Legislation

- [Neglected Children and Juvenile Offenders Act 1905, New South Wales \(1905 - 1923\)](#)
- [Child Welfare Agreement Ordinance 1941, Commonwealth of Australia \(1941 - 1987\)](#)
The Child Welfare Agreement Ordinance 1941 provided that children could be transferred from ACT courts to institutional 'care' in New South Wales.
- [Child Welfare \(Commonwealth Agreement Ratification\) Act 1941, New South Wales \(1941 - current\)](#)
- [Child Welfare Ordinance 1957, Australian Capital Territory \(1958 - 1988\)](#)
New South Wales child welfare legislation no longer applied in the ACT after the passage of the Child Welfare Ordinance 1957, although children and young people continued to be transferred from ACT to NSW.
- [Child Welfare \(Commonwealth Agreement Ratification\) Act 1962, New South Wales \(1962 - current\)](#)

Related Organisations

- [Boys' Town, Engadine \(1939 - 2010\)](#)
- [Anglewood \(1943 - 1994\)](#)
- [St Heliers \(1945 - 1986\)](#)
- [Mount Penang Training School for Boys \(1946 - 1987\)](#)
- [Ormond, Thornleigh \(28 October 1946 - 1962\)](#)
- [Parramatta Girls Training School \(1946 - 1974\)](#)
- [Mittagong Training School For Boys \(1947 - 1976\)](#)
- [Bungarimbil Boys' Home \(1957 - 1983\)](#)
- [Daruk \(1960 - 1985\)](#)
- [Quamby Youth Detention Centre \(1962 - 2008\)](#)
With the establishment of Quamby Youth Detention Centre in 1962, children and young people were generally placed at Quamby before they were transferred to NSW.

Related Concepts

- [Law in the Australian Capital Territory](#)

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