

Neglected Children and Juvenile Offenders Act 1905, New South Wales

1905 – 1923

URL: <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-1905-16>

Details

The Neglected Children and Juvenile Offenders Act 1905 16/1905) was a substantial law which applied in New South Wales, as well as in the Australian Capital Territory. Its full title was 'An Act to make better provision for the protection, control, education, maintenance, and reformation of neglected and uncontrollable children and juvenile offenders; to provide for the establishment and control of institutions and for contribution by near relatives towards support of children in institutions; to constitute children's courts and to provide for appeals from such courts; to provide for the licensing and regulation of children trading in streets and in certain places open to the public; to amend the State Children Relief Act, 1901, the Children's Protection Act, 1902, the Infant Protection Act, 1904, and the Crimes Act, 1900; to repeal the Reformatory and Industrial Schools Act, 1901; and for purposes consequent thereon or incidental thereto.' It was repealed by the Child Welfare Act 1923.

This Act was the creation of the president of the State Children's Relief Board, Dr Charles Mackellar and was a significant reform in child welfare. On the one hand, it softened some aspects of child welfare law. It created the sense that children required different legal processes than adults, and more sensitivity and consideration. On the other hand, it made it easier for children and their families to be subject to surveillance by the State Children's Relief Department.

This Act introduced new concepts in child welfare to New South Wales: the Children's Court and the probation system. Children's courts were designed to separate children from adult offenders, and were a place where all matters relevant to children could be heard. This included children's crime, as well as custody, allowances paid for their maintenance, child neglect and truancy. The probation system allowed a child convicted of an offence or of being 'neglected' to be returned to its family, under the supervision of Probation Officers. This was a significant advance in reducing the numbers of children entering institutions, although it did mean some families were scrutinised closely by welfare authorities.

This Act enabled a 'neglected' or 'uncontrollable' child to be brought before a Court, which could order the release of the child on probation, commit the child to an institution until the age of eighteen, or commit it to the care of a willing person (a guardian, foster parent or the State Children's Relief Board. It enabled a child in an institution to be apprenticed in accordance with the *Apprentices Act 1901*.

More info

Chronology

- Reformatory Schools Act 1866, New South Wales (1869 - 1901)

- Reformatory and Industrial Schools Act 1901, New South Wales (1901 - 1905)
- **Neglected Children and Juvenile Offenders Act 1905, New South Wales (1905 – 1923)**
 - Child Welfare Act 1923, New South Wales (1923 - 1939)
 - Child Welfare Act 1939, New South Wales (1939 - 1987)
 - Adoption of Children Act 1965, New South Wales (1965 - 2003)
 - Adoption Act 2000, New South Wales (2000 - current)

Related Entries

Related Events

- [Transfer of children from Australian Capital Territory \(ACT\) and Norfolk Island to New South Wales \(NSW\) \(1941 - 1986\)](#)

Related Legislation

- [Neglected Children and Juvenile Offenders Ordinance 1949, Commonwealth of Australia \(1949 - 1958\)](#)
- [Aborigines Protection Act 1909, New South Wales \(1909 - 1969\)](#)

Related Organisations

- [Brush Farm Reformatory \(1908 - 1912\)](#)
- [State Children's Relief Board \(1881 - 1923\)](#)
- [Metropolitan Boys' Shelter \(1911 - 1983\)](#)
- [Parramatta Girls Industrial School \(1887 - 1912\)](#)
- [Children's Court of New South Wales \(October 1905 - current\)](#)
- [Sobraon Training Ship \(1892 - 1911\)](#)

Boys were committed to the *Sobraon* under the *Neglected Children and Juvenile Offenders Act*.

Date: 1905 - 1911

Amends

- [State Children Relief Act 1901, New South Wales \(1901 - 1923\)](#)
- [Infant Protection Act 1904, New South Wales \(1904 - 1923\)](#)
- [Children's Protection Act 1902, New South Wales \(1902 - 1923\)](#)

Related Concepts

- [Probation \(c. 1905 - current\)](#)
- The Neglected Children and Juvenile Offenders Act introduced probation in New South Wales.

Resources

- Scrivener, Gladys, ["Rescuing the rising generation" : industrial schools in New South Wales, 1850-1910](#), 1996
- Weigall, Cecil Edward, *Infants' custody, maintenance & protection acts, (N.S.W.) : being Deserted Wives & Children Act, 1901; Infant Protection Act, 1904; Infants' Custody and Settlements Act, 1899; Infant Convicts' Adoption Act, 1901; Destitute Children's Society Act, 1901; State Children Relief Act, 1901; Children's Protection Act, 1902; and Neglected Children and Juvenile Offenders' Act, 1905, and regulations thereunder*, 1908
- Department of Justice, [History](#), Children's Court of New South Wales, 2012
- Curthoys, Patricia, ["problem" children of this community': Christ Church St Laurence and the Children's Court, Sydney, 1936-41](#), Sydney Journal, 2013
- Parliamentary Counsel's Office, [NSW legislation](#), No date
- State Records Authority of New South Wales, [Dept of Community Services](#), No date
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), [To Remove and Protect](#), 2014
- [Fifth Sectional Report Covering the Administration of the Acts relating to State Children](#), Royal Commission to Inquire into the Public Service of New South Wales, August 1920