

Child Welfare Act Amendment Act 1958, Western Australia

1958 – 2004

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_6789_homepage.html

Details

The *Child Welfare Act Amendment Act 1958* (s.4) amended the *Child Welfare Act 1947* to again increase the ability of authorities to take children into the 'care' of the Child Welfare Department and (s.5) extend a period of wardship from 18 to 21 years for all young people who were wards of State, not only 'female wards'. The Act (s.10) also removed any personal liability from the Minister, Director or officer of the department responsible for child welfare for anything 'done or omitted in good faith in or in connection with' their duties under the Act. The *Child Welfare Act Amendment Act 1958* was repealed by the *Children and Community Services Act 2004*.

The *Child Welfare Act Amendment Act 1958* (s.4) amended the *Child Welfare Act 1947* to enable the Minister to make an order to bring a child who was placed voluntarily in an institution under the 'care' of the Child Welfare Department. The Premier, the Hon. A.R.G. Hawke MLA, who was also the Minister for Child Welfare, explained this change to the parliament (*Hansard*, 13 November 1958, p.2219): 'Under the existing Act, children who are destitute or neglected can only be placed in the care of the Child Welfare Department, and become wards of the State, after they have been charged before a Children's Court and committed by the court to the care of the department.... This particular part of the Bill will give the Minister for Child Welfare the legal right to declare a child who has been placed voluntarily in a church reformatory institution, a ward of the Child Welfare Department... The Bill provides that where the Minister intends to declare such a child to be a ward of the department, the parents concerned shall have the right to ask the Minister for a reconsideration of the case; and where the Minister confirms his original intention, any parent concerned will have the right of appeal to a court... the essential purpose of the amendment is... to ensure that where parents default in regard to children placed in these church reformatory institutions, the institution management will obtain from the Child Welfare Department maintenance payments in respect to the children...'. The amendment would mean that a child did not have to be deemed destitute or neglected by the Children's Court under the definitions of the *Child Welfare Act 1947* even though those definitions had been broadened in the *Child Welfare Act Amendment Act 1952* (s.2) to include children whose parents did not pay their maintenance fees. The 1958 amendment short-circuited the need to go to court by giving the Minister the power to make an order of wardship.

The *Child Welfare Act Amendment Act 1958* (s.5) also enabled wardship to be extended from 18 years to 21 years for both males and females. Previously, a term of wardship could only be extended to 21 years for females. The Hon. HC Strickland MLC explained the reason for this amendment to the Legislative Council (*Hansard*, 26 November 1958, p.2330): 'The Governor was given the power to extend departmental care or detention until 21 years in the case of female wards, as it was found that many of these were too immature mentally or morally to be allowed full control of their activities, without the strong possibility of danger to themselves, and perhaps to others. There are also male wards, who are in a similar category, and the Bill seeks to permit the Governor to extend the term of their supervision or detention if it is considered to be in the ward's interest to do so.'

The Act (s.10) also removed any personal liability from the Minister, Director or officer of the department responsible for child welfare for anything 'done or omitted in good faith in or in connection with' their duties under

the Act.

The *Child Welfare Act Amendment Act 1958* was repealed by the *Children and Community Services Act 2004*.

More info

Related Entries

Related Organisations

- [Child Welfare Department, State of Western Australia \(22 December 1927 - 15 June 1972\)](#)
The Child Welfare Department was given additional authority through the *Child Welfare Act Amendment Act 1958*.

Amends

- [Child Welfare Act 1947, Western Australia \(1948 - 2006\)](#)

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