From neglected to protected?:
child welfare in New South Wales:
1945 - 1988

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ABSTRACT

This thesis outlines the development of discourses about 'neglected' children in New South Wales which evolved from the public policy debates constructed by the New South Wales Child Welfare Department, and later the Department of Youth and Community Services, from 1945 to 1988. The data published in the child welfare department's official annual reports, internal policy and research publications, and in the recorded debates of the New South Wales Parliament are the significant sources which inform this historical account. The principal focus of the analysis is the relationship between the constructions of children's needs, rights and interests which emanated from the New South Wales Department of Child Welfare, and the Department of Youth and Community Services, and the politico-administrative processes conducted by the department which reflected and enforced those constructions. In particular, the thesis constructs an historical narrative about the children who were admitted or committed to care as state wards, and examines the development of the discourses which constructed the state's responses to these children.

The discourses which evolved in each of the historical periods examined in the thesis reflect different policy and program emphases. The first historical period, from 1945 to 1956, considers the child welfare policies and practices which supported the placement of children into foster care. Such placements were constructed as the amelioration of the deprivations experienced by children in the care of their 'disturbed' families. This rhetorical depiction of 'disturbed' families disguised the social and economic circumstances of those families whose children had been removed from their care.

In the discussion of the second historical period, from 1956 to 1964, the amalgamation of child welfare and social welfare services is considered in terms of the
Child Welfare Department's potential intrusion into the lives of families who applied for social welfare benefits. Such families, the majority of which were single-parent female-headed families, were automatically subjected to the supervision of departmental field staff to ensure that they observed correct moral practices. They were assessed as 'multi-problem' families, who were presumed to be unwilling or unable to benefit from the social welfare system. Newly-arrived immigrant families were also represented as problematic and were homogenised as a category of persons whose child-caring traditions were inherently questionable. Foster care continued to be promoted as the most desirable form of care for children in spite of the increased population of intellectually handicapped children who were deemed unsuitable for foster placements.

The third period discussed, from 1965 to 1975, considers the emergent body of research which pointed to the poor outcomes for children in foster homes and residential care. While some changes were introduced in the department's provision of residential care, with the closure of larger institutions and the placement of children into smaller, 'family group' homes, the department's practices revealed a limited capacity to institute large-scale changes in its substitute care programs.

The final historical period which is examined, from 1976 to 1988, is characterised by a program of bureaucratic reform in the Department of Youth and Community Services and by the government's review of legislation which resulted in the introduction of the Community Welfare Act in 1987 and the Children (Care and Protection) Act in 1988. Throughout this period the concepts of 'community development', 'community liaison', 'community services' and 'community work' became commonplace in the department's lexicon. Profound changes occurred in the department's substitute care program during this period. The construction of the 'neglected' child was replaced by the categorisation of 'child in need of care', or more
colloquially, 'child at risk'. The many reforms, including legislative reform, which occurred from 1976 ultimately witnessed the replacement of the discursive and legislative construction of children's welfare with that of children's protection.

This thesis thus depicts the development of the State government department's 'authority discourse', in which the government, operating principally through the organ of the child welfare bureaucracy, was the creator of an authoritative account of the identity of children charged as 'neglected', of their needs, rights and interests, and of the state's responses to those depictions.
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ABBREVIATIONS

ABS          Australian Bureau of Statistics
AR           Annual Report
DCW          Department of Child Welfare
DFCS         Department of Family and Community Services
DYCS         Department of Youth and Community Services
PD           Parliamentary debates
Sct 27       Section 27 of the Child Welfare Act 1939
Chapter 1
AN ANALYSIS OF CHILDREN AND CHILDHOOD
IN SOCIAL POLICY DISCOURSE

1.1 Introduction

This study of the state's caring arrangements for children officially categorised as 'neglected' considers the changing social, economic and political milieux in which debates about children's care have been constructed in New South Wales. An historical review of the politics of the discourse about the care of 'children in need of care' from 1945 to 1990 reveals the policy, legislative and procedural progressions which were instigated by, and occurred within, the New South Wales Department of Child Welfare. This State Government bureaucracy is presented as a site of political tension through which the needs, rights and interests of 'children in need of care' were named, mediated and managed and of a consequent political struggle over the distribution of social, political, cultural and economic resources for the care of children and families in New South Wales.

This thesis can be read as an examination of the activities of government in a particular historical context involving the complex, contradictory and contentious issue of the state's role and responsibility in providing care to children who were admitted to, or committed to 'the care of the state'. Such children were, historically, either children from poor families, or delinquent or Indigenous children who were placed under State care as neglected, uncontrollable, exposed to moral danger, or who were offenders or had been removed from their families because of their Aboriginality.

The activities of government are considered here to constitute a series of processes and procedures which emanated from a single controlling core. This study is thus concerned with government in a specific and particular way and does not represent a critique of government or of the concept of 'the state'. This account undertakes a
chronological review of the policies, decisions and actions authorised by the New South Wales Department of Child Welfare from 1945 and examines the operations of that government bureaucracy in a defined social, economic, historical and political context, together with the decision-making processes by which it organised the governance of its constituents. The Child Welfare Department determined the conduct not merely of the families and children of New South Wales but that of peak bodies, representative groups, and oppositional political voices.

This study of government involves not only an examination of the normative principles which derived from particular philosophies but also of the expertise and know-how of policy makers and specialists. If government fundamentally is concerned with rationality and with the multiple and heterogeneous ways of making the world thinkable and calculable (Dean and Hindess 1998), then the particular governance of the State Child Welfare Department can be read as a study of politics, where the complexities surrounding the discourse about the care of children were reduced to a contest over meaning.

This critical examination traces the transformation of the state child welfare system from a period where the state’s intervention in the lives of families was strongly interconnected with its role as carer and protector of its citizens, particularly the most vulnerable, to an era of contested claims and critical public commentary about the 'proper' role of the state in protecting and caring for children. This chronological account describes the processes of incorporation and exclusion which characterised the discourse about 'children in need of care' from 1945 and considers the emergence of a child welfare system which, by the 1980s, bore scant resemblance to its historical predecessors.
1.2 The construction of the 'political'

In the discourse sense, something is 'political' if it is contested across a range of different discursive arenas and publics (Fraser 1989, 167). Thus, politics is created by debate which takes place among different publics who articulate their interests discursively in a multifocal political process. For Yeatman (1990), politics involves the reduction of complexity by means of decisions and policies. The field of political activity therefore embraces all those who seek to affect and contest how the agendas of policy-making are framed. Political activity becomes primarily a politics of contest over meaning comprising the disputes, debates and struggles about how the identities, needs and relationships of the participants should be named and constituted. This politics of discourse has been labelled 'language politics' (Haraway 1987 in Yeatman 1990, 155), where the contest over the meaning of text is a major form of contemporary political conflict. Discourse, then, is the power to create reality by naming and giving it meaning (Yeatman 1990, 155). Foucault (1984) argued that this power to create is a distributive politics which selectively constitutes what is to be counted as real and true, so that the discourse therefore determines a politics of inclusion and exclusion.

The 'problem' of the care of neglected children was determined and constructed through particular modes of reasoning whereby certain discourses represented and thus constituted objects of knowledge, conferred particular identities and agencies on political and social actors and identified certain problems which were to be solved (Dean and Hindess 1988). In this study, the modes of reasoning which constructed judgements and knowledge about some families and their capacity to care for their children provides an opportunity to examine a particular form and operation of governance.
1.3 The structure of the thesis

The data which inform this account are drawn from a reading of official State Government documents, parliamentary debates and related historical accounts. The most pertinent data sources are the official reports of the New South Wales Department of Child Welfare (later the Department of Youth, Ethnic and Community Affairs, and then the Department of Youth and Community Services), particularly that department's annual reports which provide a narrative of the State government's 'authority discourse' (King 1997) about families and children. These accounts depict the development of a privileged commentary on the rights, needs and interests of children, and of the government's responses to those depictions. The New South Wales Government can be seen to have created, and maintained, an authoritative discourse in drawing up both legislation and policy, as the architect of the programs and services which addressed the 'problem' of children requiring care away from their families, and in constructing a public commentary on the 'best interests' of those children requiring such care. Such documentary sources permit a study of 'politics in action', where the processes of exclusion and inclusion are discursively constructed.

These accounts convey a politics which developed under certain conditions, where the state stigmatised children, firstly by naming them as a 'problem', and secondly by constructing 'the problem' in such a way that a particular social policy response was apparently uncontested (Yeatman 1990). While numerous voices are silenced in the discourse which surrounds the 'children of the state', not least that of the children themselves, there is nonetheless a valuable 'contest over meaning' to be gleaned from 'official' and other accounts of the State government's practices.

This thesis explores several key questions:

- how were debates about 'children in need of care' constructed in New South Wales between 1945 and 1990?
• what were the key factors which influenced the discourse about children and their care?

• how did the historical development of 'child-centred' policies, programs and services recognise the needs, rights and interests of children?

• what were the outcomes for 'children in need of care'?

In this first chapter, an analysis of 'the child' within social policy discourse and the location of the child within sociological and historical accounts of social welfare is undertaken. In Chapter 2, the period from 1945 to 1956 the era in which foster care was considered as 'best' care is discussed, with an examination of the major trends and practices depicting child welfare services in New South Wales at that time. A chronological review of the changes which took place in the development of substitute care services for children in New South Wales is continued in Chapter 3, which reviews the period from 1956-1964, and in Chapter 4, which considers the period from 1965 to 1975, a time of major and significant legislative change and review under a Liberal-Coalition State Government. Chapters 5 and 6 trace key developments in policies and practices in New South Wales following the transition from a Liberal to a Labor Government at the 1976 State elections. In Chapter 5, the administrative and legislative reforms which occurred in the period from 1976 to 1988 are examined, and Chapter 6 then considers the reforms which were instituted in the substitute care program in those years.

1.4 THE CONSTRUCTION OF A DISCOURSE ABOUT CHILD WELFARE

The responses and solutions to an issue are inherent in the process of identifying and naming it. The problem-identifier sets the limits for these responses (King 1997). The New South Wales State Government, in identifying and 'naming' the issue of neglected children, not only orchestrated the possible responses to the 'problem' of children in need of care, but 'conventionalised' the issue by making it subject to state
intervention (Yeatman 1990). As such, the issue of neglected children became subjected to policy, that is, to 'reflective, rational, deliberative and purposeful discursive interventions' reflecting a discourse which developed under certain conditions and included state-centric modes of political, economic, social and cultural management (Yeatman 1990, 153). This thesis thus depicts the development of a discourse which constructed the 'problem' of neglected children, where the government constructed and sustained an 'authority discourse', in which, operating principally through the organ of the child welfare bureaucracy, it created an authoritative account of the identity of such children, of their needs, rights and interests, and of the state's responses to those depictions.

King's (1997) concept of an authority discourse is useful in analysing the operation of the State Government in its role as 'parent' to neglected children. For King, not only is the authority discourse such as that constructed and promoted by the government in relation to children the pronouncement of a privileged and authoritative account, but it is also the mechanism through which the state provided society with the prospect of 'certainty about the past, the present and the future' (King 1997, 27) and gave an impression of surety and finality in its policy statements. In constructing this authoritative voice, conveying the prospect of certainty and 'knowing', the government's construction of 'the neglected child' or the 'child in need of care' was contained within a discourse in which it referred principally to itself as the authoritative and legitimating voice. The government not only identified the 'problem' of neglected children, but constructed, contained and legitimated the politics of the discourse surrounding the care of those children. Through this process of self-legitimation or 'social autopoiesis' (Luhmann 1990, King 1997) the Child Welfare Department continually referred to itself for authority and not to any other, external, source. In autopoietic terms, the government's construction and management of the discourse about neglected children sustained recognition only of those external
elements which could be interpreted as part of that department's 'environment' and thus incorporated or recognised as part of the department's own authorised system.

It should be noted that the New South Wales State Government, (and other State governments in Australia), has child welfare power under the Commonwealth Constitution. The Commonwealth took over and developed social security power, leaving children's services and children's welfare to the States. The Commonwealth gradually began to take over children's services power from the States from 1972 but did not take over children's welfare, which remained a State preserve in Australia's federal structure.

1.4.1 Constructing and controlling the child welfare discourse
This account of the State government's activities proposes that the discourse about neglected children was constructed from within the child welfare bureaucracy and was little changed by 'expert' and other commentaries from outside that structure. Such a discourse evolved not solely from key voices within that bureaucracy, or from the Minister of the Child Welfare portfolio, or from senior and influential administrative and policy personnel, but from that collectivity of persons/positions inside the department who 'produced' authoritative pronouncements about children and their care. Operating from inside this autopoietic system, systems of knowledge were sustained, reworked and expanded in a milieu which was principally impervious to external or competing voices. In part, this process of autopoiesis, through which the state constructed and conferred its own authority upon its definitions/identifications, can be unravelled through an examination of language politics that is, by examining the contest over identification and meaning which created a particular reality by naming it and selectively constituting what was to be counted as real and what was to be included and excluded. In the construction of a child welfare discourse, the power to create reality by naming it resided within the child welfare bureaucracy and was
supported by the potent politics of legislative inscription. The definition of 'the neglected child' or 'the child in need of care' was not merely an administrative tag or a recognised social policy construct, but a definitional construct which became attached to legal nuances and attained a reality and a complexity which was circumscribed within lawful and thus, arguably, scientific concepts.

The language of politics, an institutionalised structure of meanings that channels political thoughts or actions in certain directions, is a potent apparatus in the construction of the state's authority discourse. As will be proposed in the following narrative, the government's authority discourse both constituted, and was constituted by, this framing of its authoritative voice within a legal/legislative polemic and an omniscient social policy idiom.

The construction of the definition of the 'problem' of the neglected child and the 'child in need of care' occurred at a particular social and political juncture and was circumscribed by a range of strategies which controlled the scope of the child welfare discourse. Yeatman (1990) argued that states utilise a mixture of strategies to restrict and control the scope and development of the politics of discourse. Such strategies, which reflect the ideology of the government in power, are fourfold. Firstly, Yeatman considers that core values like equity or choice are converted into ritual litanies to be invoked on all symbolic occasions, where the values themselves lose discursive and reflective meanings and become situated as a form of 'doublethink fuzz'. Secondly, claims are subjected to technicist modes of administrative rationality where a claim is accorded legitimate existence only if it accords with tightly controlled criteria, the value orientation of which is obscured by a smokescreen of technical rules and norms. Thirdly, grand works of discursive policy statements by intellectuals are commissioned and assume a life of their own which tends to be confined within the highly restricted social circles of the 'state-oriented intelligentsia' and rarely receives
wider exposure and debate. The fourth strategy entails the commodification of claims by turning them over to the market and thereby rendering them subject to market-oriented rather than political discourse.

The following account of the development of a child welfare discourse can be read in terms of Yeatman's propositions, the first of which is particularly salient. That is, that core concepts such as 'needs', 'children's best interests', 'children's rights' and even the very foundational claims of 'neglect' and 'child in need of care' became authorised as ritual litanies which were not only invoked and reified through social policy pronouncements, but underwent constant legitimation through the state's self-referral within an autopoietic process. For Yeatman, the conversion of core values into 'ritual litanies' is a process whereby these values come to lose their discursive and reflective meanings. The invocation of ritual litanies, evident in the construction and maintenance of core epithets such as 'children's needs', 'children's best interests', and 'children's rights', is central to the state's management of the discourse by which the 'needs' of those children committed to its care as state wards were constructed.

This process is akin to Fraser's (1989) 'needs talk', an idiom in which inequalities are symbolically elaborated and challenged in the making and contesting of political claims (Fraser 1989, 161-162). In this analysis, 'needs talk' can be seen to have become institutionalised in welfare state societies as a major vocabulary of political discourse where it is juxtaposed with talk about rights and interests. Fraser proposes a discourse-oriented theorising of the politics of needs which comprises three 'moments' that are analytically distinct but interrelated in practice. The first moment is the struggle to establish or deny the political status of a given need, that is the struggle to validate the need as a matter of legitimate political concern or to enslave it as a non-political matter. The second is the struggle over the interpretation of the need, the struggle for the power to define it and so determine what would satisfy it, and the
third is the struggle over the satisfaction of the need, including the struggle to secure or withhold provision (Fraser 1989, 164). This analytical model addresses the historically and culturally specific 'resources' available to members of a given social collectivity in pressing claims against one another. Fraser's categories of 'resources', which she defines as the capacity and ability of members of the social collectivity to press for claims against one another, are: officially recognised idioms such as needs talk, rights talk and interest talk; vocabularies for substantiating claims in these idioms; paradigms of argumentation accepted as authoritative in adjudicating conflicting claims; narrative conventions available for constructing the individual and collective stories that are constitutive of people's social identities; modes of subjectification that is, the ways in which various discourses position the people to whom they are addressed as specific sorts of subjects endowed with specific sorts of capacities for action, for example as 'normal' or 'deviant'.

While Fraser's analysis addresses the activities of social collectivities, her categorisations operate not between collectivities but from the centre, radiating out to constrain and control the construction of needs in particular ways. The State government's delimitation of the child welfare discourse utilised such resources in the construction of the subject children of the Child Welfare's Department's operations. By rigidly classifying such 'needs' and then inscribing them in policy and legislation, and by controlling the limits of debate and discussion about them, the State Government effectively shielded its subjective definition of 'neglected children' from public scrutiny and criticism and condemned certain families and their children to particular categories of 'need', giving rise inevitably to corresponding policy and programmatic responses.

Fraser (1989) determined that it is important to distinguish the elements of the sociocultural means of interpretation and communication that are hegemonic,
authorised and officially sanctioned, on the one hand, from those that are nonhegemonic, disqualified and discounted, on the other. However, she also recognised that some ways of talking about needs are institutionalised in the central discursive arenas of such entities as parliaments, academies, courts and the mass media, and that other ways of talking about needs are enclaved as subcultural sociolects and normally excluded from the central discursive arenas. In this account of the activities of the Child Welfare Department, 'needs talk' does not appear, as in Fraser's depiction, as a site of struggle where groups with unequal discursive (and nondiscursive) resources compete to establish the hegemony of their respective interpretations of legitimate social needs. Rather, 'needs-talk' was constructed as a site of limited contestation by the policy-making department, which maintained hegemonic interpretation of certain depictions of 'needs' that is, of the child and family subjects thus controlling and neutralising contestation. To return to Yeatman's (1990) account of the strategies which are utilised to control and restrict the scope and development of a politics of discourse, it is possible to consider the concepts of 'neglected child' or 'child in need of care' as the invocation of ritual litanies which came to lose their discursive and reflective meaning. Further, the reduction of complex concepts such as children's welfare to an apparent contest between 'defenders', such as children and their families, and 'challengers', such as child welfare professionals, promoted a process which 'pre-coded', or promoted the reformulation of such concepts into law (King 1997).

1.4.2 The inscription of the discourse about children within law
In King's (1997) analysis, child welfare has been restructured as a social field in need of, and amenable to, legal ordering where children are transformed from citizens and subjects to litigants and clients. These powerful constructions have thus excluded alternative, more complex, analyses (King 1997, 71-2). King's representation of the capacity of the law to devise particular rhetorical constructions, constituting a field of
power which then excludes or prevents alternative constructions, provides an illuminating analysis of the potency of the New South Wales Child Welfare Department's definitional and policy determinations. These were underpinned by legislative pronouncements and were construed, in King's terms, as 'amenable to legal ordering'. A consideration of the process of 'juridification' of child welfare casts some light on the process of subjugation by which and through which the authoritative voice of the department was established and transmitted.

This process of transmission did not occur only in relation to the construction of children's rights, which are the specific concern of King's analysis, but can be seen to have occurred in relation to the foundational representations of the child subjects of child welfare work. The operations of the Child Welfare Department in New South Wales were predicated on definitions, constructs and beliefs which emanated from the 'expert' child welfare bureaucracy, were inscribed in legislation, and underpinned the development of social policy and correlative practices.

In discussing the emergence of the concept of children's rights, King notes that it is not by chance that the children's rights movement has put so much faith in the transformation both nationally and internationally of children's rights into legally constituted rights as, within law, precepts about what is good and what is bad for children are given the authority of the legal system's lawful/unlawful coding (King 1997, 170). An investigation of the construction of the discourse of the neglected child suggests that child welfare is represented not as a domestic, economic or social concern but principally as a legal site of authority. The 'welfare of children' discourse in New South Wales has been located within a particular site of government where the issue of the state's role and responsibility in caring for children has been subject to the authoritative inscriptions of legislation which has both minimised and simplified the process of contestation. The contestable precepts about what is good and bad for
children, what is in ‘their best interests’, and what constitutes ‘neglect’ and ‘abuse’ have also been given the authority of the legal system’s lawful/unlawful coding and thus rendered immutable.

Further, to consider Yeatman’s analysis of the strategies which control and restrict the development of discourse, it can be deduced that these precepts have not only emerged as uncontestable constructs, but have, through their constant invocation, lost the discursive and reflective meanings which once attached to their definition.

Although, in King's depiction

attributing to law a greater authority than any other of society’s function systems to determine what is right and wrong is to misread legality as denoting simultaneously both what is morally acceptable and what is healthy for children (King 1997, 172),

there is evidence that in the New South Wales child welfare system the legal determinants of what was constituted by the concepts of ‘neglect’ or ‘in need of care’ came to be invoked not as determinations about what was right and wrong in law, lawful and unlawful, legal and illegal, but what was true about children, their families and their care. The decisions about children’s welfare were not cast as political, economic or scientific considerations but became reconstituted in ways which made them appear amenable to regulation (King 1997, 182-3). Thus the complexities surrounding the issues of caring for children were reduced, and the expectation that children’s lives could be improved by these lawful/unlawful deliberations was created. Through the operation of law, a process of ‘stabilising expectations’ (King 1997, 46) about children and their well-being was thus conducted, even in the administration of those aspects of the legislation, such as determinations based on judgements about child neglect. There was no specified or reliable available criterion by which the boundaries of ‘permissible’ action could be decided (Carney 1985a, Stein 1991) but such judgements could be presumed to have been based on a belief
that the state should be able to intervene into children's and families' lives in order to limit the \textit{de facto} powers of parents over their children.

1.4.3 \textbf{Technicist modes of administrative rationality}

Yeatman's second proposed strategy by which states control and restrict political discourse through the subjection of claims to technicist modes of administrative rationality where the value orientation of claims become hidden, can be seen to apply to the transformation of the 'amorphous' construct of neglect (Carney 1985a, Stein 1991). Neglect, as a concept, is transferred into a seemingly tangible and specific range of behaviours and practices where the legislative provision for state intervention was based on several grounds:

- those concerned with an assessment of the adequacy of the conduct of the family in discharging parental responsibilities
- a focus on the conduct of the child
- grounds concerning the environment in which the child was living
- grounds related to the dynamics of the parent-child relationship.

This taxonomy includes a range of behaviours, conduct, circumstances and conditions which are disparate and unconnected but which may all result in a charge that a child is 'neglected'. The category of 'neglected child' is described by Carney (1985b) as 'a convenient descriptive label for disparate provisions which authorise(d) interventions into the lives of children and families' and where 'intangible judgements of needs substitute(d) for tangible conduct' (1985b, 205).

The actions of the State Government, in removing neglected children from their families and placing them into alternative care arrangements, could be interpreted as the actions of a caring parent, in utilising the construct of the 'neglect' category. Although it is an amorphous and intangible construct, 'neglect' was employed as a
generalised measure to ensure that all children received the maximum care available to them, and that, even in situations in which no actual harm had occurred to the child, or was likely to occur, the quality of the child's life could be improved in an alternative environment (Stein 1991). However, the state created the pretence that these determinations about children were scientific judgements. They were legislated, and supported by rules of evidence and could be contested in a children's court. The state utilised the assessment of 'neglect' as a deliberation about parenting, poverty and apparent capacity, and about forms of behaviour and relationships which existed outside the normative perceptions of a 'good' family.

The government delegated parenting in alternative environments to subsidiaries such as adoptive parents, foster parents and residential care staff who may have had all the weaknesses of natural parents, and could also have been 'negatively enriched' by the lack of children or poor attachment to them (Agathonos-Georgopoulou 1993, 72). Child welfare programs contained a core of assumptions about children and their needs and interests, especially in relation to the child's care after their removal from their families. In particular, there existed core assumptions that children should live in family-like environments of parents/carers with children. Secondly, there were similar assumptions about the child's contact and familiarity with or knowledge of their families, who were constructed as having 'failed' them. Thirdly, it was assumed that children of all ages and stages of development required the same modes of caring with little gender or age differentiation in the delivery of this care. A dualism between the failed family and the ideal foster family/residential carers pervaded the organisation and persistence of out-of-home care arrangements for children who were admitted to the care of the state (Wilkinson 1985).

Such assumptions shifted in emphasis and impact during the period from 1945 to the 1990s. What remained intransigent was the formulation of the reason for the removal
of children as a technical, administrative and quasi-legal/legal procedure. The language which circumscribed the process of removal was translated from 'neglected child' to 'child in need of care' to 'child at risk' and, through each of these progressions, was cast as a technical and rational, indeed objective, process of decision-making. The decision to remove a child, however, whatever the discursive construction of that process, was inevitably a decision about those factors which were 'amorphous' or 'nebulous' (Carney 1985b, Gordon 1989, Stein 1991, Lindsey 1994). That is, they were decisions about the adequacy of parenting, about the conduct of the child, about the child's environment and about intra-family relationships. From the 1980s, these decisions were translated through a set of rhetorical idioms attached to the concept of 'abuse' - protection, risk factors, harm indicators - and developed an idiomatic, technical life of their own.

Some commentators, (for example Stein 1991, Parton 1988) presume that the practices surrounding child protection in the 1990s subsume within them not only the protection of the child from significant harm but also the protection of parents and family privacy from unwarrantable state interventions. Parton (1988) notes that the increasing technicism of the categorisation of 'child protection' in fact operates as a protective device, protecting the family from surveillance as much as protecting the child from harm. While Parton considers that the arena of child protection practice has been refined by increasing community awareness and the increased responsibility of workers to the technical and other complexities of child protection issues, it may also be said that child abuse can be interpreted as the technical failure of child protection workers (Walton 1993, King 1997). King (1997) depicts a 'paradox' for child protection workers who have been required to legitimate their practices by invoking the authority of science to construct an intervention which can accommodate the strictures of the legal determinations of what constitutes 'abuse'. King's
representation of the paradoxes inherent in child protection work could apply equally to all interventions by child welfare workers into families' lives.

Paradoxical deliberations about what is 'good' or 'bad' for children did not originate in contemporary child protection work. Such deliberations can be said to have attached to all child welfare authority determinations about the adequacy of parenting, and about the suitability of the child's environment or the level of care provided to a child (Lindsey 1994). Those determinations, depicted by Chisholm (1980) as 'nebulous', and by King (1997) as paradoxical, have been the essential components of child welfare work and the foundation upon which decisions about the removal and placement of children away from their families have been made. These interventions have been authorised by such powerful moral justifications as 'the needs of the child', 'children's welfare', or 'the interests of the child'. In order to achieve social authority such moral actions are usually required to have been supported by medical or scientific evidence (King 1997, 2).

Problems arise however, when science itself is observed to be failing to distinguish truth from falsehood. Where, for example, apparently scientific methods of identifying child abusers manage to produce many false positive and false negative assessments of risk, it becomes highly problematic for child protection agencies to continue to make decisions as if there existed some privileged knowledge or expertise about what is best for children. Yet social workers [or child protection workers] cannot turn their backs on the social problem of child abuse.... with or without the legitimacy of science they are obliged to continue in their role of protectors of children against harm (King 1997, 60)

Child welfare workers operate within the dual contexts of their connections with the 'profession' that is, with the ideations which construct images and expectations of 'good practice' and with the state (de Swaan 1988). While these contexts provide 'remedies' and resources, they also impose conflicting demands. For de Swaan (1988), while child welfare workers relate with and respond to their two constituencies, of the state and their professional bodies, they also relate to a third constituency, that of their actual and potential clients. In his analysis, de Swaan
postulates that this constituency has remained largely 'virtual' and has been constituted by the state, the labour market and the professions into well-defined categories where 'the client's needs and interests have been defined for them' (de Swaan 1988, 232-3).

Thus, interventions into families by child welfare staff are practices based on perceptions, representations and interpretations about behaviour, environments and 'risk' to children. Such determinations have come not only to be subject to legal sanction, but have also become more and more 'technical', supported by medical and/or other 'evidence' and seemingly scientific and objective, or decisions based on assessments of 'truth' and thus on objective and 'scientific' criteria. The paradoxes facing child protection workers therefore are manifold. They are required to perform technical assessments, substantiate them, support them with evidence and defend them in court. The increasing specificity, and complexity of these technical challenges have disguised or obscured the paradoxes which are at the very centre of child welfare practices, and which have coloured determinations about children's welfare. When faced with the decision of whether to remove a child from a family, for example, the only path available to child welfare workers is to 'rely on informed guesses using evidence of past situations involving that child or other children for making a prediction of the future' (King 1997, 62). Thus, however convincing is the worker's identification and assessment of harm to the child, and however apparent the attribution of causes may appear, King's analysis suggests that the worker's decisions about the child's care can never be more than interpretations (King 1997, 63).

These 'interpretations', however, have over time been generated as paradox-free constructions. Child welfare authorities have promoted an identity of themselves and their practices as those of certainty, authority and superior knowledge. King takes Luhmann's proposition that an important aspect of this process of system-identity
construction results from the very existence of paradoxes at the foundations of the system, which thus needs to develop strategies to prevent these paradoxes from 'rising to the surface' and undermining its operations (Luhmann 1998 in King 1997, 61). It is worthwhile to consider King's further point that the paradox for the child welfare worker's self-image as the promoter of child welfare stems from the impossibility of performing the task (of protecting the child) in any reliable scientific manner, given the inherent problems in harm identification and prediction. Thus, the 'problem' of child abuse is reproduced in terms which are amenable to the system's communications and operations, and where the paradoxes are concealed through the construction of a social environment in which the issues that give rise to the paradox either do not appear, or appear in an unproblematic way (King 1997, 65-6).

In managing this process, child welfare practice has assumed a potent interrelationship with the law, whereby the law provides the foundational 'truths' which can be used to explain, or to interpret, 'protective' practices (Stein 1991). The child welfare system has employed legislation to legitimate and create a reality about interventions by authoring such activities, and locating those constructions within the authoritative language of the law, which channels particular constructions of meaning and which can exclude alternative discourses and ways of reasoning (Davidson and Spegele 1991). The political construction of children and their needs have thus become circumscribed by a discourse which is both juridically potent, and technically defined.

1.5 CHILDREN AND SOCIAL POLICY

An international, scholarly interest in children has emerged through the 'new' sociology of childhood, promoting a renewed realisation of the need to 'rethink childhood and its place in society' (Taipale 1993). This literature draws attention to
the social marginalisation and minority status of children in social policy, and to the lack of data available about children from research, government reports and statistics (Zelizer 1985; Heilio, Lauronen, Bardy 1993; Qvortrup 1993). The literature has also exposed the reluctance of societies to develop and conduct family policies which address the needs, rights and interests of children. So-called family policy measures have been assessed as 'more often then not a guide for serving purposes other than children' and for devising policy measures which disguise and occlude children's interests (Qvortrup 1993, 24).

Several key debates, inherent in the discourse about childhood, are also meaningful in a consideration of the location of children in social policy constructions. The very concept of 'childhood' has been seen to presume a universalising experience (for example Franklin 1986). The arbitrary and incoherent divisions between the two age-states of childhood and adulthood have been explored by sociologists and legal researchers (Franklin 1986, Minow 1990, Qvortrup 1991), who note that children have been defined negatively as 'non adults' who are 'protectively excluded' from many aspects of public life based on generally unquestioned assertions about their levels of dependency. Traditionally, childhood has been associated with immaturity, dependency and vulnerability where children were regarded as bearers of a limited range of rights and where adults were regarded as promoting the child's development or protecting the child from harm (Qvortrup 1991). Children have not been represented consistently in social and legal policy and assumptions about their dependency have been manifested in the law in the form of both state and parental rights over children, where a child's age and immaturity have disqualified them from taking action, particularly legal action, to protect their own interests (Franklin 1986, Smart 1989, Minow 1990).
Social policy defines 'the problem' of 'neglected' children, and in doing so justifies its own policy prescriptions. As such, policies disguise the fact that there is political debate rather than certainty about some issues. Beilharz (in Yeatman 1990) saw the central feature of the genre of policy texts as the use of language to make the problem which is to be addressed appear as self-evident, thereby rendering invisible the construction of the agenda by those who produce the policy and the politics which informs this construction. The construction of the 'neglected child' and 'the child at risk', for example, was authored with certainty, with authority and with the potent underpinning of both legislative inscription and the technicised 'management' of definitional and operational meanings.

The politics of discourse is tied into the politics of the contemporary interventionist state. 'Until now, the modern state has been the institutional centre of the discursive processes which have conventionalised phenomena and therefore made them subject to policy' (Yeatman 1990, 170). To support her contention of the modern state extending the scope of conventionalisation and the politics of claims, Yeatman provides the example of the discursive construction of child abuse as a social problem which problematises a relationship which was previously thought to be 'natural' in character. In Yeatman's analysis, the discourse of child abuse conventionalises the parent/child relationship by constituting the norms and practices which should govern that relationship. The parent-child relationship is thus introduced into the conventional sphere of the polity by focusing on the power differential between parent and child and raising the question of what constitutes legitimate modes of parental domination over children. Thus, the relationship loses its 'private' status and becomes a matter of 'public' interest where

the discourse of child abuse constitutes new "claims" on the political process, claims by various different kinds of advocates on behalf of children, claims by parents and others resisting this politicisation of parenting and, although this is a potential still largely unrealised, claims by children. In constituting these claims, the discourse constitutes the claimants making the claims (Yeatman 1990, 170).
Yeatman further states that the discursive field which develops in relation to any particular set of claims involves complex negotiation and struggle between various parties concerning which meanings are incorporated into official policies. Importantly, Yeatman notes that a good deal of negotiation and struggle goes on within the state itself, where advocates of particular claims and claimants may press their case in a subtle combination of intrabureaucratic politics. Thus, she notes that 'when the politics of discourse and the politics of the state flourish, there is an important degree of interpenetration of the state and civil society' (Yeatman 1990, 170-171).

Yeatman's analysis can be similarly utilised to consider the complex actions of the State Government of New South Wales in constructing 'neglected' children and in formulating particular responses to the 'problem' of those children. The 'problematising' of the parent/child relationship within conventionalising processes which rendered them subject to policy can be seen to have occurred throughout the long history of the government's intervention into the lives of children and families. While Yeatman positions the construction of 'child abuse' as the catalyst for the introduction of the parent/child relationship into the conventional sphere of the polity, her interpretation ignores the historical significance of other social and political 'events' which occurred prior to the emergence of child abuse. The removal of Aboriginal children from their families, for example, reflected obvious race-based determinations about parent/child relationships which were subject to policy and which resulted in state intervention. Similarly, at the turn of the century, parent/child relationships were the subject of significant policy deliberations in terms of determinations about the institutional or foster care of poor, 'neglected' and orphan children. The social and official construction of child abuse then, was yet another phase in the conventionalising of the parent/child relationship, but was not, as claimed by Yeatman (1990) the catalyst for this process.
The 'problem' of neglected children was defined in the state's own terms (Williams 1989, 8). Child welfare policies and programs can be evaluated as a testament to its careful balancing of the responsibilities and rights of parents, the rights and needs of children and the role of the state and other service providers, in a context which has been effected by changes in the political economy of welfare and in professional practice and 'buffeted by key public events, scandals and tragedies' (Hallett 1998). However, the discourse which constructed the state's responses to 'children in need of care' was circumscribed by its particular discursive and procedural boundaries.

Central to the development of child welfare policies has been the tenet of dependency. In their consideration of the meanings embedded in the concept of dependency, Fraser and Gordon (1994) note that, in social welfare and social policy terms, the concept 'leaks a profusion of stigmatising connotations' (1994, 3). While Fraser and Gordon do not address the location of children in their analysis, except for their recognition of children's connections with their mothers as dependency units in the social welfare system, their narrative nonetheless provides a significant commentary on the social policy process. They note that when ideological assumptions are inscribed in social policy discourse they are difficult to challenge. Policy discourse then becomes a medium through which 'political hegemony' is reproduced.

Fraser and Gordon distinguish four 'registers' which depict dependency in social welfare and social policy inscriptions. Firstly, they specify an economic dependence on some other person(s) or institution for subsistence. Secondly, a socio-legal dependency, characterised by the lack of a separate legal or public identity. Thirdly, a political dependency, which is a form of subjection to an external ruling power. Finally, Fraser and Gordon define a state of moral/psychological dependency (1994, 6). In their review of the concept of dependency, they note that in social policy and
social welfare discourse children appear only in terms of their correlative relationship with women that is, 'on the lower rung on a long social ladder' (1994, 8) where they are considered merely as counterpoints to the analytical concerns attached to the status of women. For O'Neill (1994), too, the subject 'child' has not been properly conceived in politics because children have not been recognised as an embodied, gendered or family subject and have consequently been omitted from political discourse, cast as dependent appendages of their parents or rendered invisible as a component of 'family'.

Conversely, in Hendrick's (1994) historical study of child welfare in England, the history of children and childhood is portrayed as a history of the state's concerns about particular embodied subjects which represented a threat to the polity. Hendrick's account considers the dualisms of mind/body and of victim/threat as central metaphors in understanding the history of the state's responses to children and in the development of policies to address the needs of children. In this analysis, social policy development was, literally, the development of procedures to control children's bodies, especially in the period since the 'discovery' of child abuse, where children's bodies came to represent the physical evidence of moral decay (Hendrick 1994, 7). The child thus sustained a metaphorical role as the embodied investment of the state's capacity to provide care to children and families. For Hendrick, the state's 'solution' to the problem of children was an investment in political and social consensus.

While they are absent, invisible or minimised within the dominant corpus of social policy and social welfare discourse (Fraser and Gordon 1994), children are potently and centrally depicted in those social policy accounts which address child welfare concerns. Here, children are represented as unique, problematic subjects of political consideration amenable to policy responses.
1.6 Child Welfare in New South Wales

The development of state child welfare services is closely related to the social and economic life in which state agencies intervene. In Australia, the state’s interventions in the lives of families have been cast as determinations about the particular conditions of working-class families (Dickey 1980, Garton 1990, van Krieken 1991, Jamrozik and Sweeney 1996). Historical accounts of child welfare in New South Wales have portrayed the state’s role in supervising and controlling the parenting practices of working-class families, or represented the state as a benevolent parent ensuring the protection and care of needy, destitute or abused children from the inadequate practices of the failing or pathological family. In so doing, they depict a range of contested claims and competing influences which have been instrumental in determining the state’s role in providing for children who require care away their families (for example Dickey 1980, Garton 1990, van Krieken 1991).

One analysis has concluded that child welfare legislation in Australia was never particularly directed towards the needs and interests of children themselves but towards maintaining order and cultural security (Brous, Green and Jaggs 1980). Its authors attest that the problem of defining the kinds of relationships which should exist between the state, the family and society, and how those relationships could be achieved, had never been resolved:

While the state had come increasingly to intervene in the affairs of children and families with the decline of the traditional institutions, the state’s own authority is being questioned, as is the legitimacy of its intervention (Brous, Green and Jaggs 1980, 37)

In considering the state’s role in the ‘affairs of children’, Brous, Green and Jaggs determined that the state depended upon the interpretation of needs and the selection of objectives from a range of possibilities about which there could ‘only be uncertainty’ (1980, 37).
This conceptualisation of the activities of government as a response to an agenda which was infiltrated with 'uncertainty' is not common to sociological accounts of Australia's child welfare system. They have principally depicted the preeminence of two philosophies of care within the system: the criminal justice model, which constructed the child as dangerous and which responded with punishment in order to achieve retribution and the protection of society; and the social welfare model, which constructed both offending and non-offending children as victims of circumstances, where intervention was required to 'help' or 'treat' the child (for example Burns and Goodnow 1979, 186-220). Such accounts, while presenting the history of Australia's child welfare system in terms of the co-existence of certain binary formulations, have denied the history of contestation around these 'seemingly evident' constructions of 'neglected' children and 'delinquent' children (Carrington 1993a). Further, they have omitted from such accounts the contestable practices which have surrounded the construction of state wards.

The history of non-Indigenous children who were admitted or committed to the 'care of the Minister' in each State in Australia, as state wards, has not been documented.\(^1\) Margaret Barbalet's account (1983) of the lives of female state wards in South Australia to 1940 is a rare Australian study of this 'forgotten world' of children's lives. Barbalet surmised that the experiences of these girls in South Australia was mirrored in other Australian States, where similar practices and conditions existed.

That these white, female state wards were the children of impoverished families is evident from Barbalet's examination of both case-file data and official aggregated data on the state ward population. It was a central tenet of the South Australian Child Welfare Department's policy that state wards should be placed in foster care and that,

\(^1\) The history of Indigenous children who were removed from their families has been documented by the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997.
upon reaching the age of thirteen years, they be placed into domestic service. Over 80 per cent of the girls, once placed into the care of the State Children's Department, remained in some form of care until they were discharged from the department's responsibility usually upon attaining the chronological status of adulthood.

Many of the state wards experienced numerous changes of placement:

One of the greatest certainties of childhood is knowing the permanence of one's relationship to one's parents, be they poor or rich, capricious or fair. To be a state ward was usually to have something infinitely less: a home and 'parents' that might change or disappear forever (Barbalet 1983, 7).

In Barbalet's account, the child welfare system in South Australia permitted the return of state wards to their families, a fact which was viewed by foster parents as a 'flaw in the system'. Many foster parents expressed their wish for an adoption-like arrangement so that if they loved the child, or depended upon the ward's labour, the placement of the ward in their care could be viewed as permanent. Female state wards were expected to leave school early, to take on domestic work within their foster parent's household, to care for younger children and to be at all times obedient, innocent and modest. They were to be of fine moral character and to avoid 'bad company'. The girls, with few skills apart from housekeeping and child caring, and little formal school education thus awaited the 'escape' of marriage and the birth of their own children.

Barbalet does not provide information about the lives of these young women after their discharge from care, nor does her narrative inform us of the contact made between the wards and their own families. As her data were drawn from correspondence and other archival records, it is possible that there is no record of family contact as, unless intercepted, correspondence between the wards and their families, where both parties were literate, was unlikely to have been retained in the records of the State Children's Department. Nonetheless, Barbalet provides a picture
of the themes which circumscribed the state's care of children who had been removed from their families to the period of the 1940s, and provides cogent data about state wards which is rarely depicted in commentaries on Australia's social welfare and child welfare history.

