

Infants' Welfare Act 1935, Tasmania

1935 – 1961

URL: http://www.austlii.edu.au/au/legis/tas/num_act/ia193526gvn96232/

Details

The Infants' Welfare Act 1935 (Act no.26 Geo. V No.96) also known by its full title 'an act to consolidate and amend the Law relating to the Welfare of Children and the Protection of Infant Life' replaced the Children's Act 1918 (Act no. 9 Geo.V No.15). This new legislation covered many of the same areas as its predecessor the Children's Act 1918 (Act no. 9 Geo.V No.15) detailing regulations and requirements for institutions, the application of criminal law to children, guardianship and child 'negligence'. The act also formerly recognises the dissolution of the Children of the State Department and transfer of its power and authority to the newly created Social Services Department. This act was repealed by the Child Welfare Act 1960 (Act No.48/1960) on 2 September 1961.

Section 10 of the *Infants' Welfare Act* states that:

every child of the State may be

- *placed in some receiving home;*
- *detained in an institution;*
- *transferred with the approval of the Minister from one institution to another institution;*
- *boarded out, apprenticed, or placed at service with some suitable person; or*
- *placed in the custody of some suitable person who is willing to take charge of a child.*

Part V provided for children's courts (originally established by the *Youthful Offenders, Destitute and Neglected Children's Amendment Act 1905*) where proceedings could be heard by a special magistrate, a provision introduced by the *Children of the State Act 1918*. If one was not available, a police magistrate or two Justices of the Peace could preside. As in previous legislation, the cases had to be heard in a different room to adult hearings. As before, the court's jurisdiction extended to cases that could be heard by Police Magistrates, a Court of Petty Sessions or by a Justice of the Peace. It did not include indictable offences, such as murder or manslaughter, which had to be tried before a jury. Like the *Children of the State Act*, the new Act provided for probation officers to be appointed to investigate complaints and report to the court.

Under Part VII of the Act, any female person could apply to the Director to be licensed as a foster mother and to have her home registered as a nursing home. The licence was renewed every twelve months. To be eligible for a licence, the applicant had to be of good character and able to nurse and provide for any infants in her care or charge, and to be in good health and free from any constitutional disease of physical or mental disability.

The Director appointed inspectors and inspecting nurses to supervise and carry out the licensing and registering functions.

The definition of a 'neglected' child provides some understanding of the social context of the day. Relevant categories are a child who:

- is found in a brothel or reputed brothel, or a place where opium or any preparation thereof is smoked, or who is known to associate with or be in the company of a person known to the police, to be, or reputed to be, a prostitute, whether such person is the mother of the child or not;
- associates or dwells with any person known to the police, to be, or reputed to be, a thief or drunkard, or with any person who has no lawful means of support;
- is not provided with the necessary food, nursing, clothing, medical aid, and lodging, or who is neglected, ill-treated, or exposed by his parents or either of them;
- being of the compulsory school age, is an habitual truant from day school, or whose parent has been convicted at least twice of neglecting to cause such child to attend school;
- is illegitimate, and whose mother is dead, or is unable to maintain or take charge of such child;
- is found by a children's court to be an uncontrollable child.

More info

Chronology

- Prevention of Cruelty to and Better Protection of Children Act 1895, Tasmania (1895 - 1936)
- The Children of the State Act 1918, Tasmania (1918 - 1936)
 - **Infants' Welfare Act 1935, Tasmania (1935 – 1961)**
 - Child Welfare Act 1960, Tasmania (1960 - 2003)
 - Children, Young Persons and Their Families Act 1997, Tasmania (2000 - current)

Related Entries

Related Places

- [Cape Barren Island Reserve \(1881 - 1951\)](#)

Children from Cape Barren Island were committed to the 'care' of the state as neglected under the *Infant Welfare Act*.

Related Organisations

- [Social Services Department, State of Tasmania \(1934 - 1961\)](#)
- [Children's Court of Tasmania \(1905 - current\)](#)
- [Children of the State Branch \(1936 - c. 1953\)](#)

The Children of the State Branch was established after the *Infants Welfare Act* abolished the Children of the State Department.

Related Archival Series

- [Correspondence Relating to Children Placed in Nursing Homes \(1934 - 1953\)](#)

The Correspondence Relating to Children Placed in Nursing Homes related to 'care' provided under *Infants' Welfare Act* 1935, Part VII
- [Record Cards of Infants in the Care of Foster Mothers and Nursing Homes \(1947 - 1961\)](#)

Is amended by

- [Infants' Welfare Act 1940, Tasmania \(1940 - 1958\)](#)

Related Concepts

- [Stolen Generations](#)

Resources

- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), [*To Remove and Protect*](#), 2014
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