

Child Welfare Act Amendment Act 1965, Western Australia

1966 – 2006

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a4591.html

Details

The Child Welfare Act Amendment Act 1965 amended the Child Welfare Act 1947. The amendments had two key impacts on out of home care. Children were committed to the 'care of the Department' (s.32) or the 'custody of the Director' (s.4) rather than directed to placement by the Children's Court in consultation with the Child Welfare Department. Secure detention for children under the age of 14 years was also enabled (s.34A). The Child Welfare Act Amendment Act 1965 was repealed by the Children and Community Services Act 2004.

The *Child Welfare Act Amendment Act 1965* was proclaimed on 7 December 1965 and came into effect on 1 March 1966. Its two key amendments were removing the ability of the Children's Court to make a placement decision about a child committed by the court (ss. 4, 32) and enabling secure detention of children under the age of 14 years (s.34A). The definition of a child who was a ward was also changed (s.3) to refer to any child 'who is committed, under this or any other Act, to the care of the Department or the custody of the Director'.

In explaining why the Government felt it was necessary to amend the *Child Welfare Act* so that children were committed directly to the Child Welfare Department, Mr Evans MLA told parliament (*Hansard*, 18 November 1965 p.2624):

These amendments seek to repeal certain provisions of the Child Welfare Act which only allow a court faced with an uncontrollable child, or even a neglected child, to send such child to an institution. Members will agree that it could be more appropriate in such cases that a court should be able to commit the child to the custody of the Child Welfare Department when circumstances peculiar to that child could be considered, professional diagnosis of the child's troubles made, and then appropriate treatment for the child's condition prescribed and put into effect.

This was consistent with the belief at the time (*Hansard*, p.2511) that 'the majority of deprived children should be in foster homes...or returned to their own parents under departmental supervision'.

Evans went on to explain (*Hansard*, p.2624) why the restriction on imprisoning children under the age of 14 years had to be removed: 'As the parent Act now stands, a child under the age of 14 years cannot be imprisoned for a most serious offence, even if that offence be murder. It is obvious that some provision must exist for the secure detention of children, no matter how rarely children commit serious offences.'

In his annual report for the year ending June 1966, the Director of the Child Welfare Department noted (p.1) that the courts were committing children under 14 to secure detention immediately the Act enabled them to do so, even though there was not yet a secure detention facility for young children in the State.

Other amendments to the Act included changes to the publication of Children's Court proceedings, allowing children's previous offences to be disclosed to justices while still restricting general publication. Finally, family custody and child maintenance disputes were removed to a new Act, the *Married Persons and Children (Summary Relief) Act*.

More info

Related Entries

Related Organisations

- [Child Welfare Department, State of Western Australia \(22 December 1927 - 15 June 1972\)](#)
- [Children's Court of Western Australia \(1907 - current\)](#)

The *Child Welfare Act Amendment Act 1965* required the Children's Court of Western Australia to commit children to the care or custody of the Director of the Child Welfare Department rather than order a particular type of placement for the child.

Amends

- [Child Welfare Act 1947, Western Australia \(1948 - 2006\)](#)

Resources

- Western Australia. Child Welfare Department, [Annual Report of the Child Welfare Department](#), 1928 - 1972. *Relevance:* Annual Report for the Year Ended 30th June 1966, p.1
- [Child Welfare Act Amendment Bill Second Reading \[Hansard p2075-2080\]](#), Hansard Archive 1870 to 1995, 4 November 1965
- [Child Welfare Act Amendment Bill Second Reading \[Hansard p2314-2318\]](#), Hansard Archive 1870 to 1995, 11 November 1965
- [Child Welfare Act Amendment Bill Second Reading \[Hansard p2392-2399\]](#), Hansard Archive 1870 to 1995, 16 November 1965

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