The publication of *Child Welfare in Australia* (Picton and Boss 1981) was a significant contribution to recording Australian child welfare history, as it included a detailed account of the competing philosophies and trends which underpinned State programs for children who were in need of care. This publication attempted to include data from the Australian States and Territories and to consider some arenas of convergence and difference in the development of State-based child welfare policies and procedures. Not only did child welfare constitute a key element of State Government concerns, but, as noted by the authors in their introduction, the wealth of commentary and the documentation of the debates about practices was to be found within the confines of those government departments whose function it was to administer the child welfare agenda. Thus, in order to compile a national picture, the authors sought out brochures, pamphlets and departmental discussion documents and examined an array of official reports. Even then, they were unable to access information from all the Australian States, and were forced to acknowledge the limitation of canvassing issues in terms of a national perspective when the procurement of materials was problematic. Nonetheless, *Child Welfare in Australia* represented an important attempt to document the structures, organisations, contexts and dilemmas associated with the delivery of child welfare services and the provision of substitute care services to children. *Child Welfare in Australia* recounts State Government provision of out-of-family care in residential institutions and foster placements, the management of the delinquent behaviour of adolescents through a range of diversionary and residential programs, and, by the 1980s, responses to the increasingly prominent concerns attached to the issue of child abuse. Picton and Boss
revealed that all the Australian States had pursued parallel programs, engaging in a similar pattern of care provision and modes of service delivery in the development of responses to neglected and delinquent children and, later, to abused children.

1.7 Conclusion

The history of the care of state wards in New South Wales has not been recorded. A partial history can be uncovered through an examination of the legislative, judicial and administrative processes which operated in New South Wales, particularly those policies and procedures adopted by its Department of Child Welfare. This department has been responsible for the care of state wards both directly, through the care of children in the department's residential facilities and foster home arrangements, and indirectly, through the provision of funding to non-government agencies which provided foster homes and cared for children in large congregate residential settings. The story of the State's children and the deliberations about their care are also recorded in the debates conducted in the New South Wales Parliament. The care of poor and delinquent children has long been a significant concern of the government with constant discussion of the 'proper' responses to the poor, the needy, the single parent and the uncontrollable child. Finally, as Picton and Boss (1981) have noted, the story of state wards can be uncovered through an examination of the Child Welfare Department's internal documents and statements, and in its public reports of its activities.

This thesis then, constructs a story about those children who were admitted or committed to care as state wards, and about the discourse which constructed the state's responses to those children - in constructing children in certain ways; in creating a system of care; in addressing and constructing their needs, rights and
interests; in presuming their abilities and capacities; in creating their imaginary families both biological and foster; in constructing them as the 'property' of the state; in delineating the responsibility for their care and in terms of the state's omnipotence in determining their future. This account thus presents a particular view of the history of the New South Wales government's care of children and considers those children who were, in a sense, 'hidden' from the public gaze within care arrangements which were historically long-term.

The state's care of children and families in New South Wales from 1945 was underscored by the provisions of the Child Welfare Act 1939. This Act has been amended many times in the period since 1945, and an examination of the numerous legislative changes and the debates surrounding them provides an insight into the public discourse which coloured perceptions about the care of neglected children. The debates conducted in the State parliament provide an illustration of the government's deliberations about its role as 'parent' to state wards, about the needs and interests of these children and their families, the 'proper' care of state wards and the economic and political deliberations attached to the perceived needs of children and their families.

The history of child welfare in New South Wales since 1945 cannot be separated from the activities of the State Child Welfare Department. The history of child welfare in New South Wales is able to be recovered partly through readings of the New South Wales Child Welfare Department's records. This will therefore be a history of the way in which the major government department with authority over children and their parents constructed, reviewed and reconstructed child welfare policy, enforced it, and hence defined officially the parameters in which child welfare policy was understood and experienced by those who enforced it, and those who were subject to it.
This hitherto unexamined and unanalysed history will be traced from historical records, internal reports and official documents to construct a narrative of the State government's activities as *parens patriae* to neglected children who were admitted or committed to the care of the state and placed into substitute care arrangements.
Chapter 2
AN ADVERSE INHERITANCE

In the majority of cases the children concerned are handicapped by the dual burden of an adverse inheritance, plus an undesirable environment (CWD AR 1955, 11).

2.1 Introduction

The history of the care of the children who were admitted or committed to the care of the New South Wales Minister for Child Welfare is both a history of a particular set of arrangements for the care of such children and a history of the distinctive operation of that State's legal, judicial and administrative processes. The 'shape' of the Australian child welfare system can be said to have been conceived in the nineteenth and the first half of the twentieth centuries (van Krieken 1991), when the preference for 'boarding out' children into family-care arrangements, in preference to their placement in institutional-style care, was established. This preference for boarding out has been seen in various ways firstly, as a reflection of the state's construction of the idealised family unit with its capacity to exert a stable, family-based influence upon vulnerable and impressionable children as the idealised placement arrangement (Dinnage and Kellmer Pringle 1967, Dickey 1980, Garton 1986, Jamrozik and Sweeney 1996); secondly, as a less expensive and thus preferable option for governments faced with the considerable and growing costs of institutional care provision (Jamrozik and Sweeney 1996); and thirdly, as a mode of child care which permitted the escalation of state control without a corresponding increase in institutionalisation (Garton 1986).

The responsibility for the care of children in boarded-out placements was that of the State Children's Relief Board which was established in New South Wales in 1881. While the Board also operated a number of institutions for the incarceration of neglected children and juvenile offenders, the system of boarding out was the impetus for the foundation of the Board and formed the guiding policy of its early years.
(Dickey 1980, Garton 1986). The 'barrack' system of institutional care for children had been the subject of public criticism in the 1870s in New South Wales with the published revelations of the 'horrors' of the Randwick Destitute Children's Asylum, which encouraged the view both of the Board and of the community, that boarding out was an effective and preferential reform strategy for the care of children (Australia Parliament Senate Standing Committee on Social Welfare 1985, Garton 1986, Jamrozik and Sweeney 1996). The boarding out of children with foster families was thus thought to expose children to the 'beneficent effects of home life' (Garton 1986, 29) and to offer to neglected children a 'fresh start' to rehabilitate and refresh them after the presumed deprivations they had experienced in the care of their inadequate and deprived families (Australia Parliament Senate Standing Committee on Social Welfare 1985, Jamrozik and Sweeney 1996).

Garton (1986) cites the potent leadership of the President of the State Children's Relief Board in New South Wales, Sir Charles Mackellar, as exerting a singular influence upon the development of boarding out as a preferential placement for children who required care. Mackellar, who was president from 1902 to 1914, 'consistently advocated boarding out to ensure that children were not institutionalised' (Garton 1986, 21). The State Children's Relief Act of 1881 authorised the State Children's Relief Board to remove children from institutions and place them out with foster parents (Jamrozik and Sweeney 1996) (see Appendix 2). Consequently, although a large number of children were brought under some form of state supervision, the number of children in institutions in New South Wales declined. In 1881, for example there had been 1406 children in institutions registered with the State Children's Relief Board and only a handful of children boarded out. By 1913 only 300 children lived in institutional settings while there were 9779 children boarded out in foster care arrangements (Garton 1986, 32). Children who were placed

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2 A similar exposé of the conditions of almshouses in the USA in the 1870s gave rise to a reform movement to remove children from such unsuitable conditions and to place them into orphanages and asylums and, subsequently, into 'placing-out' arrangements (see Lindsey 1994).
into foster care were supervised by the State Children's Relief Board and were, under the Board's provisions, then placed into apprenticeships from the age of twelve years (Jamrozik and Sweeney 1996).

In 1923, the passing of the *Child Welfare Act* dissolved the State Children's Relief Board and vested its powers in the Minister for Public Instruction (McAllister 1977, van Krieken 1990). The responsibilities for the provision of care to children were located in the new Department of Child Welfare, a sub-department of the Department of Public Instruction (McAllister 1997). The 1923 *Child Welfare Act* consolidated and amended the pre-existing legislation which provided for the care of children in New South Wales, including the *State Children's Relief Act 1902*, The *Infant Protection Act 1904*, and the *Neglected Children and Juvenile Offenders Act 1905*. The new Act also contained a provision for the introduction of legal adoptions (McAllister 1977). In 1939, a new *Child Welfare Act* replaced the former Act and the position of Director (previously Secretary) of the Child Welfare Department was instituted.

In 1927 a Royal Commission into the general organisation, control and administration of the Child Welfare Department, with special reference to state welfare institutions, had concluded that child welfare facilities in New South Wales were superior to those in other Australian States. Nevertheless, deficiencies existed in the system due to ineffective organisation, administration and control, the use of unsuitable buildings and the employment of inexperienced and untrained personnel (McAllister 1977, van Krieken 1991). Following several personnel changes in the position of Director, the appointment of a new Director in 1944 saw the beginning of a period of administration which 'enhanced the public standing of the department' (McAllister 1977, 23).
The developments in child welfare to 1940 in New South Wales have been seen as 'formative' (for example van Krieken 1991, Jamrozik and Sweeney 1996) in that the foundations for the state's care of children were established. They comprised three central features. The first of these was the preeminence of foster care as the preferred caring arrangement for neglected children (Lindsey 1994, Jamrozik and Sweeney 1996). Secondly, the care and control of children and juveniles were undertaken both by the government and by a range of religious and voluntary organisations (Garton 1986, Graycar and Jamrozik 1989, Liddell 1993, Mowbray and Mason 1993, Jamrozik and Sweeney 1996). Thirdly, the children who were cared for in a range of government and non-government child-caring arrangements were from poor families (Picton and Boss 1981, Jamrozik, Drury and Sweeney 1986, Brown 1980, Dickey 1980, Australia Parliament Senate Standing Committee on Social Welfare 1985, van Krieken 1990, Garton 1986, Jamrozik & Sweeney 1996, Kociumbas 1997, Daniel and Ivatts 1998).

2.2 The child welfare system from 1945

After World War II, alongside rising prosperity in the community which was presumed to have reduced the incidence of severe family poverty (Roe 1976, Dickey 1980, Kociumbas 1997), and through a sense of 'confidence in democracy' and in the 'potential for progress [where] a faith in the family was the ideal humanitarian and disciplinary environment' (Hendrick 1994, 15), the Child Welfare Department began to expand its activities into supportive and supervisory engagements with families. In Australia, with the introduction of Commonwealth child endowment payments in 1941, and widow's pensions in 1942, significant responsibility for financial aid to destitute children and families was transferred from the State to the Federal Government (Dickey 1980, Garton 1986, Kociumbas 1997). As their responsibility for financial distribution diminished, State child welfare departments in Australia became more closely involved with 'casework' with children and their families.
(Dickey 1980,155-6), an intervention which was presumed, intrinsically, to offer therapeutic or rehabilitative outcomes:

Even when it has been necessary, in the interests of the children, to remove them from their families, casework continues, and often the shock of losing custody of their children has brought a rehabilitation of the family which was not thought possible previously (CWD AR 1956).

As illustrated in this thesis, the provision of 'family casework' or 'preventive casework' remained the key activity of the field officers of the department until the 1970s and complemented the continuation of the three characteristics of the child welfare system which had been established by the 1940s. Firstly, foster care continued to be represented as the ideal form of care for neglected children and the department maintained a policy of seeking to place 'fosterable' children that is, children who were not handicapped, who were non-Indigenous and were usually under ten years of age with foster parents. Secondly, both the State Government and the non-government organisations continued to offer parallel substitute care arrangements. Thirdly, the neglected children who entered the system were primarily those children whose parents were poor, were without adequate housing, were Aboriginal, were facing economic or relationship crises, or were single women caring for children. This thesis also illustrates the legislative, policy and administrative transitions which occurred from the 1970s, particularly following the 'rediscovery' of child abuse (Parton 1985). Although these transitions precipitated very major structural, procedural and nomenclature shifts within the department, they did not dislocate these three fundamental characteristics of the child welfare system.

A reading of the operations of the Child Welfare Department indicates that neglected children who were removed from their family's care in New South Wales were likely to be admitted to foster care, where they experienced a long-term placement, or multiple placements, in the care of a 'substitute' family. Some children, who were
charged with committing offences, with being 'uncontrollable', or 'exposed to moral danger', were placed in training or detention centres. From the 1940s until the mid-1970s, both groups of children were likely to experience long-term separation from their families as the Child Welfare Department's policies strove to reinforce the 'stability' of foster care placements by discouraging contact between state wards and their original families.

Picton and Boss (1981) delineate two 'patterns' which have characterised the development of child welfare services in the Australian States. Firstly, services have been child-focused and have tended to exclude parents from decision-making, and indeed have excluded parents from the judgements made by child welfare officials about the 'solutions' to families' problems, crises and conflicts. Secondly, the principal child welfare policies which have operated in all States have supported the separation of the child from the parents: 'the tendency is, and has always been, to substitute for the parents in a crisis situation ... this results in the removal of the child ...' (Picton and Boss 1981, 24-25). In the period from 1945 to 1956 the policies and correlative practices of the Child Welfare Department did not accommodate the child's identity with, or contact with, their birth family, nor provide for the child's eventual return to their family from substitute care placements. The state's care, for many children, lasted throughout their childhood.

The issue of neglected children attracted a high level of discussion in the business of government immediately after the war (for example PD NSW 1945-46, 999). The provision of social welfare services to the citizens of New South Wales in the immediate post-war years constituted the concerns of a government anxious to accommodate the men who had returned from active service, and to support those families who experienced stresses or crises as a result of the death of the male breadwinner, the illness or injury of a returned serviceman, or family breakdown
which occurred as a result of desertion and separation. These debates reflected not only concern for children who suffered as a result of family disruption, death or desertion, but the ambitions of government that the children of the State should benefit from the spirit of optimism in the community after the war. Such optimism, however, was underscored by a particular concern for the formation and development of healthy, morally pure, energetic and hardworking citizens.\(^3\) The discourse about children which took place in the State parliament in the post-war period exhibited a tension between the government's eagerness to dispel community concerns about delinquency and lawlessness, while minimising debate about the perilous social, economic and personal circumstances confronting some families.

The politics of the discourse about neglected children in the post-war period can be viewed in terms of Fraser's (1989) three 'moments' in the evolution of a discourse about needs. Firstly, in determining the political status of a given need, it is necessary to establish the matter as a legitimate political concern or to enslave it as a non-political matter. Secondly, in Fraser's terms, there is a struggle over the interpretation of the need, together with the power to define the need and to determine what would satisfy it. Thirdly, a struggle occurs over the dissatisfaction of the need, including the granting or withholding of provision (1989, 164). The state enslaved both neglected children and delinquent children as political subjects within a needs discourse in which the government both defined the needs of such children and determined the processes and provisions which would satisfy those definitions.

### 2.3 The New South Wales Child Welfare Department

The New South Wales Child Welfare Department sustained three diverse perceptions about neglected children:

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3 The *Nationality and Citizenship Act* 1948 recognised Australian Citizenship for the first time.
that the children who were admitted or committed to the state's care could be divided into the separate categories of 'good' (neglected) children and 'bad' (delinquent) children,

that parenting practices could be viewed in separate categorisations of 'failed' families whose children became state wards, and idealised families, who offered foster care to state wards,

and that the clients or constituents of the Child Welfare Department were either deserving of assistance and amenable to intervention by the department or were inadequate and incompetent, and could not be assisted by the provision of financial, casework or other measures (Wilkinson 1985).

The care of neglected children in this period from 1945 to 1956 was located in a discourse of dual constructions of families and their capacity to care for their children, and conflictual perceptions about the needs of 'good' and 'bad' children. Ideations about the provision of care to neglected children in New South Wales, however, were permeated by certainty about the idealised potential of foster care to provide optimal care to children, a certainty which was unshaken and unchallenged.

In 1945, the New South Wales Child Welfare Department depicted its role as the provision of support to families in caring for their children, the provision of residential and foster home placements when interpersonal family relationships had broken down or when households were dissolved when faced with deviancy, hardship or criminal behaviour, and the assumption of responsibility for the care of children who could not be cared for or controlled by their family members (CWD AR 1946). The department paid allowances to eligible families, provided residential and foster care to children and young people who were neglected or charged with an offence, and supervised families who were assessed as 'inadequate, criminal, deviate or ill-intentioned' (CWD AR 1946). It also operated hostels for mothers and babies,
administered adoption services both directly and through a range of non-government agencies which provided private adoption placements, and provided for children from the United Kingdom who were placed in care arrangements under the provisions of the National Security (Overseas Children) Regulations of 1940, as a result of which there were 212 such children placed in care in New South Wales at 30 June 1945.

The responsibility for the care of children and families was constructed as a positive aspect of the state's operation and was counterposed against other constituencies which were viewed as comparable reference points. The New South Wales Child Welfare Department rarely acknowledged the activities of child welfare systems in other Australian States, but cited the activities of the British welfare system as a contrasting and inferior scheme. In Britain, the lack of a cohesive national system to regulate and supervise the care of children was depicted as a major impediment to the development and provision of comprehensive child care services. Local authorities in Britain were able to pass responsibility for children to each other or to the numerous charitable and religious groups which were involved in the care of children who were placed in large, congregate children's homes. The Curtis Report, delivered in 1949 following an inquiry in Britain into children's homes, recommended the centralisation of the responsibility for children's care into one government department and the appointment of specially trained local authority children's officers. The Children Act (1948) also supported this centralisation of responsibility for children's care (Hendrick 1994, 214). The monolithic concentration of state welfare programs for families and children within the Department of Child Welfare in New South Wales was represented in the department's annual reports as an example of a successful and cohesive approach to meeting the needs of the families living in the State (for example CWD AR 1948, 9).
Official statements about the department's activities, such as were contained in its annual reports, constructed interventions by departmental personnel as those of 'benevolent parent'. Such interventions, however, also reflected a number of competing tensions. The department sought to conduct surveillance of children and families, to ensure the inculcation of those morals and values which befitted 'good citizens', to maintain children both in the care of their families and away from their families, and to prevent delinquency and criminality through the supervision of the child's behaviour and of the parenting practices of some families. This juxtaposition of surveillance and supervision, with that of care and support, characterised both the official rhetoric of the department's representation of its operations as well as defining the activities of its front-line field officers.

The circumstances which precipitated the entry of children into out-of-family care were assessed as the 'proper' concern of a State Government bureaucracy with a mandate to provide for the social and economic health of its constituents. Changing social conditions were cited as powerful forces which affected the daily lives of the State's citizens, and thus required the department to offer a service to those families facing hardship, crisis or disintegration. The children in the care of the New South Wales Department of Child Welfare in 1945 were represented as 'socially handicapped, neglected, dependent and delinquent' (CWD AR 1945, 7), and coming from 'immoral and socially inadequate family situations' (Picton and Boss 1981, 21).

Throughout the 1940s and 1950s, the department supervised the parenting practices of poor families and policed their ability to care for their children. As the population of non-urban centres in New South Wales increased in the years immediately after the war, the department increased its staffing in these localities and, in some cases, anticipated that the nature of the population, which included large numbers of relocated and migrant families, would necessitate the recruitment of additional field
officers in order to ensure the adequate care of children in these 'newly settled' families (CWD AR 1949, 9). The activities of the department's field staff reflected a complex interplay of the dual purposes of preventing family breakdown through the surveillance of parenting practices within certain families, and responding to situations where poverty, desertion, unemployment or parental inability or incapacity had brought the family to the department's attention.

The field officer's role in preventing family breakdown and in ensuring the provision of a standard of care which would permit children to develop into 'good citizens' permitted the department's inquiry into the conduct of some families' activities and relationships, their sexual behaviour, drinking and gambling habits and their moral conduct. The policing of morality and of a family's financial viability was intertwined. These practices made little distinction between the 'moral failure' of parents and the effects of poverty, homelessness or unemployment. While a State-wide housing shortage was acknowledged as a key factor in the difficulties of many families in the late 1940s (CWD AR 1948, 11), such social or economic conditions were equally cited with 'lack of parental control' in explaining the increasing demand upon the department's front-line staff.

Field officers maintained supervision of families whose circumstances, such as inadequate or temporary housing, were considered likely to result in 'deterioration' and in conditions detrimental to the welfare of the children (CWD AR 1949, 9). Field officers supervised all phases of family life, including the relationships between parents and other adults. This 'supervisory regime' (Frost and Stein 1989) was overlaid by a stated concern to avoid 'an authoritative approach' and to 'recognise and give appropriate attention to the less tangible and emotional problems of the individual' (CWD AR 1949, 9). Field officers were required, therefore, to pursue inquiries into the personal, social, sexual and financial circumstances of some
families, to conduct ongoing assessments of the family's care of their children, and to offer supportive 'casework'. The department represented its role as 'one of the leading social agencies in the community' (CWD AR 1951, 9), constituting its activities as family casework and supportive intervention (CWD AR 1946, 34), and as a 'service to the community' (CWD AR 1951, 9). It was proud to assert that there was 'no phase of family life which was not covered by the activities of the field staff of the Department of Child Welfare' (CWD AR 1948, 13).

The role of inspection was a key activity of all field officers. The very activity of inspecting parental practices was presumed to prevent deterioration in a parent's behaviour or capacity to care, while the inspection of young people's behaviour was represented as the key to preventing delinquency or deterring delinquents from committing further offences (CWD AR 1949, 7). The surveillance of some families and the supervision of parenting practices, including parents' relationships and moral and emotional character, were presented in official accounts as a form of prevention by which departmental staff could prevent 'deterioration in the family conditions' (CWD AR 1949, 9) and the subsequent removal and placement of children. Inspection, cast as prevention, was considered to be a vital and important part of the field officer's duty.

By 1950, the specialist category of 'probation officer' was established to perform three main activities: preventive measures to lower the incidence of juvenile delinquency and neglect; the supervision of juveniles placed on probation or committed to the care of approved persons to prevent the recurrence of further delinquency; and assistance in the rehabilitation of girls and boys who had been committed to institutions for a period of training. Probation officers were specially selected from among the department's field staff, and were thought to require 'the right type of personality, natural aptitude, interest in the work and appropriate
training' and be 'prepared to work early and late as the circumstances of the case require' (CWD AR 1950, 10). This 'formalising' of the role of delinquency prevention into a designated employment category not only legitimated the 'prevention' role of surveillance and supervision of those persons who might become criminal or might be of questionable character, but was constructed as a positive and supportive intervention to ensure that families remained together and that children and young people did not commit criminal acts or become involved in behaviour or activities which placed them beyond the control of parental authority.

The probation officer's role intruded upon the activities of female and male children differently, and was perceived as essential in the prevention of the slide of adolescent girls into 'moral delinquency' (CWD AR 1951, 10), while preventing male adolescents from committing criminal acts or avoiding schooling. From March 1952, a Special Probation Squad was established for the purpose of carrying out specialist preventive work and in its first three months of operation had 'accosted' over 430 children (CWD AR 1952, 7). The department's report does not indicate the gender, or ages, of these children.

The rhetoric of 'supervision' gave way to the pre-eminence of 'family counselling and family well-being in detailed casework situations' (Dickey 1980,155-6). This 'casework' intervention was represented as a skilful and therapeutic undertaking, delivered by trained, specialist staff. The department's front-line staff increasingly was required to undertake specialised training for a role which was designated, in the department's rhetoric, as a specialist, professional activity. In 1945, the department was laudatory in its recognition of the value of professional training for staff, and had planned the further extension of staff training and the expansion of specialised 'social work' services (CWD AR 1945, 7). The need for trained staff prompted the government of the day to appropriate public funds to establish facilities at the
University of Sydney for staff training of the standard required by the Child Welfare Department for its front line staff. The Board of Studies in Social Work was established for this purpose in 1940, but several more years were to elapse before the staff training program was able to accommodate the department's training needs (CWD AR 1960, 11). A number of staff members were also chosen as cadets to undertake courses of study at the University of Sydney. Staff usually undertook an Arts Degree course, followed by a Diploma in Social Studies. Following the department's 'active representations' to the University of Sydney, an evening course in Social Science was introduced in 1945 by the University of Sydney's Department of Social Studies (CWD AR 1945, 7). From 1946 this course was offered as a correspondence program, and the Child Welfare Department offered cadetships to staff members to enable them to undertake the University of Sydney course.

From 1946, a specialised course in Child Welfare was offered by the Sydney Teachers' College, requiring part-time evening attendance. Half of the forty students in the first intake were personnel from the Child Welfare Department. From 1950, a special evening course provided the department's clerical workers with the opportunity to undertake part-time studies while maintaining full employment, and thus enable them to progress to higher-grade duties in the department's Field Division.

In her study of the experiences of retired Child Welfare Department field officers, Hughes (1990) considered the social, economic, class and gender issues which coloured the careers of field personnel from the 1950s to the 1970s. Her research found that officers who joined the department in the 1940s and 1950 had not completed their schooling and took up positions as clerical staff. Hughes' interviews with a sample of those officers who joined the department in the 1950s revealed that their backgrounds were similar to those of their client families and were a crucial
factor in their understanding of their work and of their responses to their clients. These former officers described themselves as 'working-class' and considered their common life experiences, which were similar to those of the families with whom they worked, to be central to the development of the active and committed work force which staffed local child welfare offices in this period. They had begun their careers as clerks in the department with the prospect of becoming field staff, which they perceived as offering more promotional opportunities and more interesting working conditions than clerical duties. They were required to complete an evening course in child welfare and to be 25 years old before they could become field officers. Through their employment in the various administrative and clerical branches of the department's central office prior to their promotion to field duties, they were able to gain a vast knowledge of the operation of the department and its functions and experienced the powerful process of acculturation which prepared its front-line field staff for their role as 'family caseworkers'. This role prevented their being transferred to other government departments, which would not have provided them similar opportunities for promotion or for the performance of a function which was experienced as a specialised, and highly skilled activity.

Hughes research (1990) also points to the numerous impediments in the Child Welfare Department's practices which prevented women from taking up employment in the 1950s and 1960s. Women were unable to achieve senior positions, as the regulations did not permit them to work in one-person offices in non-urban centres and towns, a prerequisite to promotion to the grade of senior officer. Women were also paid less than their male counterparts, an institutional barrier which prevented them achieving the promotional opportunities available only to officers who had achieved the maximum salary as junior field staff. The provision of family casework in the 1940s to the 1960s was therefore undertaken principally by male officers.
The 'casework' activities of the department were exemplified by the inclusion, in its annual reports, of 'case studies' to illustrate the importance of the field officer's 'good relationship' with parents, which ostensibly ensured the 'proper' care of children. The first 'case study', included in the 1950-51 annual report, detailed the value of the 'caring' role of the child welfare officer, named here for the first time as the 'district officer', who offered care and support to children and their families (CWD AR 1951, 10). The casework conducted by departmental field officers was also commonly described as 'social work':

A feature of the year [1949] has been the public interest evinced in social work generally, particularly as it effects children, by the press, the radio and the screen (CWD AR 1949, 7).

This century has witnessed radical changes in the whole field of social work. In the sphere of child welfare, particularly, the awareness of a determined approach to its problems has been accelerated since the Second World War (CWD AR 1951, 9).

This nomenclature revealed an approach to working with families and children which was constructed as both 'preventive and therapeutic' (CWD AR 1949, 9). By 1955, the department's commitment to the recruitment of trained workers, and to the ongoing training of its district officers, was an established tenet of the Field Branch. Also apparent was the perception, which had emerged since the mid-1940s, that 'however high the ideals and well-meaning intentions of the worker, he [sic] is unable to provide satisfactory results unless he has the technical training and experience' (CWD AR 1955, 10).

The role of the District Officer in rural areas, however, was more closely aligned with that of a generalist welfare worker, who assisted with employment and financial problems, with housing difficulties, and with any issues which affected a family's functioning (Hughes 1990). Most significantly, the role of these workers in a non-urban area required that they undertake close supervision of families to ensure that 'adjustment' of delinquent behaviour, or of poor parenting practices, could be carried
out (CWD AR 1954, 9). The field officers, then, were engaged in activities which, although constituted as preventive and therapeutic, were also supervisory in nature, requiring the ongoing surveillance of parenting practices and of children's behaviour.

2.3.1 Allowances for supporting parents and dependent children

Under the provisions of Sct 27 of the Child Welfare Act (1939), women with dependent children who were supporting their children without the financial support of a husband or other male breadwinner, could receive an allowance to permit them to continue to care for their children. This allowance was also paid to families whose children were assessed as destitute in that their parents were considered in need of financial assistance. In 1945, these payments (known as Sct 27 payments), contributed to the care of 2632 women and their 6410 children. The largest categories of recipients were 'deserted wives' (473 payments), 'unmarried mothers' (373 payments), and women with incapacitated husbands (325 payments). In 1946, with the demobilisation of the armed forces, the number of Sct 27 payments to women whose husbands were under military detention or in gaol dropped by 62 per cent, while the category of payments to 'deserted wives' rose by 18 per cent (CWD AR 1946, 13).

Many of the applicants for state financial assistance were eligible for the Commonwealth widows or war widow's pension, and State supplementary allowance in respect of children, and they were thus referred to the Commonwealth Department of Social Services. Although child welfare is the statutory responsibility of State governments (Australian Law Reform Commission and Human Rights and Equal Opportunity Commission 1997), there are numerous areas in which the welfare, interests and entitlements pertaining to children's welfare fall under the purview of the Federal Government (see Australia Parliament Senate Standing Committee on Social Welfare 1985). This thesis cannot embrace the antecedents of Commonwealth
legislative initiatives, nor address the pertinence of such initiatives in legally defining and responding in various ways to the needs and care of children. The statutory responsibility for the care and protection of children has been, and remains, that of State and Territory governments in Australia, where different State legislation provides for the care of children deemed to require care or deemed to require protection because of risks to their safety and well-being.

The Commonwealth Widow's Pension Act 1942 made provision for three classes of widows: those who were maintaining at least one child under the age of sixteen years; those without dependent children who were over fifty years of age; and those under fifty without dependent children who were in 'necessitous circumstances'. The Act stipulated that it be taken to include a de facto widow, a deserted wife who had been deserted by her husband for not less than six months, a divorced woman who had not remarried and a woman whose husband was in a hospital for the insane. All pensioners were required to be 'of good character and deserving of a pension' (Kewley 1973, 214-215). A deserted wife or divorcée was ineligible for a pension unless she had taken reasonable action to obtain maintenance from her former husband (Raymond 1987). Amending legislation in 1943 substituted for the term 'de facto widow' the term 'dependent female'. Both were defined in the legislation in the same way as 'a woman who, for not less than three years immediately prior to the death of a man, was wholly or mainly maintained by him and, although not legally married to him, lived with him as a wife on a permanent or bona fide basis' (Kewley 1973, 216).

The eligibility criteria for the receipt of pensions and benefits resulted in numbers of women who were caring for children remaining dependent upon the provision of the less generous State allowance provided through the Department of Child Welfare (Dickey 1980, Hughes 1990). These women comprised: those who were legally
married (de jure) or cohabiting (de facto) who were themselves the ones who left the relationship, those who had been living in a de facto relationship and who were 'deserted' and those who had an ex-nuptial child and who had not been living in a de jure or de facto relationship. The legislation reflected discrimination against children whose parents were not married (when the de facto relationship ended by separation, but not when the father died - 'widowhood' was a respectable status) and against women who bore children outside a marriage relationship. Income security for any contingency other than 'widowhood', however, did not carry such discrimination. 'Illegitimate' children of age and invalid pensioners were covered by the pension, as were the children of recipients of unemployment, sickness and special benefits (Australian Government Commission of Inquiry into Poverty 1975). Women who were excluded from eligibility for the widow's pension included those who had lived in de facto relationships and had separated, de jure married women who themselves 'deserted' and single mothers caring for their children. They were required to await a six-month period of qualification for a Commonwealth pension (Dickey 1980, Raymond 1987) and to apply to the Department of Child Welfare for assistance until the qualification period expired:

For a deserted wife the first six months after the departure of her husband had been a period of qualification, to prove the reality of the need, and innocence too ... In practice many such women, in their destitution, had continued to turn ... to the state government for aid under the successors to the boarding out benefit (Dickey 1980, 198).

Women in receipt of such payments were subject to the supervision, or 'inspection', of departmental field staff in order to ensure that their children were adequately cared for and that the circumstances which necessitated the payment of such an allowance were 'genuine' (CWD AR 1949, 10).

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4 In practice, this meant that field officers of the department visited families 'to check their eligibility, which included the requirement that their children attended school regularly and that they did not enter into a de facto relationship' (see Hughes 1990).
Table 2.1  Recipients of Section 27 allowances 1945 - 1955

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Recipients</th>
<th>Total number of children cared for by recipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>2632</td>
<td>6410</td>
</tr>
<tr>
<td>1946</td>
<td>2599</td>
<td>6318</td>
</tr>
<tr>
<td>1947</td>
<td>2917</td>
<td>7263</td>
</tr>
<tr>
<td>1948</td>
<td>2932</td>
<td>7329</td>
</tr>
<tr>
<td>1949</td>
<td>2806</td>
<td>7225</td>
</tr>
<tr>
<td>1950</td>
<td>2570</td>
<td>6591</td>
</tr>
<tr>
<td>1951</td>
<td>2152</td>
<td>5647</td>
</tr>
<tr>
<td>1952</td>
<td>2104</td>
<td>5251</td>
</tr>
<tr>
<td>1953</td>
<td>2196</td>
<td>5437</td>
</tr>
<tr>
<td>1954</td>
<td>2163</td>
<td>5511</td>
</tr>
<tr>
<td>1955</td>
<td>2208</td>
<td>5756</td>
</tr>
</tbody>
</table>

Source: Annual Report, NSW Department of Child Welfare 1945 - 1956

The very high number of Sct 27 recipients in the immediate post-war years included those women who had been married to United States servicemen, and whose husbands had failed to return to Australia after discharge from war service (CWD AR 1950). It was presumed that the decrease in Sct 27 payments in 1951 was attributable to a shortage of labour and increased employment rates, and the increase of payments under the Commonwealth Tuberculosis Act, 1948 (CWD AR 1951, 17). The Tuberculosis benefits replaced State allowances for those who were eligible and were paid at a higher rate than the widow’s pension.

From 1948 the department did not publish disaggregated data which would permit the reader to decipher the circumstances of the recipients of State allowances who did not meet the eligibility criteria for Commonwealth pensions. In 1953 the department noted in passing that 55 per cent of the recipients were single women caring for children (CWD AR 1953-54). Unfortunately the absence of more detailed information also precludes an assessment of the circumstances of these recipients, almost half of them
single mothers who had not been married, some of them women who had been deserted or who had themselves left marriage-like relationships and now cared for their children alone, and others who cared for their children alone when their husbands were incarcerated. Among the recipients, too, were *de jure* and *de facto* married couples whose 'urgent need of financial aid' (CWD AR 1951, 17) precipitated their application to the department for financial assistance.

### 2.4 CHILDREN AND CARING ARRANGEMENTS

Despite the role of the Department of Child Welfare in providing financial support to single mothers and deserted women who cared for their children without the financial assistance of a male income earner and were ineligible to receive Commonwealth pensions, and in maintaining financial assistance to vulnerable couples faced with financial and personal distress, the 'guiding principle' of its work during the 1940s and 1950s continued to embrace 'the preservation of the family' (CWD AR 1955, intro). The 'family' was constituted as the 'legitimate recipient of the rewards of the post-war reconstruction state' (Cass 1983, 17), both in terms of the development of social policies and also in the construction of the 'environment of faith' (Hendrick 1994) which underpinned the development of post-war Federal and State welfare programs. The importance of the family as a method of reform (Mowbray and Mason 1993), and as the key and proper institution to provide adequate care for children, was reiterated in the department's stated aim 'to strengthen the family unit so that children will be given the opportunity of growing up in a wholesome and proper atmosphere' (CWD AR 1955, intro), an atmosphere which was likened to a 'normal' upbringing' (CWD AR 1950, 12). In Hearst's depiction (1997), 'there has rarely been any question about whether the state should intervene in the family – rather the question has been what kind of citizen the state may seek to reproduce' (1997, 201). Negative
events which occurred within families, including those which resulted in the breakdown of the family, were perceived not as negative aspects of the institution of the family, but rather as problems with individual families which had failed to aspire to the 'norm' of the ideal family form (Donzelot 1980, Frost and Stein 1989).

In the period immediately following the end of World War II, the Department of Child Welfare published a list of the 'rights' of every child, to be provided by a child's family, or, upon the 'failure' of the family to do so, by the interventions of the department. These rights were delineated as:

- emotional security, to meet the need for stability, of belonging to and counting for something in the life of others; family life, which can best provide security while the child develops physically and psychologically, and build up social loyalties and responsibilities; 
- proper food, adequate shelter and suitable clothing, the material desiderata of a happy life; health, education and proper medical and dental care to develop a healthy and vigorous body; suitable schooling and educational essentials so that he may develop to the full his capacities for his own satisfaction and for the benefit of the community; proper vocational training in line with his general and special abilities; education for leisure and the development of cultured skills and tastes; community life and the opportunity to develop happy friendships and to serve the community; ethical training and the opportunity to develop worthy standards of right and wrong, especially through daily contact with adults of sound character and harmonious personality (AR 1946, 7).

If a family was unable to provide these 'rights' or qualities to their child, then the department, through placement of the child in an 'alternative' family presumed to be superior to the child's 'failed' biological family, or in a residential unit, undertook an activity which was represented as an uncontested 'rescue' of the child, which offered them a foundation for their future healthy development.

This enunciation of children's rights was recorded in the post-war 'period of euphoria' in child welfare history where a new declaration of the community's attitudes towards its children, and their rights, could be observed (Dingwall, Eekelaar, Murray 1983). In Britain, this transition was reflected in a new Children's Act in
1948 which established Children's Departments in local authorities and established a
significant departure from the Poor Law's responsibility for children's welfare
(Dinnage and Kellmer Pringle 1967, Dingwall, Eekelaar, Murray 1983). The earlier
Child Welfare Act 1939 in New South Wales, like the 1948 Children Act in the
United Kingdom, embraced concerns for all children of the State, not just neglected or
delinquent children. Both pieces of legislation contained idealised and generalised
statements of the State's commitment to the care of, and provision to all children and
their families.

In her review of Australia's child welfare legislation, Foreman (1975) argued that the
major perspective of the New South Wales Child Welfare Act, like that of similar
legislation in other Australian States, was the question of child care and protection in
situations in which families had ceased to function properly, with a remedial rather
than a preventative or developmental focus. It also placed effective limitations on the
contribution that government agencies could make to the well-being of the Australian
community. She noted especially that the Act did not make provision for services to
such categories as recent migrants, childless couples and single individuals who faced
disadvantage:

Our welfare legislation is generally oriented towards responding only
when the activities of the child, the child's circumstances or a
composite situation has occurred, which requires state intervention
ostensibly to protect the child from itself or others. The legislation
does not aim to prevent or mend family dysfunction (Foreman 1975,
11).

In Foreman's analysis, the process of state intervention was based upon the premise
that the child was part of a family unit which ought to have been organised to protect
itself and its members and if it failed in the fulfilment of this objective, then state
intervention was justified to remove the child from the prevailing family
circumstances:
Underlying this premise is the emotion that the law upholds the cultural view that the preferred family unit is one that is legally sanctioned, economically independent of the state and generally is able to support, maintain and develop its own internal structure along the lines of socially acceptable criteria. In other words the legislation is based upon the acceptance of the legally sanctioned family unit (Foreman 1975, 11).

The Child Welfare Act did not contain a clear enunciation of the rights and responsibilities of the States and Commonwealth with respect to child and family welfare nor delineate apparent minimum acceptable standards of parental care, nor contain a definite description of the types of behaviour and conditions prevailing in order to remove a child from the care of the parents (Foreman 1975, 12). Rather, the Child Welfare Act presumed a particular operation, shape and activity of an idealised family form.

The preservation of children's attachment to their families was scientifically and medically legitimated through the work of Dr John Bowlby (1951). In 1952 the Director of the New South Wales Department of Child Welfare invoked Bowlby's observations that:

The proper care of children deprived of a normal home life can now be seen to be not merely an act of common humanity, but to be essential for the mental and social welfare of a community. For when their care is neglected ... they grow up to reproduce themselves (in CWD AR 1952, 8)

While it has been assumed that the impact of Bowlby's assertion that 'a child needs a warm, intimate and continuous relationship with his mother or mother substitute' was unequivocal (Frost and Stein 1989, 35), this reaffirmation of the child's needs did not influence the practices of the Child Welfare Department. Research into 'maternal deprivation' was significant, for example, in influencing Children's Departments in Britain to reconsider the large number of children who were living in children's homes settings and to activate a renewed approach to the placement of children into
foster homes. The percentage of children in foster care in Britain increased from 20 per cent in 1946 to 37 per cent in 1950, and by the end of the 1950s had risen to 50 per cent (Frost and Stein 1989).

In New South Wales, however, the percentages of children placed in foster care were high, and had been so since the immediate post-war years. The Director of the Department of Child Welfare, stated in support of Dr Bowlby's research findings into maternal deprivation, that the principles of maintaining children in the care of their family underpinned the department's every activity, and that it was only if their home conditions were 'impossible' that children were to be removed and placed in adoption or a foster home (CWD AR 1952, 8). There is little evidence, however, that this realisation influenced the interventions of the department. Rather, it seems that for all this rhetorical and ideological commitment to the preservation of children in the care of their families, the construction of the neglected child shifted and expanded. While in 1945 housing shortages and economic stresses were cited as significant causes of family dissolution and the subsequent placement of children into state care, this perception had given way by 1953 to a belief that in New South Wales, where excellent social services were presumed 'to prevent family poverty' (CWD AR 1953, 9), children who required out-of-family care were the product of 'inadequate family relationships and emotional instability' (CWD AR 1953, 9). During the 1950s the rhetoric of the primacy of 'the family unit' persisted alongside the intensification of the construction of the 'emotionally inadequate' parent.

2.4.1 The care of state wards

In 1945, there were 2772 children classified as 'state wards' in New South Wales, living in care arrangements away from their families. This statistic identifies only those children, however, who were admitted or committed to state wardship through a
formal administrative procedure, or by an order of the Children's Court. Another cohort of children was also resident in care arrangements where they were separated from continued contact with their family members, without a formal bureaucratic or legal intervention. These might include the temporary or long-term placement of children with relatives or neighbours, perhaps organised at the time of a family crisis such as the ill-health of a carer, and extending to a longer stay or an ad-hoc arrangement with a charitable or religious organisation which offered temporary or longer-term placements with designated foster families or in a children's home.

It is not possible to estimate the total numbers of all children who lived in temporary or longer-term caring arrangements away from their families during this period. The 'official' count of state wards, which was published annually in the reports of the Child Welfare Department, was designed as an administrative record of the department's payments to foster parents, and also as a means of recording the number of vacancies which existed in residential facilities. The departmental data from this period do not permit an estimation of the numbers of children who may have experienced multiple placements in any calendar year, or of the length of time spent in the department's or an agency's care by any particular child or group of children. Nor do the department's data provide an account of the numbers of children who were cared for in 'informal' placements.

The 'official' number of state wards decreased following the end of World War II and remained static at about 2600-2700 children in care, in total, for the following decade (Table 2.2).

