

The Neglected Children's Act 1887, Victoria

1888 – 1890

URL: http://www5.austlii.edu.au/au/legis/vic/hist_act/tanca1887200/

Details

In 1887 following the proclamation of the Neglected Children's Act 1887 (No.941) and The Juvenile Offenders' Act (No.951) responsibility for 'neglected' children was transferred from the Department of Industrial and Reformatory Schools, to a Department for Neglected Children. A Department for Reformatory Schools assumed responsibility for convicted juveniles. This legislation is evidence of changing ideas about child protection. As Swain observes, in the Act, children are constituted 'not as potential threats but as future citizens entitled to protection from those who would do them harm; protection which extended beyond the public streets and into the private home'. The Neglected Children's and Juvenile Offenders Acts of 1887 further provided that all 'neglected' and reformatory children were to be made wards of the state.

In 1887 following the proclamation of the Neglected Children's Act (No.941) and the Juvenile Offenders' Act (No.951) responsibility for 'neglected' children was transferred from the Department of Industrial and Reformatory Schools, to a Department for Neglected Children. A Department for Reformatory Schools assumed responsibility for convicted juveniles. Although responsibility was statutorily separated in this manner it is evident that both departments continued to be administered jointly within the Chief Secretary's Department.

One feature of the Neglected Children's Act was that it expressly stated that there was no power given to the government to create any more industrial schools. The Secretary of the Department wrote in 1891 that this provision reflected how by the late 1880s, 'the foster-home, to which the child is sent from the receiving depot, [is] recognised as the proper home in future for all non-offending wards of the state'.

In a 1998 article Swain wrote that Victorian child rescuers had a strong influence on the provisions of the 1887 Act. The Act made it 'mandatory' (previously it had been 'permissive') to commit a child to the 'care' of the Department if he or she was living in a brothel. As Jaggs has observed, these provisions gave legal sanction to the work already being carried out in Melbourne's brothels by child rescuer Selina Sutherland.

Another prominent child rescuer, William Forster of the Try Society, was consulted in the course of developing the 1887 Act. As a result of Forster's information about children's involvement in street-trading and hawking, s18(4) of the Act amended the definition of 'neglected' child' to include any child 'engaged in casual employment' after dark.

Swain writes that the legislation gave child rescuers powers of intervention 'which paralleled those of the police'. The Act gave new statutory powers to 'specially authorised' private persons for apprehension and guardianship of children (Part IV of the Act).

In January 1888, Salvation Army officer James Barker was specially authorised as a person able to apprehend a child according to s.21 of the Neglected Children's Act 1887 (Victoria Government Gazette, 6 January 1888, p.9). Under s.62 of the Act, Barker was approved as a person to whose care 'neglected' children may be committed.

The Rev. J.W. Crisp, a Methodist minister who during the 1880s was Superintendent of Wesley Church and Chairman of the Home Mission Society, was authorised by the Victorian government to 'apprehend' children under the Neglected Children's Act 1887. His wife, Mrs Hope Crisp was also prominent in Methodist child rescue work in Melbourne.

The Neglected Children's and Juvenile Offenders Acts of 1887 provided that all 'neglected' and reformatory children were to be made wards of the state.

It was repealed by the Neglected Children's Act 1890 No. 1121 on 1 August 1890.

More info

Chronology

- The Neglected and Criminal Children's Act 1864, Victoria (1864 - 1888)
 - **The Neglected Children's Act 1887, Victoria (1888 – 1890)**
 - The Neglected Children's Act 1890, Victoria (1890 - 1915)

Related Entries

Related Organisations

- [The Salvation Army, Australian Territory \(1880 - 1921\)](#)
In January 1888, James Barker of The Salvation Army was specially authorised as a person able to apprehend a child according to s.21 of the *Neglected Children's Act 1887*.
- [Scots' Church Neglected Children's Aid Society \(1881 - 1895\)](#)
Selina Sutherland, of the Scots' Church Neglected Children's Aid Society, was licensed as a 'child rescuer' under the terms of the Neglected Children's Act 1887.
- [Gordon Institute \(1886 - 1951\)](#)
- [Australian Church Social Improvement Society \(1886 - 1957?\)](#)
The Act made provision for child rescuers to place 'at risk' children in suitable accommodation in country areas.
- [Department for Neglected Children, Colony of Victoria \(1887 - 1900\)](#)
With the passage of the Neglected Children's Act 1887, responsibility for neglected children was transferred from the Department of Industrial and Reformatory Schools, to the Department for Neglected Children.
- [St Joseph's Home for Destitute Children, The Society of St Vincent de Paul \(1888 - 1890\)](#)
In 1887, St Joseph's Home for Destitute Children was licensed to receive children under the Neglected Children's Act 1887.
Date: 1887 -
- [Livingstone House \(1888 - 1891\)](#)
- [Community of the Holy Name \(1888 - current\)](#)
The Community of the Holy Name at Cheltenham was established as a direct result of the Act.

Related Legislation

- [The Juvenile Offenders' Act 1887, Victoria \(1888 - 1890\)](#)
The Juvenile Offenders Act 1887 dealt with 'criminal children' as a separate group to neglected children, who were legislated for in the Neglected Children's Act 1887. This split marks a policy shift in Victoria since the Neglected and Criminal Children's Act of 1864.

Resources

- Maunders, David, *Two different worlds: cultural and political conflict in a 19th century boys reformatory*, 1987