

# Maintenance Act 1926, South Australia

1927 – 1972

**Other Names:** • Social Welfare Act 1926-1965

**URL:** [http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/sa/num\\_act/ma1780o1926155/](http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/sa/num_act/ma1780o1926155/)

## Details

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The Maintenance Act 1926 (Act No. 1780/1926) was also titled 'An Act to consolidate and amend the law relating to State Children, Destitute Persons, the Summary Protection of Married Women, and other matters, and to make Provision for granting Assistance to Mothers for the Maintenance of their Children, and for other purposes'. It was assented to on 16 December 1926 and commenced on 7 April 1927. The Act brought the care of children and adults back under one Act, and established the Children's Welfare and Public Relief Board, which replaced the State Children's Council. It also made provision for granting assistance to mothers for the care of their children. The Maintenance Act 1926 was amended numerous times and finally repealed by the Community Welfare Act 1972.

The Maintenance Act 1926 consolidated the Destitute Persons Act 1881-1886 and State Children Act 1895-1918. The Maintenance Act created the Children's Welfare and Public Relief Board which replaced the State Children's Council. These changes meant that children and other 'destitute' persons, who had been dealt with separately under the previous Acts, were again brought under the control of a single Board and Department.

Despite the passing of a new Act the definitions of 'neglected', 'destitute' and 'convicted child' remained essentially the same. However, under the new Maintenance Act children charged by parents as 'uncontrollable' or 'incorrigible' were no longer defined as 'neglected'. 'Neglected' and 'destitute' children could all be apprehended without warrant and taken to appear before a court. 'Uncontrollable' children could be brought to court and charged by a parent or officer of the Board.

Once charged, children could be sent to an institution or placed in the custody and control of the Board until they reached the age of 18. Children could also be placed on probation to relatives. Any children under custody and control orders, including those on probation, could be transferred to the Industrial School if the Board deemed it necessary. None of these children could be sent directly to a Reformatory, but if sent to the Industrial School, the Board could transfer them to a Reformatory for any 'misconduct'. In this way, children placed in care for neglect could end up in detention with children committed for offences. In a like manner children could be moved from the Reformatory to the Industrial School for what the Board deemed to be 'good conduct'.

Children who were convicted of offences other than homicide were not sent to prison but rather to a Reformatory. They could also be placed in the custody and under the control of the Board until the age of 18. Alternatively, a parent could 'give security for the good behaviour of such child' and thereby have the charge dismissed. Also the case could be adjourned with agreement that a near relative would undertake 'to punish the child in such reasonable or moderate manner as the Court approves.' Once the court was satisfied that punishment had been administered, the charges could be dismissed.

Significantly, the Maintenance Act made provision for granting small amounts of financial assistance to women for the care of their children, whether or not the children were born in wedlock.

The Maintenance Act 1926 was amended numerous times including by the Maintenance Act Amendment Act 1965, also known as the Social Welfare Act 1926-1965. It was finally repealed by the Community Welfare Act in 1972.

The amending acts were:

Maintenance Act Amendment Act 1930 Act No.1983/1930, Children's Protection Act 1936 Act No.2279/1936, Maintenance Act 1937 Act No.2360/1937, Maintenance Act Amendment Act 1937 Act No.2380/1937, Maintenance Act Amendment Act 1941 Act No.44/1941, Maintenance Act Amendment Act 1946 Act No.40/1946, Maintenance Act Amendment Act 1948 Act No.47/1948, Maintenance Act Amendment Act 1950 Act No.31/1950, Maintenance Act Amendment Act 1952 Act No.33/1952, Maintenance Act Amendment Act 1957 Act No.31/1957, Maintenance Act Amendment Act 1958 Act No.50/1958, Maintenance Act Amendment Act 1963 Act No.40/1963 and Maintenance Act Amendment Act 1965 Act No. 54/1965.

## More info

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### Chronology

- The Destitute Persons and State Children's Acts Amendment Act 1903, South Australia (1903 - 1927)
- Affiliation Law Amendment Act 1898, South Australia (1898 - 1927)
- State Children Act 1895, South Australia (1895 - 1927)
- Destitute Persons Act 1881, South Australia (1881 - 1927)
  - **Maintenance Act 1926, South Australia (1927 – 1972)**
    - Community Welfare Act 1972, South Australia (1972 - current)

### Related Entries

#### Related Glossary Terms

- [Uncontrollable \(c. 1867 - 1990s\)](#)

#### Related Organisations

- [Children's Welfare and Public Relief Board \(1927 - 1966\)](#)

#### Is amended by

- [Maintenance Act Amendment Act 1948, South Australia \(1948 - 1972\)](#)
- [Maintenance Act Amendment Act 1937, South Australia \(1937 - 1972\)](#)
- [Maintenance Act Amendment Act 1950, South Australia \(1950 - 1972\)](#)
- [Maintenance Act Amendment Act 1952, South Australia \(1952 - 1972\)](#)
- [Maintenance Act Amendment Act 1957, South Australia \(1957 - 1972\)](#)
- [Maintenance Act Amendment Act 1963, South Australia \(1963 - 1972\)](#)
- [Children's Protection Act 1936, South Australia \(1937 - 1972\)](#)
- [Maintenance Act Amendment Act 1958, South Australia \(1958 - 1972\)](#)
- [Maintenance Act Amendment Act 1965, South Australia \(1966 - 1972\)](#)
- [Maintenance Act Amendment Act 1941, South Australia \(1941 - 1972\)](#)
- [Maintenance Act Amendment Act 1930, South Australia \(1930 - 1972\)](#)
- [Criminal Law Consolidation Act 1935, South Australia \(1936 - current\)](#)
- [Maintenance Act 1937, South Australia \(1937 - 1972\)](#)
- [Maintenance Act Amendment Act 1946, South Australia \(1946 - 1972\)](#)

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