---

5 Under the provisions of the Child Welfare Act (1939) children could be admitted to, or committed to the guardianship of the Minister through three avenues: where hardship, lack of housing, loss of parents or other misfortune made it necessary for parents or relatives to apply for his or her admission to state control; if children were found to be neglected or uncontrolable or guilty of an offence within the meaning of the Act by a Children's Court, they could be committed to the care of the Minister under Scts 82-83 of the Act; children could be transferred from an institution for boarding out under Sct 53 of the Act.
Table 2.2  Number of state wards 1945-1955

<table>
<thead>
<tr>
<th>Year</th>
<th>Number entering care</th>
<th>Number leaving care</th>
<th>Total wards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>563</td>
<td>701</td>
<td>2772</td>
</tr>
<tr>
<td>1946</td>
<td>502</td>
<td>553</td>
<td>2717</td>
</tr>
<tr>
<td>1947</td>
<td>477</td>
<td>554</td>
<td>2632</td>
</tr>
<tr>
<td>1948</td>
<td>489</td>
<td>445</td>
<td>2674</td>
</tr>
<tr>
<td>1949</td>
<td>438</td>
<td>401</td>
<td>2700</td>
</tr>
<tr>
<td>1950</td>
<td>390</td>
<td>481</td>
<td>2604</td>
</tr>
<tr>
<td>1951</td>
<td>423</td>
<td>416</td>
<td>2606</td>
</tr>
<tr>
<td>1952</td>
<td>351</td>
<td>384</td>
<td>2606</td>
</tr>
<tr>
<td>1953</td>
<td>327</td>
<td>349</td>
<td>2531</td>
</tr>
<tr>
<td>1954</td>
<td>461</td>
<td>350</td>
<td>2632</td>
</tr>
<tr>
<td>1955</td>
<td>507</td>
<td>314</td>
<td>2674</td>
</tr>
</tbody>
</table>

Source: Annual Reports, NSW Department of Child Welfare 1945/46 - 1955/56

Approximately 70 per cent of state wards lived in foster care placements, a fact which the New South Wales Child Welfare Department proclaimed as an indication of the success of the substitute care program. It affirmed that foster care was 'best care' for children, a perception entrenched prior to the 1940s and an ideological commitment which continued to underpin the discourse about children's 'best needs and interests' throughout the next decades.

Although aggregated data, published annually, gave the numbers of children entering and exiting state wardship and remaining in care at any one time, it is likely that the 'official' count under-represented the actual numbers living away from their families, for any reason, in organised care arrangements (Mowbray and Mason 1993, Australia Parliament Senate Standing Committee on Social Welfare 1985). Several factors indicate that the 'official' count of children living in out-of-family care arrangements omitted those children in all care arrangements who were required, or forced to live away from their families at any particular time and whose placements were not conducted through the formal, bureaucratic procedures of the Child Welfare
Department, or who did not enter care arrangements as a result of an order by the Children's Court. The 'official' figures represent an administrative census of those children who were classified as state wards and who were residing with foster parents or living in the department's residential care facilities at the time of counting, which occurred on one specified day each year.

2.4.2 Children in the care of religious and voluntary organisations

Another group of children also lived in out-of-family care arrangements in New South Wales but did not figure in the statistics which accounted for the number of state wards living in the department's care. Among these 'invisible' children were those who were 'voluntarily' placed in the care of voluntary or religious organisations without a formal order, those children who were new immigrants to Australia, and Aboriginal children whose Aboriginality was not identified in departmental statistical collections.

As noted by Hughes (1990), officers were often reluctant to take matters before the Children's Court, especially in country towns in New South Wales, and thus would arrange 'unofficial' placements of children - with local orphanages, with non-government child care agencies which would agree to take children even in cases which may not have met their entry or licensing criteria, and with local police officers and their wives. Hughes' study (1990) reveals that the requirement that a child should be charged before a Children's Court with being a 'neglected child' before the child could be placed into a formal care arrangement, presented both administrative, locational and psychological barriers to field staff in non-urban areas. Hughes' interview data reveal that the field staff did not always comply with the regulations, perhaps following their own conception of the 'best interests' and 'needs' of the child, based on their grass-roots knowledge and experience.
The *Child Welfare Act* provided for the licensing of homes which were established for, or used for, the reception of children under the age of seven years who lived apart from their parents (Table 2.3).

**Table 2.3** Licensed children's institutions (Children under 7 yrs) 1950-1955

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of homes</strong></td>
<td>120</td>
<td>122</td>
<td>129</td>
<td>288</td>
<td>295</td>
<td>285</td>
</tr>
<tr>
<td><strong>Admission</strong></td>
<td>1816</td>
<td>1531</td>
<td>1730</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Total children</strong></td>
<td>3068</td>
<td>2795</td>
<td>3190</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>cared for in year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Number in residence</strong></td>
<td>1264</td>
<td>1460</td>
<td>1566</td>
<td>1209</td>
<td>1226*</td>
<td>1435</td>
</tr>
</tbody>
</table>

* The mode of counting changed in 1954, so that all homes, whether with children younger than, or older that 7 years, are totalled.  ** This count was conducted on a designated 'count day' each year.  

The majority of these homes were operated under the auspices of religious and charitable organisations and were inspected by officers of the Child Welfare Department. Their responsibility was to ensure that an 'adequate standard of service' was offered to children, and that the child care personnel were aware of 'the need for the development of each child as an individual and the importance of the deprived child enjoying as much contact as possible with normal social groups' (CWD AR 1952, 10). From 1945 to 1954 those homes caring for children aged over seven years did not need licences and were thus omitted from the department's discourse about children in care as it had no formal or statutory role in supervising the facilities which housed these children.

The published reports of the Department of Child Welfare contain little information about the activities of non-government agencies in the period from 1945 to 1950, especially with regard to those children who were living in children's homes in this
sector. Although the relationship between the department and the voluntary and religious organisations which ran children's homes was represented as a 'relationship of cooperation' (CWD AR 1952, 10), Picton and Boss (1981) surmise that this relationship was in fact 'uneasy', because of 'endless arguments about the amount of financial support each denominational body considered it should receive from the government' (1981, 23). The reasons for the placement of children into the care of voluntary and religious organisations, and corresponding information about the length of time spent by children in such arrangements, were not recorded in departmental accounts. The department called upon the assistance of the Cardinal of the Sydney Archdiocese in 1951 to locate suitable foster homes for wards of the Roman Catholic faith, following which an appeal was made through the Catholic Weekly, and from pulpits in parish churches, with further assistance sought from the Catholic Welfare Bureau and the St Vincent de Paul Society (CWD AR 1951, 11). However, it still did not consider the children living in homes run by Catholic religious orders to be part of the corpus of poor, neglected or destitute children living in out-of-family care arrangements in New South Wales. The circumstances of these children remained outside the purview of the department's gaze and were external to the 'orthodox' commentaries on neglected and destitute children which it authored.

2.4.3 Care arrangements for immigrant children
Another group of 'invisible' children were those who came to Australia as unaccompanied immigrant or refugee children. From 1946, the department became responsible for the guardianship of immigrant children who arrived in Australia under the Commonwealth (Guardianship of Children) Act (1946). In August 1947 the first seventeen children arrived under this Commonwealth scheme and were followed by ninety-two children in November 1947. By mid 1948, there were 240 such children in New South Wales, many of whom were sponsored by charitable organisations
(CWD AR 1952, 11). The numbers of children arriving in New South Wales under this Act continued to grow until the mid-1950s (Table 2.4).

**Table 2.4** Immigrant children arriving in New South Wales, under the *Immigration (Guardianship of Children) Act 1946: 1949-1955*

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948/49</td>
<td>137</td>
</tr>
<tr>
<td>1949/50</td>
<td>261</td>
</tr>
<tr>
<td>1950/51</td>
<td>378</td>
</tr>
<tr>
<td>1951/52</td>
<td>417</td>
</tr>
<tr>
<td>1952/53</td>
<td>1205</td>
</tr>
<tr>
<td>1953/54</td>
<td>1242</td>
</tr>
<tr>
<td>1954/55</td>
<td>1170*</td>
</tr>
</tbody>
</table>

* From 1955, the numbers of children arriving under this Act are not recorded in the Annual Reports of the Child Welfare Department.

These children were considered separately from other children who were placed under the guardianship of the Minister for Child Welfare. It is likely that as these children were placed into care arrangements under the auspices of non-government agencies, they were considered not to present a priority concern for the department. Certainly, the official reporting about these newly arrived children did not reflect on their circumstances or provide detailed information about the outcomes of their placement arrangements upon their arrival in New South Wales.

Another cohort of children arrived in New South Wales and in some other Australian States as part of a vast British child migration scheme. Bean's and Melville's account (1989) of the circumstances of these children indicates that after the Second World War the main child migration agencies sent some 10 000 British children to Australia,

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6 In 1953, for example, 210 children were placed with the Big Brother Movement; 26 children were placed with Barnardos; 24 were placed with the Fairbridge Organisation; 14 were placed in United Protestant Homes; 42 were placed into Catholic Homes; 19 were placed with other organisations (AR 1953).
'treating it as a virtual dumping ground' (1989, 111). While the approval of the Secretary of State was required before children in local authority care in Britain could be sent overseas, this approval was not needed for children in the care of voluntary organisations such as Barnardos, the Fairbridge Society, the Church of England Advisory Council in Empire Settlement, the Church of England's Children's Society, the Catholic Council for British Overseas Settlements and so on (Bean and Melville 1989, Land 1996, Gill 1997). Most of the children sent to Australia from Britain after 1945 were sent by Catholic organisations. The Fairbridge Society sent the next largest number, followed by Barnardos and the Salvation Army (Bean and Melville 1989).

Many parents, particularly single women, who were in temporary difficulties after the war were persuaded by church or charitable agencies to send their children to Australia where the policy of the agencies was to cut children off from their previous lives in order to make it easier for them to adjust (Bean and Melville 1989). Most of these children had little chance of being adopted or fostered on their arrival in Australia. Most were sent to orphanages, farm schools or institutions of some kind. In New South Wales, boys could be sent to Molong, an isolated farm 300 kilometres from Sydney. Some went to a Barnardos home in Sydney which opened in 1951.

It was assumed that the Australian sunshine and open spaces would repair the ravages of wartime experiences and would 'people the Empire with healthy British stock' (Bean and Melville 1989, Kociumbas 1997). There was no standardised way of dealing with the children on arrival: some went to individual isolated farmhouses to work; some remained in orphanages, children's homes or Farm Schools; some lived in families as foster children (Bean and Melville 1989, Gill 1997).

Whatever their circumstances upon arrival in New South Wales and indeed, after their arrival when many children faced severe deprivation or abuse while living in
institutions or in family care arrangements these British children were not recognised as the concern of the Child Welfare Department in New South Wales. The children who arrived with their families as part of post-war migration to Australia, however, represented a 'threat' to the historic perception of the 'neglected' child (Kociumbas 1997). The children of newly arrived migrant parents who were admitted or committed to care in New South Wales were rendered invisible in annual aggregated statistics which did not reveal the national, family background or other characteristics of 'newly arrived' children in the department's in-care population. It is possible that the numbers of such children entering care as state wards was small. However, they constituted a specific subject of debate in the narratives of annual reports, where their difference and diversity presented a threat to the orthodox image of the 'child of the state' (Kociumbas 1997).

Immigrant children appear in the annual reports of the Department of Child Welfare as 'problematic' subjects. Several children of 'New Australians' had been committed to departmental institutions and others were on probation. Many of the children of newly arrived settlers were said to have 'school attendance problems' (CWD AR 1951, 9). Although the appearance of the children of newly arrived families from Europe in the delinquent population appeared to be a cause for concern, the level of 'delinquency' could not be quantified. Official commentaries implied that such children were 'problematic' and represented a range of 'new' issues for front-line departmental staff, as they did for other services and bureaucracies:

Recently a number of New Australians have been admitted [to care] and some of these, probably as a result of their experiences in occupied countries and in displaced person's camps, are particularly aggressive and pugnacious with little regard for the property rights of others (CWD AR 1953, 18).

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7 The post-war immigration program brought 2.5 million persons to Australia in the twenty years from 1950-1970, almost doubling Australia's population in the years 1945 to 1975 (see Roe 1976).
2.4.4 Aboriginal children

Aboriginal children were also 'absent' from the Child Welfare Department's discourse about neglected children. The policies and practices concerned with the placement of Aboriginal children into substitute care differed markedly from those for non-Aboriginal children until 1969 with the cessation of the Aborigines' Protection Board. Subsequently, Aboriginal children who were removed from their families were 'managed' within the mainstream child welfare system. The rhetoric which underpinned decisions about the removal of Aboriginal children from their families and communities reflected racialised conceptions about 'good' or 'adequate' family care which were aligned with the conceptions which underpinned the removal and placement of non-Indigenous children.

Until 1939, these differences in approach were embodied in separate laws pertaining to the care and treatment of Aboriginal children and the rights of their parents. The Aborigines' Protection Board was established in 1883 and in 1909 was given power to remove Aboriginal children without their parents' consent. In 1883 the Warangesda Aboriginal Station was set up as a training centre for Aboriginal girls, followed by the opening of the Cootamundra Girl's Home in 1911 and the Kinchela Boy's Home in 1924. Children placed in these homes were cared for by non-Aboriginal staff, with female children being trained for domestic service and boys prepared for general farm work. The Aborigines Protection Act was amended in 1915 such that 'any Aboriginal child might be removed without parental consent if the Board considered it to be in the interests of the child's moral or physical welfare' (Read [undated], 6). From 1939, Aboriginal children were removed and placed into care under the provisions of the new Child Welfare Act.

Once removed from their land, their families, their language and their communities, Aboriginal children were to be 'transformed' by non-Aboriginal institutions into new
ways of being that is, akin to the normative non-Aboriginal subject. The most common practice was the physical removal of children from what was perceived to be the undesirable influence of their parents, together with subsequent government assimilation and integration policies, particularly detrimental to the well-being and future of Aboriginal children, their families and their communities (Australia Parliament Senate Standing Committee on Social Welfare 1985, Gungil Jindibah Centre 1994). The placement of Aboriginal children in substitute care was characterised not only by their involuntary removal from their families but also by their placement under the control of non-Aboriginal people either in missions, orphanages, government welfare institutions or domestic service (Australia Parliament Senate Standing Committee on Social Welfare 1985, Read [undated]). These practices, in an era of 'protection and segregation' (Gilbert 1993, 38) were undertaken in direct contradiction to the Child Welfare Department's rhetorical commitment to the protection of the right of all children to remain with their families:

It is a cardinal principle in the policy of the department with dependent children that every effort should be made for the child to remain with his own family ... the department believes that no matter how well-conducted an establishment or home, it cannot approach the atmosphere and environment of the normal family group (CWD AR 1956, 18).

Aboriginal families were excluded from this concept of 'the normal family group'. As Aboriginality was not defined as 'normal', Aboriginal families were designated as, by membership of a 'racial' category, abnormal and were thus subject to the inherently racist practices of child removal. The actual numbers of Aboriginal children removed from their families during this period under discussion, from 1945 to 1956, cannot be calculated because, as in previous eras there were no systematic records of Aboriginal children who became state wards or who were placed in the care of the non-government sector (Read [undated], 8). Some estimates indicate that one in every six or seven Aboriginal children in NSW was removed before the eventual dissolution of the Aborigines' Protection Board in 1969 (in Kociumbas 1997, 181).
2.4.5 Children in foster care

While the annual reports of the Department of Child Welfare provide details about the broad categories under which children were admitted or committed to care, they do not give any picture of the landscape of the lives of the children who were removed from their families. Their ages, gender, race, family backgrounds and histories are elided into a composite 'child'. The major defining characteristics permitted were that children were either 'dependent' or 'delinquent', but their individual histories and circumstances which precipitated their entry into the wardship of the Minister for Child Welfare, are obscured. This is not to say that information about the children who became the wards of the state in New South Wales was not published. On the contrary, the official reports in the 1940s are replete with stories about the 'typical child' in need of state intervention to ensure their care and survival.

In the department's official accounts of its activities, it was proposed that children became state wards because of the loss of their parents, and the disintegration of their homes under the stress of internal and environmental forces (CWD AR 1946, 7). They were also said to experience 'educational retardation and personal problems' such that their educational needs were considered best met through placement in a children's home or foster home where they would be supervised in their school attendance or required to attend school in special facilities attached to children's homes (CWD AR 1949, 11). The department's accounts also stated that children could be admitted to care as state wards because of physical or psychological mistreatment or neglect (CWD AR 1949, 11) or because of 'defective parental relationships'. Placement with alternative carers was thought to permit them to gain physical health, to 'establish healthy mental attitudes and habits of cleanliness' (CWD AR 1949, 11), and to ensure that they became socially acceptable, through the acquisition of suitable 'social mannerisms' (CWD AR 1949, 11) such as could not be acquired through their
inadequate or incompetent parents. Placement into out-of-family care was said to provide an opportunity for some children to escape the deprivations of severe poverty (CWD AR 1950, 12).

In spite of its protestations that the provision of foster care was a public responsibility, and hence that all citizens should consider offering a home to a foster child (CWD AR 1946, 7), by the 1940s the department faced a crisis in locating sufficient numbers of foster homes for the children awaiting placement. It was noted that 'fewer and fewer citizens are prepared to accept the responsibility of foster children; modern homes and flats are small, housing shortages are extreme, city life is not always compatible with the care of children, and to some extent modern life finds children out of fashion' (CWD AR 1946, 7). Thus in 1945-46, in the face of the continuing shortage of foster homes, the department opened two cottage-style facilities to provide small-scale residential care to children in a 'family-like' setting.

The placement of children into foster homes was a placement preference which was unquestioned, or at least was uncritically supported, by a larger social and community perception that foster parents were 'special' people, who provided a rare and valuable 'service' to the department. Foster parents were paid an allowance for each child to whom they offered care. The official rhetoric about fostering however, was overlaid by a paradoxical representation. Firstly, foster parents were paid carers and thus regarded as semi-employees of the Department of Child Welfare, subject to departmental directives and conditions. On the other hand, they were also portrayed as highly esteemed members of the community, acknowledged for giving their time, effort and care to unfortunate and deprived children. The department's rhetoric thus represented foster care as a 'reward' whereby foster parents were allocated a child free of physical and mental impediment, who would become a 'part of the foster family' and thus would be unlikely to be removed and returned to its failed parents. The
pervasive ideology persisted that foster care was suitable only for deserving children and that foster parents, who provided an invaluable and selfless service, should not be burdened with the care of criminal, difficult, or 'undesirable' children who were 'unsuitable for boarding out because of physical and mental defects, colour or behaviour defects' (CWD AR 1948, 14). Significant characteristics which precluded foster care placement were mental retardation, emotional instability, Aboriginality or unsatisfactory social behaviour.

By 1946, although the number of children requiring foster care was the lowest in fifty years, adequate numbers of foster parents could not be found. The decrease in the number of state wards was thought to result from the high level of employment and the improved facilities for children to be cared for by their own families, including the payment of child endowment (CWD AR 1946, 11). The attempt to locate new foster homes remained a significant aspect of the department's activities from 1945 until the mid-1950s. This situation became increasingly desperate as the department's residential facilities became overcrowded. In 1952, when faced with a crisis in the acquisition of foster homes, the department made an appeal through the press for new families. In response, 360 applications were received from families willing to offer care to a state ward. The majority of these applicants requested a pre-school aged female child (CWD AR 1952, 8). The availability of foster placements for older children and for boys remained severely limited.

The policy governing the placement of a child with foster parents commonly resulted in long-term placements, irrespective of the reasons for the children's removal from their original families. The stated aim of foster care was to ensure permanency and stability for children and to 'make the child a member of a family and consequently a normal member of the local community' (CWD AR 1951, 11). This very potent ideological principle served to prevent a re-assessment of the child's connection or
relationship with the biological/original family. Not only was a permanent arrangement deemed to be most appropriate for the child and the foster parents, but the return of the child to their former home was constructed as a source of despair for the foster parents.

Where the child has satisfactorily adjusted himself [sic] to his foster home and his foster parents have become attached to him, the department's decision to return a child to his parents where the family home or conditions have materially improved, is frequently fraught with difficulty and in some cases, much emotional upset of the foster parents. Others recognise that the department is acting in the best interests of the child, and whilst regretting losing the child they have come to love, willingly cooperate with the department (CWD AR 1952, 8).

An extension of this preference for the child's 'stability', and the unwillingness to 'disrupt' good foster homes, could result in the adoption of the child by the foster parents. Such adoptions were depicted in the department's reports as the most positive outcome possible for a child in a foster placement.8

2.4.6 Children placed in children's homes

The Child Welfare Department's residential facilities were divided into those which cared for neglected children, more commonly known as 'children's homes', and those which accommodated juvenile delinquents, these facilities more commonly described as institutions or training centres. The children's homes provided a range of modes of care - some were for short-term care, some for longer term placements, some for the assessment of children, and some for the long-term placement of children with disabilities, most of whom remained in residential care establishments until adulthood. Children and young people who were placed in institutions and training centres were commonly serving specified 'sentences' decided upon by a magistrate in the Children's Court. As delineated by Carrington (1993a, 1993b) in her examination of the department's responses to the care of young females charged with an offence,

8 In 1952, for example, 26 state wards were adopted by their foster parents; in 1954, there were 47 such adoptions.
children and young people moved between the 'delinquent' and 'dependent' populations in spite of the department's rhetorical and locational separation of the two populations of children.

The department's programs for boys who were admitted to care as neglected children were designed to address marked emotional disturbances where 'behaviours have been acquired that are unbalanced and poorly integrated' (CWD AR 1953, 14). Boys were assessed as less likely to cope with school routine and discipline and to experience educational retardation (CWD AR 1953, 14). Neglected girls, on the other hand, were presumed to constitute a group of children who had 'failed to adjust themselves in their family circles, [had] likewise failed with their foster parents and others, and, through no fault of their own, been exposed to moral danger (CWD AR 1953, 14). While schooling in the residential homes was intended to instil discipline in boys, girls were to be given direction in achieving wholesome and acceptable standards of morality. State wards, both male and female, were expected to leave school at the minimum age of fifteen years, except in exceptional circumstances where special arrangements could be made to permit the young person to continue their schooling.

The placement of children into residential establishments was coloured by the perception that, although a less desirable arrangement than a foster home, residential settings were often superior to the 'drab and sordid homes' from which they had been removed (CWD AR 1951, 15). Children's homes were places for the retraining of children whose 'faulty habits, personal deficiencies and other unsatisfactory characteristics', acquired in the care of their inadequate families, had to be corrected. Such children required a 'better understanding of their social obligations' in order to become acceptable members of the society (CWD AR 1952, 9).
By 1955, the need to provide residential placements for the increasing numbers of very young children coming into care had reached crisis stage. The residential homes were unable to accommodate the numbers of very young children who were becoming state wards. In 1953/54 the department acquired Werrington Park at St Mary’s for retarded boys, and Winbin at Strathfield for pre-school children and in 1955 opened an additional centre exclusively for the care of children aged under five years. The department's depots for state wards, the large residential centres which held children awaiting transfers between foster homes, undergoing assessment, or awaiting placements in new foster homes after classification as a state ward, were also overcrowded. The largest depots were located in the central Sydney metropolitan area, conveniently placed to the Royal Alexandra Hospital for Children, an important consideration as all wards in depots were required to undergo medical examinations upon entry to the department's care. From 1945, the need to increase the department's capacity to provide residential placements for state wards was an ever-present concern as increasing numbers of children, deemed unsuitable for foster placements, required residential accommodation.

The residential services component of the department's care thus grew rapidly in the period from 1945 to 1956, despite the stated commitment to placing children into foster homes as a preferential arrangement, departmental procedures which governed the placement of children into foster care as a priority, and the even firmer belief that 'life in a foster home is superior in all respects to institutional care' (CWD AR 1952, 8).

2.4.7 Children placed in institutions

Between 1944 and 1954, the department opened seven new residential establishments to accommodate delinquent children who were committed to institutions by the
Children's Court. These new facilities were required to relieve the overcrowding of the three major institutions for delinquents at Parramatta (for girls) and Mittagong and Gosford (for boys). A number of delinquents were also housed in 'shelters' for the temporary detention of children and young persons who were awaiting an appearance before the Children's Court.

The department's commitment to the separation of 'neglected' children from the influence of 'delinquent' children, created two separate populations of children both in fact, in the manner of their treatment and care within the department, and in rhetoric, as the two groups of children were represented as having different needs, interests and requirements for their care. The department's official reporting of its activities represented these two groups of children entirely separately, and gave rise to an ideological presumption that there was no interplay or intersection between them (Carrington 1993a). The development of delinquency prevention programs occupied a significant place in the department's delineation of its role in the post-war years, where the placement of young delinquents into institutions was perceived as the most effective method of preventing maladjustment in adulthood (CWD AR 1945, 7). The rehabilitation of delinquents was undertaken through a program of segregation and individualised training (CWD AR 1946, 9), characterised by different programs for male and female delinquents.

The delinquency programs offered by the department were cast as welfare or 'treatment' interventions (CWD AR 1945, 16). The Children's Court was also represented as an institution which undertook a 'welfare' approach to the treatment of juveniles whereby the court was required to:

consider the juvenile as an individual whose behaviour is caused through the interaction of a number of conditions, subjective and environmental, and whose future welfare and social adjustment may

---

9 These establishments were: Yasmar Remand Centre; Weroona Home for wards; Anglewood for truants; a Training School for girls at Thornleigh and for boys at Tamworth; an extra 'privilege' cottage at Mt Penang; and St Heliers, a Training School for boys at Muswellbrook.
be affected for good or ill by the order that the court makes (CWD AR 1945, 16).

In 1945, Parramatta Industrial School was the only institution in New South Wales which provided a training program for girls, although plans were afoot to build additional facilities (CWD AR 1945, 22). This institution was depicted as a centre for the training and rehabilitation of female delinquents, where girls were engaged in dressmaking, cooking, laundry work and other domestic 'skills development' training. In 1946 another Training School for Girls was opened at Thornleigh, a north-western suburb of Sydney. Training facilities for boys were expanded throughout the late 1940s with a Remand Centre opening at Haberfield in 1945-46, and another centre at Muswellbrook in 1948 (CWD AR 1949, 7). An attempt was made to separate the 'better type' of delinquent from those considered least able to benefit from the opportunities offered by training school programs, and thus a 'streaming' program was introduced for both boys and girls, intended to isolate the 'better class' of delinquent from those considered less likely to succeed. By 1948, the opening of another institution for boys at Tamworth made possible the introduction of a system of 'privilege cottages' both there and at Mt Penang. With the opening of St Heliers at Muswellbrook in 1948, an 'additional group of better type boys was transferred from Mt Penang Training School with a view to give them rural training under suitable conditions' (CWD AR 1949, 7). By 1949, the Training School for Girls at Thornleigh had begun operating as a 'privilege' home in conjunction with Parramatta Girls' Training School where girls were encouraged to 'aspire to a better type of life and to develop an appreciation of cultural values' (CWD AR 1949, 21). Girls who ran away from these schools, or who misbehaved, could be transferred to Long Bay Gaol even if they were under the age of eighteen. This matter was raised in the New South Wales Parliament in 1945, when a member decried this practice which punished young girls 'simply because they have been in high spirits' (NSWPD 7 Nov. 1945, 999). The exposure of such young females to the 'awful women' who
were incarcerated in Long Bay Gaol caused the member to request that a system of segregation be established within the prison system in order to protect female juveniles.

The debates which surrounded the issue of female delinquents bore marked contrast with those which characterised the department's approach to male delinquents. Girls were sexual beings, whose delinquency was underpinned by a particular construction of their behaviour as lewd, tantalising and wayward (Carrington 1993a). The department's review of its program for delinquent girls in 1950 presents a picture of a population of young females with particular behavioural and moral markings. Their rehabilitation 'challeng[ed] the psychiatric, psychological and social work skills not only of this state, but of every country in the world' (CWD AR 1950, 22). Adolescent girls were constructed as suffering from 'personality defects', and in some instances from 'mental defects', but in the majority of cases their main difficulty was considered to be 'that of personality' (CWD AR 1950, 23) and of 'moral laxity' (CWD AR 1951, 10).

While the Minister for Child Welfare was proud to announce the 'improvements' in child welfare administration, where 'modern techniques are adopted for dealing with delinquent children' (PD NSW Assembly, 20 Nov. 1946, 268), it was not acceptable to all members of the House where the issue of juvenile delinquency dominated the debates about children's welfare:

Too many of the young generation do not want to work at all, and the time has come when drastic treatment should be meted out to juvenile armed burglars and thugs. The policy of seeking to rehabilitate juvenile criminals is an excellent one and I should not like a first offender to be refused a chance, but after the first offence of deliberate armed burglary, carrying guns and garrottes, and especially offences against women and children, the only appropriate punishment is a whipping. Many of these young fellows have had a bad home background, drunken parents, or separated parents or something of the sort, but if drastic action is not taken, we are simply protecting the criminal against the good citizen (PD NSW Assembly, 2 Oct. 1947, 168).
The number of delinquents committed to institutions by the Children's Court decreased in the immediate post-war years. Several factors were cited officially as the cause for this decrease in numbers, including the fall in the birthrate during the depression years with the consequent reduction in numbers of children in the state aged thirteen to eighteen years by the mid-late 1940s. Others were the return home of fathers and 'the advent of more stable conditions following the cessation of hostilities', the intensification of the work of the department's field officers as a result of increased staff and the introduction of a policy of decentralisation resulting in the establishment of more suburban and country offices. The extension of the classification of school children into 'opportunity' and 'special' classes, particularly in regard to children with below average intelligence, and the extension of the school counsellor service which assisted in better school adjustment of children and a consequent reduction in truancy and delinquency were also said to have played a part, together with improved economic circumstances, including conditions of full employment (CWD AR 1947, 15). By 1950 the number of cases appearing before the Metropolitan Children's Court and Yasmr Court was the lowest since the Children's Court was established in 1912.

Nonetheless, concern about the issue of delinquency led the Child Welfare Department to conduct research into the population of offenders who had been committed to care in New South Wales in 1950. This research, published in 1953, indicated that despite the slight rise in the population since the war in the city of Sydney, the rate of committals to institutions had fallen by 36 per cent, whereas in some of the outer shires and municipalities of the metropolitan districts, the number had doubled and even trebled (CWD AR 1953, 9). It also revealed that only 54 per cent of the boys and 34 per cent of the girls committed to an institution were living with both parents prior to committal. In 49 per cent of the total cases the parents of the
young offender were found to have been separated (CWD AR 1953, 16). This commentary represents the first instance in the post-war years where sociological data about children who were committed to institutions was discussed in the department's annual reporting. Previously, children who comprised the 'delinquent' population were ascribed different characteristics, different motivations and different sociological and biological foundations for their entry to the in-care system from the population of children officially categorised as neglected.

The department's survey of children in institutions showed that the areas with high delinquency rates were not, as expected, in inner-city localities, usually described as 'deteriorated areas'. Only 7 per cent of 'delinquents' were found to have family backgrounds which could be described as 'sub-standard'. When the housing conditions of families were considered with the other findings of the survey, the 'material conditions' of the home were shown to be of relatively minor importance (CWD AR 1953, 9-10). While since the early 1920s a single cause for delinquency had been sought, a growing body of data produced by the department's own research endeavours supported the realisation that a number of interrelated factors were likely to exist as 'causes' of juvenile delinquency (CWD AR 1953, 10). In spite of its commentary in 1953, that the causes of delinquency were likely to be multi-factorial and that the material and other conditions of the home were not the prime indicators of delinquent behaviour, the department's rhetoric continued to cite the significance of 'the family' in providing the catalyst for young persons to engage in delinquent activities (CWD AR 1955, 21). This reiteration of the failure of certain families was an echo of the debates about delinquents which had been conducted in the immediate post-war period, when the lack of male role models and appropriate firm discipline was cited as the cause of delinquency 'outbreaks':

I suggest that we must get back to the fundamental principle that it is in the home that the education of children must begin. ... The only way in which the problem child can be dealt with is by the adoption of
some reasonable system of parent care within the home itself (NSW PD 7 November 1945, 1001).

The articulation of fears about the rising tides of delinquency in New South Wales, which permeated parliamentary debates in the 1950s, were further strengthened by the address delivered to the Parliament in May 1956 by the newly-appointed Governor of New South Wales, who chose to speak on the topic of 'that most human problem', juvenile delinquency:

I have grouped the causes [of delinquency] under six headings: lack of parental control, unsuitable films and literature, the increased tendency to gamble in an attempt to get rich quickly, the abuses of strong drink, the gradual decline in the moral tone of the community and a few medical causes'. [child welfare] is not the responsibility merely of a government but of us all. Many women go to work and leave their children without caring what happens to them. Many such women are undoubtedly the breadwinners. Unfortunately many are compelled by circumstances to work, but many others are not. These should be prevented from leaving their children at the mercy of the world (NSW PD 30 May 1956, 187).

The new Governor, in enunciating the government's policy position, was presenting a critique of women as mothers. In order to prevent their children falling into delinquency, mothers were required to be 'in the home' to exercise emotional care of their children. Proper family care was also reliant upon the father to be present and to exercise discipline. The governor's address thus explicitly upheld the importance of a patriarchal family model in ensuring the proper care of children.

2.5 Conclusion

While the official data published by the Child Welfare Department indicate that approximately 2600-2700 children constituted the total 'official' population of state wards each year in the period from 1945 to 1955, this figure reveals little of the actual numbers of children who were cared for in out-of-family arrangements at any time in
New South Wales. Nor do the data reveal the movement of children through the system, or the duration of placements away from their families experienced by those children who became state wards or who were placed into the care of non-government organisations. As mentioned, the children who were in the care of religious and charitable organisations were not included in this aggregate, nor were those children who arrived in Australia under the Commonwealth Guardianship of Children Act 1946 and who were placed into out-of-family care arrangements, nor were Aboriginal children. This practice constitutes an officially sanctified 'silence' about children's experiences and treatment in the voluntary/religious sector, a silence only recently excavated by the official investigations in respect of Aboriginal children (for example, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families 1997) and immigrant children (for example Bean and Melville 1989, Gill 1997) in institutional 'care'.

Thus, the state's authorised and hegemonic discourse about 'neglected' children referred only to a proportion of the children living in out-of-home care in New South Wales and it is this group of children around whom the state's discourse about 'neglected' children was constructed. The 'invisibilising' of other groups of children within the in-care population denied them a political status and determined that the officially sanctioned discourse about 'neglected' children embraced, principally, non-Indigenous children who were admitted or committed to the care of the Minister for Child Welfare as state wards.

The 'ritual litanies' attached to the concept of the 'deprived and neglected' child constructed a child without class, race or national identity, and located such children outside a political discourse which both identified and acknowledged the significance of poverty as a precipitating factor in the breakdown of families and the subsequent removal and placement of children. The admission of approximately 500 state wards
per year into the care of the Minister for Child Welfare was juxtaposed with the department's rhetorical commitment to the maintenance of children in the 'proper' care of their families. This dichotomy permeated the department's perceptions about children and their care throughout this period.

The 'public' debates about children, conducted in the New South Wales Parliament, principally constituted delinquent children as the subject of the state's concern. The palpable fear of the rising tide of delinquency coloured the government's representation of its activities and underpinned the opposition's criticisms of the government's failures. The discourse established 'the delinquent' as the officially sanctioned subject of the state government's policies and programs. The 'other' category of children, the neglected children, was seen to be sufficiently accommodated by the provision of foster families and through the provision of children's homes in the non-government sector. The debates which threatened to consider the state's responsibilities to poor families, to families which broke down, and to families in which insufficient income, personal, social resources and other factors precipitated the entry of their children into care, were transmogrified into debates about the need to curtail delinquency, and about the adequacy of the state government's provision to the non-government sector. The needs of neglected children were disqualified and discounted in these debates.

While representing a concern for government, especially in terms of the cost of providing both residential facilities and foster home placements, the neglected child population was partially invisibilised by the failure of the State Government to acknowledge the actual numbers of neglected children in out-of-family care. The Child Welfare Department's accounts failed to include as 'the children of the state' those children in the care of the non-government sector and in other 'silent' populations of children who did not reside with their families. The quality of care
offered in non-government children’s homes was not the subject of debate, nor was there consideration of the role and responsibility of the government in addressing the causes of the entry of children to these services. Further, when a member of the New South Wales Legislative Assembly raised significant concerns about the care of the children in the non-government sector, the debate was translated into an appreciation of the work done by the charitable and religious groups, without whom ‘the government will have the job of finding accommodation for a great number of children (NSW PD 15 Nov. 1950, 1647-1648).

From 1945 to 1956 the interventions of front-line field officers employed by the Department of Child Welfare shifted from their previous role as 'inspectors' to that of caseworkers, involved in supportive interventions which were cast as prevention services. The metaphorical sanctity of the family unit pervaded the department's endeavours in its direct work with families and children. This apparent reification of family preservation was pursued, in Kociumbas' (1997) terms, in the face of 'disguised anxieties about the decline of maternal responsibility and the decline of the family as a moral force' (1997, 198). The preponderance of rhetorical prescriptions about 'failed families' which permeated debates in the department’s official reports, disguised the social and economic circumstances of those families whose children had been removed from their care. Such families were rarely revealed as poor families, or as deserted and financially unsupported women and their children. This comment from the Director, reported in 1953, was a rare evocation of the circumstances of the children who were placed into the care of the state:

It has been found that, excluding the tragic effects of war, poverty is the principal cause of family breakup (CWD AR 1953, 10).

This erasure of the circumstances which led to children entering care in New South Wales was also a characteristic of the representation of child welfare systems in other governmental sites. In their review of residential child care in a number of European
countries, Dinnage and Kellmer Pringle (1967) found that the effort to disguise the social and economic circumstances of those families whose children were placed into governmental care was a common pursuit of governments which failed to acknowledge that 'social provisions' were the crucial determinants of whether or not children had equal chances of a basic minimum environment for healthy development, and of whether or not families could remain intact to care for their children.

At the end of a decade as Minister for Child Welfare, R. J. Heffron (Labor) looked back over the achievements of the department, and noted that,

Child welfare in this state is now functioning on a sound basis and provides safeguards for the rights of children, namely, a healthy body, a sound mind, and an undamaged personality (CWD AR 1954, intro).

Such a perception, that the Department of Child Welfare could ensure each child's 'right' to 'a healthy body, a sound mind and an undamaged personality', carried an implication that children who were placed into its care were providentially in need of medical care and therapeutic assistance, or that their needs were those of the damaged, fragile personality. This construction conveys no sense of the realities of the lives of children who became state wards, or of the correlative 'damage' which may have ensued in their lives as a result of the process of removal and separation from their families.
Chapter 3
CHILD WELFARE AND SOCIAL WELFARE

3.1 Introduction

In March 1956 a new Ministry of Child Welfare was established as a separate State Government portfolio (NSW PD 18 July 1956, 1051). The Minister became responsible for a new department comprising the former Child Welfare Department, which was previously a sub-department of the Department of Education, and the Social Welfare Branch, which had been located in the Department of Labour and Industry.

As in the previous era to 1956, the issues which aroused the attention of members of Parliament and which demanded the response of the Minister mainly concerned the prevention of juvenile delinquency. A new debate, however, also emerged in the mid-1950s. As the Minister attempted to impress upon his parliamentary colleagues the importance of the amalgamation of the portfolios of child welfare and social welfare, Opposition members firstly refuted the government's claims that this amalgamated portfolio was viable, and, secondly, demanded that the Minister address the needs of the organisations which provided care for children in non-government children's homes and for whom no state subsidies were provided (NSW PD 19 July 1956, 1051). The non-government organisations which operated such homes had formerly attracted little of the attention of the Child Welfare Department, which had no statutory responsibility for the children in this sector. However, under the Child Welfare Act, the department was required to inspect and license those non-government homes which cared for children aged under seven. The children in this sector were not state wards, and thus were statutorily and practically outside the department’s sphere of responsibility. These children were thus an 'invisible' population, who were excluded from the department's reports of its activities and from the discourse about neglected children which was constructed by the Child Welfare Department.
This situation altered from 1956, when the government, in its representation of its programs for neglected children, was confronted by the Opposition's attack on its failure to provide financial support to the range of non-government organisations which cared for approximately 2000 children (NSW PD 2 Aug. 1956, 1446):

The department receives all of the funds allocated for the administration of child welfare but makes none of the money available to the voluntary organisations. The department is passing the buck by having the other children taken care of by voluntary organisations, but it does not make any money available for their support (NSW PD 18 July 1956, 1065-1066).

The attempts by the Labor Government to establish a cohesive social welfare and child welfare department, and to claim success in addressing the needs of the State's less fortunate citizens through this administrative union, were diverted by the vehemence of the Coalition's efforts to support the provision of services to the non-government sector. The matter was debated at length in Parliament, where many Opposition members supported the continued separation of child welfare and social welfare. Several of them expressed their belief that social welfare and child welfare should not be conducted as interrelated operations of government, and that child welfare issues should continued to be administered as a branch of the education portfolio (NSW PD 18 July 1956, 1051-1066). The opposition to the amalgamation was based on economic concerns:

The government, in setting up a new ministry is only adding to the already overburdened costs of government administration (NSW PD 18 July 1956, 1065).

However, the principal objection was to the philosophical location of 'welfare' within the government's enterprise. Opposition members noted that while child welfare matters remained within the education portfolio, the stigma attached to welfare provision could be minimised or disguised (see NSW PD 21 June, 18-19 July 1956):

Social welfare is certainly not an activity in which moral values are significant, and it is not one that requires the exercise of professional
and technical skill but all these considerations apply in matters of child welfare. First, policy is of fundamental importance to child welfare. The provision of dentures, blankets and relief after floods and bushfires does not involve the consideration of policy. The only relationship between child welfare and social welfare is the word 'welfare' itself ... (NSW PD 18 July 1956, 1059).

This statement thus implied that social welfare was concerned with 'instrumental handouts' while child welfare was concerned with moral values and policies based on those values. The Opposition then, considered that child welfare should not be considered within a broader social policy or social welfare frame. The government responded that the amalgamation of the child welfare and social welfare portfolios increased the capacity of the Child Welfare Department to offer social welfare assistance to its client families, and that it simplified the bureaucratic processes attached to the delivery of the financial and other assistance administered by the department.

3.2 The amalgamation of social welfare and child welfare

The social welfare benefits which would now be administered through the Child Welfare Department were divided into five categories: primary social services, secondary social services, children's allowances, emergency services and miscellaneous services. Primary social services included cash sustenance, food relief and cash supplementation. These benefits were available to assist people who were either waiting or ineligible for, Commonwealth pensions or benefits. These recipients included some married mothers, and persons not old enough for age pensions but not infirm enough for invalid pensions and unable to obtain sickness benefit. They also included persons otherwise disqualified or in 'desperate straits', such as those who failed to meet residential requirements, those who were temporarily and suddenly deprived of the means of existence and many other people who were both 'deserving' and unable to obtain any other assistance. The primary social services were ordinarily subject to a means test, but the department and its agents, including police officers,
could use discretion in allocating such benefits. Mothers with children to support and in receipt of cash sustenance but without a husband or other provider, could receive supplementary payments. There were also certain ancillary services available, including clothing and footwear, additional milk for nursing mothers and young children, special food for infants, expectant mothers and invalids and medical and medicine services.

