

# Immigration (Guardianship of Children) Act 1946, Commonwealth of Australia

1946 – 1973

URL: <http://www.comlaw.gov.au/Details/C2004C04577>

## Details

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The Immigration (Guardianship of Children) Act 1946 was a Commonwealth law. It defined an “immigrant child” as any person under the age of 21 years who came to Australia as an immigrant otherwise than in the charge of, or for the purpose of living in Australia under the care of, any parent or relative of that person. The Act vested legal guardianship of immigrant children during their minority in the Commonwealth Minister for Immigration. The Commonwealth Minister for Immigration was empowered to delegate all his powers of legal guardianship to any officer or authority of a State with respect to immigrant children received in that State.

Under the Immigration (Guardianship of Children) Act 1946, the Minister’s legal guardianship continued until the minor reached majority (ie. turned 21) or was exempted from the provisions of the Act under a discretionary right of the Minister or delegate. Exemptions were usually only granted if the minor was over the age of 18 years and the custodial arrangements of the nominator satisfied the state department. The Act provided for the legal guardian (ie. the state department) to oversee custody of the minor and the estate of the minor and thus empowered the state department to make home visits, consent to the marriage of the minor and approve their transfer to another state or overseas.

Custodians included individuals and welfare and religious organisations such as the Big Brother Movement, Dr Barnardos Homes and institutions run by the Salvation Army and the Catholic, Presbyterian, Anglican and Methodist churches.

## More info

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### Related Entries

#### Related Concepts

- [Child Migration \(1800s - 1970s\)](#)

### Resources

- Coldrey, Barry, [Good British stock: child and youth migration to Australia](#), 1999

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