

The Neglected and Criminal Children's Act 1864, Victoria

1864 – 1888

URL: http://www.austlii.edu.au/au/legis/vic/hist_act/tnacca1864287/

Details

The Neglected and Criminal Children's Act 1864 (No.216) was the first piece of Victorian legislation to define situations where children might be removed from their parents. The Act provided for the establishment of industrial schools for 'neglected' children and reformatory schools for convicted juveniles. Superintendents and matrons were to be appointed and provision was made for inspection and reporting.

Prior to 1864 convicted children could, under the Criminal Law (Infants) Act 13 Vic., No.21 1849, be assigned by the Supreme Court to persons willing to undertake their 'maintenance and education'. When the 1864 Act came into being, 463 children were transferred from the care of the Superintendent of the Immigrants' Aid Society to the newly-established government schools, reported the Secretary of the Department for Neglected Children and Reformatory Schools in 1891.

In his 1891 report, the Secretary, George Guillaume, described the implementation of the new legislation back in the mid-1860s:

Under the head of 'neglected' children were comprised children found begging, children destitute of any home or means of subsistence, or Juvenile Offenders, who, from consideration of age and other circumstances, were considered not proper subjects for reformatory treatment. Children found in brothels, or associating with any thief, prostitute, drunkard, or vagrant, were also deemed 'neglected'. 'Uncontrollable' children were similarly dealt with on the parent giving security for the payment of their maintenance in the schools, but in the more recent legislation of 1887 ... the impropriety of bracketing these last with neglected children, pure and simple, has been recognised, and their committal has therein been separately provided for.

An amendment passed in 1874 (Neglected and Criminal Children Amendment Act 38 Vic., No.495 1874) contained the first provisions relating to boarding out, with s.16 providing that children in industrial schools may be boarded out. In practice, the government had been boarding out 'neglected' children for a number of years by the time the amendment was passed. The Act also gave recognition to the position of Inspector of Industrial and Reformatory Schools.

The 1874 amendment gave the courts power to transfer a 'neglected' child into the reformatory, when judges felt the child had been leading 'an immoral and depraved life'. Further amendments to the Act in 1878 made legal the transfer of a child from an industrial school to a reformatory (and vice versa) in any case where the Governor-in-Council deemed it appropriate. The 1881 amendment (No. 693) confirmed the payment of five shillings per week per child for their maintenance in such schools.

From 1887, there was separate legislation for 'neglected' children and 'offenders' in Victoria. The Neglected Children's Act no.941 and the Juvenile Offenders Act no.951 both came into operation on 1 January 1888.

The Amending Acts numbers were 495 1874, 626, 1878 and 693, 1881.

More info

Chronology

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

Related Entries

Related Events

- [Select Committee of Inquiry upon Penal Discipline, Victoria \(1856 - 1857\)](#)

Related Glossary Terms

- [Neglected Child \(c. 1864 - 1970s\)](#)

Related Organisations

- [Department of Industrial and Reformatory Schools, Colony of Victoria \(1864 - 1887\)](#)

The Department of Industrial and Reformatory Schools came into being with the passage of the Neglected and Criminal Children's Act 1864.
- [Ballarat Industrial School \(1869 - c. 1879\)](#)

The Ballarat Girls' Industrial School was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [The 'Success' \(1868 - 1873?\)](#)
- [Mintaro Reformatory Home for Girls \(1903 - 1912\)](#)
- [St Joseph's Industrial School \(1865 - c. 1895\)](#)

St Joseph's Industrial School was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [Convent of the Good Shepherd, Oakleigh \(1883 - 1981\)](#)

The Reformatory at the Convent of the Good Shepherd in Oakleigh was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [The Nelson \(1868 - 1876\)](#)

The Nelson was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [Reformatory for Boys \(1864 - 1893\)](#)

The Reformatory for Boys was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [Sunbury Industrial School \(1865 - 1879\)](#)

The Industrial School for Boys was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [Government Reformatory for Protestant Girls \(1864? - 1893\)](#)

The Government Reformatory for Protestant Girls was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [Bendigo Benevolent Asylum Industrial School \(1868 - 1885\)](#)

The Bendigo Benevolent Asylum Industrial School was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [Immigrants' Aid Society \(1853 - c. 1902\)](#)

Before the passage of the Neglected and Criminal Children's Act 1864, the Immigrants' Aid Society was one non-government organisation 'caring' for neglected children.

- [The 'Sir Harry Smith' \(1865 - 1873\)](#)
The *Sir Harry Smith* was established under the provisions of the Neglected and Criminal Children's Act 1864.
- [The 'Deborah' \(1864 - 1873?\)](#)

Is amended by

- [Neglected and Criminal Children's Amendment Act 1878, Victoria \(1879 - 1888\)](#)
- [An Act for the further Amendment of the Law relating to Neglected and Criminal Children 1881, Victoria \(1881 - 1888\)](#)
- [Neglected and Criminal Children's Amendment Act 1874, Victoria \(1875 - 1888\)](#)

Resources

- Barnard, Jill and Twigg, Karen, *Holding on to Hope: a history of the founding agencies of MacKillop Family Services 1854-1997*, 2004
- Tierney, Leonard, *Children Who Need Help*, 1963
- Jaggs, Donella, [Juvenile Offending](#), eMelbourne: the city past and present, 2008
- Victoria. Royal Commission on Penal and Prison Discipline., [Report \(No.3\) of the Royal Commission on Penal and Prison Discipline: Industrial and Reformatory Schools](#), 1872
- Golding, Frank, [Lost & Found: State Children in Victoria](#), Frank Golding: author, researcher, historian and consultant specialising in child welfare, 27 July 2017

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