Secondary social services were also now administered by the Child Welfare Department and were available to recipients of primary services and also to pensioners and other poor persons. The function of these services was to 'relieve hardship'. They included surgical aids, medical and medicine benefits, hearing aids and spectacles, all of which were allocated by medical staff attached to the Child Welfare Department. Other services available in this group included blankets, baby clothing, cash assistance, assistance with funeral expenses and free transport for 'necessitous persons', as well as assistance to poor people facing eviction. By means of an arrangement with the Justice Department, early advice of court orders and eviction warrants was forwarded to the Child Welfare Department, often enabling it to assist families who might otherwise become homeless. Sometimes eviction proceedings could be cancelled following the granting of cash assistance by the department. If evicted, former tenants might then be granted cash assistance to procure other accommodation or to remove, transport and relocate their possessions.

Emergency services included assistance in cases of loss by fire, flood, wind or other 'act of God' and aid by means of the Housekeeper's Emergency Service which provided help for a limited period in which a female parent and housekeeper was unable to carry on her normal domestic duties due to sickness or other emergency.
Through the category of miscellaneous social services, the Child Welfare Department paid subsidies to social welfare organisations which were carrying out programs and activities considered to be in the public interest. Such organisations as the Benevolent Society, the Salvation Army and the St Vincent de Paul Society, for example, received 'sizeable annual grants' (CWD AR 1959, 11).

### 3.3 The 'Problem' of Neglected Children

In 1956, there were more than 3000 children officially categorised as wards of the Minister of Child Welfare in New South Wales, of whom 76 per cent lived in foster home placements (Table 3.1).

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Wards</th>
<th>In Foster Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>2674</td>
<td>n/a</td>
</tr>
<tr>
<td>1956</td>
<td>3020</td>
<td>76%</td>
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<td>1957</td>
<td>3222</td>
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<tr>
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<td>5061</td>
<td>75.3%</td>
</tr>
<tr>
<td>1963</td>
<td>5497</td>
<td>74.6%</td>
</tr>
<tr>
<td>1964</td>
<td>5926</td>
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</tr>
</tbody>
</table>

Source: Annual Reports, NSW Department of Child Welfare, 1955-1965

More than half of the children who were admitted or committed to state wardship in the late 1950s were children against whom charges of 'being destitute' or of 'having no fixed place of abode' had been brought after they had been evicted from their homes. In 1959, approximately 53 per cent of admissions to wardship occurred as the
result of eviction or chronic homelessness (CWD AR 1959, 15) and by 1960, more than 50 per cent of the children entering the care of the department as state wards were either destitute or homeless. The department pronounced that it was unwilling to seek foster homes for children who were admitted to care as the result of homelessness, as 'parents might find accommodation at any time, and the child who would then have to be returned to the parents' (CWD AR 1958, 23; 1959, 15; 1960, 10). It can thus be presumed that many such children remained in the department's residential establishments after their admission to care.

The department, however, constructed a narrative about state wards which was impervious to its own data which, in view of the payments to women supporting children and the very high percentages of children who were admitted to care because of homelessness or destitution, clearly signified that poverty and the lack of availability of affordable housing were the key factors underpinning the entry of neglected children to care as state wards. The entry of children to care continued to be portrayed as the result of their parents' social or moral failure. From the late 1950s, and into the 1960s, these two factors, of economic necessity and the chronic homelessness faced by many families, were silenced within the discourse about state wards in which the needs of 'specialist' groups of children began to dominate the department's constructions of the population of children in its care.

3.3.1 Neglected children and their families
The neglected children who were placed in the department's care were represented as deprived children from 'problem' or 'multi-problem' families (Picton and Boss 1981), an emerging categorisation of those families who were assessed by the department as poor, homeless and unable to offer their children suitable or adequate standards of care:
Children who become wards have, in the main, endured stress and anxiety for significant periods in their own homes and are thus, in varying degrees, deprived children. They are often victims of gross neglect; some have suffered the consequences of misfortune befalling guardians who are found, ultimately, to have invited misfortune by their selfishness, ignorance, thriftlessness; others, in consequence of defective training and discipline, are uncontrollable or beginning to acquire a delinquency pattern of behaviour. In almost every case ... they have been harmed in varying degrees by emotional neglect which though indirect and intangible, is neglect of the most serious kind. The actual incident which results in wardship is often the last straw in a series of small crises steadily tapping the child's nervous and affectional resources (CWD AR 1957, 20).

While in the late 1940s, the 'neglected child' was portrayed as the child of an incompetent or inadequate family, the rhetoric which constructed the 'typical' neglected state ward in the 1950s presented an image of the child whose family was not only inadequate in providing for the child's care but had failed to access, and to utilise the range of social services available to all citizens of New South Wales (Wilkinson 1985). The 'failed' family, therefore, became constructed as the wilful and resistant family which emerged increasingly in the department's discourse as the new category of the 'multi-problem' family.

'Multi-problem' families were perceived as consuming excessive amounts of the Child Welfare Department's resources and of making undue demands upon its services and programs (CWD AR 1959, 9). This new category of 'consumer' of the department's services was portrayed as requiring considerable attention from frontline departmental officers. In a period in which the department was facing increased demands for frontline local services, and was attempting to address the expanded and increasingly specialised needs of its residential populations, particularly of intellectually handicapped and very young children, the representation of these 'resource-hungry families' was employed to underscore the Minister's submissions to Cabinet for additional resources to be allocated to the Child Welfare Department.

Such multi-problem families, were described as possessing:
... a multiplicity of problems like child neglect, overcrowding, "broken" homes, personal defects of all kinds, irregular employment, gambling, alcohol addiction, low standards of hygiene, delinquent behaviour, inability to get along with other people, monetary difficulties and many kindred hardships (CWD AR 1959, 9).

They posed increasingly severe difficulties for the department's administration. The construction of the 'problem' of resource-hungry families further consolidated the department's perception that the supervision of such families was a vital component of the Field Division's activities. This was seen to require the supplementation of additional manpower as,

... statutory provision exists in this state for the department to intercede, as Departmental offices are empowered to accost and bring under supervision any child whose appearance or conduct indicates neglect or pre-delinquent behaviour. Most of the hard-core problem families come under notice in this way and the majority of these is taken before the children's behaviour has had an opportunity to harden into a defiant mould; the probability is also that the family is more prone to rehabilitation at this time for its difficulties are not yet aggravated by the delinquency of the children (CWD AR 1959, 10).

The extension of the department's intervention into the lives of 'multi-problem' families was underpinned by a presumption that supervision of these families would prevent the parents' moral degeneration and their children's delinquency (CWD AR 1959, 10). The department did not publish data which qualified these interventions or depicted the numbers of children of such families which were admitted or committed to care. The vignettes of multi-problem families which were included in the department's annual reports depicted them generally as fatherless, with the children exhibiting signs of material neglect associated with poverty (Hughes 1990). The categorisation of multi-problem families became institutionalised in the department's rhetoric, in which technical and administrative responses including the ongoing supervision of these families were unquestioned. The department's claims of 'prevention through supervision' were uncontested in this era, with the field officer's role being represented variously as 'social work' or as 'treatment' which prevented
the eventual slide of deprived and neglected children into irreversible patterns of delinquent behaviour.

The debate in Parliament, in which the opposition resisted the amalgamation of the social welfare and child welfare portfolios, provided a catalyst for the issue of poor families, particularly those in which single women cared for children, to force its way onto the parliamentary agenda:

The guidance and counselling available from Child Welfare officers is a most important social service - all the more so in this state as no fewer than 69 per cent of the recipients of cash sustenance or food relief and its associated ancillary services are women with children with whom the Child Welfare Department is vitally concerned. The effectiveness of combining family casework with financial aid is demonstrated in those families where the department has been rendering this service over a number of years. ... It is a natural corollary that as a large proportion of the recipients of primary social aid from state sources are mothers who are raising families on their own, it will be readily appreciated that they constitute a welfare problem in the truest sense and the granting of monetary assistance is a secondary though important consideration [emphasis added].

Financial assistance ensures that the mother is provided with a means of caring for her children, but the social need is that the mother must be assisted in exercising maternal control to ensure that the children grow up as a family unit into decent healthy Australians (NSW PD 18 July 1956, 1052).

The government represented the payment of monetary assistance as a 'secondary consideration' to the 'social' need that the mother be 'assisted in exercising her maternal control'. This 'assistance' was rendered by departmental officers in the form of ongoing supervision, whereby women were visited regularly to ensure that they were not cohabiting with a man, and to ensure that their children were attending school (Hughes 1990). The department constructed a rhetorical and practical linkage between the payments under Sect 27 and the presumption that these measures were a minor adjunct to family casework services, which were aimed at maintaining 'family unity' (CWD AR 1958, 9). The provision of 'family casework' to women and their children was represented as an important intervention which ensured that the 'failure'
of the mother did not result in the entry of her children into the department's care. Although it provided Sct 27 allowances to some thousands of women who were caring for children (Table 3.2), and although the majority of recipients of emergency cash payments and food relief were also women with children who were receiving such allowances, the department's discourse, as articulated by the Minister for Child Welfare and Social Welfare, maintained that it was not poverty but the 'lack of maternal control' which was primarily responsible for the breakdown of these families' circumstances, with the subsequent entry of their children into the department's care.

Table 3.2  Recipients of Sct 27 allowances 1956-1964

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of recipients</th>
<th>Number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955/56</td>
<td>2214</td>
<td>5960</td>
</tr>
<tr>
<td>1956/57</td>
<td>2312</td>
<td>6363</td>
</tr>
<tr>
<td>1957/58</td>
<td>2471</td>
<td>6726</td>
</tr>
<tr>
<td>1958/59</td>
<td>2627</td>
<td>7204</td>
</tr>
<tr>
<td>1959/60</td>
<td>2585</td>
<td>7187</td>
</tr>
<tr>
<td>1960/61</td>
<td>2730</td>
<td>7454</td>
</tr>
<tr>
<td>1961/62</td>
<td>2737</td>
<td>7213</td>
</tr>
<tr>
<td>1962/63</td>
<td>2811</td>
<td>7205</td>
</tr>
<tr>
<td>1963/64</td>
<td>2766</td>
<td>6974</td>
</tr>
</tbody>
</table>

Source: Annual Reports, NSW Department of Child Welfare 1957-1965

Thus, these parliamentary debates articulated that which had previously been denied in the department's reporting - that the majority of 'clients' of the Child Welfare Department were women who cared for their children without the financial assistance of a male breadwinner, who were ineligible for Commonwealth pensions or unable to manage on them alone, and who were reliant upon the provision of State allowances for their full or partial income. The articulation of the issues faced by single women caring for children on limited incomes was promoted primarily by the government in order to seek support for the administrative reorganisation of parliamentary portfolios.
The issue of the State's responsibility to women and their children and the
significance of the data which indicated that women were seeking ongoing cash
sustenance payments and food relief to enable them to continue to care for their
children was not acknowledged in these debates, in which such women and their
children provided a foil for the government's intention to establish a new and
expanded Ministry. This debate, in which the government advanced its generosity in
providing for poor families in New South Wales, was only diverted by the
opposition's attack on the failure to provide financial assistance to the non-
government agencies which provided care to children. But, as Fraser (1989) points
out, it also enclaved poor women and their children as 'sub-cultural sociolects',
marginal to the dominant discourse of the government's representation of its role in
the provision of welfare services.

With the amalgamation of the social welfare and child welfare portfolios, the functions
of the State Supplementary Children's Allowances Section and the Section 27 Branch
of the Child Welfare Department, established for the payment of social services in
accordance with the provisions of Sect 27 of the Child Welfare Act (1939), were
transferred to the Social Welfare Division within the Department of Child Welfare as
the Children's Allowances Branch. This branch provided assistance in respect of the
children of a parent or parents who found themselves in financial difficulties through
circumstances which were both unforeseen and beyond their control (CWD AR 1957,
10). Some applicants remained ineligible for financial assistance, particularly in cases
where a deserting husband returned to the family prior to the determination of the
application, where the applicant's husband returned to work after a period of illness
and where the female applicant refused to take appropriate court action against either
the husband or the alleged father of her children (CWD AR 1957, 10-11). These
women were reliant upon emergency cash payments and some supplementary
benefits.
The circumstances of single women who were supporting their children without the contribution of a male breadwinner, and were ineligible to receive Commonwealth payments became the subject of Parliamentary debate, not in terms of the government's concern for their dire circumstances, however, but as the legitimation of its decision to undertake an administrative restructuring which saw the formerly separate branches of social welfare and child welfare combined. Some 6000 children who were cared for by parents in need of ongoing financial assistance because they were ineligible for Commonwealth pensions, or because they could demonstrate insufficient income to permit them to care for their children, were merely adjuncts to the government's primary concern to carry out a bureaucratic reorganisation and were thus incidental to this discourse about the welfare of the citizens of the State.

3.3.2 New categorisations of 'problem' children
In the late 1950s, a new category of 'problem' children was constructed, so designated because of their increasing numbers in the in-care population, and the difficulties they posed for the department's traditional care arrangements in that they were unable to be placed in foster care (CWD AR 1956, 19). They comprised 'intellectually handicapped' children, who were placed in residential care facilities in increasing numbers. These children presented significant dilemmas throughout the next decade, as the department sought to provide a range of 'appropriate care' options to meet the needs of children and young people with specialised educational, training and accommodation requirements. Intellectually handicapped children required specialised care and, because they were commonly assessed as unsuitable for foster care, they remained in residential care settings, thus defying the department's claims that all children, whenever possible, were to be placed in family-like care arrangements. The increase in the numbers of intellectually handicapped children admitted to the care of the Child Welfare Department was caused by changes, in 1958,
to the *Mental Health Act* which ensured that children with the most severe intellectual handicaps, including infants, would be placed into Health Department facilities (CWD AR 1959, 17). The Child Welfare Department, however, was now required under these legislative amendments to offer suitable residential care arrangements to those severely handicapped children who were state wards and who previously had been accommodated in Department of Health facilities.

Special foster homes were found for some of these children, but, by 1960, almost half of the post-school and school-aged wards who were resident in the department's children's homes and establishments were assessed as severely intellectually handicapped (CWD AR 1960, 10). Among these children was a large number of boys in the six to ten year age group, who required special education programs and who were considered to be in need of stable, long-term care for the duration of their childhood. This group of young male children was thought to represent approximately 20 per cent of all male children in residential establishments for wards (CWD AR 1959, 16).

By 1962, the residential establishments which provided care for children with intellectual and other disabilities, such as Waverley Cottage and Brush Farm, had become over crowded (CWD AR 1962, 6), and by 1963 the number of wards with an intellectual handicap was described as a 'disproportionately large' (CWD AR 1963, 5). Existing establishments for wards with an intellectual disability were expanded to accommodate the increasing numbers of residents. For example, Werrington Park, an establishment for intellectually handicapped boys, provided accommodation for thirty children. By the end of 1962 a second cottage to accommodate another thirty boys had been built at Werrington Park and a third, for an additional thirty boys was due to open in 1963 (CWD AR 1962, 15). By 1963, intellectually handicapped wards were thought to constitute approximately 40 per cent of all wards living in departmental
establishments and children's homes, including those children whose level of disability had previously ensured their care in Department of Health facilities (CWD AR 1963, 24). As these children were considered unsuitable for foster care, and would require long-term care, the government began to explore the possibility of new child care provisions.

Several investigations had been conducted into the needs of this group of children and young people. At the end of 1963, Treasury provided £200,000 to subsidise capital expenditure by private organisations which were willing to provide services for intellectually handicapped children. Voluntary organisations were thus encouraged, with the government's support, to play a major role in the provision of services for intellectually handicapped children and young people. Organisations receiving the additional capital subsidies were required to continue to accept responsibility for operating costs (CWD AR 1964, 9). Voluntary organisations which provided residential accommodation to children who were deemed 'totally dependent' were to receive a capital subsidy of £3 for every £1 contributed and £2 for accommodation for 'partially dependent' children. Sheltered workshops, which provided for intellectually handicapped persons beyond school age who were capable of performing work of a restricted nature, were to receive £2 for every £1 of expenditure, as were activity centres for persons who could benefit from occupational and social activity. Similar subsidies were to be given to hostels for the accommodation of intellectually handicapped persons from remote areas, in association with activity centres and training centres in the community.

3.3.3 Foster care
In the decade from 1955, approximately 76 per cent of all state wards lived in foster care. The New South Wales Child Welfare Department compared its programs

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10 The Trethowan Report; the Report of an Inter-Departmental Committee; the Report of the Health Advisory Council (See AR 1964, 9).
favourably with those in the United Kingdom, where only 25 per cent of the children living in out-of-home care were with foster families (see CWD AR 1959, 20). The foster care program in the New South Wales Child Welfare Department constituted a considerable workload for field staff, who were required to locate approximately 300 foster homes per year, to assess potential foster parents, to supervise the placement of children in foster homes and to supervise the 'original' families of these children.

Some children, particularly boys over six years of age, and boys and girls aged from ten to eighteen years, were difficult to place into foster homes as the majority of foster parents expressed a preference to offer care to a young, female child. As the department also assessed children with an intellectual or physical disability as unsuitable for foster care placements, the number of children living in the department's residential facilities thus grew throughout the early 1960s. Older children, particularly those over ten years of age and children with a disability, swelled the in-care population. Aboriginal children were also included in the grouping of children deemed unsuitable for foster care. As in the previous period from 1945 to 1956, Aboriginal children were absent from the discourse about children in care in the period from 1956. The numbers of Aboriginal children who were placed in departmental residential units, or in foster homes, or who lived in the care of non-government agencies and organisations, cannot be determined from the department's public accounts of its activities. However, in 1964, a case-study of a 'part-Aboriginal' girl is included in the department's annual report to exemplify the virtues of a 'white' foster family willing to accept an Aboriginal foster child:

Naturally people wishing to add to their family by foster placement do not normally wish to take a child noticeably different from their own - this is understandable of course - and nearly all children placed are physically fit and not "coloured" [sic] (CWD AR 1964, 28).
Aboriginal children were thus included in the categories of children who were deemed unsuitable for foster home care and were likely to remain in the department's residential care establishments (CWD AR 1964, 28).

With a growing demand upon its front-line services, and an increase in the number of children living in its care, a renewed philosophy about the department's capacity to continue to care for children began to emerge. The department principally had been silent about the restoration of state wards to their families. Annual reports gave no account of the 'outcomes' for neglected children who were admitted to the department's care. In 1963, the issue of the restoration of state wards to their families was countenanced for the first time, with an acknowledgment that the placement of children into care could be undertaken as a temporary measure, with the return of children to their parents a possibility.

Admission of a child to state control need not mean that mother and father have been permanently deprived of the care of their child. Rather, the role of the department's field staff is to continue to work with the parents in an effort to help them to restore their home and enhance their ability to provide proper care in the future. This task of assisting in the rehabilitation of families demands skilled workers and can be very time consuming. Too often in the past parents were able to disappear once children came into care. Removal of the children should enable parents to concentrate their efforts and resources into the task of rebuilding a more stable family situation so that application may be made for the restoration of their children initially under supervision. Preferably restoration should occur within a relatively short period (CWD AR 1963, 23).

It would still be some time before the department adopted a 'restoration' policy to permit the return of neglected children to their families. Throughout the early 1960s, the department's rhetoric indicated that it was preoccupied with its capacity to manage the growing numbers of children requiring care in its residential facilities. In 1961, it was providing care for 4233 children officially categorised as state wards (Table 3.1). In its representation of its role in caring for deprived and neglected children, the department constructed state wards as the official and legitimate 'neglected' children
of New South Wales. From 1962, however, the department was no longer able to omit those children in the care of the non-government sector from its discourse about 'the needy children' of the State.

3.3.4 Children in the care of non-government organisations
The parliamentary debate about the amalgamation of the social welfare and child welfare activities aroused a controversy about the responsibility of government to provide financial assistance to the non-government child care sector to enable charitable and religious groups to continue to care for large numbers of children. In the second reading of a Bill to vary the Child Welfare Act, the government moved to address this 'omission', but countered the Opposition by claiming that the non-government sector provided an invaluable service which saved the government large amounts of money:

These voluntary organisations, including Red Cross and Legacy, render a far greater service than does the department itself. I understand that they care for three-fifths of the children who require this kind of attention and care. ... An outstanding anomaly is that the government does not make any contribution to the upkeep of children who, on a court order, are taken care of by voluntary agencies (NSW PD 18 July 1956, 1065 - 1066).

The department receives all of the funds allocated for the administration of child welfare but makes none of the money available to the voluntary organisations. The department is passing the buck by having the other children taken care of by voluntary organisations, but it does not make any money available for their support (NSW PD 18 July 1956, 1065 - 1066).

The government seems to be under the impression that it knows all the answers to the problems of dependent, neglected and delinquent children in New South Wales. It does not. The voluntary organisations have had more opportunity to study the requirements of these children and are rendering a far greater service (NSW PD 18 July 1956, 1067).

Under existing legislation all places established or used for the reception of children under 7 years of age must be licensed, and at 30th June 1955, 285 licences were in existence in this state. When one adds to that number the numerous unlicensed places for children over 7 years of age and the other establishments licensed by the Health Department for the care of children suffering some mental or physical disability, one gains an idea of the magnificent contribution that is
being made to child welfare by religious and other voluntary organisations (NSW PD 19 July 1956, 1094).

Almost 2 000 children are cared for by voluntary organisations which are saving the state something like £600 000 per year. The only monies received by these bodies are child endowment of 10s a week for each child, payments made by the guardian, and charitable donations. Frequently there is no room for children in departmental shelters and one or other of the voluntary organisations comes to the rescue (NSW PD 2 Aug. 1956, 1446).

Since the passing of the Children's Relief Act in 1881, the State Government had not provided formalised or regular assistance for children in charitable and denominational homes (NSW PD 14 Mar. 1961, 3170). The relationship between the New South Wales Department of Child Welfare and the non-government sector was influenced by several emerging issues in the period from 1956 to 1965. The department was no longer able to pursue a benign relationship with the non-government organisations which cared for children in their children's homes.

Section 28 (1) (a) of the Child Welfare Act provided for the licensing of residential establishments which cared for children under the age of seven years (Table 3.3).

**Table 3.3** Licensed Homes (Children aged under 7 years) 1956-1964

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Homes</th>
<th>Number of Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>296</td>
<td>n/a</td>
</tr>
<tr>
<td>1957</td>
<td>352</td>
<td>1303</td>
</tr>
<tr>
<td>1958</td>
<td>383</td>
<td>1280</td>
</tr>
<tr>
<td>1959</td>
<td>374</td>
<td>1221</td>
</tr>
<tr>
<td>1960</td>
<td>336</td>
<td>1123</td>
</tr>
<tr>
<td>1961</td>
<td>319</td>
<td>1054</td>
</tr>
<tr>
<td>1962</td>
<td>317</td>
<td>1455</td>
</tr>
<tr>
<td>1963</td>
<td>315</td>
<td>1725</td>
</tr>
<tr>
<td>1964</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Source: Annual Reports, NSW Department of Child Welfare 1956 - 1965
These establishments were given a dual classification under the Department of Child Welfare licensing regulations. One group comprised homes which accommodated five or fewer children and were usually private dwellings. The second group was comprised of denominational establishments and private schools. During the early 1950s there was a gradual decrease in the number of licensing applications received from these establishments. Simultaneously, there was a constant demand for the placement of young children into these homes, not only from parents but from maternity hospitals. The decrease in applications was the cause of some consternation as a decrease in the number of places available in non-government children's homes was likely to place increased pressure on the department to admit these children to care as state wards (CWD AR 1958, 27).

In 1961, the government amended the Child Welfare Act to enable children who resided in children's homes run by non-government child caring agencies to be admitted to the care of the Minister for Child Welfare as state wards. The amendment to the Act permitted the Minister to admit those children for whom the caring organisation had not received maintenance from their parents or carers for a period of not less than six months, or, if they had previously been committed to the care of an organisation, for whom that organisation had not received maintenance monies for a period of not less than one month. This amendment to the Act permitted the department to investigate the circumstances of a parent/carer and provide a report on the eligibility of the child to be admitted to state control. It also allowed for the parents or carers to make representation to the department about the proposed admission of their children to wardship.

While this amendment to the legislation, with a concomitant undertaking to provide financial support to non-government agencies, was portrayed as the generous action of a government committed to the care of children who were residing in non-
government children’s homes, it also represented the expansion of the categories of children who were, or could be, classified as state wards. Although the amendments to the Act provided for the representations of parents in the decision to admit children to state wardship, there was no consideration of those parents who were unable to make a financial contribution to their children's care and who, even in the face of their children becoming state wards, were unable to procure the financial resources to contribute to their upkeep in a children's home.

In March 1961, it was estimated that the fifty-one non-government child caring organisations in New South Wales cared for approximately 5000 children, of whom 35 per cent were not supported by any financial assistance from their parents or from the state (NSW PD 15 Mar 1961, 3194). By the end of 1961, and in response to the amendment to the Child Welfare Act, almost 1200 applications for the admission of children to state wardship had been received from charitable and religious organisations which cared for children in their residential facilities. About 20 per cent of the children in the care of charitable and other non-government organisations, a total of 945 children, were subsequently admitted to the care of the Department of Child Welfare as state wards (CWD AR 1961, 11-12) (Table 3.4). By 1962, the state ward population numbered more than 5000 children following this intake of children into state care from the non-government sector.

The children who continued to reside in children's homes which were run by charitable and religious organisations were to be supported by the payment of a 'ward allowance' per child from the Department of Child Welfare (CWD AR 1962, 12). The amendment to the Child Welfare Act, permitting the entry to the care of the Minister of those children in non-government care for whom no financial contribution was made by parents, and the payment to non-government organisations of an allowance for each child, overcame the objections raised in Parliament by the opposition in 1956
which had presented it with potent ammunition to attack the performance of the Labor government.

**Table 3.4** Children in care
Admissions/discharges State Wards 1956-1964

<table>
<thead>
<tr>
<th>Year</th>
<th>Admissions</th>
<th>Discharges</th>
<th>Total Wards</th>
<th>In Foster Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>n/a</td>
<td>n/a</td>
<td>2674</td>
<td>n/a</td>
</tr>
<tr>
<td>1956</td>
<td>608</td>
<td>na/</td>
<td>3020</td>
<td>76%</td>
</tr>
<tr>
<td>1957</td>
<td>681</td>
<td>338</td>
<td>3222</td>
<td>75%</td>
</tr>
<tr>
<td>1958</td>
<td>792</td>
<td>392</td>
<td>3553</td>
<td>78.2%</td>
</tr>
<tr>
<td>1959</td>
<td>661</td>
<td>513</td>
<td>3697</td>
<td>79.1%</td>
</tr>
<tr>
<td>1960</td>
<td>460</td>
<td>464</td>
<td>3987</td>
<td>75.3%</td>
</tr>
<tr>
<td>1961</td>
<td>790</td>
<td>538</td>
<td>4233</td>
<td>74.9%</td>
</tr>
<tr>
<td>1962</td>
<td>1671*</td>
<td>458</td>
<td>5061</td>
<td>75.3%</td>
</tr>
<tr>
<td>1963</td>
<td>1252</td>
<td>620</td>
<td>5497</td>
<td>74.6%</td>
</tr>
<tr>
<td>1964</td>
<td>1193</td>
<td>591</td>
<td>5926</td>
<td>n/a</td>
</tr>
</tbody>
</table>

*In 1961, 945 were admissions of certain children from Charitable Homes under the amendment to the Child Welfare Act, 1939.*

*Source: Annual Reports, NSW Department of Child Welfare, 1955-1965*

The decision to facilitate the immediate entry to state wardship of 945 children addressed these criticisms, but created new tensions for the Child Welfare Department in terms of an increased workload for field staff, and its capacity to accommodate these additional numbers of children in residential establishments or in foster care. These demands were seen to further prevent the department from tackling the issue which was conceived as the most important objective of any child welfare department in this period (Dore and Guberman Kennedy 1981) that is, the prevention and treatment of juvenile delinquency.

### 3.3.5 Juvenile delinquents

The 'problem' of child delinquency was one of the main topics in the speech of the Governor in opening State Parliament in 1956. He spoke at length about the increase in juvenile crime in New South Wales, the 'causes' of which he attributed to a lack of
parental control, unsuitable films and literature, the increased tendency to gamble in an attempt to get rich quickly, the abuses of strong drink, the gradual decline in the moral tone of the community and some medical causes. He also stated that the tendency of many women to go to work, even in cases where they were the family breadwinner, resulted in their children being left 'at the mercy of the world' (PD NSW 30 May, 1956, 187). In the ensuing debate, the Labor member for Marrickville strongly supported these views, adding.

I believe that the solution is partly to be found in a greater appreciation, not only by children but also by parents, of the Christian principles that are fundamental in enabling all citizens to discharge their responsibilities. ... We should seek to ensure that the fathers and mothers of today inculcate in their children the moral principles of Christianity, ignorance of which is the greatest contributing factor to child delinquency (PD NSW 30 May, 1956, 190).

During 1956, the 'juvenile delinquent' population in New South Wales increased, as in other States, with more young offenders being incarcerated and greater numbers of children and young people appearing before the Children's Court and charged with offences (CWD AR 1956, 24). By 1958 the Child Welfare Department was faced with the need to build additional remand and detention facilities to accommodate delinquents. During 1959, the issue of delinquency especially the apparent rise in 'delinquent crime' received considerable attention in the print media, leading the Director of the department to comment that:

Soaring rates of crime and the increased volume of juvenile misbehaviour in overseas countries since 1957 have heightened public interest in these matters in New South Wales. This interest has turned to concern and even in some parts of the community to alarm at what a minority erroneously believes to be the situation in NSW, inspired no doubt by the flourishing publicity given in some sections of the press and in certain popular magazines to the more violent crimes attributed to the young abroad. ... Reiterated assertions, however baseless tend to be believed and continued assaults upon the public consciousness have led several communities in this State to seek the assistance of the department to curb what had been assumed a priori to be an increase in teenage crime. In no case was this so, but the department welcomed the opportunity to assist local government authorities to establish youth clubs since these appeared to be the means selected to meet whatever difficulties did exist ... Letters to the editor have been written by armchair experts suggesting 'cures' for what scarcely amounts to a 'problem' in NSW (CWD AR 1959, 22).
The allegations raised in the media and by a member on the floor of State Parliament that delinquency rates were rising led the Director to declare that because of these 'mistaken beliefs', the department would alter its data collections to convey a more accurate picture of the rates of delinquency and cease publishing full accounts of all appearances of children before the Children's Courts (CWD AR 1959, 22). Subsequently, the department's annual reports began to indicate that delinquency rates in New South Wales were decreasing. At the same time, however, the department acknowledged that additional places for delinquents would need to be provided in residential centres as the rising youth population would lead to an inevitable increase in the number who would receive committal orders following their appearance before the Children's Courts.

The department's attempts to persuade the public that the issue of delinquency was being contained and controlled was reiterated in its annual report for 1958, in which the rates of delinquency in New South Wales were compared with those in Scotland, England and some States in the USA. The report suggested that, although the rate of juvenile crime appeared to be increasing alarmingly, the situation in New South Wales was in fact not a cause for concern. Nonetheless, the incidence of delinquency had risen very suddenly in 1955-56 and had declined only slightly in the following year. The department explained this phenomena in terms of several factors. Firstly, social and economic conditions in the State, including a rise in unemployment rates to the highest level for some years, may have affected the rise in delinquency levels. Secondly, a decrease in the 'communal standards of literacy' was thought to be related to the increase in juvenile crime. Thirdly, the increase was said to relate not to the actual incidents of crimes committed, but to the improved standard of crime detection which had resulted from the decentralisation of the Criminal Investigation Branch of the police force (CWD AR 1958, 14).
The department's published rhetoric thus attempted to both placate the State Opposition's attacks upon the government's efforts to manage the delinquency rates and to address the press allegations that delinquency was an issue of concern. The department's response of altering its statistical procedures, denying that any increase had occurred, by citing improvements in police detection and reporting procedures, and comparing the State's delinquency rates favourably with those in other comparable countries, did not alter the reality of the severe shortages of remand places available in residential establishments as the numbers of children and young persons facing the Children's Court increased. In 1958, Yasmar Remand Centre at Ashfield was permanently over-full and it was realised that a new remand centre was required in the western or south-western suburbs of Sydney to accommodate young males who were awaiting a court appearance. The population of children and young people in western and south-western Sydney had expanded with the growth of new housing estates which accommodated young families.

The increase in the numbers of young persons in training schools was interpreted as the outcome of changed practices in the Children's Courts where the number of cases of delinquency disposed of by committal to an institution during the year increased by more that 50 per cent over that for 1954-55. This had placed severe pressure on training schools and the department acknowledged the need to build new training school facilities as soon as possible. Daruk Training School for Boys subsequently opened in 1961 to accommodate 200 young males aged from fourteen to sixteen years. Mt Penang Training School, which had opened in 1912, continued to operate at full capacity for older and more sophisticated male juvenile offenders.

The department also faced the problem of severe accommodation shortages at Parramatta Girls' Training School and hoped to establish a more diversified training scheme for girls, similar to that which had been developed for boys, consisting of
introduce an incentive system of privileges and a specialised program for managing the intractable offender and the persistent absconder. In 1945 a plan had been drawn up to develop a new institution to replace the Parramatta school. The original plan had been inspired by the large wartime population of young females at the school and by the reported high incidence of venereal disease among young female offenders. The widespread use of antibiotics in VD treatment after the war, however, had obviated the need for a new facility. In the six years from 1954 to 1960, as the population of young females over the age of fifteen years in New South Wales more than doubled (CWD AR 1961), the number who were committed to an institution by the Children’s Court also rose. The department’s decision to build a new institution for girls was given further impetus by several riots by the girls at Parramatta in 1961, following which ‘large numbers’ of them were subsequently imprisoned in Long Bay Gaol with a special squad of male officers installed to keep order at the school (Quinn 1989, 160). The riots were widely reported in the press and led to a call for a public inquiry, which was rejected by the government (Quinn 1989). A new training school was built at Thornleigh in Sydney to which the girls who were considered most difficult or intractable could be sent from Parramatta. This additional facility, initially planned in 1943 following an inquiry into conditions at the Parramatta Girls Training School, also permitted the segregation of those girls whose behaviour was assessed as non-amenable to educational, social and cultural programs. In August 1961, another new Institution for Girls opened at Hay in country New South Wales providing for the most intractable young female offenders. This was followed, in November 1962, by the opening of the Ormond School for Girls, to house those facing their first committals.

The department’s review of the cases of fifty-two of the girls who entered Ormond in its first year of operation in 1962-63 found that 46 per cent were committed to care for being neglected in that they were exposed to moral danger, and 31 per cent were
committed for being uncontrollable. The 'wayward girl' was assessed by the department as exhibiting problems which were usually not encountered with male offenders. While males were commonly committed to an institution for an offence involving stealing or the illegal use of property, the majority of girls were committed for offences of a moral nature:

Female delinquency is essentially moral delinquency, its main component being a sexual promiscuity and general waywardness that is actionable under law and completely unacceptable to ordinary citizens (CWD AR 1964, 17).

Further, the department assessed the 'wayward girl' as possessing an inferior intelligence to that of male delinquents:

... with the girl, the problems presented are more complex and deeper seated, and often her complete outlook on life and personality has to be re-oriented. This task may often be impeded by the girl's poor mental ability. While the majority of juvenile males committed to institutions are of normal intelligence or above, the average IQ of females committed is in the middle 80's. This low mental capacity, together with associated educational retardation and bad home environment restrict the girl's range of interest and she has had little opportunity to form adequate cultural or social values (CWD AR 1956, 16).

The 'typical girl' in the training school, with her interests 'restricted to boys and comics' presented particular educational and training issues for departmental staff. In addition to the usual school curriculum, the girls underwent a full course of home management, including vocational classes on cookery and dressmaking (CWD AR 1956, 16). The program in training schools was designed to provide 'social adjustment and spiritual enrichment' (CWD AR 1957, 17 - 18). Girls who made a satisfactory 'adjustment' to the training at Parramatta were transferred to the school at Thornleigh to prepare them for their return to the community. Thornleigh acted, therefore, as a privilege cottage.

In the face of a considerable attack from the State Opposition, and the heightened press coverage of the issue of delinquency, the Child Welfare Department sought to
reflect a positive face of its work and, under the new Minister (Hawkins), it conducted a public relations exercise to improve the department's public profile. In 1959, it noted:

the increasing favourable public reactions to the department's activities ... a change promoted by the department which began to act on the realisation that community support and participation in the work of an official authority depends on the efficiency and dependability of such an authority in the public estimation (CWD AR 1959, 31).

This new-found positive approach was cast as reflecting a 'contractual relationship' between the department and the community it served.

Child welfare .. is not merely a function of government. It is a community responsibility. Difficulties and problems will be overcome finally only when the community as a whole shows real concern for the welfare of children and families (CWD AR 1961, 5).

This period was depicted as a new era of 'civic responsibility' (CWD AR 1959, 12). Under Minister Hawkins, who retained the Child Welfare and Social Welfare portfolios throughout the period from 1956 to 1965, the issue of leisure was addressed for the first time. In 1956, the 'youth club' was born, to provide for 'those not fortunate enough to have good homes, [who] need the companionship, healthy activities and adult leadership of the type which is found in the best youth clubs' (CWD AR 1956, 7). The provision of 'wholesome' leisure activities was circumscribed by a rhetoric which created a powerful, threatening image of vandalism and gang mischief, a phenomenon receiving attention in social welfare circles in Britain (CWD AR 1956, 7-11). The department thus constructed changes in youth culture, which had received widespread media and other comment (Kociumbas 1997) as a 'problem' for the department and its officers. Juvenile behaviour, represented as a threat to public order with the potential to produce unmanageable young adult citizens, was thus portrayed as an issue requiring the government's urgent response through the Department of Child Welfare.
There was a fear that adolescents, with more money and more leisure time than their parents, would become reckless and lazy, and would not come to understand the value and importance of work as fulfilment (CWD AR 1958, 10). Through its public appeals, the department supported the creation of youth clubs, whereby young people would be involved in organised leisure activities, and were therefore less likely to engage in delinquent behaviour (CWD AR 1959, 12). Youth clubs were seen as a means of reducing what was described as 'social delinquency', with the potential to make 'better citizens through the development of character and the fostering in the young of a sense of community responsibility' (CWD AR 1959, 12).

3.4 THE GROWTH OF FIELD SERVICES

While the demands upon its field services continued to increase, the rhetoric of 'prevention versus family disintegration' permeated the department's commentary (for example CWD AR 1956, 9). The activities of field officers were constructed as the specialised intervention of family problem-solving and the prevention of delinquency (CWD AR 1962, 8). The department's role in prevention embraced both the prevention of 'community problems' and the development of appropriate responses to them. At the centre of its activities was a rhetorical commitment to the importance of the family as the prime unit to offer appropriate care to children.

From 1956, the department's reports continued to cite the difficulty it faced in attempting to meet the burgeoning demands of its constituents. The number of field officers grew steadily, so that the role of 'prevention through supervision', could be maintained (CWD AR 1959, 10). The reports also constructed an ever-increasing group of poor and incompetent families, whose only chance for survival, and the
maintenance of their children within the family unit, was through the intercession of
officers of the Child Welfare Department.

3.4.1 Supervision and family casework
Supervision was said to ensure the provision of 'a sound family life as a basis of
healthy development of children' and the official discourse was in no doubt that the
'problem families' manifested what appeared to have been 'a simple problem' but
which 'on investigation' was found to be a multifunctional problem requiring
'treatment' by a field officer (CWD AR 1961, 8). Unless this preventive, supervisory
role was undertaken, it was deemed likely that the children of these 'problem families'
would suffer by their removal from their homes and subsequent placement in foster
care or in children's homes or by their decline into delinquent behaviour. The
responsibility for 'failed' families, however, was depicted as belonging to the whole
community, which had failed to provide 'skilled help to families showing signs of
malfunctioning, disintegration or neglect' (CWD AR 1963, 8). The rhetoric of the
disintegrating family, living in marginal conditions with indigent or inadequate or
retarded parents, was a central feature of the Minister's efforts to gain increased
resources, in competition with other government bureaucracies and services:

The deprived and unhappy child is more likely to develop abnormal
and anti social traits than the child who grows up normally and is
loved in a happy and united family atmosphere (NSW PD 18 July,
1956, 1052).

Let there be no quarrel about our attitude towards Child Welfare - the
foundation of Child Welfare is in the home (NSW PD 19 July, 1956,
1105).

The main and probably the most important activity of the department is
its preventive work. Emphasis is placed in family casework which is
devoted to assisting and guiding those families which need help under
the Child Welfare Act (NSW PD 19 July, 1956, 1105)
3.4.2 The demand for increased resources

The Minister continued to request additional funding for staff positions, and the debate about 'problem families' furnished a case for ever-increasing departmental budget increases. Who could deny the intrinsic value of the work of these field officers who, through their daily struggles, prevented unknown numbers of children from falling into poor or dangerous care, and suffering the trauma of removal from their families?

The essence of preventive work is identifying problem behaviours early and dealing with them without delay. This involves constant awareness on the part of field officers of the necessity at all times to seek out and keep under notice potential danger spots and to deal promptly with juveniles showing incipient signs of delinquency—truancy, wandering, vandalism, petty theft, uncontrollability, cruelty and other aggressive behaviour. The investigation of allegations of neglect, parental cruelty, alcoholism, excessive gambling and other forms of anti-social behaviour is a further fruitful field of preventive work. District Officers must therefore keep in touch with schools, supervised playgrounds and children's clubs, police, churches, health centres and other social agencies which refer suitable cases for investigation and assistance. Accosting children in streets and in other public places during school hours is also a good source of preventive work (CWD AR 1963, 8).

The department's pronouncement that supervision prevented the removal of children and the disintegration of the family was utilised to remind the public and members of Parliament about the dangers which befell 'the community' when delinquency went unchecked, or when minor delinquent acts were not addressed. Thus, the department's discourse was both an emotional one, with images of defeated and despairing children torn from their homes, and one which contained an implication for all citizens, who would apparently be in danger if the officers of the department did not continue to ensure their safety, and that of their property, by keeping a watchful eye on delinquent acts.

Although previously subsumed as a routine component of the department's activities, by 1964 the category of Family Casework received a discrete commentary in the
department's Annual Report, where it was presented as the most significant aspect of the field officer's work:

...this department, while concerned that the welfare of children is preserved and promoted, finds it essential to regard itself as a family welfare organisation - it is impossible to regard each child as an isolated unit and only by providing services that accommodate the needs of his parents and brothers and sisters as well can the department provide him with realistic assistance (CWD AR 1964, 11).

