

Children's Court of South Australia

1895 – 1993

Other Names:

- Juvenile Court
- State Children's Council Court
- Departmental Court
- Adelaide Children's Court

Details

The Children's Court in South Australia was established in 1895 under the provisions of the State Children Act. This Act formalised an arrangement which had been in place in the colony since the early 1890s, to separate hearings of juveniles from those of adults. The Children's Court went by a number of names in the twentieth century, including the State Children's Court, the Departmental Court, the Adelaide Children's Court and the Juvenile Court. Following a royal commission into the administration of juvenile courts in 1977, the Children's Court of South Australia was established by the Children's Protection and Young Offenders' Act 1979. Following another government review in 1991, the Children's Court was abolished and superseded by the Youth Court of South Australia in 1993.

South Australia was one of the first places in the English-speaking world to deal separately with children in legal processes. In an article in 2014, Jennifer Anderson traces the history of the children's court in South Australia, noting that the colony created a separate mechanism for children years earlier than Chicago, which established a juvenile court in 1899.

The South Australian system influenced other Australian colonies, including Victoria, whose Secretary of the Department for Neglected Children and Reformatory Schools visited Adelaide several times in 1890 and recommended the adoption of a similar system.

Prior to 1890 cases involving children in South Australia were heard in an open public court alongside adults. In 1890 the State Children's Council regarded this situation to be 'most undesirable' and began to work towards a solution. In its 1890 Annual Report, the Council stated its plan to hear all charges against girls under 18 and boys under 16 in a makeshift court in the offices of the department. This meant that when children were arrested they were detained under the care of the department while awaiting trial rather than being locked in a cell at the city watch house. The child's trial then took place in one of the offices which was set up as a court room. The report described the method as follows:

At the hearing an inspector of this department conducts the cases, and another officer acts as clerk of the court. The children are thus kept entirely separate from the Police Station and Police Court.

The court was presided over by the Police Magistrate or two justices of the peace.

As well as establishing a special court, the State Children's Council also made provision to remand children at the department pending hearing, rather than in a police lock-up or the Adelaide Gaol.

In 1895 this arrangement became part of legislation with the passage of the State Children's Act, the Court provisions of which were in Part IV. Although not referred to as a children's court at this time, the Act called for all hearings involving children to be held in a separate room. Within the metropolitan area cases were to be heard in a room approved by the Chief Secretary "and not in any police or other court house". In country areas cases were still permitted to be held in a court house, but had to be dealt with at a different time than other trials.

The 1895 Act also set up distinctive sentencing regimes for children. Anderson writes that:

Destitute or neglected children could be 'sent to an institution, to be there detained or otherwise dealt with ... until such child shall attain the age of eighteen years.' 'Uncontrollable' or 'incorrigible' children could either be sent to an institution, or, if they were under 14, whipped. However in a new development, they could also be released on probation, or 'subject to the supervision of the [State Children's] Council until [they] attain the age of eighteen years'. Children placed on probation were to report to the Council 'at such times and places and in such manner as the Council shall direct.' If children failed to report on probation they could be arrested and re-sentenced. Finally, 'uncontrollable' children could be sent to a probationary school for up to three months.

Following the passage of the State Children's Act, it became clear that the legislation only provided for the hearing of summary charges in the children's court. Felony charges such as larceny continued to be held in the justices' room at the Police Court. In 1900, the State Children's Amendment Act clarified the jurisdiction of the children's court, and numbers of children before the Departmental Court rose instantly.

The Children's Court (also known then as the Departmental Court and the State Children's Court) was initially located in the headquarters of the State Children's Department in Adelaide. It would seem that hearings outside of the city took place in court buildings, but at different times to ordinary trials. (Hearings outside of metropolitan Adelaide were referred to in newspapers as being held at the Port Adelaide Children's Court, or the Port Lincoln Children's Court.)

From the early 1890s until 1916, hearings of the Children's Court were held in a space within the State Children's Council offices, in Victoria Place (a lane between Flinders and Wakefield Street, Adelaide). This space was renovated in 1907, to improve on the 'stuffy little chamber in use for many years past'. In 1916, the State Children's Court moved into a new room in the new Education Building in Flinders Street, Adelaide.

In October 1939, a government committee on 'control of delinquent and other children in the care of the state' recommended that 'a central juvenile court to be known as the Adelaide Juvenile Court should take the place of the present Adelaide Children's Court, with the special magistrate of that court in charge'.

Following a royal commission into the administration of juvenile courts in 1977, the Adelaide Juvenile Court was superseded by the Children's Court of South Australia, established by the Children's Protection and Young Offenders' Act 1979. The Children's Court of South Australia was located in a purpose built court/administrative building at 75 Wright Street, Adelaide.

The Children's Court was replaced by the Youth Court in 1993 as a result of the passing of the Youth Court Act (SA) that year. This was a result of the interim report in November 1993 of a Select Committee to review the juvenile justice system in South Australia.

More info

Chronology

- **Children's Court of South Australia (1895 – 1993)**
 - Youth Court of South Australia (1993 - current)

Related Entries

Related Organisations

- [State Children's Council \(1886 - 1927\)](#)

Related Legislation

- [State Children Act 1895, South Australia \(1895 - 1927\)](#)
- [Children's Protection and Young Offenders Act 1979, South Australia \(1979 - 1994\)](#)
- [The State Children Amendment Act 1900, South Australia \(1900 - 1927\)](#)

Related Concepts

- [Juvenile Justice \(1860s - current\)](#)

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