This emotive argument constituted a potent support for the Minister's appeals to Cabinet for additional funding:

The creation of a separate portfolio for child welfare had arisen from the continued growth of child welfare activities in addition to its being a specialised problem. All countries in the post-war years have become most conscious of the need for adequate professional child welfare services. It is not normally recognised that the Child Welfare Department is primarily concerned with ensuring that all children in this state are given every opportunity to develop normally. To this end its field officers are specially trained case workers who bring professional skills to family problems that might affect the children (NSW PD 18 July 1956, 1051).

The post-war increase in the population of New South Wales imposed greatly increased demands upon the services of the department. As the population spread to the fringes of the greater Sydney area and to major country towns, additional field staff were required in these centres. The Department of Child Welfare thus continued to expand and to open new front-line offices. In 1945 there were seven Department of Child Welfare local offices operating in New South Wales. By 1960 this number had risen to twenty-four.11 The caseloads carried by the field staff were thought by 1962 to be excessive. It was also stated that the work of field officers could not be carried out effectively and that the shortage of field staff was an impairment to the happiness and satisfaction of the department's clients. In 1963, the Minister's entreaties to

11 In 1944, district offices were opened in Sydney, Newtown, Crows Nest, Burwood, Kogarah and Parramatta. These were followed by Bankstown (1947), Liverpool (1948), Wollongong (1959), although a small office had been open in Wollongong since 1945), Lismore, Wagga and Bathurst (1945), Tamworth, Grafton and Dubbo (1946), Lithgow, Goulburn, Albury and Broken Hill (1947), Armidale (1948), Parkes (1949), Orange (1951), Cooma (1955). By 1955, offices had also been established at Leeton, Murwillumbah, and Cessnock. Also Bega and Canberra (1958), Gosford and Penrith (1959), and Narrabri, Taree and Young (1960).
Cabinet for additional resources were successful, and approval was given by the Premier to further expand the Field Division of the Child Welfare Department by twenty officers, and for the opening of new offices in July 1963 at Blacktown in western Sydney, and in the country centres of Bowral, Kempsey, Nyngan and Wyong.

In spite of the increasing demands made upon field staff by the exponentially increasing workloads, the department continued to publish positive accounts of the 'success of the field officer's role', which was attributed to the fact that the field staff were highly trained generic workers with a capacity and ability to manage the range of problems and issues which confronted them in their daily duty (CWD AR 1959, 7). There were no published data to support this account of the 'success' of the field officer's role, although a caution was to be found in the department's report of its field activities where it was claimed that generalist-trained workers were 'quite adequate to deal with the problem [of the problem family]', but that the continued problems faced by the Field Division were those of staff shortages, and not of the inadequate skills or ability of the field officers (CWD AR 1959, 10). The department's rhetoric thus both praised the excellent work undertaken by its field officers, who were said to work under difficult conditions caused by the shortage of sufficient staff numbers, and the contrary viewpoint that it was not able to afford the employment and development of specialist field personnel. The report on the activities of the Field Division in 1959 envisaged, however, that the increased specialisation of field officers would become necessary in the future 'as the department grows larger and more complex' (CWD AR 1959, 10).

While the department extolled the skills of the 'generic' field officers who worked in its local offices, it began a concurrent process of employing specialist staff to work in a range of positions which previously had been filled by personnel from other
government departments. In 1958, a Psychological Counselling service, headed by a Senior Psychologist, was established by the department (CWD AR 1958, 7). The development of a specialised counselling service staffed by psychologists was undertaken to treat the behaviour of 'wayward children', considered to be the most difficult issue in the day-to-day work of the staff employed in training centres for offenders (CWD AR 1958 16). From 1960, the department also began to recruit and train new personnel to teach in its residential schools attached to children's homes, remand centres and training centres. Previously, Department of Child Welfare schools had been staffed by personnel from the Department of Education. The task of educating state wards and young offenders was constructed as 'different from a "normal" teaching role' (CWD AR 1960, 11). From 1960 the department also appointed a part-time psychiatrist as a consultant, to reduce its reliance upon the services of psychiatric staff from the Department of Health. From the late 1950s, then, the department had begun to sever its reliance upon the services formerly provided by personnel from other government departments and agencies and had begun to recruit and employ its own educational, counselling and health consultancy staff. The care, education and training of neglected children and of young offenders was therefore increasingly delivered within a system of care which was circumscribed by and contained within the department's bureaucratic and cultural boundaries. This inclusive activity furthered its capacity to author an autopoietic system of expertise and authority in which those neglected children who lived in its residential facilities were seen as specific 'deviant' subjects able to be 'managed' only within a specialised and separate milieu whose cultural and social boundaries were constructed and constrained by the department's self-referential system of care.
3.5 Conclusion

During the period from 1956 to 1964, the newly amalgamated New South Wales Department of Child Welfare witnessed an expansion in bureaucratic responsibility, with an increased portfolio of social welfare services now administered through its local offices and with burgeoning numbers of children entering care both as neglected children and as delinquents. The increased complexity of the composition of the state ward population which was resident in the department's facilities and requiring ongoing and long-term care contributed to its expansion of accommodation for such children who were deemed to require long-term residential care. The capacity of the department to continue to construct foster care as the most desirable placement option for state wards was tested by the entry to care of intellectually handicapped wards who required specialised care and education, and by the entry to care of children who were considered 'temporary' wards as a result of their admission to care following the eviction or homelessness of their families, a situation which prevented their placement into foster families. Aboriginal child were not included in this group of 'special needs' children. The department subsumed Aboriginal children into its homogenising discourse about children and their needs for family-like care.

The incorporation of the Department of Social Welfare into the Department of Child Welfare further consolidated the latter's perceptions of its role as the provider of key welfare services to poor families and to families living in adversity and crisis. The additional administrative capacity to administer welfare benefits gave the department the potential to intrude into the lives of all families who applied for social welfare benefits now available through its offices. The amalgamation of social welfare with child welfare thus had a direct implication for those families who were now required to approach the department for assistance: they now became subjects of the Child Welfare Department's considerable supervisory and surveillance powers. Applicants
for primary social welfare benefits, the majority of whom were single women with children, were automatically subject to supervision by departmental field staff to ensure that correct moral standards were maintained, that they did not cohabit with men, that they ensured the attendance of their children at school, and that they were morally adequate to parent their children's development as 'decent, healthy Australians'.

The workload of the Field Division that is, of the officers employed in the department's local offices increased in tandem with the growth in the State's population during the 1960s, a growth which was supplemented by the continued arrival of migrant families. The complexity of the field officer's role was heightened by the perception that the children of newly-arrived immigrant families presented 'special' problems. While by 1961 the number of 'unaccompanied' immigrant children coming to Australia had decreased,\(^\text{12}\) children who had arrived in Australia with their families from Europe were viewed as an 'exotic' category. The child-caring practices of immigrant families were considered to result in unacceptable expectations of their children and undesirable behaviour by them.

A number of this group feels a perfect right to the services of their children of school age and employ them in farm pursuits. They appear to have a natural suspicion and resentment of all governmental officials and it is difficult to gain their co-operation (CWD AR 1956, 11)

In general, the influx of immigrant families was perceived as the cause of a 'general increase of business for the department' (CWD AR 1956, 24). Departmental officers supervised those newly-arrived migrant families who came to the attention of the department through their applications for social welfare benefits, through notification to the department that the children were truants, or through the children being charged

\(^{12}\) The Big Brother Movement was the only organisation continuing to bring significant numbers of immigrant children to Australia. However, the United Kingdom authorities approved the development of two new establishments in New South Wales for the reception of immigrant children for Dr Barnardo's Homes, while the Big Brother Movement was investigating the possibility of bringing suitable British youths from Africa to Australia (AR 1961, 11).
with an offence. Newly-arrived families were homogenised as a category of persons 'influenced by a tradition of casualness towards compulsory school attendance':

No doubt with the advance of assimilation and continued efforts by the department the problem will be resolved in time (CWD AR 1958, 11).

Unlike the construction of such families in the previous decade, migrant families and their children were now categorised within the corpus of 'multi-problem' families who were considered to over extend the demands upon the already over burdened officers. The construction of the 'multi-problem' family carried with it a connotation of resistance and hopelessness in a period when the provision of social welfare benefits was viewed, in the department's discourse, as bountiful. This discourse obscured the social and economic conditions which prevailed for many families, as attested by the numbers of children becoming state wards following the eviction of their families, rendering the child as 'destitute' and thus admitted to the care of the department as a ward of the state. Similarly, the department's discourse denied the economic status of applicants for Sct 27 payments and for cash assistance, maintaining a presumption that the social welfare benefits administered by the department were available and delivered to all residents of New South Wales.

In this period, the relationship of the department with the non-government sector was formalised through legislative changes and new formalised funding arrangements, and with a resultant re-evaluation of the key role of non-government agencies and organisations in offering care to children (CWD AR 1964, 11). That the in-care population of children in the non-government sector was greater than the in-care population of children cared for by the Department of Child Welfare had previously not been enunciated. The importance of maintaining the capacity of this sector to continue to care for such large numbers of children became highly significant in this period, when the department's own facilities were overcrowded and when it was unable to develop non-residential care arrangements for 'special needs' children, such
as those with an intellectual handicap, and very young children who were entering the department's care and residing in over crowded institutions. The 'legitimation' of the non-government sector and its role in caring for children, the decision of the Child Welfare Department to admit over 900 children from non-government children's homes into its care and the allocation of payments to children's homes for each child in their care were occasioned by a number of external demands. Firstly, the State Labor government was forced to respond to the Opposition's attack on its failure in omitting financial support to the children living in non-government children homes. Secondly, it was evident that the department was not able to assume the care of the children in this sector and that the subsidisation of the agencies and organisations caring for them was economically prudent. Thirdly, the New South Wales Association of Child Caring Agencies (formerly the Committee of Child Caring Agencies) had made a united request to the Minister for such assistance (NSW PD 14 Mar. 1961, 3169). This Association, representing 'accredited representatives' from the Church of England, the Church of Christ, the Catholic, Methodist and Presbyterian churches, the Salvation Army, and non-denominational organisations such as the United Protestant Association, the Australian Protestant Orphans' Society, the Sydney City Mission and the Sydney Rescue Society, had exerted considerable pressure on the department for some two decades (NSW PD 14 Mar. 1961, 3169). Finally, in 1961, it sought the intercession of the Opposition to support its case, with an Opposition member, (Mallam), stating in the Parliament that:

In any civilised society it should be the nation's responsibility to care for these children. What a political weapon these church organisations have had. It would have been a powerful political weapon but, to the credit of the churches, it has not been used (NSW PD 9 March 1961, 3177).

The Minister's response to the demand from the New South Wales Association of Child Caring Agencies was not merely to allocate funds to the non-government sector for the provision of care to children, but to assume the care of many of those children.
in spite of his department's constrained capacity to provide both foster homes and residential placements for state wards. This action was consistent with the broader operations of the Child Welfare Department in the construction of an autopoietic system of authority in the care of neglected children. The department devised an enclosed system of activity and management, enclave within a self-referential discourse in which it subsumed or embraced those elements which threatened or compromised its construction of its authority and 'knowingness' about the care of children. Such a mode was also reflected in its recruitment and employment of 'non-traditional' staff in this period, such as doctors and teachers, who previously had been employed by other government departments such as Health and Education. As such, the Child Welfare Department's autopoietic management of the discourse about neglected children became more conspicuous as those 'elements' or voices which were previously influential, but outside the department's system, were brought inside its control and influence.

In the face of considerable changes within the Child Welfare Department, the practices which supported the removal and placement of children into state care changed little. The reification of foster care as the most desirable form of care for neglected children was only partially imperilled by the increase in the population of children who were deemed unsuitable for foster placements. As in the previous period from 1945, neglected children who became state wards were likely to remain in the care of the department for long periods of time. The possible restoration of children to their families, however, was articulated for the first time, since 1945, in the department's annual reporting of its achievements in 1963 and presaged the first steps in a reconsideration of previous child placement practices.
Chapter 4
FROM CHILD WELFARE TO YOUTH AND COMMUNITY SERVICES

The family is the basic unit of society and while any one family is functioning in a secure and stable fashion it can almost be guaranteed to produce children who will later become adequate and responsible adults (CWD AR 1965, 10).

4.1 Introduction

In the period from 1965 to 1975 dramatic changes occurred in Australian public policy, many of which created direct implications for child welfare in New South Wales. Some of these changes were attributable to a complex interaction of social, political and economic factors (Castles 1988), including the rise of social unrest in Europe and the USA, which gradually spread to Australia and found a focus in the protests against the Vietnam War (Sawer 1990, Liddell 1993). Some commentators (for example Jamrozik and Sweeney 1996), considered that this propensity for protest infiltrated other aspects of Australian life, and precipitated the emergence of a dissatisfaction with government, and with government provision. A period of economic boom was followed by a period of recession (Australian Government Inquiry into Poverty 1975), leading to additional demands upon social welfare services. The increasing emergence of a new generation of feminists and the first governmental responses to the challenge of the women's movement (Summers 1979, McKinlay 1988, Sawer 1990) occurred during this period, presaging a requirement that policy-making address a revitalised construction of women as workers and as mothers. The 'rediscovery' of poverty, particularly through the research and publications of the Poverty Commission (Cass 1983), and the increased recognition that fatherless families were those with the highest risk of living in poverty (Henderson, Harcourt and Harper 1970), contributed to a greater understanding about the experiences of unemployed people and of sole parent females with dependent children. Changes in family structures (Edgar 1986, Ochiltree 1990), significant transitions in the labour market, particularly in relation to the increased representation of women in the work force (Graycar and Jamrozik 1989, Brennan 1994), and the
cessation of child migration to Australia (Bean and Melville 1989), were issues which directly influenced State child welfare systems.

Turmoil in the Federal political scene culminated in the electoral success of the Whitlam Labor government in December 1972, the first Labor government in twenty-three years. The Labor government's program of economic and social reform was short-lived as the Federal Liberal/Country (later the National Party Coalition), (hereafter referred to as the Coalition) was returned to power in 1975. In New South Wales, this decade from 1965 to 1975 was similarly a period of political change with the electoral success of a conservative Coalition government in 1965 after a long period of Labor ascendancy.

4.2 ADMINISTRATIVE AND STRUCTURAL CHANGE

In his exploration of the functions of government in the 1970s, Corbett (1987) proposed that State governments found their administrative agencies and departments ill-fitted to address the new issues which had been forced onto the political agenda by social change. He concluded that comprehensive administrative reviews were a response to the mismatch between public services and the issues of the day, with numerous inquiries which were merely an episode in a process of change which required continuous management. Corbett contended that 'a new kind of administrative intelligence function was seen to be needed, to anticipate needs, to plan administrative changes and to see that they were followed through' (1987, 95). While the period from 1965 to 1975 witnessed structural and administrative change in the Department of Child Welfare (and subsequently the Department of Youth and Community Services), during which several administrative reviews were conducted resulting in significant alterations to the department's management, structure and
administration (CWD AR 1971, Hughes 1990), there was little variation or development in the department's provision of services to client families and their children.

The department's five primary functions, as depicted in official documents in 1971, were family casework, social welfare services, casework with dependent and delinquent children, protective services and special services (CWD AR 1971, 17). In 1972, Aboriginal welfare services were added to this list of the department's key activities (CWD AR 1972, 13). By the end of this period of Coalition administration in 1974, the annual report of the Department of Youth and Community Services, (the renaming of the department having occurred in 1974), also listed a new array of objectives which purported to give a 'special focus' to the provision of services to the strengthening of families 'at risk', as well as preventive and remedial services for children and young persons 'at risk' or in need of care and control, and provision of liaison, consultative, developmental and advisory services in the field of youth and community welfare (DYCS AR 1974, 11). This catalogue of the department's objectives in 1974 reflected changes which were caused by two significant factors. Firstly, the growing international significance of the issue of child abuse had created an awareness in child welfare systems of the importance of responding to the newly-discovered category of the 'at risk' child.

While the issue of child abuse had attracted a high profile in both the USA and in England (Picton and Boss 1981, Parton 1985), prior to 1976 the response of the New South Wales Department of Child Welfare and its successor was merely rhetorical. As will be discussed in Chapter 6, there was no substantial response to child abuse until the Labor government introduced a legislative amendment in 1977 which required medical practitioners to report suspected cases of child abuse to the department. A small child abuse service had been established at the Stanmore District Office in
Sydney's inner-West in 1975, but a comprehensive child protection program was not planned or promoted during this period. Neither legislative nor policy responses to child abuse were developed during the Coalition government's administration.

Secondly, the department adopted a more vigorous program of liaison, consultative, developmental and advisory services in the field of youth and community welfare, which embraced the tenets of community development. The progress towards the adoption of a 'new' community development agenda in program design and in policy formulation was slow to emerge, however, and did not achieve purchase until the declining years of the Coalition government's reign. For example, the department's title, reflecting a shift from a child welfare agenda to a new community services focus, did not change until 1974. Additionally, the formalisation of the department's community development program, characterised by the establishment of the Community Liaison Bureau in the central office of the Department of Child Welfare, did not occur until December 1973.

This new Bureau was a specialised unit, established to 'encourage, support and advise organisations, individuals and groups who seek to improve welfare services and to find ways of working together in order to cope more effectively with their own problems' (DYCS AR 1974, 15). Through the Community Liaison Bureau the department assumed a new model for the funding of community projects and community organisations. More significantly, in representing the 'new face' of the department, the Community Liaison Bureau established a State-wide funding, consultancy and liaison service which was unfettered by structural and institutional modes of organisation and administration. From 1974, the activities of the Community Liaison Bureau supplanted the activities of the field division in the department's rhetorical representation of its roles and responsibilities (Hughes 1990) and, in so doing, transformed the department's activities from those which were
delivered by, and mediated through, front-line officers employed in local offices across New South Wales to those which provided for the development, funding and maintenance of community-based programs and which were not 'tied' to the department's traditional divisional or administrative structures.

Some early examples of the Bureau's innovative programs included a subsidy scheme for social workers employed in community welfare roles in local government authorities; the launching of a pilot project at Macquarie Fields, a new housing estate in south-western Sydney, to employ a social worker to provide assistance to newly arrived residents; and the development of a pilot social work service in several Sydney schools. The Bureau also processed applications for Commonwealth grants under the *States Grants (Home Care) Act* and approved local councils for subsidies for welfare workers attached to such programs as Senior Citizens' Services. It administered subsidies for housekeeping and home aid services and managed the funding to Community Aid Services and to a range of voluntary agencies, housekeeping services, youth organisations and consumer and client groups. In the first year of the Bureau's operation, 107 grants were made to voluntary organisations in the community (DYCS AR 1974, 16). The field division, previously represented as the 'front line' of the Child Welfare Department's interventions, and the largest division in terms of staff numbers and financial resources, was relegated, from 1974, to the position of a minor player in the department's official representation of its new community services role.

Between 1956 and 1966, the workload of the officers employed in the field division of the department had increased threefold (Hughes 1990). From 1965, this expansion of field services continued, as seven new district offices were opened in country towns, and another office was opened in Fairfield, a rapidly expanding area of

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13 In Griffith, Queanbeyan, Inverell, Coffs Harbour, Wellington, Muswellbrook and Cootamundra.
Sydney's western suburbs. In 1970, further offices were opened at Walgett and Bourke in country New South Wales, and at Sutherland, in the Sydney metropolitan area. Maitland and Cessnock offices were also elevated from small, country sub-offices to the status of district offices in their own right (CWD AR 1970, 10). In 1971 a further two offices opened at Kingsford in Sydney and rural Gunnedah, making a total of fifteen district offices in the metropolitan area and thirty-seven in country areas. In 1974 eight additional new district offices were opened14 bringing the number of district offices in New South Wales to sixty.

As in previous years, field officers' interventions were intended to prevent family disintegration and delinquency, to effect a therapeutic change within family functioning and to instil 'healthy attitudes and modes of behaviour' in parents and their children (CWD AR 1970, 17). This decade was thus a period during which the practices of field staff sustained the philosophies and perceptions of the past - that 'multi-problem' families created undue demand upon the department's resources, that delinquency was caused by the failure of parental control and that parents, particularly mothers, should be supervised to ensure their ability to promote 'healthy' attitudes in their offspring.

The most significant alteration to occur in the delivery of field services was the involvement of field staff in implementing the department's community development agenda. By the end of the 1960s, field officers were required to follow the department's community development program and to participate in the development of community projects (CWD AR 1968, 9). By 1970, district officers, as they were now known, were required to liaise with, and undertake cooperative work with other agencies and professional groups, such as schools, child care centres, child guidance clinics, baby health centres, hospitals, and voluntary bodies, and to maintain a close

14 At Campbelltown, Casino, Condobolin, Coonabarabran, Mudgee, Raymond Terrace, Wallisend and Woy Woy.
liaison with community organisations. The district officers' close liaison with community organisations was intended to ensure that personnel employed in these organisations would refer to the department their concerns about the inadequate care of children whose families were clients of community-based services.

The management of the 'community development agenda' through the Community Liaison Bureau was perceived by district officers as a diminution of the significance of the department's role in responding to the needs of families and children (Hughes 1990). As indicated by Hughes in her study of the activities of field officers in the period from the 1950s to the 1970s, these officers perceived that the importance of their role in supervising and supporting 'problem' families was negated by the incursion of community development into their responsibilities (Hughes 1990, 55). Field officers continued to conduct casework with families and to provide material and financial assistance to eligible applicants, but in an atmosphere of constrained resources and increasing workloads.

4.3 SUBSTITUTE CARE

During the 1960s and 1970s, a re-evaluation of the traditional practices which governed the removal and placement of children occurred in child welfare systems in Australia. Although Jamrozik and Sweeney (1996) depict this process of re-evaluation as an abnormal or spontaneous phenomenon, there was in fact a number of factors which led to a questioning of the traditional practice of removing children from their families and placing them into substitute care arrangements. The most significant of them was the publication of a body of data which documented the negative outcomes for children who had been placed into foster homes.
4.3.1 Emerging critiques of foster care

The 'belief' in the superiority of foster care as that which most closely resembled the family form and which was presumed to replicate for the child the positive experiences of family life, with affection, warm and close relationships and a presumed new 'family identity', had persisted in the New South Wales child welfare system since the 1880s (Picton and Boss 1981). This confidence in the capacity of foster care to offer optimal care to children who could not live with their families was eroded by critiques which, although published from the late 1950s, began to attract significant attention only in the mid-1960s. In 1959, Maas and Engler had published their results of their large-scale examination of foster care in the USA. This study made two profound findings which encouraged further research into substitute care practices. Firstly, Maas and Engler found that children who were removed from their biological parents and placed with a foster family for what should have been a temporary period, often remained in foster care for an indeterminate number of years. Secondly, they found that most children, once removed from their parents and placed into the substitute care system, were likely to experience multiple placements. Maas and Engler predicted that more than half of the population of children in care were likely to live a major part of their childhoods in foster homes and institutions and that if a child had been in care for eighteen months, then the child was unlikely to return home (in Costin, Bell, Downs 1991). A further study at this time by Reid (1959 in Costin, Bell, Downs 1991) supported Maas and Engler's findings (1959), in concluding that of the 268 000 children in foster care in the USA, approximately 168 000 were in danger of remaining in foster care throughout their childhood years. Jeter (1960) also corroborated Mass and Engler's findings, determining that most children in foster care had been living in foster placements for many years although they had living parents. She found, as did Maas and Engler, that children were being placed into foster care for reasons which were likely to require placement for only a short
period, but that the reasons for the removal were not resolved following their placement.

These accounts were the first large-scale empirical studies to provide a critique of the foster care system, previously a form of care considered to offer children an optimum care experience. They also provided evidence that the relationship between the event which had precipitated the children's removal and the consequences of such removals had not been addressed by child welfare personnel. These realisations were compounded by the publication of Ferguson's work (1961), which proposed a direct relationship between the proportion of children who were placed in foster care because of economic hardship and the adequacy of the Aid for Dependent Children (AFDC) grant to parents in the USA, establishing a direct connection between the issue of poverty and the removal and placement of the children of poor families whose capacity to care for their children was directly influenced by their financial hardship.

Two significant publications, in 1967, further impacted upon practitioners and policy-makers in child welfare. The first, by Kadushin (1967, 1974) was to influence child welfare practices in the following decades. Kadushin identified the three levels of intervention which characterised the hierarchy of programs provided by child welfare services as supportive, supplementary and substitute services, an ordering of the interventions of child welfare organisations and agencies which presented a template for a re-evaluation of service priorities. He contended that child welfare had thus failed many of the children who were the subjects of its endeavours (1974, ix). In his review of practices in the USA, Poland, Zambia and Japan, Kadushin concluded that foster care, which was designed to accommodate children in temporary placements, had too frequently resulted in children never returning to their homes:

These are the children who are likely to grow up in foster care, orphans of the living, unvisited and unwanted by their parents, yet not fully belonging to the foster family, living in a placement that goes on
and on without termination but also without assurances of permanence (1974, 454).

Kadushin described the children living in long-term foster care as 'permanently neglected' children, an indictment of the child welfare systems which had undertaken the care of children in order to address the neglectful situations of their home environments. In 1972, Fanshel’s study established that the average time spent in care by children who had been admitted for temporary placements during a family crisis was seven years (in Costin et al 1991).

This re-evaluation of foster care in the USA was also prompted by the movement for deinstitutionalisation. Criticisms of institutional care had begun to question the previous acceptance of the institutional management of mentally ill and intellectually handicapped patients, following Kugel and Wolfensberger’s (1969) delineation of the principles of ‘normalisation’. These principles involved the assurance that patterns and conditions of everyday life as close as possible to the norms of mainstream society should be afforded to mentally ill and handicapped persons residing in institutions (in Dore and Guberman Kennedy 1981). Later Wolfensberger broadened his focus to question the feasibility of providing normalising experiences within any institutional setting. The issues which previously had been raised by Goffman (1961), in his condemnation of the care of mentally ill patients, were now taken up as criticisms of residential care in general, and were extended to a reconsideration of the institutional care of children.

In response to the deinstitutionalisation movement, the Social Security Act USA in 1969 had made mandatory the provision of foster care to AFDC recipients, as opposed to the placement of children into institutional care. As a result, the number of children in foster homes in the USA increased dramatically, from 5779 children in 1965, to 79 527 children in 1972 (Dore and Guberman Kennedy 1981, 374). This
massive increase in the number of children living in foster care placements, resulting from the provisions of the *Social Security Act* which determined that institutional care was not appropriate for the care of children, resulted in a systemic crisis, and provided fallow ground for the emerging critiques of foster care which were published at this time.

Geiser's subsequent study (1973) argued that no matter how beneficial or at least benign the foster home placement, the inherent impermanency and implications of 'not belonging' had an adverse emotional impact upon children. These findings were further amplified by Fanshel and Shinn (1978), who determined that children from disturbed backgrounds were vulnerable from the moment they entered foster care and that, in spite of the 'temporary' rationale behind foster care in the USA, large numbers of children remained 'locked' in such care for years, neither restored to their parents nor released for adoption. Fanshel and Shinn (1978) found that 57 per cent of the children who had been in care for at least five years had had no contact with their parents.

These criticisms of foster care were not confined to studies conducted in the USA. In Britain, a rapid growth in foster care placements had occurred after World War II and continued until the provisions of the *Children and Young Persons Act* in 1969. This Act brought many adolescent offenders who had to be accommodated within existing residential facilities into the 'in care' population. Concurrently, local authorities faced increasing difficulty in recruiting foster mothers. These changes presented institutional conditions which caused a re-evaluation of foster care placements, principally because the available system was unable to accommodate the ever-increasing number of children who were placed into foster care. Land and Parker (1978) deduced that the re-evaluation of foster care practices in the UK was precipitated by these structural
and resource impediments, and not by a reconsideration of the 'family replacement' policies which had existed since the 1940s.

In England, Dinnage and Kellmer Pringle's earlier research (1967) was damning of foster care and asserted that there was an evident relationship between poverty, and the removal and placement of children. A subsequent study by Rowe and Lambert (1973) found that large numbers of children living in institutional care were potentially suitable for foster care and adoption. They also found that there had been no planning to ensure a stable future for children living in foster care, following placements which had been undertaken as temporary measures but which had eventuated as long-term arrangements. Goldstein, Freud and Solnit (1973) took Bowlby's (1951) notion of maternal deprivation, and concluded that removing children from their parents, for whatever reasons, was harmful for the child. This study was significant in formally establishing the need for a reappraisal of foster care practices in England, and led to the growth of a movement to seek permanent placements for children who were placed in long-term care situations (in Dore and Guberman Kennedy 1981). The study by Goldstein, Freud and Solnit (1973) added weight to the argument that children required permanence in their lives and that the relationship between a child and parents (which could include foster parents or other carers) should be a permanent relationship to be seen as psychological parenting, which they represented as crucial for the healthy development of the child.

The child welfare system in New South Wales had not experienced the influx of children into foster care such as had been witnessed in the USA and in England. The New South Wales Child Welfare Department had long maintained a tradition of placing the majority of children in the in-care population with foster families. However, the New South Wales child welfare system, as in the USA and in England, faced a crisis in accommodating the increasing number of children admitted and
committed to care. The tenets of deinstitutionalisation and of 'planned care' were thus pertinent to the New South Wales child welfare system, which was defined as being 'in crisis' in meeting the demand for residential placements.

During the 1960s the movement for deinstitutionalisation was fuelled by a focus on particular research findings and by the advocacy of certain professional groups which resulted in:

a tradition of institutional criticism, a rare academic consensus of political, sociological and psychological commentary which condemns residential institutions as unsatisfactory environments in which to care for anyone and especially in which to rear children (Frost and Stein 1989 in Mowbray and Mason 1993).

The New South Wales child welfare system was not immune to this 'academic consensus', which occurred at a time of revision and structural change, when the resources for the provision of substitute care were constrained, and at a political juncture in which the State government had formulated a commitment to new policy directions in community development enterprises. The department's capacity to embrace the documented criticisms of foster care and the increasingly negative reviews of institutional care which emerged in the international literature and in Australian research (for example McCotter and Oxnam 1981, Backlog Procedures Committee 1982), was influenced and mediated by the political climate in New South Wales where the Coalition government was intent on instituting policies and practices which would support their 'vision' of a new children's welfare agenda.

During the period from 1965 to 1974 the number of children who were admitted or committed to care as state wards in New South Wales declined by 49 per cent (Table 4.1). The total number of children in care, however, fell by only 7 per cent in the same period. The population of children and young people in care was inflated by the addition of children who previously had been the responsibility of the Aborigines'
Protection Board but who, in 1969 became state wards of the Minister for Child Welfare. It was further swollen by the addition of almost 700 young persons aged over eighteen years who were admitted to state wardship, or whose wardship status was retained, following the amendment of Part IX of the *Child Welfare Act* which permitted these intellectually handicapped young people to continue to be cared for by the department as state wards. Even with the removal of these two additional categories, the number of children and young people who remained in the care of the Minister as state wards declined by only eighteen per cent in the decade.

**Table 4.1** Children in care - state wards 1960-1974

<table>
<thead>
<tr>
<th>Year</th>
<th>Admissions*</th>
<th>Discharges</th>
<th>Total Wards</th>
<th>Percentage in Foster Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>1203</td>
<td>751</td>
<td>6218</td>
<td>63.5</td>
</tr>
<tr>
<td>1966</td>
<td>n/a</td>
<td>n/a</td>
<td>5413</td>
<td>n/a</td>
</tr>
<tr>
<td>1967</td>
<td>928</td>
<td>566</td>
<td>5622</td>
<td>77</td>
</tr>
<tr>
<td>1968</td>
<td>938</td>
<td>n/a</td>
<td>5874**</td>
<td>78</td>
</tr>
<tr>
<td>1969</td>
<td>1182#</td>
<td>602</td>
<td>6088</td>
<td>79</td>
</tr>
<tr>
<td>1970</td>
<td>752</td>
<td>350</td>
<td>6289</td>
<td>76.4</td>
</tr>
<tr>
<td>1971</td>
<td>780</td>
<td>676</td>
<td>6020</td>
<td>75.9</td>
</tr>
<tr>
<td>1972</td>
<td>805</td>
<td>549</td>
<td>5949</td>
<td>74.5</td>
</tr>
<tr>
<td>1973</td>
<td>756</td>
<td>539</td>
<td>5903</td>
<td>72.7</td>
</tr>
<tr>
<td>1974</td>
<td>615</td>
<td>524</td>
<td>5776</td>
<td>71.3</td>
</tr>
</tbody>
</table>

*Includes admissions and committals, that is, all entries to wardship.
**Of these, 693 were aged over eighteen years but the Minister's guardianship was retained.
# With the passing of the Aborigines Act, 1969, 308 children who had formerly been the responsibility of the Aborigines Welfare Board, came under the responsibility of the Minister, and are added to the State ward figures.


The department's attempts to reduce the number of neglected children admitted to state wardship were underpinned by a philosophical shift in the construction of the 'problem family'. Its previously stated commitments to working with poor families, to giving assistance to families who were in crisis and to providing 'family casework' were replaced by interventions directed towards the alleviation of social conditions
'which may predispose individuals towards unhealthy patterns of behaviour' (CWD AR 1970, 17). 'Remedial activity' was now undertaken with families whose children had been placed into the out-of-family care system, and the stated aim of all interventions with families, children and with young offenders was the reunification of children with their families as soon as possible (CWD AR 1970, 17). This rhetoric suggested that past activities which had seen the placement of children into substitute care programs for lengthy periods of time were to be replaced with new practices which supported the short-term placement of children and which sought to ensure that all children were to be only briefly separated from their families. The notion of 'planned care' for children who were removed from their parent's care first appeared in the department's discussion of state wards in 1969.

As soon as the child has been made a ward there begins, as routine procedure, a study of the child and the development of a plan for his or her care (CWD AR 1969, 26)

By 1970, the department's rhetoric fully embraced the directive that the removal and subsequent placement into care of any child should be undertaken only 'as a last resort'. The rhetoric of ensuring the maintenance of children's care within their own families was repeated in 1971 (CWD AR 1971, 22), and was followed in 1972 by the declaration that 256 children had been restored successfully to their parents from state wardship. The department was unsuccessful, however, in developing a coherent bureaucratic and programmatic response to the problem of returning children who had been placed into substitute care to their families.

Officially, the restoration of children was endorsed,

when children become wards, the possibility of restoration to natural parents is evaluated as soon as practicable after admission or committal. A District Officer endeavours to establish and maintain contact with the natural parents in an effort to assist in their rehabilitation to the point where restoration of their children may be seriously considered (CWD AR 1973, 29).
However, such pronouncements occurred after decades of practices which had prevented contact between children who were placed in substitute care arrangements with their families. The department now determined that the 'failures' of parents, and not departmental practices, were responsible for the slow progress towards restoration:

It has long been the policy of the department to make every effort to restore wards to the care of their parents ... unfortunately, however, a small proportion of these parents are willing to shelve their responsibilities for their children, and at the close of each of the last three years there has been a slight decline in the number of wards under restoration to their parents (CWD AR 1967, 7)

Similarly, the previous perception of foster parents as generous and committed members of the community who offered their services to care for poor and unwanted children (Wilkinson 1985) gave way to a reconstruction of foster carers as mere ciphers in the department's strategy to refigure substitute care. The department's own investigations had found evidence that approximately one state ward out of every three in foster care had been with her or his foster parents for a period in excess of five years (CWD AR 1972, 29). It was anticipated that foster carers should now accommodate the wishes of biological parents and permit contact between foster children and their original families:

The department endeavours wherever possible to bring about an improvement in the functioning of the natural parents with a view to eventually restoring wards to their own families, and consequently it is never possible to give any undertaking to foster parents regarding the permanency of a particular placement. It is recognised that this causes some foster parents considerable anxiety ... Nevertheless, it is vital for the well being of the children concerned that this matter be faced in a reasonable manner and the department encourages foster parents to co-operate in the matter of communications and meetings between wards and their natural parents and siblings where some prospect of restoration exists (CWD AR 1972, 29).

The number of children accommodated in the department's residential establishments continued to rise (CWD AR 1967, 24). Intellectually handicapped children comprised 37 per cent of the total number of children in residential establishments in 1967 and,
as most intellectually handicapped children were considered unsuitable for foster placements, the department was faced with an exponential growth in the numbers of these special-needs children living in departmental residential accommodation. In spite of efforts to reduce the numbers of children living in residential care, it therefore opened several new residences for children with intellectual disabilities.\textsuperscript{15} Even as these new residential units were opening, the department was declaring its intention to close larger residential facilities and to place children and young people into smaller residential units known as family group homes, 'where 'a married couple ... give their full attention to the care of the children' (CWD AR 1969, 19).

In 1970, a new lexicon which supported the temporary placement of children, and the avoidance of court action to charge them as 'neglected' appeared in the department's reports:

Where a parent or guardian is either unwilling or incapable of adequately providing for the basic material, emotional, and social needs of a child such that the child's proper development is jeopardised, the child becomes dependent on these needs being met from some other source. ... Frequently, such situations may be only temporary in nature, and field officers are able to avoid recourse to court action by arranging short-term care for the children concerned ... (CWD AR 1970, 20)

The removal of a child from her/his family was depicted as a decision which would be undertaken only when the welfare of the child was in jeopardy and when preventive casework had been unsuccessful in altering a family's functioning. The removal and placement of any child was now constructed as a decision to be undertaken only when attempts to assist families, and to alter a parent's inadequate or threatening behaviours had failed.

\textsuperscript{15} Between 1967 and 1969 the department opened a new cottage at Mittagong; two new cottages at Brush Farm; a sheltered workshop at Werrington Park and purchased three new properties: Clairvaux, at Katoomba; Brush Farm Infants Home at Eastwood; Yawarra at Kurri.
At June 1970, there were 1005 children in the department's residential care, living in twenty-nine departmental establishments, compared with 896 in the previous year. In 1971, four additional residential cottages were opened and in 1973, a new remand centre was being developed at Lidcombe while another two residential cottages were added to the department's facilities. In 1974, the department began the placement of the first children into smaller family group homes, each with a house-mother employed by the department and a house-father who maintained his regular employment but received a retainer from the department (DYCS AR 1974, 8, 40). During 1973-74 the department purchased fifteen such family group homes in suburban Sydney.

During the period from 1965 to 1975, the department extended its provision of financial assistance to religious and charitable organisations to enable them to continue their involvement in the training, care and accommodation of children, young people and adults with an intellectual disability. In 1965, interdepartmental committees were set up to organise services for people with an intellectual handicap, and to facilitate payments to charitable organisations to assist the department in this role. In August 1966, the department introduced a scheme to place intellectually handicapped male wards into employment. A pilot scheme began in which older male wards with an intellectual handicap were moved from the department's residential establishments into boarding houses. Some wards received invalid pensions, and some were employed in low-wage positions. The department assisted with clothing, with subsidies for their weekly board and with some pocket money. A specialist district officer was appointed to work with this group of young men to assist them in their efforts to live in the community (CWD AR 1967, 30). This arrangement was perceived as a venture which was economically desirable in that the department was able to replace these young men with other wards who were awaiting placements in residential establishments, and the actual cost to the department in supporting them in the community was
considerably less than their care within the department's residential care sector (CWD AR 1967, 31). By 1968, there were eighty-nine young men in this employment scheme who were living in boarding houses, and a total of 138 had been placed in boarding houses and into employment in the community (CWD AR 1968, 14).

In spite of the department's endeavours, in 1970 the number of children and young people who were cared for in residential establishments had risen by 12.1 per cent over the previous year (CWD AR 1970, 26) and rose again in 1971 and 1972. The department was thus faced with what it perceived as a 'crisis' in that the population of children who required residential accommodation continued to rise, despite the support for the removal of a child as a 'last resort' action, and of the program of deinstitutionalisation.

4.4 Legislative Review

Following its election to office in New South Wales in May 1965 the Coalition administration began an eleven-year incumbency during which it instituted an extensive review of child welfare legislation. The period from 1945 to the mid-1960s had been marked by a 'relative lack of attention to child welfare' (Liddell 1993) in that the policies and programs pursued by the department were fundamentally similar to those of its predecessor, the State Children's Relief Board. From 1945 to the early 1970s, the department had continued to care for children in foster homes and in residential establishments and to provide financial and other assistance to eligible recipients, a function which had become an important aspect of the 'core business' of the department since the amalgamation of the social welfare and child welfare portfolios in 1956.
In their review of the history of the development of policies and practices in Australian child welfare, Picton and Boss (1981) assert that the 1970s witnessed a new demand for a range of family support services in contrast with the State's historic provision to 'needy' families and children via the provision of substitute care services. Picton and Boss do not examine the precursors to this apparent 'changing demand' upon the government and its traditional role as the provider of foster care and residential placements. Certainly the newly-incumbent Coalition administration in New South Wales set about 'fixing' its political personality on the child welfare system through a process of revision of the 'old' child welfare legislation which, although it had been amended by seventeen other Acts since it came into effect in 1939 (NSW PD 17 Oct. 1973, 2205), had remained a statement of intent, containing broad descriptions of the subjects and objects of the Act's principles.

It was also apparent that the 'changing demands' upon child welfare services originated from within the bureaucracy, with the recognition that the department's capacity to accommodate children and young people requiring residential care had reached an impasse, as the department's rhetorical commitment to maintaining the care of children within their own families was defied by the increasing number of children and young people admitted and committed to care.

Stein (1991) observed that a parallel process of legislative review in child welfare also occurred in the USA in the mid to late 1960s, and considered that the legal framework which provided the substructure for child welfare policies and practices became more prescriptive and proscriptive in its influence on administration and practice. He traced this process to three significant sources. Firstly, that social welfare policies were becoming more detailed, through the setting of minimum standards for such matters as case plans and the establishment of conditions for out-of-home care arrangements. Secondly, that malpractice suits had exerted an influence upon the behaviour of
practitioners and administrators. Thirdly, that legal suits against state agencies had resulted in child welfare systems being exposed to the scrutiny of the courts (Stein 1991).

These three factors, however appropriate they may be for the review of child welfare legislation in the USA in the 1960s, do not satisfactorily explain the changes which occurred in New South Wales. The legislative and concomitant policy and procedural transitions which occurred in this State were not precipitated by a process of specification in establishing minimum standards for practice, nor as a response to the exposure of the system or of workers' activities to the authority of the judicial gaze. Rather, the process of legislative review in New South Wales would appear to have resulted from the determination of the Coalition government to institute a program of policy redirection and administrative reorganisation, after a long period of Labor administration and to place its imprimatur upon the Child Welfare Department's activities. Certainly the period prior to the change of government had seen the emergence of numerous 'crises' in the child welfare system, such as the burgeoning 'in-care' population of both delinquent and dependent children, the expansion of field services to address the growing population in New South Wales, particularly in country towns and western and south-western Sydney, as well as the increasing difficulty of procuring sufficient numbers of foster carers for the department's foster care program. Finally, the department had faced the dilemmas associated with the care, education and training of intellectually handicapped children and young people who were deemed unsuitable for foster care and who therefore required stable, long-term residential placements. Stein's depiction of the legislative changes wrought by the introduction of greater specificity in casework in the USA, with the setting of minimum standards and time-scales for case plans, had not yet impacted upon the New South Wales Child Welfare Department's practices at the time of these major legislative revisions.
Stein's account of the renewed interest in policy-making and policy implementation which occurred in the mid-1960s is, however, extremely relevant to this discussion of the Coalition government's administration. Stein asserts that the classical theories of administration which dominated thinking about the implementation of policy had assumed that a contradiction existed between the process of policy formulation, the political arena where bargaining and compromise occurs, and the process of implementation, which was seen as divorced from politics and thus as neutral, rational and organised. In the classical model, policies reflect a series of clear-cut preferences whose implementation can be wholly specified, eliminating the need for those responsible to make critical decisions. In Stein's account, such assumptions were challenged in the 1960s with a realisation that policy implementation was a complex process unlikely to result in clear-cut priorities and choices to guide the process. Through the increased decentralisation of services in the Child Welfare Department and, more importantly, the increased delegation of authority to front-line staff in local offices, the regime of centralised control and decision-making was surrendered. This process, however, cannot be presumed to have been underpinned by a radical change in the attitudes of policy-makers to the process of policy implementation. The devolution of the department's administration and the delegation of particular decision-making authority to front-line staff was a function of the increased size of the bureaucracy, the growth in the number of field staff and the incapacity of the 'centre' to manage the resultant burden of and complexity of the field officers' role. It could also be said that the 'bureaucratic energy' of the department shifted from a preoccupation with field officers' activities, and with the vast administration which had been required to support them, to a new bureaucratic profile in which the department created new service foci, reflecting its youth and community services functions.
A key part of this process of revision was the review of the *Child Welfare Act* 1939. Until this period, the relationship between the legislative inscriptions of the Child Welfare Department's responsibilities and the legal construction of the *raison d'être* for its activities was comparatively benign (Stein 1991). Although the Labor government had introduced numerous amendments to the *Child Welfare Act* between 1945 and 1964, the period from 1965 under the State Coalition government saw the activation of legislative reform as a mechanism to drive specific programmatic and structural changes in the Child Welfare Department and witnessed a process of legislative review and amendment which was a vehicle to formulate and develop philosophical foundations and policy directions for the 'new' Department of Youth and Community Services.

One of the first actions of the Coalition government was to repeal the 1961 provisions which had permitted the admission to state wardship of those children living in non-government children's homes for whom maintenance payments were not received by the auspicing agency or organisation. Since the *Child Welfare Act* had been amended by the Labor government in 1961 to permit the entry of unsupported children to state wardship, more than 2000 children had been admitted to state control from the non-government sector (NSW PD 15 Mar. 1966, 4131). Through a new amendment to the *Child Welfare Act* the government now introduced per-child payments to non-government organisations which operated children's homes. These payments would allow children to remain in the care of voluntary and religious organisations and permit such organisations to continue to care for children who were not financially supported by their families (NSW PD 1 Mar. 1966, 3700-3701). This variation to the previous provisions was represented as an important step in avoiding the 'unnecessary formality of admission of children to state control which had legal consequences out of proportion to the benefit gained' (NSW PD 1 Mar. 1966, 3701), and was further constructed as the state 'carrying the responsibility' for payments for
all children whose parents were unable or unwilling to pay for their maintenance (NSW PD 8 Mar. 1966, 3955). The Minister noted that the new amendments proposed by his government should not be construed as a cost reduction measure, as the new provisions would require additional expenditure to the extent of approximately £120 000 per annum (NSW PD 15 Mar. 1966, 4131).

The government's articulation of the necessity for such a change represented a reversion to a policy which had not been advanced in child welfare for some time. This procedure, of making per-child financial provision to the non-government children's homes, was represented as a means by which children could avoid placement into foster care, a tendency which was now viewed negatively. In this depiction, foster care was constructed as a mode of child care which severed the relationship between children and their families (NSW PD 8 Mar. 1966, 3957). This decision was also represented by the Minister as a means by which non-government organisations could build larger institutions to accommodate even more children, and thus alleviate the pressure upon the government to provide for children in establishments and institutions (NSW PD 9 Mar. 1966, 4036). The Coalition government then in seeking to address the crises which bedevilled the Child Welfare Department, supported the residential placement of children in non-government children's homes to decrease the demands upon the department's resources and to transfer the demand for residential placements for children to the non-government sector.

Further amendments were made to the Child Welfare Act in 1967, when a new Part IX making provision for the care of intellectually handicapped children and young persons was introduced. Under this clause, intellectually handicapped wards could continue to be treated as wards of the Minister after they had reached their eighteenth birthday meaning that the department could offer ongoing care and support to this
group of young people after they attained the legal status of adulthood (CWD AR 1967, 9). The legislation was designed to provide for those mildly and moderately intellectually handicapped persons who did not require hospital or nursing care and who were previously unable to be offered continuing care by the department once they had turned eighteen.

With the introduction of the *Aborigines Act* in 1969, the department also became responsible for Aboriginal children who previously had been the responsibility of the Aborigines' Welfare Board (National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997). With the abolition of the Board, a total of 308 Aboriginal children was placed under the control of the Minister for Child Welfare (CWD AR, 1969, 7). Almost none of the Aboriginal children who was living in a form of out-of-family care were being cared for by an Aboriginal person, or by a member of the child's own extended family. It was not until 1971 that the Child Welfare Department set up the Aborigines' Advisory Council and began involving Aboriginal workers in the process of placing Aboriginal children who had been removed from their families and communities (National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, 1997, 50).

The transfer to the Child Welfare Department of the responsibility for the removal and placement of Aboriginal children did not, however, result in a reduction in the removal of Aboriginal children from their families. After 1969 this practice was based not on race, which 'had been erased from the statutes as a legitimate ground for taking Aboriginal children into custody' (Carrington 1993a, 48), but on determinations which were based on parental competence, rather than on racial markings (Chisholm 1983). Carrington's study (1993a) of the 'career' of Aboriginal girls in the child welfare system found that girls who became state wards because they were 'neglected
children' were exceedingly vulnerable to the institutional processes which transferred their status from that of neglected child to that of delinquent. Once they were placed into a children's home, many were subsequently charged with the committal of an offence, such as truancy or 'uncontrollability' because they had run away from the home. For these Aboriginal girls the child welfare system had a profound and specific 'criminalising effect', in that so many of them were charged with misdemeanours while living in children's homes and were transferred to delinquency institutions (Carrington 1993a, 45).

The department's reports in the early 1970s, following the abolition of the Aborigines' Welfare Board, provide no data on the 'outcomes' for Aboriginal children in the child welfare system (for example CWD AR 1972, 15; CWD AR 1972, 20-21). Aboriginal children were not identified in the department's aggregated data on dependent children and delinquents, although peripheral reference was made to the presence of Aboriginal children in the state ward and delinquency populations, for example, in the inclusion of a photograph of an Aboriginal child on the cover of the 1972 annual report and of several photographs of Aboriginal children in 'residential groups' in the report itself. The number of Aboriginal children who were placed into the department's care and who were living in a variety of out-of-family care arrangements was not recorded, either prior to the introduction of the Aborigines Act 1969 (Gungil Jindibah Centre 1994) or in the following period.

4.4.1 The Youth and Community Services Act
The legislative review process instituted by the Coalition administration included the proclamation of the Youth and Community Services Act 1973, which replaced the former Child Welfare Act 1939. The new Act was represented by the Minister as a means of addressing the social needs of the community and of 'moving with the
times' following a period in which the previous government was portrayed as having failed to address the important social issues of the day:

The 1939 Child Welfare Act has served the state well. Nevertheless the times have changed. Social conditions have altered tremendously. Social problems that engaged the attention of the legislature in years gone by are not quite the same as the social problems of today even though there are similarities. Therefore it is necessary that the law which is meant to control and hopefully to offer effective solutions to the social problems of the present day rather than those of past days shall be re-examined from time to time (NSW PD 4 Mar. 1969, 4172).

It is essential that the Child Welfare Act be reviewed so that it may be more effective in meeting the social problems of today, rather than of yesterday (NSW PD 25 Feb, 1975).

At the end of 1972, the Premier had approved a change in the ministerial title to that of Minister for Youth and Community Services and had added responsibility for the development of general youth services to the Minister's portfolio. The Association of Youth Organisations, the Duke of Edinburgh Award Scheme and the Youth Advisory Council of New South Wales had all been placed under the auspices of the Minister. On 18 September 1973, the Minister for Youth and Community Services introduced the Youth and Community Services Bill, intended to change the title of the department to the Department of Youth and Community Services in accordance with the renaming of the Minister's portfolio and to define the new powers and functions of the department (NSW PD 18 Sept. 1973). In the first reading of the proposed bill the Minister also announced a comprehensive review of the Child Welfare Act 1939. This legislative review was supported by the leader of the opposition Labor party, who agreed that the Child Welfare Act was anachronistic and, in parts, 'the most autocratic piece of legislation left on the statute books of this state' (NSW PD 11 Dec. 1973, 290).

While there was support for the review from the Labor opposition, the Member for Illawarra, (Petersen), questioned the government's intention in introducing this new
bill on the pretext of embracing the 'popular concept of community services' (NSW PD 18 Sept. 1973, 965). He stated that:

There is plenty of evidence in the past decade to show that child welfare departments have been particularly resistant to change; there has been a minimum of community involvement. ... One is struck by the fact that no real effort has been made to reduce the numbers of children going into the so-called homes ... Measures of this kind should provide not only for a change of name but also a change of philosophy (NSW PD 25 Sept. 1973, 1241).

Petersen was called to order and his comments disallowed in a debate which was dominated by the Minister for Youth and Community Services, who declared that the provisions of the proposed bill would

be concerned to promote the welfare of the family as the basis of community well-being. The department's resources and programs are to be used to mitigate the effects of disruption of family relationships should disruption occur, and to help individuals, families and groups cope more effectively with social problems confronting them (NSW PD 17 Oct. 1973, 2201 - 2202).

The Minister noted that the title of child welfare and social welfare had overtones of 'charity and paternalism', facets which had become,

quite irrelevant to the aims of the department, which are to foster independence and self-reliance and help individuals or groups to overcome handicaps or social problems that seriously curtail opportunities for the achievement of reasonably productive lives (NSW PD 17 Oct. 1973, 2200).

Further, the Minister announced that it was his intention to remove the word 'welfare' from the vocabulary of the service and to institute a department that would become 'a family-oriented social agency working not so much on a basis of state authority but more on principles of guidance, assistance and co-operation' (NSW PD 11 Dec. 1973, 312, 346).

A second object of the bill was to empower the Minister and the permanent head to delegate decision-making powers more freely so that the primary professional
responsibility for helping families would lie with a single field worker who was empowered, under a delegation of responsibilities, to determine appropriate responses to client families without reference to the former 'centralised' decision-making structures. Such a provision was to be supported by the continued decentralisation of the department's services to the local community level throughout the State, an administrative reform supported by the review of the department's administration in 1972 (NSW PD 17 Oct. 1973, 2201).

The proposal to change the name of the department from the Department of Child Welfare to the Department of Youth and Community Services reflected the government's intention that 'the department will play a diligent and a rehabilitative role for youth and promote the interests and the ideals of youth considered desirable' (NSW PD 5 Dec. 1973, 123). This declaration was questioned again by the Member for Illawarra, who stated that this renewed commitment to youth issues should be underpinned by a new philosophy in which the department moved to remove its outdated concepts about youth, and about youth sexuality. In particular, Petersen questioned the government's continued practice of admitting to care young women who were charged with 'exposed to moral danger':

> The concept of exposed to moral danger should be reconsidered. It is significant that the annual report for 1970-71 shows that though only 72 boys were charged with 'exposed to moral danger' some 943 girls were charged with the offence. We need something more than a mere change of name and a few pious declarations before the people of New South Wales will be satisfied that any real change has taken place (NSW PD 5 Dec. 1973, 124-125).

These critical comments were effectively quelled by the Speaker. The Minister did not respond to these allegations, nor defend the department's practices. With the support of the Labor opposition, the government introduced the *Youth and Community Services Act* 1973, a measure which provided for changes in nomenclature and instituted minor procedural amendments, intended as a stop-gap measure until the comprehensive Child Welfare Legislative Review process was completed.
4.4.2 The review of the Child Welfare Act

The formal Child Welfare Legislative Review process began in 1974. Five review teams were established to investigate and report on recommendations for changes to the provisions of the Child Welfare Act. Additionally, his Honour Judge Muir QC was commissioned to report to the Minister on the legal implications of amendments to the legislation (DYCS AR 1974, 8). The coordination of the review was undertaken by the Child Welfare Legislation Review Committee, which was established under statute with responsibility to co-ordinate the five project teams and to submit final recommendations on legislative changes to the Minister by November 1974 (Child Welfare Legislation Review Committee 1974a, 1974b, 1975a, 1975b). During the review process, contributions from organisations and individual members of the public with an interest in child welfare and youth and community services were invited by advertisement in the press. Some 189 community and individual submissions were received in response to the call for public consultation.

In August 1975, the Committee reported to the Minister of Youth and Community Services (Child Welfare Legislation Review Committee 1975a). Its recommendations were far-reaching, canvassing changes to the wording of the preamble to the Act, to the definitions of 'child' and young person', to the substance of the operations of the Children's Court, to the department's responsibility for state wards and young offenders and to the powers and authority of the Minister.

Among the recommendations proposed by the five review sub-committees, many related directly to the department's care of state wards and of children residing in the care of non-government agencies. Recommendation 19 of the whole Committee's Report (1975a) supported the payment of subsidies to the non-government sector for the care of children, depicting such children as part of the charter of the department's
responsibilities. The Committee also decried the situation which resulted in the admission of any child to wardship because of financial difficulties faced by a child's parents. It supported the continued separation of state wards and children who were cared for by voluntary and religious organisations and supported the right of parents or guardians to place a child into the care of a non-government service whereby they had chosen not to surrender their legal responsibility for the child. In Recommendation 21 the Committee supported the care of children with their own families. This recommendation also required that the placement of a child into out-of-family care should involve both the child and the family in the planning of such care arrangements. An innovative proposal was contained in Recommendation 42, which required that foster parents sign a document which set out the terms and conditions of the fostering agreement. The Committee expressed concern at the fact that foster parents previously had been permitted to view foster care as an alternative to adoption and to apply for the adoption of a child who had been living in their care.

In Recommendation 44 the Committee determined that the Director of the department should have the power to authorise orders to admit children to wardship in order to avoid bringing children before a Children's Court for what could be considered technical or administrative matters. Further, in Recommendation 45, it required that 'every alternative placement should be explored before the admission of any child to wardship'. And in Recommendation 46 the Committee supported the introduction of temporary wardship orders, for periods up to three months. Recommendation 48 supported the establishment of a Wardship Review Tribunal to consist of such persons as medical and legal practitioners, social workers and psychologists to conduct regular reviews of the department's care for state wards.

The Minister received the recommendations of the review teams some months before the 1976 State election, which saw the Coalition government deposed. The review of
the *Child Welfare Act*, the most profound activity to be undertaken by the Coalition government in addressing the long-established need for a revision of the State's responses to the care of neglected children, was thus not completed. The Coalition had achieved the transition to a decentralised bureaucratic administration and had established the burgeoning Community Liaison Bureau, its principal achievement in bringing the department into a new era of community welfare funding, management and administration. The problematic issues which characterised the department's substitute care program, however, had changed little during the government's eleven-year tenure.

### 4.5 Services to Women and Children

In the period from 1965 to 1975, the New South Wales State government continued to be involved in income security provision to women and children through the payments which were provided on a discretionary basis to those people who were ineligible for Commonwealth payments and who were experiencing financial hardship (Australian Government Commission of Inquiry into Poverty 1975, 4). In its annual reporting of its activities throughout this decade the Department of Child Welfare provided scant information about the social, economic and other circumstances of these recipients of State allowances.

In 1971, the primary social welfare services administered by the Child Welfare Department included a mother's allowance and a children's allowance, food relief and cash sustenance payments. These benefits constituted a basic income for persons in need who were either ineligible for Commonwealth pensions or benefits, or who were awaiting benefits such as age, invalid and widows' pensions, and unemployment and sickness benefits. Eligibility for these allowances was determined by a means test, but
officers of the department had discretionary authority to make emergency assistance payments. At the close of 1970-71, some 60 per cent of these recipients were 'unmarried' women who were caring for children (CWD AR 1971, 20).

In 1968 the Federal government passed the *States Grants (Deserted Wives) Act* 1968, which reflected its sentiment that women who had been deserted should not be given similar rights to those enjoyed by 'widows'. This Act made possible the payment from the Commonwealth to the States of 50 per cent of the funds paid by the States to unmarried mothers and deserted wives who were awaiting the granting of a Commonwealth Widow's Pension (CWD AR 1969, 28; Australian Government Commission of Inquiry into Poverty 1975, 12). In speaking to the proposed legislation, the Federal Coalition Minister for Social Services stated that:

> ... the Commonwealth provides social service benefits for general categories of people throughout Australia whereas the States, for reasons both historical and practical, administer certain financial programs for the relief of individual hardship in addition to offering a number of welfare services ... In the case of deserted wives, the fact of desertion may be difficult to establish during the first six months, as the husband may well decide to return ... In such circumstances, administration of relief requires a detailed knowledge of the facts of each case, and general rule of thumb principles should not be relied upon. ... the Commonwealth had the choice either of assuming the whole function and setting up duplicate machinery to supersede the States, or alternatively, leaving some part of the expenditure in State hands. For reasons which are surely good and sufficient, we chose the latter alternative (in Australian Government Commission of Inquiry into Poverty 1975, 7).

The prescriptions underpinning this Act illustrated the value placed by the government on sustaining the sanctity of the traditional nuclear family. The Federal government intended that the determination of eligibility for State allowances should remain a State responsibility and that 'individual hardship' would continue to be the test of eligibility for assistance (Australian Government Commission of Inquiry into Poverty 1975, 7).
In 1972, in a volatile Federal election climate, the failure of the social security system to eradicate poverty had become an important issue for the Federal government following the publication of the study of poverty in Melbourne by Henderson, Harcourt and Harper (1970) which chose as the ‘poverty line’ for the standard family the existing basic wage plus child endowment payments (Saunders 1980). The McMahon Coalition government subsequently set up the Australian Government Inquiry into Poverty under Professor Ronald Henderson. The McMahon government lost the 1972 Federal election, but the incoming Labor administration of Gough Whitlam retained the poverty inquiry, expanding both its resources and its terms of reference (Garton 1990). The Whitlam government came to office with an ambitious program of welfare reform, recognising that the growth of affluence in Australia had masked rather than abolished the existence of poverty (Castles 1988). Labor had also gained the support of new pressure groups which had mushroomed with the rise of social discontent in the 1960s (McKinlay 1988, Sawer 1990) and, importantly, had received the support of women voters, although neither the Australian Labor Party nor the Coalition parties went into the 1972 election with a women’s policy as such (Sawer 1990). The new Labor government was anxious to consolidate what appeared at the time to be a ‘new electoral consensus’ (Summers 1979) which saw Prime Minister Whitlam promise to remove legal, social, educational and economic discrimination against women (in Summers 1979, 192).

Significant legislative and policy changes were made from 1973 to 1975 in social security and welfare through the Department of Social Security which was created shortly after the 1972 election by an amalgamation of the former Department of Social Service and the Health Insurance and Benefits Division of the Department of Health. This change, together with the unprecedented seniority of the Minister, (Hayden), reflected the high priority attached by the Whitlam government to social security programs (Kewley 1978).
The Labor government introduced legislation in 1973 which made sweeping changes to the philosophy behind widows' pensions. Previously the State governments had a major role in bridging the 'gaps' left by widows' pension eligibility and since 1968 had been assisted by the Commonwealth in this task through the *States Grants (Deserted Wives) Act* (Australian Government Commission of Inquiry into Poverty 1975, 12). Before 1973, the widow's pension was paid only in respect of children born of the woman and her husband (or her *de facto* in the case of a *de facto* widow). It was provided for those who, because of the necessity of caring for the young children of a breadwinner whose loss created eligibility for the widow's pension, and also for those 'widows' who because of their age, were not expected to engage in employment (Kewley 1973). The legislation until 1973 thus reflected discrimination against those children whose parents were not married and against women who bore children outside a marriage relationship.

The legislation introducing the supporting mother's benefit in 1973 provided for those women with dependent children who were excluded from the widow's pension and was to be paid at the same rate as that Class A widow's pension (see Appendix 1). The significance of the introduction of the supporting mother's benefit was that it explicitly recognised, in the Federal income security system, the right to social security support of sole mothers who had not been partnered (Bryson 1995). The notion of 'qualifying child' was thus abandoned under these 1973 provisions (Australian Government Commission of Inquiry into Poverty 1975, 12), but the six month qualifying period for eligibility for supporting mother's benefit was retained (Graycar and Jamrozik 1989), so that the States continued to provide allowances (titled *Sct 27 allowances*) to women and children while they awaited eligibility for these benefits (Table 4.2).
Table 4.2  Recipients of Sct 27 allowances, 1964-1974

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of recipients</th>
<th>Number of children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964-65</td>
<td>3726</td>
<td>9248</td>
</tr>
<tr>
<td>1965-66</td>
<td>4051</td>
<td>9886</td>
</tr>
<tr>
<td>1966-67</td>
<td>4202</td>
<td>10212</td>
</tr>
<tr>
<td>1967-68</td>
<td>4343</td>
<td>19566</td>
</tr>
<tr>
<td>1968-69</td>
<td>1126</td>
<td>2134</td>
</tr>
<tr>
<td>1969-70</td>
<td>1281</td>
<td>2381</td>
</tr>
<tr>
<td>1970-71</td>
<td>1700</td>
<td>3123</td>
</tr>
<tr>
<td>1971-72</td>
<td>2534</td>
<td>4444</td>
</tr>
<tr>
<td>1972-73</td>
<td>2987</td>
<td>5284</td>
</tr>
<tr>
<td>1973-74</td>
<td>2247</td>
<td>4292</td>
</tr>
</tbody>
</table>

Source: Annual Reports, NSW Department of Child Welfare 1964-1973, NSW Department of Youth and Community Services 1974

While the number of recipients of Sct 27 had decreased since 1967-68, the number of recipients at the end of this period in 1973-74, of whom approximately 60 per cent previously were known to be female single parents, is not examined by the Department of Youth and Community Services in its annual report, nor is there a commentary provided by the department on the implications for these recipients of the changes in Social Security classifications and payments. As before, the department's payments to carers experiencing financial hardship, and to those who were ineligible for Commonwealth payments or who were awaiting eligibility, were enclaved as activities which were wholly separate from the department's activities in supervising families and in removing children and placing them into out-of-family care.

4.6 CONCLUSION

From 1965 to 1975, the child welfare policy of the Coalition government was one of quiescent development. Its most significant achievements, the establishment of the Community Liaison Bureau and the initiation of the review of the Child Welfare Act
occurred very late in the government's period in office, in 1973 and 1974 respectively. Although the government had introduced the *Youth and Community Services Act* in 1974, this legislation did not substantially alter the fundamental precepts which constructed the 'neglected' child and the young offender. The *Youth and Community Services Act* did, however, address the concerns of the non-government sector, which was rewarded with new financial provisions which enabled it to continue providing care to children in its homes and prevented the entry of children who had lived in non-government children's homes into the department's care.

The Coalition had also overseen a restructuring of the Child Welfare Department, and had pursued several internal inquiries and investigations into the department's operation. From 1965 to 1975 the formerly centralised bureaucracy had begun to move towards a regionalised administration, and had begun to establish regional administrative centres. Field officers had also acquired expanded discretionary powers to assess the eligibility of applicants who applied to the department for social welfare assistance.

The formal review of child welfare legislation was not completed at the time of the Coalition government's departure from office following the 1976 State election. It was left to the incoming Labor government to respond to the series of recommendations for legislative, policy and administrative changes which had been detailed by the Legislative Review process established by the Coalition Minister. It could be said that although the Coalition administration had recognised the growing body of data which questioned the time-worn practice of placing children into foster care without specific case plans, and had acknowledged the shortcomings of maintaining children in long-term institutional care, it had not been effective in undertaking a vigorous and proactive program to address this critical knowledge.
While the number of children entering care during this period diminished as the department continued to re-state the provision that children should only be admitted to care 'as a last resort', the administration was unable to effect a policy of restitution of children from the in-care population to their families or to instigate a cohesive program to address the rising number of intellectually handicapped persons who required services both during their childhood years and after the attainment of adulthood.

The changes which occurred in the construction of, and response to, neglected children were, in the main, rhetorical. While the departmental rhetoric enshrined the concepts of 'placement as a last resort' and the 'right of every child to live with their family', these idealised aims were not translated into policy, nor were they addressed in the legislation which was introduced in 1973. For many children this omission furthered their 'social neglect' (Stein 1991, 31) in foster homes and in residential care. The Coalition thus resisted Corbett's (1987) presumption that State governments would perceive the need for 'a new kind of administrative intelligence' (1987, 95) to address the administrative tensions which confronted bureaucracies in the late 1960s. Instead, the department's administrative energy was devoted to the supposed potential of community development programs to eradicate or ameliorate the increased workloads, the lack of resources and the 'problem' of the continued entry to care of neglected children.
Chapter 5
ADMINISTRATIVE AND LEGISLATIVE REFORM

'Society has the right and duty to intervene when parental failure or inadequacy or the situation in which a child is living is such to cause concern for the child's well-being ... the state assumes a parental role' (ALRC 1981, 207)

5.1 Introduction

In May 1976, the Coalition government was voted out of office in the New South Wales State election. The Labor government, under Premier Neville Wran, proceeded to initiate a program of reform in the New South Wales Public Service which saw numerous administrative, structural and ideological changes occur in the government bureaucracy. A number of factors influenced the social and administrative reform agenda which was pursued by the Labor Party, the most significant of which was the commitment of the new Premier (Wran) to progressive social and political reforms. One of the first actions of the Premier, who was impatient to implement these reforms (Alaba 1994), was the establishment of a review of the New South Wales public service administration by Peter Wilenski. Wilenski was Professor of Public Administration at the University of New South Wales, and formerly a leading Department Secretary in the Whitlam Commonwealth Labor Government. Subsequently, a 'revolution' began in the New South Wales public service (Chan 1992) with the publication of the first Wilenski Report, entitled Directions for Change (Review of New South Wales Government Administration 1977). In July 1977, Wilenski commissioned a Task Force to examine the concept of a fully regionalised approach to government administration and advocated the establishment of participatory mechanisms according to community needs. In particular, he presented a reform package which aimed to strengthen ministerial control over each bureaucracy's key administrative functions (Alaba 1994).

While an analysis of the impact of the Wran reform agenda and of the Wilenski review cannot be addressed in detail in this thesis, it must be noted that the government's
push to reform the public service, and the proposals for change which were addressed in Wilenski's review, had particular implications for the Department of Youth and Community Services and for child welfare in New South Wales. Within this administrative milieu, the personality of Rex Jackson, who was Minister for Youth and Community Services from May 1976 to October 1981, emerged as an important factor in the expansion of the roles and responsibilities of the Department of Youth and Community Services. From 1977 to 1981, under Jackson's leadership the State budget allocation for the community services program alone, which constituted one of the department's principal responsibilities, rose from $1.1m to $7.9m (Hughes 1990, 50).

This period in the history of the Department of Youth and Community Services was one of significant legislative revision, characterised by the government's proposal to reform significantly the Child Welfare Act 1939. During the period of Labor's administration from 1976 to 1988, four Ministers held the portfolio of Youth and Community Services. Jackson was replaced in 1981 by Kevin Stewart who was followed by Frank Walker in 1983 and John Aquilina in 1987. Stewart, Walker and Aquilina inherited the legislative reform package which had been initiated under Jackson but not fully proclaimed or implemented. The numerous proposed legislative changes occurred alongside the program of bureaucratic reform which was instituted across the public service. Within the Department of Youth and Community Services, these changes correlated with the reforms which already had been initiated by the former government. Now, with the transfer of services into the community, the decentralisation of administration, and the initiation of an innovative program of service provision responsive to the needs of a diverse and changing population, these reforms coalesced with the government's broader agenda of bureaucratic reform. The legislative initiatives proposed by Jackson were accompanied by a process of administrative review in which the Department of Youth and Community Services re-evaluated its historic commitment to the care of children and young persons and
embarked upon a vigorous support of the non-government sector's capacity to play a
greater part in the provision of both residential care and foster care services, enabling
the department to retract its service provision in these areas.

A major restructuring of the Department of Youth and Community Services was
approved by the Public Service Board in 1977 and an investigation began into the
possibility of reorganising the department on a wholly regionalised basis. The process
of decentralisation, already begun under the former administration, was now
accelerated as part of a process of reform in which the government was committed to
the capacity of bureaucracies 'to deliver services directly to the smaller geographical
regions of the state' (Wilenski 1980, 406; Alaba 1994, 148).

This chapter traces the structural and legislative reforms which occurred during this
period from 1976 to 1988. The effects of these reforms upon the delivery of substitute
care services to children, and the changes wrought by the introduction of the newly-
constructed category of 'children in need of care', which replaced the former
categorisation of 'neglected' children, are considered in Chapter 6.

5.2 Reform, review and expansion

In the first Annual Report of the Department of Youth and Community Services
following the change of government, the Director-General announced the need for
significant variations to the department's traditional responsibilities in accordance with
the new government's policy agendas. In particular, shifts were to occur through
changes of emphasis in policy directives concerning, firstly, the support and
supervision of families and, secondly, the care of children and young people living in
substitute care arrangements. At this time, the department assumed a range of new
responsibilities including the development of responses to the needs of ethnic groups,
the formation of the New South Wales Consultative Council on Ethnic Affairs and the establishment of Regional Advisory Councils in Newcastle and Wollongong. It also became increasingly involved in conjunction with the Commonwealth, in Early Childhood Services programs related to both recurrent and capital grants, as well as community development activities in association with voluntary agencies, local government and other government departments, and established a community youth centre. Through the Australian Assistance Plan, an initiative of the Federal government which also pursued a community development agenda, it oversaw the expansion of youth services by the development of new policies and the formation of a small core of advisory staff, and the expansion of services to the handicapped through the development of hostels and a departmental sheltered workshop (DYCS AR 1975/76, 12).

From 1976, in the wake of these widening responsibilities, a review of the department's core activities, especially of those performed by the large and growing field service, was begun. The activities of field officers previously had not been exposed to a financial accounting system. In an administrative reform context in which the department assumed new responsibilities and planned the development of new services, the performances of field officers were to become subjected to a new mode of assessment and accountability so that an 'accurate' measurement of their activities, could be determined (DYCS AR 1975-76, 25).

From 1976, the Department of Youth and Community Services underwent a structural and administrative reorganisation. New senior administrative positions were created, plans to decentralise the department continued and intensified, and new district offices were opened in both metropolitan and country areas. In this vigorous climate of administrative reform, the department's first 'corporate plan' was released in 1978, depicting its five core programs and their related sub-programs as:
• the care and development of children, with sub-programs of protection of children, adoption of children, substitute care of children in both the government and non-government sectors, and early childhood development services,
• emergency assistance to children and families, with sub-programs of supportive and financial assistance, disaster assistance and emergency accommodation,
• individual and family development, which included sub-programs of individual and family support services, the support and development of young offenders, aged services and youth services,
• the development of people with handicaps,
• community organisation and development.

This depiction of the department's core programs did not reflect an immediate shift in its traditional concerns. The corporate plan did, however, provide a template for the future evaluation of programs and services which historically had been performed and delivered by welfare departments and had not been subjected to evaluation, assessment or budgetary review. The era of significant growth in the delivery of services especially the 'traditional' services of family support, the substitute care of children, and the incarceration of offenders in correctional facilities was giving way to a new administrative era of goal-setting, performance criteria and budgetary priorities. The department's emphasis shifted from casework, with a considerable increase in services, to community development.

In keeping with this new administrative approach, in 1981-82 the department was subjected to two reviews of its practices, the first of which was commissioned by the Minister (Stewart) in June 1982 and was conducted by the consultancy firm McKinsey and Co. The utilisation of external consultants to review the activities of government departments was a common undertaking during this period of Labor's program of reform (Alaba 1994). The consultants tabled a report in October 1982, recommending the increased supervision at central, regional and community welfare
offices with a clear separation of the functions of support and front-line activities and responsibilities. It was further recommended that specifically designed and administered staff development programs be put in place to enhance the skills of staff in exercising discretionary decision-making. The report also recommended that the department continue to recruit and promote professionally qualified staff. Another recommendation addressed the development of an integrated casework information system and a community funding and evaluation system to guide discretionary decision-making at all levels.

These recommendations were not immediately adopted by the Minister, although some changes were made in response to the proposals to establish regional planning and advisory committees to replace the previous regional funding bodies, and the establishment of a Ministerial Task Force on Young Offenders (DYCS AR 1982/83, 39). In 1982 an internal review of the department was also conducted by its Management Improvement Branch. The consequent changes to the department, to address the recommendations of both the McKinsey review and the departments' own internal review, became the responsibility of the new Minister, Frank Walker, who presided over the final phase of 'regionalisation' (Sanders 1983).

5.2.1 The expansion of the community development program
In this period from 1976, concepts such as 'community development', 'community liaison', 'community services' and 'community work' had become commonplace in the annual reports of the Department of Youth and Community Services. In the 1975-76 annual report, the department's own rhetoric acknowledged the growth of the significance of these concepts:

The word "community" is now used extensively and appears far more in departmental literature than previously. This is only to be expected, as the emphasis in all social fields is to develop the community, to give it supportive and therapeutic strengths, so that people and families can grow in it, but find in it remedies and rehabilitation (DYCS AR 1976, 25).
The department claimed that the introduction of community-based approaches had resulted in,

more local effort to care and deal with problems; more support for families, more immediate assistance and less breakup of families which has meant ... less children coming into care and less children on probation (DYCS AR 1976, 26).

The adoption of community development programs was purported to have been responsible both for fewer children entering care as state wards and fewer young people on being placed on probation, as well as helping to reduce the number of children and young people appearing before the Children's Court. It was also said to have reduced the number of children's homes (DYCS AR 1975-76, 25). Mowbray (1983) is critical of these claims, asserting that while the statistics from the department indicated that the number of children in care had declined, it had minimised the significance of the increase of the number of licensed places for children in the non-government sector and especially in foster care provided through non-government agency programs. Mowbray (1983) sees the department's idealisation of 'community development' and its purported claims of success for its community development programs as a smokescreen to disguise the government's economic agenda, which was to effect substantial financial gains by transferring certain of its previous responsibilities, such as the provision of foster care and residential care services, to the non-government sector, in the guise of community development initiatives.

The community development program was administered through the Community Liaison Bureau. The department's annual reports described the Bureau's main aim as being the steady expansion of community funded and community-based programs. In 1976, for example, the Bureau's activities included maintaining liaison with statutory advisory councils, providing consultant services to local government and a wide range of voluntary social welfare organisations, delivering services to the aged, youth
services and voluntary coordinating bodies, processing and granting subsidies to establish and operate community-based social aid and welfare programs and formulating certain aspects of policy affecting youth and the community generally. It was also to liaise with such groups as the Child Welfare Advisory Council, the Youth Advisory Council of New South Wales, the Association of Youth Organisations, the Duke of Edinburgh's Award Scheme and the Housekeepers Emergency Service. The NSW Bushfire and Flood Relief Executive was also located in the Bureau. In 1975-76, it made grants to 297 voluntary organisations, the amounts varying from $100 to $1.3m. In 1977, the Community Services Fund was allocated $1.15m in the State budget, an increase of almost 300 per cent over the previous year. A total of 248 organisations received grants in 1977, for such purposes as assistance to community workers in local government, and to welfare workers in aged care programs, liaison with the Housing Commission and the development of community projects in new housing estates, the appointment of a social worker with the Bathurst/Orange Development Corporation and financial support to community and neighbourhood centres. In 1977-78, the allocation through the Community Services Fund rose by a further 100 per cent to $2.3m.

The Community Liaison Bureau continued to expand its range of responsibilities and involvements including the administration of Federal funds which were allocated to New South Wales from the Office of Child Care in the Commonwealth Department of Social Security for vacation care centres and the Family Support Scheme, and from the Department of Social Security for Home Care services for the aged. In 1978-79, the Bureau was engaged in the funding of new urban programs and projects, membership of the Committee of the Western Sydney Planning and Development group, research into accommodation needs throughout the State including emergency accommodation for women and children, a pilot project between the Bureau and the Department of Local Government Authorities to develop community profiles and the development of social impact studies in certain areas. It also provided funding to four
Regional Information Centres and distributed grants through the Community Services Fund totalling $3.4m. By 1980-81, the Community Services Fund's allocation increased again to $6.5m, an increase of almost 100 per cent over the previous year.

In the following year, additional responsibilities were included in the Bureau's catalogue of activities. It launched a subsidy scheme to assist local governments to employ social workers in community development roles and created 'community worker' positions in these housing estates. New programs which came under the responsibility of the Bureau included the funding of out-of-school care, for both before and after school care and vacation care programs, in more than 220 vacation care centres, in a Commonwealth-State scheme financed on a dollar-for-dollar basis. In the child care field, the Bureau was responsible for the provision of early childhood advisers to supervise facilities for pre-school children and to monitor the licensing of pre-school centres and licensed day care centres. The department, through the Bureau, assumed responsibility for subsidies to long day care, occasional care and neighbourhood children's care programs and pre-schools (DYCS AR 1980/81, 63).

In 1982 the range of services which were to receive State funding through the Bureau was further expanded. Funding was now allocated to such diverse programs as community tenancy schemes, community transport schemes, local government community development projects, neighbourhood centres and community information centres and worker co-operatives. The Bureau was also involved in a process of formal consultation with other departments and organisations about new urban development projects and their impact on child and community welfare services (DYCS AR 1980/81, 63).

A new arena of responsibility was accepted by the Department of Youth and Community Services in 1980 with the introduction of the Commonwealth/States Youth Services Program, an agreement between the States and the Commonwealth
Department of Social Security for the funding of crisis accommodation refuges for young people. Under this program, funding was allocated on a dollar-for-dollar basis by the Commonwealth and State governments. In 1980, twenty-two youth refuges were opened in New South Wales, twenty-one of which provided emergency accommodation and the other provided longer-term accommodation. During the following three years, the Youth Accommodation program, under the Commonwealth/State Youth Services Program, was joined by two other components of the youth accommodation program. Firstly, the Department of Youth and Community Services continued to fund some youth refuge programs independently of the jointly funded services, and secondly, a Halfway House Scheme was established in New South Wales. By 1983-84, the department was contributing funds to forty-seven youth accommodation services throughout the State (DYCS AR 1983/84, 62).

In a further integration of community-based programs, the administration of women's refuges was also transferred to the Department of Youth and Community Services. Previously, this arena of program development had been administered by the New South Wales Health Commission. By 1981, there were twenty-nine women's refuges in New South Wales funded jointly by the Commonwealth and State governments, with the Commonwealth providing 75 per cent of operating costs and 50 per cent of capital costs, and the State government the rest. In addition, the Commonwealth paid subsidies for the child care programs conducted in these refuges. Three women's refuges were also funded solely by the Department of Youth and Community Services. By 1983 a total of thirty-seven refuges was being funded by the department from the State Government Women's Refuges Program. On 3 July 1983, the Commonwealth announced a $4 million national Women's Emergency Services Program to provide extra funding to existing refuges and to develop new services of which New South Wales received $1.3 million. In addition the Commonwealth presented a range of proposals for supported accommodation for which it agreed to commit dollar-for-dollar funding over a four-and-a-half year period. These new
activities, of the provision of refuge accommodation and emergency housing for young people and for women and their children, represented a new undertaking for the department in its expansion of community-based and community-funded programs.

5.2.2 Services to supporting parents and children
During the period from 1976 to 1988 the department continued to provide cash and other assistance to eligible applicants, including temporary and continuing assistance to people who were awaiting eligibility for Commonwealth benefits, and also provided payments for such items as spectacles, transport, blankets and clothing. In its first budget in 1976, following recommendations from the Minister, the State government approved substantial increases in the rates of family assistance payments, which were to become effective from 28 October of that year.

At the time the Labor Party took office in May 1976, family assistance payments from the Department of Youth and Community Services to women who were supporting children, who were ineligible for Commonwealth payments, were $86.00 per fortnight, at a time when the Commonwealth benefit was $119.50 per fortnight. The New South Wales Coalition Government had ignored this major discrepancy between its payments to women and their children and Commonwealth payments. Every other State in Australia paid family assistance at the same rate as the Commonwealth, except for Victoria where it was $117.50 per fortnight (NSW PD 26 Oct. 1977, 9117). The decision by the incoming Labor government in New South Wales to address this discrepancy was a very significant reform. The increase in payments introduced by Labor reduced by slightly more than 50 per cent the difference between the existing State allowance and the corresponding Commonwealth allowance. These increased payments were to be adjusted at six-monthly intervals, so that the State payments would quickly reach equivalence with the Commonwealth level.
As of 30 June 1977, the department's net expenditure for family allowances payments was $11 million, an increase of $3.7 million over the previous year (DYCS AR 1977, 23). The department reported that this increase could be attributed to economic crises caused by unemployment and by marriage or relationship breakdown (DYCS AR 1977-78, 27). Certainly major recessions in 1974-75, 1978-79 and 1982-83 and significant restructuring of the labour market had resulted in high rates and long durations of unemployment (Cass and Whiteford 1989).

As the department's data did not provide further information about family assistance recipients, it is not possible to determine the proportion of applicants who were facing temporary financial crises, or who were sole parents awaiting eligibility for Commonwealth payments. Nor did the department's reports acknowledge the increase in the number of sole-parent applicants in this group. Between 1974 and 1985, the number of sole parents in Australia is estimated to have risen by 73 per cent, with the most rapid growth occurring between 1975 and 1979 (Raymond 1987, 31). The introduction of the Family Law Act in 1975 had resulted in a significant, but short-term increase in divorce preceded by separation. Additionally, the introduction of the Supporting Mother's Benefit in 1974 had assisted mothers to keep and support their ex-nuptial children, which required them to rely upon income support from the State government in the six months waiting period for Commonwealth benefits. This dramatic increase in sole parents is not reflected in the department's data, which obfuscated the social, family and economic circumstances of applicants and produced the available statistics in an inconsistent format, at times giving the number of payments it administered (for example DYCS AR 1978-79, 28) and at other times the number of applicants and eligible recipients of such payments (for example DYCS 1977-78, 27).

The inadequacy of Commonwealth pensions and benefits, necessitating the provision of allowances by the State government, was the source of increasing anger by the
department as it sought to maximise its financial capacity to fund a range of new program initiatives (for example DYCS AR 1977, 15). In November 1978, the Commonwealth government decision to pay allowances at the point of assessment of eligibility, thus removing the six-month waiting period during which the State government had paid family allowances, although reimbursed by the Commonwealth which made lump sum payments to the States, was welcomed by the New South Wales State government. The Department of Youth and Community Services continued to provide social welfare assistance in order to give 'relief' to persons or families experiencing economic stress, and to others in need of financial support including lone parent families, pensioners, low income earners and 'the disadvantaged', if such applicants were in receipt of Commonwealth pensions or benefits and continued to experience necessitous circumstances (DYCS AR 1978-79, 27). Following the decision of the Commonwealth to waive the waiting period for payments, the department reduced the number of approvals for financial assistance payments from 4235 in 1977 to 3418 payments in 1978. Although the number of approvals decreased, the number of applications for assistance continued to rise. In 1979 the department noted that in spite of the increasing number of applications for cash and other assistance, the department’s officers now offered counselling and support rather than cash payments to many applicants and referred other, ineligible applicants to relevant agencies (DYCS AR 1978-79, 28).

In spite of the tightening of approval guidelines, the department’s budget for social welfare assistance continued to grow. In 1981-82 the Social Welfare Assistance Budget was $8.8 million which was a 24.5 per cent increase on the previous year, and it again increased by in 1982-83 to $10.9 million (DYCS AR 1981/82, 25). Australia had experiences significant recessions in 1978/79 and in 1981/82. When the Federal Labor government came into office in 1983, unemployment stood at about 11 per cent, a very high level by post-war standards. There were major calls on
emergency relief in this period, by families, older people and sole parents receiving Commonwealth income support who required emergency financial assistance.

In the 1982-83 State budget, the means test for social welfare assistance was reviewed and the guidelines for approval were made more stringent. Simultaneously, the department acknowledged the extreme poverty of those applying for such assistance, noting that 95 per cent of all applicants were recipients of Commonwealth pensions or benefits. The department's narrative concluded that far from being required solely to meet emergency needs, social welfare assistance was utilised by applicants to top-up their insufficient Commonwealth pensions and benefits, particularly by those applicants who were sole parents, unemployed persons and pensioners or beneficiaries dependent upon the private rental market (DYCS AR 1983-84).

In the face of the increasing demands upon the department's social welfare assistance budget, a survey of cash assistance payments was conducted by its Policy and Research Unit (Dent 1981, Gilbert 1982, 1984) and concluded that the large increase in the number of cash assistance grants issued by the department

... could be attributed to an increasing proportion of Social Security recipients, mostly dependent upon supporting parent or unemployment benefit, forced into increasing financial hardship by the reduced purchasing power of key pensions, benefits and allowances and being forced to apply for emergency assistance on a more frequent basis. This may have the result of transforming the Special Cash Assistance Program into a means of income supplementation rather than a source of one-off assistance, by necessity, for some clients (Gilbert 1982, 2).

The study deduced that the provision of cash assistance payments had been increasing at a greater rate than the increase in the number of recipients of Commonwealth pensions or benefits, and that such recipients constituted the main 'target group' of the Special Cash Assistance Program (Gilbert 1982, 2). The department's survey found that approximately 96 per cent of special cash assistance recipients were Commonwealth pension or benefits recipients (Gilbert 1982, 1984).
The department could expect to assist 11.5 per cent of all social security recipients in New South Wales (excluding age pensioners) with the average social security recipient receiving 3.2 cash grants worth $206 in a twelve month period (Gilbert 1984, xii).

In this review of cash assistance payments, Gilbert (1984) concluded that where previously social welfare assistance had been provided as an adjunct to the field officer's role in the provision of casework, utilised 'in conjunction with other programs as a means of preventing family breakdown and institutionalisation, and as a case work tool in working with multi-problem families' (Gilbert 1984, xvi), by 1984 the provision of social welfare assistance had become a regular and routine 'topping-up' of Commonwealth pensions and benefits for most applicants. The pretence that the provision of social welfare assistance was vouchsafing the department's casework role and the ongoing support of vulnerable families could no longer be sustained as the volume of applications for assistance increased and as the department's response to such applicants was now limited solely to the processing of applications (Gilbert 1984).

The review of the department's expenditure on cash assistance showed that means-tested payments to people with no financial reserves increased by more than 500 per cent in the six-year period to the end of 1982-83, with significantly higher rate of payments made to applicants who resided in the central metropolitan area of Sydney (Gilbert 1982, 20) (Table 5.1).

At the same time as the Commonwealth waived the six-month eligibility period for the receipt of Commonwealth pensions, it introduced a Family Support Services Scheme which was approved by the Minister for Social Security in January 1978 as a three-year pilot program. The stimulus for the introduction of the scheme came from the report of the Family Services Committee of the Social Welfare Commission, which had concluded that 'there was an increasing need for policies and programs which
would assist families in their child rearing functions' (in Graycar and Jamrozik 1989, 215). The Family Support Services Scheme was managed jointly by the Commonwealth and State governments and had the two broad aims of encouraging and assisting the development of a range of services designed to support families in the rearing and development of children, and to provide the basis for policy advice to the Minister for Social Security concerning future Commonwealth involvement in this and similar programs. This program was depicted by Graycar and Jamrozik (1989) as 'a first admission by the Commonwealth that child care, child welfare and family support were not separate issues but many parts and methods of intervention in child and family welfare' (1989, 216). The scheme was directed at those families which traditionally constituted the clientele of State welfare authorities and non-government organisations, that is families with of low socio-economic status (Graycar and Jamrozik 1989, 216).

Table 5.1 Social welfare expenditure
Department of Youth and Community Services* 1977/78 - 1982/83

<table>
<thead>
<tr>
<th></th>
<th>Expenditure $m</th>
<th>Percentage increase</th>
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</thead>
<tbody>
<tr>
<td>1977/78</td>
<td>1.8</td>
<td></td>
</tr>
<tr>
<td>1978/79</td>
<td>2.2</td>
<td>23.5</td>
</tr>
<tr>
<td>1979/80</td>
<td>3.0</td>
<td>34.6</td>
</tr>
<tr>
<td>1980/81</td>
<td>5.1</td>
<td>73</td>
</tr>
<tr>
<td>1981/82</td>
<td>6.3</td>
<td>22.7</td>
</tr>
<tr>
<td>1982/83</td>
<td>14.0</td>
<td>119.6</td>
</tr>
</tbody>
</table>

* Includes cash grants, clothing, transport for necessitous persons, rent relief.

Source: Gilbert (1984)

Thus, while the responsibility for child and family welfare was regarded as the province of the States, the responsibility for meeting the basic needs of dependent children and families through the provision of income support was in the Commonwealth sphere. However, the activities of the State government in continuing
to pay a range of cash and other assistance demonstrated that Commonwealth income support alone was not sufficient to maintain those families even at a minimum level of functioning (Graycar and Jamrozik 1989, 217). As indicated by the New South Wales data, approximately 96 per cent of people who received cash or in-kind assistance from the States were already in receipt of Commonwealth pensions and benefits.

5.3 LEGISLATIVE REFORM

In 1973, the then Minister for Child Welfare had instigated a review of the Child Welfare Act 1939 which was undertaken by the Child Welfare Legislation Review Committee. Through the activities of several sub-committees, the Committee examined various aspects of the Act, including its overall suitability, its child protection component, the provisions for juvenile offenders, and the activities of the Children’s Court (Child Welfare Legislation Review Committee 1974a, 1974b, 1975b). The report of the Child Welfare Legislation Review Committee (1975a) was released to the public in November 1975. Before it lost office in 1976, the State Coalition government was unable to act on the recommendations proposed by the review committees. In 1976, the Labor government acknowledged the significance of the recommendations of the Committees and moved certain amendments to the Child Welfare Act as short-term and necessary measures (NSW PD 2 March 1977, 4701). It was the intention of the Labor government that a comprehensive revision of the child welfare legislation be undertaken as soon as possible. These amendments passed in 1977 included raising the age of criminal responsibility for children from eight to ten years, simplifying procedures in the Children’s Courts, introducing into statute new procedures governing the interrogation of juveniles in police stations and introducing compulsory notification by doctors of cases of suspected child assault or child abuse. The proposed legislation also empowered officers of the department and the police to
require a medical examination of a child to be conducted if there was a suspicion that
the child may be at risk (NSW PD 2 March 1977, 4705).

In presenting these amendments, the Minister noted that the number of child abuse
cases presented to his department had grown ten-fold between 1968 and 1975 and that
his government planned to address this issue through legislative changes and the
provision of a range of specialist services (NSW PD 2 March 1977, 4705). As will be
discussed in Chapter 6, the department moved rapidly, under the direction of the
Minister, Rex Jackson, to adopt a comprehensive child protection program. The
Minister proposed that the amendments were entirely consistent with the
recommendations which had been made by the committees which undertook the
review of the Child Welfare Act under the previous government (NSW PD 2 March
1977, 4704-5). While citing the influence of the 'father' of the newly-discovered
issue of child abuse, Professor Henry Kempe, as an influence on the government's
decision to adopt a strong position on the implementation of mandatory reporting
(NSW PD 2 Mar. 1977, 4707), the government devoted little attention to the
contribution to the debates about mandatory reporting by the Opposition and by other
opponents (for example Smith 1981). The Minister asserted that mandatory reporting
legislation had already been introduced in Tasmania in 1974 and in South Australia in
1972, and that all fifty States of the USA had passed legislation of this kind, with all
but two States including such a requirement in their legislation (NSW PD 2 March
1977, 4707). The introduction of these legislative revisions was followed by an
increase in the department's budget of an additional $10 million for the provision of
child abuse services in New South Wales (NSW PD 10 March 1977, 5042).

5.3.1 The Green Paper on legislative change
As it had promised, the government then proceeded to introduce an exhaustive review
of the child welfare legislation and in December 1978 the Minister tabled in Parliament
a Green Paper (Jackson 1978) which outlined his views on those aspects of the
legislation which required reform, including a proposal for the introduction of new community welfare legislation. The introductory comments contained in the Green Paper represented the Minister's perception that the focus of the department's activities had changed considerably, and that the proposed new legislation reflected its transformation from an organisation which delivered child-focused services to one which embraced a community perspective.

Since 1956 ... the activities undertaken by the department have considerably broadened. Its focus has moved from one of almost exclusive child-orientation to one which emphasises community involvement and the scope of the legislation which I am proposing reflects this change (Jackson 1978, 14).

However, the Minister's depiction of the department's transition to a community-focused organisation was idealistic. When the Labor government assumed office in 1976, the newly-titled Department of Youth and Community Services was an organisation which was centrally concerned with the dilemmas associated with the provision of limited resources to an ever-increasing in-care population of children and young people, and with the provision of social welfare assistance to 'disadvantaged persons'. This assistance had traditionally comprised financial and other measures to help families to continue to care for their children and to prevent family disintegration. The department's investment in community development programs did not accelerate until after the 1976 State election. Although the Community Liaison Bureau had been established under the former administration, it did not undertake a comprehensive program of community-funded initiatives, and the administration of large-scale community development programs until 1976.

The Green Paper called for public responses to the proposed legislative provisions through liaison with a range of community groups and other government bodies in addition to extensive consultations with departmental personnel. Some 760 submissions were subsequently received from members of the public. As many of the proposals were controversial, a considerable debate in both the community and the

The proposals represented a significant transition in ideological and policy positions from those enshrined in the Child Welfare Act 1939, particularly in seeking to remove the historic concepts of 'neglected' child and 'offender'. The proposals contained in the Green Paper suggested the replacement of these categories with one conceptual standard, 'child in need of care' (Jackson 1978, 11.2), to include all those behaviours, conditions, circumstances and events which led to the entry into the care of the department or of non-government organisations of children who were neglected, had suffered ill-treatment, or were previously categorised as 'uncontrollable' or 'exposed to moral danger'.

It was proposed that all matters relating to 'children in need of care' would be dealt with by the Children's Court as an inquiry with the proceedings bearing little resemblance to criminal proceedings (Jackson 1978, 11.5; NSW PD 14 May 1981, 7232), and that the intervention of the courts into the non-criminal behaviour of older juveniles, formerly known as 'status offences' that is, being neglected or uncontrollable, truanting, or being exposed to moral danger would not be justified. Control orders were to include unconditional discharge, release upon undertakings by a parent, release under supervision, committal to the care of a person or committal to the care of the Minister as a ward, and were to have a maximum life of twelve months (Jackson 1978, 11.8). These proposals thus erased the previous practices which 'charged' a child with being neglected and required that the child be dealt with before a Children's Court (Blackmore 1981).

The introduction of the category of 'child in need of care', which replaced the former categories of 'neglected child' and 'offender', was the subject of ongoing discussion and was widely regarded as a positive inclusion, which provided for intervention not
only where harm or ill-treatment had occurred but where there was a 'potential for harm' (for example Blackmore 1981). While the proposals were generally viewed as representing a radical prospectus, Chisholm (1981, 1982a) for example argued that they presented an opportunity for the government to address some of the key issues surrounding the department's responses to the group of categories of non-criminal behaviour known as 'status offences'. Chisholm saw the proposed legislation as an opportunity for government to reassess questions about 'disentangling punitive from helping objectives, and to disentangle the protection of children's interests from the protection of society' (1981, 3).

Some critics, on the other hand, argued that the proposed category of 'children in need of care' appeared to be possible without recourse to an acceptable standard of proof to establish the child's status in the Children's Court, and questioned the capacity of the proposed Bill both to address the needs and interests of Aboriginal children and to discontinue the previous practices of placing young persons into institutions and establishments (for example Rendalls 1981). For Chisholm (1979), the removal of the categories of 'neglected', 'uncontrollable' and 'exposed to moral danger' and the substitution of 'child in need of care', defined as:

a child or young person is in need of care if -
i) there is inadequate provision for his (sic) proper care,
ii) he (sic) is, for whatever reasons, not being adequately controlled by his parent, guardian or other person having his (sic) care,
iii) without lawful excuse he (sic) does not attend school regularly,
iv) he (sic) is ill-treated
v) his (sic) physical or psychological health is being or is likely to be impaired, and it is unlikely that he (sic) will receive proper care, control or protection, as the case may be, unless the matter is dealt with pursuant to this Act,

did not remove the basic problem with the category of status offences. Chisholm (1979) suggested that the inclusion of the item that 'a child for whatever reasons, not being adequately controlled by his parent, guardian or other person having his care' should be removed. He believed that this was likely to ensure that the punitive flavour of the previous Act would be continued in that the child and families concerned were
likely to see the new jurisdiction as continuing the use of the law to control disobedient and unruly children rather than meeting their needs because the definition suggested that misbehaviour as such could continue to provide the basis for intervention (1979, 135-136).

The second significant proposal was that of seeking to alter the operation of the Children's Court and to establish panels, consisting of departmental officers, police and community representatives, to consider the cases of young offenders, principally first-time offenders, and to divert these cases from the courts by empowering the panels to consider a range of diversionary and community-based measures. These sections of the proposed legislation which dealt with young offenders, and which proposed changes to the operation of the Children's Court, precipitated a vigorous debate in the print media (for example Harper 1982), particularly with respect to the notion that a large number of children who were first offenders would not be required to appear before a Children's Court magistrate.

The establishment of systems to divert children from the Children's Court had become popular in other places such as the USA, and had been introduced in Victoria, Western Australia and South Australia (Seymour 1981). Chisholm (1981) argued that while there might be two significant reasons for establishing diversionary programs that is, that the court was an expensive social institution and it was impaired if it was clogged by cases, and that an appearance before a Children's Court could be a damaging experience for a child, nonetheless the Children's Court performed an important role in standing between the child and those who wished to intervene in the child's life. Chisholm therefore represented the court both as a means by which there could be some control of coercion and an arbitrator on public power over children and young people (1981, 7).

Any system of diversion must be carefully designed so that it will not have the practical effect of subjecting children to coercive measures without the protection of a judicial determination (Chisholm 1981, 8).
The proposed legislation also provided for the establishment of a Community Welfare Tribunal to deal with such matters as appeals against a decision of the Minister not to discharge a child or young person from wardship or not to license child care centres, children's homes or private foster homes and against the conditions imposed upon a licence (Jackson 1978, 2.10).

Several proposals sought to address issues pertaining to the placement of children into foster care and into the care of the non-government sector. Firstly, the Green Paper proposed an increase in payments to charitable homes for all children who had been placed into their care (Jackson 1978, 3.2) and, secondly, provision was made for the review of all foster home placements to be conducted after a period of twelve months. It was also proposed that payments to foster parents were to be reviewed after a similar period by a committee appointed for that purpose (Jackson 1978, 3.3). Thirdly, a task force was to be established as a matter of high priority to examine the delivery of care to children in the non-government sector (Jackson 1978, 3.4). Fourthly, the Green Paper proposed that children who were committed to care for the committal of offences should not be made wards, as 'there is no need for parents to be deprived of guardianship' (Jackson 1978, 7.1). Fourthly, it was proposed that there be the formalisation of temporary care orders for the placement of children and that such orders should have a maximum life of three months and be subject to a right of appeal to a tribunal (Jackson 1978, 7.3). Fifthly, it was proposed that a tribunal would review all decisions which determined that a child should be admitted to state wardship (Jackson 1978, 7.5).

5.3.2 The introduction of new legislation

Additional interim legislation was enacted by Parliament and given Royal assent in 1979. The Youth and Community Services (Amendment) Act provided for the licensing of residential facilities for intellectually handicapped people, and the Child
Welfare (Amendment) Act provided for the licensing of certain sheltered workshops for them. These interim measures were separate amendments from the substantial legislative package which the Minister proposed in the Green Paper and were intended to address certain anomalies in the provision of services to people with an intellectual disability.

On 20 February 1979, the Minister appointed a Legislative Advisory Panel of twenty-one persons, consisting of departmental officers and community representatives, to consider the submissions which had been made in response to the Green Paper and to make recommendations on proposals that might be included in new legislation. The work of the panel was carried out in conjunction with the New South Wales Council of Social Services and the New South Wales Advisory Council on the Handicapped. The panel reported to the Minister on 16 August 1979 and Cabinet subsequently approved the drafting of a new Community Welfare Bill which would give effect to many of its recommendations.

The Minister then proceeded to table the Community Welfare Bill on 14 May 1981. The Bill was divided into numerous parts: community welfare and social development; general welfare assistance; home care services; disaster welfare services; children's welfare; criminal proceedings involving children; the Children's Court of New South Wales; children and other persons subject to control or remand; handicapped person's welfare; and appeals to the Community Welfare Appeals Tribunal. It added that it recognised

... that it is essential that there be cooperation between government and non-government sectors in the fields of community welfare and social development. The objects of the bill ... recognise the interdependence of government and non-government effort (NSW PD 14 May 1981, 7230).

The debate in the Legislative Assembly over the introduction of the Community Welfare Act precipitated a heated discussion by Catholic members who feared that the
government was intending to secularise services and to ignore the religious and charitable organisations which provided services to children and families (NSW PD 17 Mar. 1982, 2750). The new Minister for Youth and Community Services, Kevin Stewart, who was a Catholic, was forced to defend the department's provision to all denominational groups, stating that since coming to office his party had increased the payments for each child who resided in the care of a charitable organisation. These payments were also made in respect of children placed directly into foster homes by a recognised agency (NSW PD 17 Mar. 1982, 2752). The Minister noted that when the Coalition government was in office in 1969-70 the amount paid to charitable organisations was $320 000. In 1975-76, the last year of the Coalition Government, $619 000 was expended for the 1156 children in the care of non-government organisations. By 1979-80, under Labor, the amount paid to charitable organisations was $1.4 million for 824 children in charitable homes and 117 in foster care. This amount had risen to $2 million in 1980-81 and to $2.5 million in 1981-82 (NSW PD 17 Mar. 1982, 2752-2753).

Although the *Community Welfare Act* was subsequently passed, the majority of its provisions remained unproclaimed. Parts 5 and 6 of the Act, which dealt with the Home Care Service and disaster welfare services, plus some ancillary provisions, were formally proclaimed in January 1984 together with some seventeen minor sections. In April 1987, the new Minister, John Aquilina, presented a series of smaller, revised Bills including the Community Welfare Bill, the Children's Court Bill, the Children (Care and Protection) Bill, the Children (Criminal Proceedings) Bill, the Children (Community Services Orders) Bill, the Children (Detention Centres) Bill, the Miscellaneous Acts (Community Welfare) Repeal and Amendment Bill. He cited a range of issues which purportedly influenced the government's decision not to proceed with the original Community Welfare legislation, including the 'rapidly changing circumstances such as the development of child abuse and protection as an area of great significance which could not be ignored' (NSW PD 8 Apr. 1987,
10353), and also referred to the number of legislative initiatives around Australia and overseas from 1982 onwards, which he said had contributed to the government's decision to revise it original legislative proposals. These stated legislative initiatives included the report of the Australian Law Reform Commission, the introduction of new legislation in the Northern Territory and the Australian Capital Territory, the 1984 review of the New Zealand Children and Young Persons Legislation and the report of the 1985 Victorian child welfare practice and legislation review committee. The Minister stated that his government now wished to incorporate some of the elements which had emerged from these proposals (NSW PD 8 Apr. 1987, 10353).

The Child (Care and Protection) Bill 1987 was said by the Minister to be 'in keeping with the view that coercive intervention should be a last resort, so that assistance may be provided on a voluntary basis where it would help maintain children in their family environment' (NSW PD 8 Apr. 1987, 10355). The most significant change included in this Bill was the provision that the Minister would no longer have the administrative power to declare a child to be a ward, as 'the transfer of guardianship rights and responsibilities over a child is such an important and far-reaching decision for the parties concerned that it should properly be determined by a court' (NSW PD 8 Apr. 1987, 10356).

The implementation of Children's Panels, the most controversial aspect of the proposed package of legislation first proposed by Minister Jackson in 1978, were now not to be proceeded with. The Minister declared that although the panels were viewed as an innovative method of diverting children from the criminal justice system, the experience of their use in other constituencies had 'suggested that they do not always live up to expectations' (NSW PD 8 Apr. 1987, 10357). In response to this apparent retraction of the government's enthusiasm for radical legislative change, the Opposition spokesperson, Wendy Machin, claimed that the government had not proceeded with all aspects of the 1982 Bill because of the cost, and quoted a
confidential minute by the previous Minister, Walker, in which he had advised the government that the proposals were now considered 'too expensive to implement' (NSW PD 6 May 7 1987, 11311). The government's attempt to resile from its proposed legislation was the source of further criticism by the Opposition which observed that following the distribution of the Green Paper, there had been no consultation with the community and that the government had failed to publicly advise that it did not intend to proceed with the community welfare legislation (in NSW PD Council, 13 May 1987, 11714).

In 1982 the government established a Community Welfare Act Implementation Unit to coordinate the administrative arrangements for introducing the revised Community Welfare Act. Late in 1983, at the Minister's direction, a review of the legislation was commenced, to ensure that the Act 'is in accord with the best contemporary policies and practices in the areas covered by the legislation' (DYCS AR 1983/84. 6).

In 1983 several new acts were given Royal assent - the Community Welfare (Amendment) Act, and two Acts which amended the original Community Welfare Act 1982. These two Acts provided for minor procedural changes but, importantly, determined the dates of commencement of the Community Welfare Act and cognate Acts. The Crimes (Child Assault) Amendment Act, the Evidence (Children) Amendment Act and the Oaths (Children) Amendment Act were then proclaimed in 1985. The amendments to the Crimes Act introduced a new range of sexual assault offences which addressed the age of the victim as a prime consideration in setting penalties. It was intended that this broadening of categories of sexual offences against children brought the offences into line with provisions already in existence in relation to sexual offences against adults, where different categories of offence attracting different penalties were already in place (DYCS AR 1985/86). The new range of sexual assault offences also gave special emphasis to the relationship between the offender and the child, with harsher penalties attaching to offences where the abused
child was under the care, supervision and authority of the offender. Amendments to the *Oaths Act* also provided that the Court could receive testimony from a child where that child had met previous tests of intelligence and 'duty to speak the truth', and that the accused offender could now be convicted on the uncorroborated evidence of a child. These amendments were testimony to the government's commitment to develop responses to the issue of child abuse, including child sexual abuse.

Eventually, a package of seven Bills was presented to the NSW Parliament in April 1987, and enacted in May of that year. The principal one was the *Community Welfare Act* which commenced on 29 May 1987. Related to this and also enacted at that time was the *Children (Care and Protection) Act 1987*. In 1988, the *Children (Care and Protection) Act* was proclaimed and State-wide training programs were begun to educate front-line workers about child abuse and their statutory responsibilities under the Act (DFCS AR 1987/88, 9).

5.4 CONCLUSION

By 1987 the newly-titled Department of Family and Community Services had emerged, as envisioned by Minister Jackson, as a department which had undergone a transition from a child-focused bureaucracy to one with a community-based focus. The Minister, Rex Jackson, however, did not retain the portfolio for a sufficient period of time to witness the department's transition from a child *welfare* to a child *protection* service. As detailed in the following chapter, the issue of child abuse became a highly significant catalyst in retaining a 'child focus' within this era of rapid philosophical, legislative, policy and administrative transformation.

The period from 1976 to 1988 was one in which the new Premier, in his energetic plan to institute reforms, established a review of the New South Wales public service
and created a political milieu which promoted the introduction of significant and innovative agendas of change. This climate afforded the new Minister, Rex Jackson, the opportunity to introduce a series of legislative and programmatic reforms, many of which had been rhetorically promoted by the former government, but not enacted.

In this period from 1976, the concepts of 'community development', 'community liaison', 'community services' and 'community work' became commonplace in the department's lexicon. This nomenclature was supported by the department's rapid and notable expansion in the provision of funds to community-based programs through the Community Services Funds, and by the burgeoning of the responsibilities and activities of the Community Liaison Bureau. These included the incorporation of the funding of youth refuges, which initially was undertaken in partnership with the Commonwealth, and the funding and administration of women's refuges which formerly had constituted the responsibility of the New South Wales Health Commission.

In its first budget in 1976, the State Labor government increased the rate of family assistance payments, which were to become effective from 28 October 1976. At the time of its taking office in May 1976, family assistance payments to women who were supporting children, and were ineligible for Commonwealth payments, was $86.00 per fortnight at a time when the benefit was $119.50 per fortnight and when most other States in Australia paid family assistance at a rate commensurate with Commonwealth payments (NSW PD 26 Oct. 1977, 9117).

The decision by the Commonwealth government in November 1978 to pay benefits at the point of assessment of eligibility, thus removing the six-month waiting period during which the State government had paid allowances to sole parent families, was welcomed by the State government which proceeded to review the eligibility guidelines for the allocation of cash and in-kind assistance. In spite of the attempts to
tighten eligibility, the department's budget for social welfare assistance continued to grow. The department thus began to refer many of the applicants who were deemed ineligible for assistance to other relevant agencies. It was not wholly successful in eradicating this 'traditional' welfare role of cash and in-kind assistance in order to develop other, seemingly appropriate, programs. The department was no longer able to construct the provision of such assistance as a temporary measure which assisted families during periods of financial crisis, nor was it able to sustain the previous perception that financial and other assistance was merely a supplement to the department's 'real' services, the provision of family casework.

The Labor government had announced that one of its first reforms would involve the long-overdue review of child welfare legislation, and it was able to point to the failure of the previous government whose review, and subsequent introduction of new legislation, had not been completed. The exhaustive review of the child welfare legislation began with the tabling of a Green Paper (Jackson 1978), which included a critical review of the shortcomings of the Child Welfare Act and proposed the introduction of a new Community Welfare Act. Many of the proposals were controversial and reflected the government's intention at that time to undertake a radical community-based approach to child welfare.

The vigorous announcement of the legislative proposals by Minister Jackson was not sustained by his Ministerial successors, who presided over the passage of new legislation which did not embrace all aspects of the original proposed legislation. The new revised Community Welfare Act commenced on 29 May 1987 and was followed in 1988 by the proclamation of the Children (Care and Protection) Act. By 1988, the issue of child abuse had become a matter of such significance that it had overridden many of the government's original legislative designs. As will be discussed in the following chapter, the Labor era was one in which profound changes occurred in the department's substitute care program, many of which had been mooted by the
previous government, although not underscored by legislative or policy provisions, and which were now activated by the Labor government as a component of its reform agenda.
Chapter 6
FROM PROTECTION TO PREVENTION?

6.1 Introduction

In considering the history of child welfare in New South Wales, Jamrozik (1983) and Carter (1983) noted that while new concepts, ideas and innovations had been introduced over time, there had been few resultant changes in the programs and services which were delivered in the substitute care program, a process described by Jamrozik as the 'accommodation of change' (1983, 68). There are data to suggest that this is an appropriate observation with regard to the period from 1945 to 1975. However, the changes wrought under the Wran Labor government from 1976 witnessed the cessation of this 'accommodation of change' in the child welfare system.

Child welfare programs in most Australian States had undergone significant reforms in the 1960's which had included changes in legislation and administration, and in the titles of former child welfare departments. There had been greater reliance on non-government services and community organisations and increased professionalism in policy formulation and service delivery. Such changes were characterised by a transition from child welfare to family welfare to community welfare (Jamrozik, Drury and Sweeney 1986). However, there had been little alteration to the fundamental precepts which characterised practices in substitute care in New South Wales.

The changes which took place in the New South Wales Department of Youth and Community Services substitute care program in the period from 1976 and 1988 were precipitated by several factors. As discussed in Chapter 5, some of the changes were precipitated by the government's reform program which altered bureaucratic structures and administrative practices in all State government departments. This administrative
reform agenda occurred at an historic juncture in which approaches to, and practices in, child welfare were already the subject of critical review. Shifts had also occurred in the philosophies which underpinned social welfare programs more generally. The deinstitutionalisation 'movement', for example, had begun to alter traditional practices in health care and to influence historic perceptions about the care of mentally ill and disabled patients in institutions and later of children in institutional care. Concerns about the negative effects of institutional care had gained momentum in the 1950s and 1960s when attitudes were increasingly influenced by theories about child attachment, child development and maternal deprivation. These concerns led government and non-government agencies to review the institutional care of children and culminated in the trend towards deinstitutionalisation that is, to the closure of large-scale institutional-style residential facilities (Australia Parliament Senate Standing Committee on Social Welfare on Social Welfare 1985, 14). This process was assisted by the provision of Commonwealth funds for an Alternatives to Residential Care program and a Children in Institutions program, through the Commonwealth Schools Commission (Jamrozik and Sweeney 1996, 97).

A reconsideration of foster care had also gained new intensity in this period following the publication of several Australian studies which detailed the short-comings of foster care programs and the negative outcomes for children who had been placed in such care arrangements. In particular, these studies of substitute care had established that child placement practices had actively prevented the restoration of children to their families and had failed to develop planned and time-limited placements (for example Foreman 1975, Gregory and Smith 1982, Hanson 1979, Mc Cotter and OXnam 1981, Bell 1981, Social Welfare Policy Secretariat 1982, Millham, Bullock, Hosie, Haak 1986). The criticisms exposed by these studies questioned the historic practices of child welfare departments which had constructed foster care as the most desirable
form of care for a child who could not reside with their family and had depicted residential care arrangements as a less desirable placement option for most children.

The critical reviews of substitute care practices had established that children in the care of State child welfare departments had become 'lost in care' and were unable to be restored to their parents' care because a range of perceptual, ideological, administrative and structural factors prevented that outcome. They also proposed that the placement of children into out-of-family care, whether in foster care or other arrangements, could be viewed as 'poor practice' unless such placements were time-limited. Further, they established that any such placement should be organised as a temporary measure and should permit the eventual return of the child to the care of their original family. The studies had questioned the reasons for the removal and placement of large numbers of children who remained in care for long periods of time. They had found that many children could have been returned to the care of their families under certain specified conditions. A decade of research had demonstrated that once admitted to the in-care system, children tended to remain in care for indeterminate or protracted periods of time. The research had shown that the longer a child remained in the system, the more likely it was that they would experience multiple placements (Kadushin 1974, Costin, Bell, Downs 1991).

While foster care had been chosen as a preferred form of care by the Department of Youth and Community Services, studies such as that by Juratowitch and Smith (1996) revealed that the period from the late 1970s was characterised by practices which had been inadequately supported by empirical data about the selection of foster carers or about the assessment of children's needs. The selection of foster parents had been based on their immediate availability rather than on a consideration of a child's emotional, social, familial and experiential circumstances. This study suggested that foster care programs had been driven by bureaucratic and organisational imperatives
to place large numbers of children without due consideration of the children's individual needs or wishes.

Two studies by Goldstein, Freud and Solnit (1973, 1979) achieved international recognition and also added weight to the argument that children required permanence in their lives and that the relationship between a child and parents/carers should be permanent. In their second study, Goldstein, Freud and Solnit (1979) declared that the child's attachment to a *de facto* family required as much protection from state intervention as did any child living with a *de jure* family. They argued that custody and guardianship rights should be vested with the child's 'permanent family' where 'the familial bonds that develop between the child and his [sic] caretakers must not be shattered by state action on behalf of absent parents or because of state policies' (1979, 51). This statement suggested that traditional child welfare practices had been based on a premise which was fundamentally damaging to children. It proposed that the child's experience of care provided no sense of security or stability even when the child was cared for in a loving foster home.

In the USA and in England, the reforms which had been introduced to address some of these criticisms of substitute care programs had involved the development of the concept of permanency planning which had been hailed in both countries as being a successful response to practices which had failed to develop adequate plans for children's care (Social Welfare Policy Secretariat 1982, 38). While permanency planning was lauded in both the USA and the UK (for example Lahti, Green, Emlen, Clarkson, Quentin, Kuehnel, and Casciato 1978), it was not without critics who indicated that the 'push to permanence', a model which supported the replication of family-style placements and the adoption of the child by their long-term carers, was not supported by evidence to demonstrate that 'permanent' foster placements were the most appropriate choices for children (for example Rooney 1982, White 1983).
The issues identified in the international literature on the 'failure' of foster care programs were compounded by the local publication of a study by the New South Wales Association of Child Caring Agencies into the care of children by non-government organisations (Bell 1981). This study estimated that approximately 5000 children from low-income families, who had been placed into substitute care arrangements for temporary periods, had remained in care for many years. Bell's research demonstrated that little was known of these children whose chances of leaving care and returning to their families was very slim if restoration had not occurred within the first six months of their placements away from their families. The study depicted the substitute care system in New South Wales as a 'fragmented, confused and directionless' system (Bell 1981, 1).

Bells' study of the care of children in the care of non-government agencies in New South Wales was published at a time when inquiries into the 'backlog' or 'drift' of children in the in-care system had begun in other States (for example McCotter and Oxnam 1982, Backlog Procedures Committee 1982). Although Bell's study (1981) estimated that the rate of foster placement breakdown in the non-government sector was approximately 70 per cent of placements, the New South Wales Department of Youth and Community Services had not provided any data about the 'drift' of children. The department had never released statistics on the breakdown rate of foster home placements.

The criticisms of foster care and residential care programs received further attention with the release of a report by the Australian Law Reform Commission (ALRC) in 1981 which examined child welfare practices in the Australian Capital Territory (ACT). The ALRC proposed sweeping changes to the Territory's administrative and legislative management of child welfare. While the terms of reference of the review
were confined to a discussion of child welfare services in one Territory, the final report nonetheless pointed to the shortcomings of legislation, practices and procedures in child welfare which reverberated in other Australian States.

The Law Reform Commission Report (1981) was critical of the ACT child welfare system requirement that both children needing care and protection and children who had committed an offence should appear before a Children's Court. Whether children were charged as neglected or with an offence this process resulted in the entry of the majority of the children to state guardianship. A majority of the children appearing before the Children's Court in the Australian Capital Territory as 'uncontrollable' were found to have experienced 'complex family problems' (Australian Law Reform Commission 1981, 202). The judicial system thus provided them with a point of entry to a system in which their care, protection and welfare needs could be ensured.

The ALRC inquiry accepted the premise that some children required placement in out-of-family care so that they could be cared for in a safe environment or so that the community's right to protection could be upheld. The concerns expressed in the ALRC report concerned those facets of the legal and administrative processes which deprived children appearing before the court of the same rights and privileges accorded to adults. An additional concern focussed on the bureaucratic and other impediments which impeded the provision of excellent care to children. The report also expressed caution about 'the types of situation in which society is justified in intervening coercively into the lives of children who have not committed an offence' (Australian Law Reform Commission 1981, 219) and noted that,

with regard to the neglected and uncontrollable child, although the primary objective is pursued within a framework which, by reason of its personnel, procedures and outcomes, has much in common with the criminal process. For both groups the result is a system which must endeavour to combine conflicting objectives. Many critics of child welfare systems in Australia and overseas have argued that the attempt to pursue divergent objectives has produced practices which
satisfy neither the lawyer nor the welfare worker (Australian Law Reform Commission 1981, 32).

These criticisms of the child welfare system were acknowledged by the Minister for Youth and Community Services as salient for his department (NSW PD 14 May 1981, 7232). In New South Wales, both neglected children and offenders were also required to appear before a Children's Court. In his earlier proposals for legislative change (Jackson 1978) the Minister had supported the development of separate procedures for 'children in need of care' and young offenders. In that paper, he had also addressed several of the issues which were now identified by the ALRC findings. A key objective included in Jackson's Green Paper (1978) was the cessation of the historic practice of utilising the Children's Court as a means to initiate the provision of care and protection services to children and young people.

Further criticisms of child welfare were contained in a Social Welfare Policy Secretariat report (Social Welfare Policy Secretariat 1982). The Secretariat had conducted a national inquiry into children and youth in institutional and other forms of care. Its report included an indictment of the practices of State child welfare departments in Australia. In summary the report stated that: the proportion of children in institutions in Australia had increased; children who remained in institutional care tended to be less suitable for alternative forms of care; many children in care were from socio-economically disadvantaged families; and the characteristics of children coming into care had altered with an increased number of older children, young offenders and children affected by family breakup entering the in-care system. The report also stated that State child welfare departments had been slow to modify their practices and continued to remove children from their families and place them institutional and other forms of care. These practices had continued despite repeated reaffirmation by State governments that children's care was best provided by their families (Social Welfare Policy Secretariat 1982, 7).
The Secretariat's report thus echoed the findings of previous Australian research into child welfare practices (for example Bell 1981, McCotter and Oxnam 1981, Gregory and Smith 1982, New South Wales Residential and Alternate Care Task Force 1982), which had documented the removal of children from their families despite the rhetorical acknowledgment given to the importance of children's location within their own families and communities. The report also identified the problem of 'welfare drift' characterised by the unplanned long-term placement of children which was characterised by too many changes of placement, too little parental contact, and the absence of clearly defined policies and procedures regarding the child's restoration. The report exposed the lack of appropriate State child welfare data collections and storage and retrieval systems which would permit the progress of individual children to be charted. The report further concluded that the effect of institutional care on a child's cognitive, emotional and social development had been inadequately addressed by the States and that residential care services continued to be isolated from other components of the child welfare system. It proposed that a lack of cooperation between State and voluntary agencies continued to impede the development of child welfare systems which addressed the needs of children for stability, security and identification with their original families (Social Welfare Policy Secretariat 1982, 35-36).

These critical comments exacerbated the dilemmas faced by the New South Wales Department of Youth and Community Services which was struggling to manage the very large population of children and young people which had grown under the previous administration. The department's attempt to address these concerns was characterised by a determination to compile a profile of the status quo of the department's substitute care program. A number of inquiries, investigations and
working parties were therefore established to report to the Minister on the operation of
the department's foster care and residential care services.

6.2 Review of the Substitute Care Program

The objectives for the newly-titled Department of Youth and Community Services
reflected an intention to alter historic practices. The objectives of the substitute care
program were now described as:

- the development of smaller establishments so that [children's] personal
  relationships could be enhanced in a less structured environment,
- the encouragement of the development of children's community involvement and
  community-based friendships,
- the minimisation of the movement of dependent children from establishment to
  establishment so that they could live, grow and attend school in the same area,
- the decentralisation of the review processes which examined the reasons for any
  child remaining in a children's home,
- the determination to ensure that the reasons for the non-return to parents, and the
  retention of any child in a residential care facility was subject to regular scrutiny,
- the placement with foster parents of all children for whom foster placement was
  considered most suitable,
- the determination to ensure that an alternative placement with adequate support
  services was available for young people of working age, and
- the provision of professional staff to ensure that the above objectives were attained
  (DYCS AR 1975-76, 35).

This list of objectives reflected a clear intention by the department to undertake a new
approach to the removal and placement of children. One year later, in its 1977 annual
report, the department expressed similarly strong statements of its intention to review the practices and philosophies which characterised the removal and placement of children into substitute care (DYCS AR 1977, 27). These objectives enshrined a planned approach to the placement of children, with the concurrent development of administrative procedures to ensure the review of case plans for each child, including the possibility of a child's return to their family. The objectives were to be overseen by the newly-established departmental Foster Care Committee. The Committee was set up by the Minister to review, assess and develop the foster care program in light of the most recent professional knowledge and expertise, and with an awareness of the 'best' practices in foster care programs.

The review program also included the introduction of revised assessment guidelines for potential foster parents. New reporting systems now required that an annual review be conducted of the case of each child in care, including an annual report on the child's parents. These systems were put in place to ensure the development of case plans which would facilitate the return of many children to their parent's care (DYCS AR 1975-76, 37). In 1977, the department introduced the 'case conference' as a standard required practice to ensure the formulation of case plans for all children entering care and to facilitate the involvement of children and their parents in decision-making.

The department's new articulation of the roles and responsibilities of foster parents contrasted significantly with previous perceptions:

Fostering a child is very demanding of the foster family particularly when it is considered that the foster family must be able to accept the fact that the child could be returned to his (sic) parent's care at some time in the future (DYCS AR 1976-77, 29).

... they [foster parents] must also accept that a child's natural parents will likely still want to see or keep in touch with the child ... they must be prepared to work with the department in its endeavour to prepare the child for ultimate restoration to his natural parents is if this possible. It is the responsibility of the district officer to ensure that
foster parents are aware of these demands and to assist foster parents in coping with and accepting these pressures (DYCS AR 1976-7, 29).

These statements reflect a very significant transition from the department's traditional construction of foster care. Previously, foster parents were provided with an unwritten assurance that the child's placement into their care was a 'permanent' arrangement and that the child's family would not be permitted to 'destabilise' the foster home.

The findings of the department's internal inquiry into substitute care were reported to the Premier of New South Wales in February 1982 (New South Wales Department of Youth and Community Services 1981). The report supported the maintenance of contact between children and their families and recommended that the removal of a child from its family would be a planned, time-limited separation. The department stated its intention to offer to children appropriate forms of care within their region of residence. These comments articulated the department's intention that the long-term placement of children would cease.

The new objectives of the substitute care program were to be implemented through the Alternate Care Program which had been established in 1980. The stated aim of the program was to strengthen the links between children who were living in out-of-family care placements with their families of origin. The program sought to coordinate casework practices so that the district officer who supervised the child's placement also supervised the child's original family (DYCS AR 1981/81, 9). This approach was consistent with that of caseplanning or 'planned care' and encouraged the development of case plans which could result in the eventual restoration of children to the care of their family. Through the Alternate Care Program field staff were required to pursue the documented objectives included in the case plans for each child (DYCS AR 1979/80, 1982).
6.2.1 Review of residential care

The Minister also set up a committee to review the department's residential care services. The Committee was comprised of departmental staff members and reported to the Minister in 1983. Its report, entitled Directions for Residential Care (New South Wales Department of Youth and Community Services 1983), included a very negative depiction of the department's management of its residential care program and provided detailed information about the department's practices which previously had not been available in annual reports or other publications. The report contained a summary of the circumstances of the children who were resident in the department's numerous residential care facilities and indicated that:

- 45 per cent of the children who had been admitted to wardship in the previous year were under 5 years of age
- 79 per cent of all wards in the department's residential care were aged 11 - 17 years
- 74 per cent of the children who had been admitted to wardship in 1980-81 were admitted via 'neglect' charges, and only 10 per cent were admitted to wardship as 'uncontrollable'
- approximately 45 per cent of all children in residential care had been in care for five years or more
- 70 per cent of a sample population of children had experienced 3 or more placements in care
- older state wards were forced to remain in care because of the unavailability of hostels or rented accommodation.

This data represented the first documented 'snapshot' of the department's residential care population which traditionally had been represented in terms of gross numbers and total 'entries' and 'exits' from the department's care. The report concluded with a statement which indicated that the department could not achieve its newly-formulated objectives unless it received a significant increase in resources. Additional obstacles which prevented the department achieving its aims were identified as:
• 30 to 50 per cent of all children in residential care would be better placed in
different forms of care from the style in which they lived
• crisis assistance work had swamped all other priorities, so that district
officers were not able to provide the family support necessary to keep
some children with their families or to restore other children
• there were major staff recruitment, training and continuing education
issues to be resolved by the department before any guarantees of good
child care could be given
• the non-government sector had three times as many children in residential
care as the department.

The department's articulation of these issues revealed that its transition from
centralised to regionalised services had not fulfilled the initial expectations of this
administrative and bureaucratic reform. Children had continued to be removed from
their families, and were placed wherever a vacancy in a residential facility could be
located. Many children living in residential care were thus not able to retain contact
with their families because of geographic/distance impediments. The report concluded
that a full-scale regional assessment be conducted in order to determine the longer-
term residential requirements of each of the department's regions and to plan for the
development of appropriate regional services.

The Directions for Residential Care report was criticised as reflecting 'austerity
measures in a declining economy' (for example Voigt 1983, 2) because it failed to
include the projected costs of providing a range of programs to address the 'gaps' in
the department's regional services and because it continued to support a preference for
foster care placements for all children except those with 'special needs' (Mowbray
1983). Mowbray (1983) assessed the report as a veiled attempt by the department to
create a favourable climate in which to make expenditure cuts by transferring children
to the care of the non-government sector and by reducing its residential holdings. The
New South Wales Residential and Alternate Care Task Force (1982) had earlier
concluded that the average cost per week to the department for the provision of
residential care to a child was $317.41 compared with the payment by the department to non-government agencies of $27.50 per week for each child (in Social Welfare Policy Secretariat 1982). The Task Force report had suggested that residential care was not only a more expensive placement option than alternative arrangements, but that residential care provided 'poor care' for children (in Mowbray 1983, 7). Mowbray suggested that while the ill-effects of residential care 'had been known since the last century' (1983, 7), the Task Force report revealed the government's political agenda to curtail expenditure rather than to offer quality care to children.

6.2.2 Children in the care of non-government agencies

The New South Wales Residential and Alternate Care Task Force (1982) recommended that the government provide funding to the non-government sector for the provision of out-of-family care at the rate of up to 80 per cent of the approved costs of a program. This recommendation reflected the department's intention both to maintain the ability of non-government organisations to continue to care for children and to increase their financial capacity to do so. As Bells' study (1981) had estimated that more than 3000 children were cared for in the non-government sector in New South Wales each year, the government's proposal to financially support the sector was in keeping with the its objective to reduce its direct provision of residential care.

This increased funding arrangement was dependent upon the preparedness of non-government agencies to meet agreed principles and standards and to display 'a willingness to cooperate in a coordinated approach to the provision of services in response to regional needs' (New South Wales Residential and Alternate Care Task Force 1982, 7). The department thus sought to pursue the 'gaps' in the provision of residential services in each region. Historically, the development of government and non-government programs had occurred without liaison or planning. Both sectors
delivered residential services which paid scant regard to local, regional or community needs (New South Wales Residential and Alternate Care Task Force 1982).

Following the publication of the findings of the New South Wales Task Force on Residential and Alternate Care (1982) and the publication of the Directions for Residential Care report (New South Wales Department of Youth and Community Services 1983), the Minister for Youth and Community Services established an Alternate Care Committee in November 1982. This Committee was an independent body comprising both departmental and non-departmental members. It was to administer the new funding scheme which was designed to raise the standard of care provided for children in the non-government sector.

Under the program funding arrangement, non-government agencies would be encouraged to address the principles which had been identified as important factors in offering residential care. They included the condition that all options must be considered before a child was placed into residential care and that such care should be offered in small family-like facilities in preference to large institutions. The agencies were also required to employ more and better qualified staff and to include parents in decision-making about their children's care.

The Alternate Care Committee was thus responsible for the oversight of services in the non-government sector and for ensuring the upgrading of standards (AR FACS 1989/90, 138-140). Through the introduction of program funding which was reliant upon the acceptance of certain conditions by the organisations which operated children's homes, the State government was able to encourage these organisations to adopt new practice standards.
The Department of Youth and Community Services also sought to alter its own traditional substitute care practices. Departmental officers began to place greater numbers of children into temporary foster care placements. Such placements were assessed as options which avoided the pitfalls of previous practices. They enabled,

the temporary placement of children in foster homes in their local community, and meets the needs of non-wards requiring emergency accommodation, children on remand deemed suitable for community placement, wards prior to placement in long term foster care, and wards experiencing a crisis in their foster homes and needing a break (AR 1982/83, 14).

The placement of children on a temporary basis, in preference to admitting a child to wardship, was strongly supported in the department's rhetorical depiction of its revitalised substitute care procedures (for example AR FACS 1987/88, 14). Temporary care placements provided officers with a range of placement alternatives for children and were attractive to field staff in that they did not require a change to the child's guardianship status (AR FACS 1987/88, 14). In 1984, however, the department's annual report acknowledged that the popularity of temporary care placements presented some difficulties:

Unfortunately, temporary care ... has in many instances been seen as a way of saving work, specifically avoiding the need to develop case plans; of avoiding the need to adequately assess the carers; of avoiding the need to adequately assess the child's needs; of avoiding the need to adequately assess what also needs to be done for the child's family. It has become a way around current requirements. It is also ... a statement about the general lack of understanding about the more basic issues involved in the provision of foster care (DYCS AR 1983/4, 5).

This criticism by the department of its own practices was followed by its publication of data which revealed that approximately 2000 children had experienced at least one period of out-of-family temporary care in the year 1985-1986 (DYCS AR 1985/86). These data suggested that the department's procedural directives which supported a cautious approach to the removal of children from their families and which required that the removal and placement of children should be undertaken as a planned and
 delimited casework intervention, resulted still in the placement into care of unacceptably large numbers of children.

6.2.3  The substitute care review

The emphasis upon the restoration to their families of children who had been in care, of reducing the numbers of children becoming state wards and of placing children in planned, temporary placements was further consolidated in 1986 with the beginning of Stage I of the Substitute Care Review. This was a formal review procedure conducted by the department to evaluate the progress and achievements of its substitute care program. The review team examined the procedures which had been instituted to ensure that children did not enter care unnecessarily, that admission to care was only considered as a last resort, that the placement of any child into substitute care was planned and that case plans for each child reflected achievable, documented objectives. The review process also developed a program of consultation with non-government agencies to develop and rationalise services for child placements in each departmental region. In Stage II of the review, it was envisaged that strategies would be developed to translate the goals of the department's substitute care program into field practice directives (DYCS AR 1985/86, 13)

6.3  WHO ARE THE CHILDREN IN OUT-OF-FAMILY CARE?

In line with the pervasive ideology noted above, the period from 1976 to 1988 was characterised by an official rhetoric that the number of children in care, and the number of children entering care, was decreasing. Departmental reports, however, did not publish sufficient data to permit an estimation of the numbers of children in New South Wales who had experienced, or were resident in, all forms of out-of-family placements. The department's data collections underwent structural and stylistic
changes in this period, such that it became increasingly difficult to discern trends in the substitute care child population. As discussed below, the lack of data about children in substitute care was not confined to New South Wales.

6.3.1 The paucity of national and state data

As noted by the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985), apart from generalised observations about the type and nature of children entering care, there was little national data available of a comprehensive, comparable and conclusive nature about the children who lived in substitute care placements. WELSTAT\(^{16}\) produced some aggregated data on children in care which was based on a formalised national collection system. The WELSTAT data however, did not include children in temporary placements and children who were not subject to care orders.

The Senate Standing Committee on Social Welfare inquiry into children in residential and other forms of care in Australia in 1982 had in part been precipitated by an awareness at the Federal level that although there had been State-based investigations into substitute care arrangements there had been negligible investigation or data collection on a national level (Australia Parliament Senate Standing Committee on Social Welfare 1985, vii). The Committee's report noted that the only available national data, compiled by the Australian Bureau of Statistics, related to children who were placed into substitute care under State guardianship or other official orders. This data did not include children and young people who lived in out-of-family care and who had not been placed into care as the result of a legal or statutory process (Australia Parliament Senate Standing Committee on Social Welfare 1985, 5). Such

\(^{16}\) WELSTAT was a joint state and Commonwealth project concerned with the standardisation and improvement of social welfare statistics. The project, which was established by the Council of Social Welfare ministers in 1976, was managed by committees consisting of representatives from each State and Territory welfare department, the Commonwealth Dept of Community Services, the ABS, the Policy Coordination Unit (formerly the Social Welfare Policy Secretariat) and the National Committee on Health and Vital Statistics.
concerns were also echoed in the Australian Law Reform Commission (1981) report which decried the dearth of statistics concerning both children in care and before the Children's Court, noting that 'it is impossible to understand the impact of legal measures without adequate statistical information' (1981, 7).

6.3.2 National 'children in care' data

Variations in nomenclature and data collection format prevent an accurate assessment of trends in the number of children in care in Australia. In 1982, it was estimated that approximately 17 000 children lived in out-of-family care in Australia (in Bath 1997, 5). In 1984, however, the ABS statistics indicated that there were 30 309 children and young people living in substitute care in Australia (Australian Bureau of Statistics 1985, 4). As noted by the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985), these data do not provide a true representation of the number of children who were living apart from their families in all forms of substitute care arrangements. Many children living in substitute care were not placed under 'official' or other orders.

In 1985, the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985) reviewed all available national data and found that the figures provided by the ABS, the Commonwealth Department of Social Security and the State child welfare departments indicated that the overall number of children placed into substitute care in Australia had fallen by 57 per cent between 1972 and 1984. This trend was consistent with that experienced in some other countries. In England, for example, the number of children in the care of local authorities was reported to have fallen sharply, with a 29 per cent decline in the number of children in care between 1980 and 1986 (in Timaeus 1988), a fall in the population which occurred much later than that experienced in Australia.
Until 1985, there was no official statistical information available at the national level in Australia on the number of children in institutional care who were not under the guardianship of the state and who were not placed in government-run institutions. As the majority of children in institutional care were not under state guardianship, the national data available were thus of limited value (Australia Parliament Senate Standing Committee on Social Welfare 1985, 58). This situation existed despite the fact that statistics on children in substitute care were collected and published by each State and the Northern Territory. However, these State collections were found to lack uniformity and were characterised by significant variations between the State and Territory governments in their statistical definitions, classifications and recording systems (Australia Parliament Senate Standing Committee on Social Welfare 1985, 58).

In 1985, WELSTAT attempted to address these anomalies in its new series on Children in Care Australia which expanded the previous data collections and replaced the previous Persons Under Guardianship and Children in Substitute Care data. This new collection included all children under the care of State and Territory welfare departments who were placed under a legal or administrative order or who had otherwise come to the notice of the State and Territory welfare departments. The collection also included other children who are living apart from their natural or adoptive parents in foster care or in residential child care establishments, if they too were subject to a legal or administrative care order. Persons over the age of 18 years who were placed under orders were also included (Australian Bureau of Statistics 1985). Even this new WELSTAT publication was not able to provide a full count of all children in substitute care arrangements throughout Australia because of the limitations of and inconsistencies between the State-based data collections.
From the available data, the most significant trend in Australia during this period is the recorded fall in the number of children in care in all States. Even when the inconsistencies in data collection are taken into account it is clear that the population of children entering the out-of-family care system fell. The most comprehensive indication of this reduction in numbers is contained in the Senate Standing Committee report (1985) which reviewed all the available data collection sources. The Committee’s estimation that the population of children in care fell by approximately 57 per cent in the twelve year period to 1984 suggests that the introduction of the Commonwealth supporting mother's benefit in 1974, (renamed the supporting parent's benefit in 1978), which provided income support for sole mothers enabling them to keep their children, was a very significant factor in this national trend.

6.3.3 State wards
The official reports of the New South Wales Department of Youth and Community Services suggested that fewer children were admitted to the guardianship of the Minister in the period from 1976, than in previous periods. While, as mentioned, the introduction of the Commonwealth supporting mother's benefit would have influenced this trend, there were also some specific practices in the department which also accounted for this decrease. For example, the department had adopted a system of 'preferring' temporary placements and dissuading field staff from instigating the entry of children to state wardship. In 1986, there were 2936 state wards in New South Wales. In 1976, when the Labor government had won office, there had been more than 5000 state wards in the care of the department (Table 6.1).

The number of state wards declined in all the Australian States and Territories (in Australia Parliament Senate Standing Committee on Social Welfare 1985, 2-3). The New South Wales data reveal that, in addition to the changes which occurred at the Federal level with the introduction of Commonwealth payments to sole parent
mothers, the policies of the State Labor government had also caused a further decline in the population of children in care in that State.

Table 6.1 Number of children in care NSW 1976 - 1988

<table>
<thead>
<tr>
<th>Year</th>
<th>Total children and young people in care*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975/76</td>
<td>5,127</td>
</tr>
<tr>
<td>1976/77</td>
<td>n/a</td>
</tr>
<tr>
<td>1977/78</td>
<td>4,470</td>
</tr>
<tr>
<td>1978/79</td>
<td>4,332</td>
</tr>
<tr>
<td>1979/80</td>
<td>4,527</td>
</tr>
<tr>
<td>1980/81</td>
<td>3,849</td>
</tr>
<tr>
<td>1981/82</td>
<td>3,624</td>
</tr>
<tr>
<td>1982/83</td>
<td>3,290</td>
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<tr>
<td>1983/84</td>
<td>3,142</td>
</tr>
<tr>
<td>1984/85</td>
<td>3,027</td>
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<tr>
<td>1985/86</td>
<td>2,936</td>
</tr>
<tr>
<td>1986/87</td>
<td>2,806</td>
</tr>
<tr>
<td>1987/88</td>
<td>3,633</td>
</tr>
</tbody>
</table>

* The department variously represented the population of 'state wards' and/or 'children and young people'.
Source: Annual Reports, NSW Department of Youth and Community Services 1976 - 1988

In 1976, during the first year of the Labor administration, the number of state wards in New South Wales decreased by 4.9 per cent representing one of the highest annual reductions of the number of state wards recorded in any year. In this same year, the number of children who were categorised as 'under restoration to their parents', totalled 209, indicating that the new administration's attempts to pursue the restoration of children to their families was beginning to impact upon the state ward population.

Immediately upon taking office, the Labor administration had set up the Ward Services Branch in the Department of Youth and Community Services. This Branch was charged with the responsibility to streamline decision-making in respect of the day-to-day management of the cases of state wards. The senior caseworkers who
were appointed to Ward Services Branch were required to review the case plans of all state wards and to assist field staff to develop case plan objectives for each child and young person who was living in a substitute care placement. One of the first actions of the Branch was to instigate the restoration to their families of state wards for whom there was no obvious impediment to their return to their family's care. Such activities began to produce discernible outcomes. In 1979 New South Wales had the highest proportion of state wards in its in-care population, (86.6 per cent of the in-care population) of any Australian State or Territory (in Social Welfare Policy Secretariat 1982). By 1981 New South Wales had the lowest rate in Australia of children under state guardianship, with 2.7 children per 1 000 children placed under the guardianship (Jamrozik, Drury and Sweeney 1986, 59).

It should be noted that such data do not include those children who were not subject to formal orders, nor do they permit an estimation of variations in admission and committal trends or the utilisation of a range of 'different forms of intervention' (Jamrozik and Sweeney 1996, 102-3) to replace previous child placement practices by departmental officers. As suggested by Mowbray and Mason (1993), while the number of children in the direct care of the New South Wales Department of Youth and Community Services fell significantly over the ten-year period from 1981 to 1991, with an overall decrease in the number of children in the department's residential care of 78 per cent, the number in foster care decreased by only 37 per cent (Mowbray and Mason 1993, 119).

A number of factors thus contributed to the changes in the in-care population of children in this period. Firstly, the Commonwealth powers which affect families and children, particularly social security policy and from 1972 child care policy, 'frame' the action of State-based welfare and significantly influence family well-being. The introduction of supporting mother's benefit which provided a greater financial
capacity for mothers to sustain their caring role and for their children to elude the 'gaze' of State welfare authorities, resulted in significant and measurable implications for State child welfare systems. Secondly, as discussed, the introduction of temporary care placements resulted in the admission of fewer children and young people to state wardship. Thirdly, a range of administrative and casework measures ensured that more children were restored to their parents and that a greater range of options was explored before placing children into the department's care. Finally, non-government agencies were able to accommodate more children with the assistance of program funding to that sector.

6.3.4 Grounds for a child's entry to care
During the 1980s, unemployment continued to rise in Australia with a trend towards longer periods of unemployment and evidence of a crucial link between unemployment and poverty. An equally strong link between sole-parent families and poverty had also been demonstrated during this period, in which the number of sole parent families has risen dramatically (Raymond 1987, Wiseman 1991). Saunders and Whiteford (in Kennedy, Whiteford and Bradshaw 1996, 146) estimated that financial poverty among dependent children in Australia had increased from 6 per cent in 1966 to around 20 per cent by 1986.

The investigation by the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985) also noted that,

It is clear that the basic reasons underlying the placement of children in substitute care and the circumstances of children at risk, have changed little over the years. ... families of children in care are still predominantly the poorest, the most disadvantaged and the most vulnerable (Australia Parliament Senate Standing Committee on Social Welfare 1985, 76).

The Committee had determined that almost 64 per cent of children who were made wards for 'welfare' reasons entered wardship via the 'neglected' category. Research
by the Australian Council of Social Services had also shown that the socio-economic background of families with children in substitute care was characterised by a predominance of single parent status families, with minimal levels of educational attainment, and poor states of health (in Australia Parliament Senate Standing Committee on Social Welfare 1985, 6). The Australian Council of Social Services (Hanson 1979) reviewed the reasons for the placement of children into children's homes and noted that children entering care did so because of five key reasons: family problems, neglect and/or abuse, the child's behaviour, the illness/hospitalisation of parent/s and for 'other' reasons.

The Australian Law Reform Commission (1981), noting the dearth of statistical and other information, commissioned an analysis of the circumstances of all children who were made wards in the first half of 1979 to ascertain the 'personal and social problems' which were dealt with in the non-criminal jurisdiction of the Children's Court in the Australian Capital Territory. The ALRC determined that the cases revealed 'complex family problems' (1981, 202) as contributing to the appearance of children before the Children's Court, many of whom were subsequently admitted to state guardianship.

In a review of the available national research, the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985) found that the primary reasons for removing a child were parental neglect, child abuse, homelessness, parental and family conflict or breakdown, concern for a child's welfare, disordered social behaviour by the child, physical and intellectual disability and emotional disturbance. The secondary characteristics that were found to contribute to a 'crisis' situation leading to the removal of children were found to be related to the family's immediate economic and social circumstances:

Since the 1930s, family research has demonstrated the impact on family life of inadequate income resulting from unemployment,
unstable job tenure and low job prospects. In turn, lower socio-economic status, family conflict and withdrawal from wider social contact exacerbate financial problems and may contribute to family breakdown (Australia Parliament Senate Standing Committee on Social Welfare 1985, 6).

In 1979 the Children's Bureau of Australia conducted a survey which provided the first national data set on children in the care of non-government agencies (Gregory and Smith 1982). This study found that the main reasons for the entry to care of the children living in the care of non-government agencies were the breakup of the family (16.3 per cent), the assessment of the child as 'at risk' (15.3 per cent), and the inability of parents to cope with the care of their children (14.3 per cent) (Gregory and Smith 1982).

The New South Wales Department of Community Services, however, was slow to acknowledge the range of socio-economic and other issues which contributed to the removal from their families and placement of children, and continued to presume that the entry of children to care was aligned with personal failure.

In a time of chronic unemployment, insufficient recognition is being given to the long term effects of unemployment on young people. Unless serious attention is given to reducing the unemployment situation and to evaluating the effects of long term unemployment, it is likely that increased numbers of young people will be entering residential care. These increased numbers will be reflected both in the dependent and delinquent sectors - in the dependent sector through family breakdown accelerated by the hopelessness and apathy of unemployed working class parents; in the delinquent sector through increasing crimes of violence arising from the anger and recrimination of unemployed youth (DYCS AR 1977-78, 36-37).

The department's rhetoric had altered by 1982, when some recognition was given to the significance of poverty and its effects upon families and children:

The government has an obligation to ensure that family disintegration does not occur as a result of economic poverty, a lack of adequate housing and diminished access to community supports (New South Wales Residential and Alternate Care Task Force 1982, 15).
Although the department was tardy in articulating the circumstances which surrounded family crisis or breakdown, or the inability of parents to continue to care for their children, a study by Fernandez (1993) examined in detail a sample of 294 children who were admitted to care by the Department of Youth and Community Services between 1980 and 1984. Her research demonstrated that both socio-economic circumstances and family composition were significant in the family backgrounds of these children. She demonstrated that 70 per cent of the families whose children were placed into the care of the department were reliant on social welfare payments as their sole source of income and that 57 per cent of the families in her sample were sole parent families.

6.3.5 Aboriginal children

The over-representation of Aboriginal children in the substitute care population did not diminish during this decade when, overall, the substitute care population decreased. In 1981, Aboriginal children were found to be disproportionately represented in both care and corrective institutions in all States in Australia when compared with their proportional representation in the whole population (Social Welfare Policy Secretariat 1982, 25).

The Labor administration instituted some nascent processes to begin to address the over-representation of Aboriginal children and young people in the in-care population. The New South Wales Department of Youth and Community Services had begun employing Aboriginal Caseworkers in 1977, and in 1978 had opened a specialist Aboriginal service at Redfern which was intended to provide a service to all Aboriginal people in New South Wales. By 1980-81, ten Aboriginal caseworkers were employed in district offices throughout New South Wales, funded by the Commonwealth Government through the Department of Aboriginal Affairs. In July 1982 the department employed an Aboriginal staff member to implement policy on the
delivery of services to Aboriginal people and to act as a consultant on Aboriginal matters (DYCS AR 1982/83, 30). By 1983 there were twenty-two Aboriginal community workers employed in the department's district offices. The Commonwealth funding for the employment of Aboriginal caseworkers was temporary and the State was required to take over the funding of these positions as the Commonwealth funds were retracted during 1982 and 1983.

Following the publication of the department's estimate that approximately 17 per cent of children in corrective institutions and 16 per cent of children in the department's foster care were Aboriginal (New South Wales Residential and Alternate Care Task Force 1982), an Aboriginal children's research project was set up under Minister Jackson in the Family and Children's Services Agency in the Department of Youth and Community Services in 1980. The research project, in its first published report, determined that 1127 Aboriginal children were living in substitute care in 1980 and that over 90 per cent of these children were in the care of non-Aboriginal carers (Milne 1982, v). Further, the research had found that Aboriginal children were twelve times more likely to be in substitute care than white children (Milne 1982, 21). The Aboriginal Children's Research Project also demonstrated that little attention had been given to identifying Aboriginal children in the in-care population. The first attempt to identify Aboriginal children who were placed in substitute care was by WELSTAT in 1980 (Milne 1982, 23). In NSW there had been no accepted method for identifying Aboriginal children and many of the children themselves were unaware of their Aboriginality, especially those children who may have lived for many years with non-Aboriginal carers in foster homes or in residential care establishments. The research project found that 29 per cent of Aboriginal children in children's homes were not identified as such by the department and that substantial numbers of children were confused about their Aboriginal identity (Milne 1982, v). Because of the lack of available data on Aboriginal children in care, the project group undertook to identify
and describe the Aboriginal children in the care of the New South Wales Department of Youth and Community Services.

The Aboriginal Children's Research project found that 18 per cent of the children in corrective institutions were Aboriginal. The department's files did not identify fourteen of these children as Aboriginal. Of those children who resided in children's homes, 122 were identified as Aboriginal, of whom thirty-five were not identified as Aboriginal by the department. The research was able to determine that approximately 430 Aboriginal children were thought to be residing in departmental foster homes (Milne 1982, 45) although this figure was likely to be an under-representation as the department did not previously identify, or seek data on self-identification of Aboriginal children. These figures were supported by the Social Welfare Policy Secretariat investigation (1982) which found that 15 per cent of children in substitute care in New South Wales were Aboriginal (in Social Welfare Policy Secretariat 1982, 25).

In recognition of the importance of acknowledging and identifying a child's Aboriginality the department began to identify Aboriginal and Torres Strait Island children in the in-care population and to publish this data in its annual reports from 1983.

6.4 The 'rediscovery' of child abuse

It is not possible to examine the activities of the New South Wales Department of Youth and Community Services during the period from 1976 to 1987 without due consideration of the significance of child abuse. During this period, the department's rhetorical construction of 'neglected' children was replaced by the 'official'
categorisation of 'children in need of care', or more colloquially, children 'at risk'. The changes which occurred in the child welfare field however, were not merely semantic or rhetorical transpositions. The department's policies, practices and services became, by the end of this era, driven by the machinery of 'child protection'. By 1987, the concept of 'child welfare' had been erased from the department's lexicon to be replaced by 'child abuse'.

New South Wales had first enacted a *Children's Protection Act* in 1891 and an increasing number of statutory requirements, including the *Child Welfare Act* 1939 had subsequently been introduced to protect children and young people from harm or neglect. From the 1920s to the 1960s child maltreatment was of little consequence as a significant social concern in the child welfare field (O'Donnell and Craney 1982, Kadushin and Martin 1988, Vinson and McArthur 1988, Frost and Stein 1989, Parker 1995). A comprehensive review of the occurrences which precipitated the 'rediscovery' of child abuse in the 1960s is beyond the scope of this thesis. The following commentary, however, provides a brief description of the responses of the New South Wales Department of Youth and Community Services to the emergent issue of child abuse to provide an additional context in which to consider the issue of 'neglected' children and the implications for substitute care services in this era in which the recognition, reporting, investigation and assessment of child abuse notifications assumed a position of primary importance.

The 'rediscovery' of child abuse was precipitated by revelations about the physical maltreatment of infants, an issue which had attracted considerable interest since the reports by American radiologists in the mid-1940s and early 1950s about unexplained fractures revealed in X-rays of young children (Picton and Boss 1981, Parton 1985). The wider public was alerted by the work of C. Henry Kempe, a paediatrician at the Colorado School of Medicine, and his colleagues, when they coined the term 'baby
battering' in an article published in 1962 (in Picton and Boss 1981, O'Donnell and Craney 1982). By the end of 1963, thirteen states in the USA had enacted statutory reporting laws whereby professionals who suspected abuse or neglect were legally required to report such abuse to the police or to a designated child care agency and subsequently, by 1967, every state in the USA had passed some form of child abuse reporting legislation (in Parton 1985). In Britain, the first article on 'baby battering' was published in December 1963 by two orthopaedic surgeons who cited the research of Kempe and his colleagues. At this time, social welfare agencies in Britain were primarily concerned with working with families and preventing delinquency and thus for some time the issue remained confined to the interests of medical practitioners. However, the Battered Child Research Unit was established in Britain in 1968 and disseminated publicity to other professional groups so that by the end of 1972 a number of local authorities had set up 'early warning systems' in an attempt to monitor, identify and possibly prevent the problem of child abuse (O'Donnell and Craney 1982, Parton 1985).

From the early 1970s, child abuse came to be seen as a significant and growing social problem in England, in the USA, in Australia and in other countries (Gelles and Cornell 1983, Parton, Thorpe and Wattam 1997). At the moment of its re-emergence in the 1960s, child abuse was constituted essentially as a medico-social phenomenon, where the expertise of doctors was seen as central in diagnosing, 'curing' and preventing the 'disease' or syndrome. In Australia, much of the early literature on child abuse was confined to a discussion of the physical maltreatment of children (Picton and Boss 1981, O'Donnell and Craney 1982, Vinson and McArthur 1988). An awareness of child abuse, its reported incidence and its profile as a significant social, and social welfare concern, increased after the First Australasian Conference on the Battered Child which was held in Perth in 1975 (O'Donnell and Craney 1982, Vinson and McArthur 1988).
6.4. 1 The development of child protection services

While some commentators (such as O'Donnell and Craney 1982) have considered the marriage of social, economic and political factors which promoted the rapid emergence of child abuse as an issue which galvanised the focus of child welfare departments, the particular confluence of factors which accelerated the interest in child abuse and the energised development of responses to the newly constructed 'child at risk' in New South Wales has not been documented. The incumbency of a new government in New South Wales with a political and social reform agenda was a potent factor in the emergence of an energised attempt to ensure both that child abuse was firmly located on the social welfare agenda, and that the government could demonstrate a rapid and concerted response to an issue which was attracting both media and community attention. Some writers have noted the significance of the influence of feminist bureaucrats, particularly those employed in the Department of Youth and Community Services and in women's policy advisory units in New South Wales, in extracting a response from government in terms of the allocation of funds, the development of investigation and assessment services, and in supporting numerous media campaigns to bring the issue of child abuse to public notice. These commentators (for example Carment 1987, Breckenridge 1992, Calvert 1992) note however, that the role of feminist bureaucrats was most crucial in prompting the government's response to the issue of child sexual abuse.

The issue of 'child battering' as a political issue was first raised by a Labor member in the New South Wales Assembly on 26 September 1972 when the Liberal Minister for Child Welfare was asked if his department had received any complaints about 'child bashing'. The Minister replied that the number of such reports did not reach double figures and did not justify an inquiry (NSW PD Assembly 26 Sept. 1972, 959). Again, in August 1973, the Minister was asked to account for the number of cases of
child beating or other forms of cruelty to children which had been reported to his
department. In reply, the Minister stated that the number of such cases of which his
officers were aware had risen gradually since 1968, but numbered only 43 cases in
1972 (NSW PD Assembly, 30 Aug, 1973, 690). In 1975, the Labor opposition again
asked that there be immediate action by the Minister into the issue of battered babies
and Community Affairs replied that he had asked his staff to provide him with a

At the time of the First Australasian Conference on the Battered Child in Perth in
1975, a small Child Abuse Team, staffed by two workers, had begun operating at the
Stanmore District Office of the New South Wales Department of Youth and
Community Services. The department did not record an intention to expand the
service or to develop further child abuse services, at this time. Following the
incumbency of the Labor government in 1976 however, the department's child abuse
services were significantly extended by the establishment of 'at risk' committees in
Blacktown, Ryde, Fairfield, Gosford, Newcastle, Wollongong and Armidale district
offices. The department stated in its annual report of 1976 that it had received reports
of over 100 cases of child abuse during the year (DYCS AR 1975-76, 32) and that the
number of such reports was expected to rise.

The Child Welfare (Amendment) Act 1977, which provided for the notification by
medical officers of suspected cases of child abuse and ill-treatment to the Department
of Youth and Community Services, was implemented from 30 June 1977. In 1978 the
Labor Minister, Jackson, presented a report to Parliament about his Party's progress
in reviewing the Child Welfare Act 1939 and noted that his department had
established a specialist service for the compulsory reporting of cases by members of
the medical fraternity of child abuse, this initiative having flowed from the
government's legislative amendments of 1977 (NSW PD Questions Without Notice, 16 Mar. 1978, 13262-4). Following the passing of the *Child Welfare (Amendment) Act* 1977, a proposal was approved by the Public Service Board to establish a specialist child abuse unit in Sydney to provide a 24-hour service for the reception of child abuse reports. This unit was also to provide a range of programs including a central child abuse notification index, specialist casework personnel, consultant case coordination and support services, a crisis nursery for children and families, residential facilities for the short term care of children and their parents, a day centre, a resource centre, a home-maker service, and a parent aid program to selected families (DYCS AR 1977, 25). In the first year of its operation, the service (the Child Life Protection Unit), received 1 801 notifications of abuse or potential abuse, and the number of notifications received each year grew steadily (Table 6.2).

### Table 6.2 Notifications of child abuse 1981 - 1988

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of notifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980/81</td>
<td>1 153</td>
</tr>
<tr>
<td>1981/82</td>
<td>n/a</td>
</tr>
<tr>
<td>1982/83</td>
<td>4 276</td>
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<tr>
<td>1983/84</td>
<td>9 268</td>
</tr>
<tr>
<td>1984/85</td>
<td>13 155</td>
</tr>
<tr>
<td>1985/86</td>
<td>16 381</td>
</tr>
<tr>
<td>1986/87</td>
<td>15 763</td>
</tr>
</tbody>
</table>

Source: Annual Reports, NSW Department of Youth and Community Services 1981 - 1987

In the following two year period, nine specialist child protection workers were employed in local offices and the staffing of the 24-hour specialist service was reorganised and expanded and a special pre-school opened for children from 'at-risk' families. Child protection work was portrayed in the department's official
documentation as a therapeutic intervention into families, and counselling services were offered not just from the specialist Child Life Protection Unit but also from the designated specialist officers in the field. Counselling and group programs for parents and children were viewed as 'an integral part of the therapy process' (DYCS AR 1980/81, 15).

Vinson and McArthur (1988) note that there was a 'latency period' in the development of responses to child abuse in New South Wales until 1981, when the issue gained increasing prominence in the media. This heightened profile of the issue of child abuse was promoted by the Department of Youth and Community Services which conducted a media campaign in 1981 to heighten community awareness and to 'promote the concept of community responsibility in the prevention of child abuse' (DYCS AR 1982, 17).

By 1982, the issue of child protection featured prominently in the department's depiction of its activities, replacing the substitute care program as the cardinal discussion in the department's annual report. The number of notified cases which had been reported to the department numbered 4,276 cases in 1982, and rose to 9,268 notifications in the following year, an increase of 117 per cent in the twelve month period (DYCS AR 1983/84, i). In evaluating the increase in notifications, Vinson and McArthur (1988) proposed that the procedural changes undertaken by the department in 1982, to standardise the reporting format and to introduce nine categories of abuse, 'included the formal endorsement of the expansive thinking about the nature of child abuse that had been gaining currency in the department' (1988, 66). Vinson and McArthur thus considered that the dramatic rise in the number of child abuse notifications should not be read simply as an epidemic of child abuse in the community and that the department's decision to alter the administrative procedures surrounding notification reports was a significant factor in this increase.
In 1982, Professor John Lawrence from the School of Social Work at the University of New South Wales was contracted to undertake an inquiry into the death of a child who was killed by his mother. Lawrence's report (1982) pointed to the shortcomings of the department's practices, particularly the inadequacy of the training of field staff and delineated the inadequacy of a range of community support services which had failed to assist the family. The release of the Lawrence report did not result in the media and community furore which had characterised a similar inquiry in England where the death of Maria Colwell in 1973 'highlighted the failure of state welfare mechanisms and well-intentioned workers to prevent a tragedy' (O'Donnell and Craney 1992, 177).

The department's child abuse services grew in 1983 with the addition of eight specialist child protection workers to metropolitan district offices and with the employment of Child Protection Consultants in the department's regional offices. By 1984, the issue of child abuse was named as the 'department's primary concern and ... treated as a priority by all officers'. Further, it was recorded that,

Due to the necessity to provide for people in a crisis, other areas of the department's work receive less attention. School attendance, supervision of juvenile probationers, after-care for young offenders and other family casework has to be treated as lower priority, as the work of departmental staff is increasingly focused on solving immediate family problems (DYCS AR 1983/84, i).

By 1987 the distinction between 'specialist' child protection staff and other field staff had diminished as the department's field services became engaged in the enterprise of receiving, investigating and assessing child protection notifications. The delivery of child abuse services now represented the department's core child and family service, the fulcrum of the department's activities. Child protection services had 'driven out' all other child welfare services' (Kamerman and Kahn 1990, 7-8) and had become 'the litmus test for conferring eligibility for services' (Lindsey 1994).
6.4.2 From protection to prevention?

Carter (1983) described the early 1980s as an era in which the provision of child welfare services shifted from the delivery of those services which served a 'protective' function to those which were based on 'prevention' and thus on a consensual, negotiated relationship between the State and the family in caring for children. She depicted this era as reflecting a fundamental shift in both the ideological orientation of service delivery as well as the very design of those programs and services. The previous era, characterised for Carter by the operation of protective services which implied an 'official endorsement of the use of the coercive powers of authorities to prescribe and regulate the standards by which children should be raised, at the expense of the views of the natural family' (Carter 1983, iii) was seen to have given way to a new 'partnership' in which the State government child welfare department no longer endorsed prescriptions about 'proper' parenting. Breckenridge, in accord with Carter's depiction, states that,

From the 1970s Australia generally witnessed a decrease in the use of protective interventions particularly substitute care and an increase in the use of preventive interventions. As a result, government interventions into children's lives had become altogether less coercive and more persuasive, as well as less remedial and more developmental (Breckenridge 1994, 142).

These perceptions of the 'fundamental' changes which occurred in the relationship between the state and the family in Australia appear to have been overstated and are not supported by other research. There is salient evidence (for example Vinson and McArthur 1988, Fernandez 1993) that the department's activities in investigating and assessing allegations of child abuse did not take place in a climate of intervention which was characterised by 'less coercive and more persuasive' interventions but in fact replicated the judgements and philosophies of past practices. Vinson and McArthur's (1988) research for example, examined the department's notification data alongside socio-economic data, and found that neglect and parental inability to cope
were the most frequent grounds for notification, accounting for two-fifths of the registered cases, that is, of those cases where the investigation of the alleged abuse resulted in a determination that the abuse had occurred. Importantly, they also found that in the majority of cases, field officers based their assessments of parental inability and neglect on factors that were external to the children concerned and were reliant upon officers' assessments of the adequacy of parental supervision of children, their standard of accommodation and the standard of their family life as reflected in the competence of parents and the quality of family relationships (Vinson and McArthur 1988, 69-70). Significantly, this study established that in almost one out of three cases field staff assessed alleged instances of parental inability or neglect in terms of the child's control and protection and that parental supervision almost invariably was assessed in terms of the mother where, 'in four cases out of every five, parental competence was assessed in terms of maternal attributes' (Vinson and McArthur 1988, 71). A similar claim is made by Mason and Noble-Spruell (1993) who affirm that 'in practice, those intervening into child abuse have continued to define abusive families as 'dysfunctional' and to blame mothers, at the same time ignoring ... structural inequalities' (1993, 30)

It can be concluded that the transition from 'traditional' child welfare services to child abuse services, from the replacement of the 'neglected' child with that of the 'at risk' child has resulted in the 'redesignation' of poverty, social isolation of women and family crises into 'newly-categorised forms of child abuse' (Vinson and McArthur 1988, 63). Even as early as 1983, the department's own research (Kraus 1983) demonstrated that child abuse notifications were characterised by the low socio-economic status of the notified families. The department's research also pointed to the significance of family composition and gender as variables in revealing, for example, that of the notifications which were initiated by parents who cited their inability to
cope with the care of their children, two-thirds of such self-notifications were from female sole parents (Kraus 1983).

To return to Carter's (1983) analysis of the era of 'protection to prevention' where she depicted the change from an historical preoccupation with the protection of children from 'adverse family circumstances', to the emergence of policies which, through the allocation of services and resources, ensured the prevention of a child's placement into care, and 'reinforced and enhanced the caring capacity of the family for the child' (1983, i), Carter stated that,

the pursuit of protective as opposed to preventive policies and services has different implications for the relationships between families and governments. An emphasis on preventive services implies a consensual, negotiated partnership between families and the state in the care of children, whereas an extension of official protective services implies an official endorsement of the use of the coercive powers of authorities to prescribe and regulate the standards by which children should be raised, at the expense of the views of the natural families (1983, iii).

Carter's inference that the move towards 'preventative' services introduced policies and practices which were 'less coercive' and which sought to build a 'partnership' arrangement between the state child welfare agencies and families denies, firstly, the potency of the role of the field officer in investigating child abuse notifications and secondly, erases the important perception that child abuse interventions were not different from, but replicated, past practices. Field officers were no less intrusive and no less empowered to undertake discretionary judgements about mothering, about family relationships and about a range of personal, social and behavioural factors, than they were in the previous decades when assessing the competence of 'inadequate' or 'multi-problem' families. Most importantly, Carter's comments reveal a misreading of the significance of the events which took place in this decade. As discussed in this chapter, the reduction in the number of children in substitute care did not occur as the result of 'less coercive' practices which 'ensured the prevention of a
child's placement into care' (Carter 1983, i). The possibly illusory reduction of the
size of the in-care population of children, and in the number of children entering care,
obfuscated the fact that children continued to be placed in temporary care and in the
care of the non-government sector. While the number of state wards diminished, the
data on a reduction in the number of children who experienced removal, separation
and placement away from their families, is not conclusive.

Finally, Carter's conclusion that child abuse blurred the class and socio-economic
factors which had ensured that state child welfare services policed only the children of
poor families, and that child abuse thus 'transgressed class boundaries' by
representing a social welfare 'problem' which required the possibility of surveillance
of, and intervention into, the lives of all families with children is contradicted by the
evidence (for example Vinson and McArthur 1988, Fernandez 1993). These studies
found that child abuse interventions, like child welfare interventions, were based
upon judgements which Carney (1985b) had defined as 'a convenient descriptive label
for disparate provisions which authorised interventions into the lives of children and
families' (1985b, 205). The decisions about 'risk' to a child were decisions about the
adequacy of parenting, about the conduct of the child, about the child's environment
and about intra-family relationships which were translated through the rhetorical and
other idioms attached to the concept of abuse. These decisions were, as in previous
periods, determinations about the child caring practices of educationally and
economically disadvantaged parents.

6.5 Conclusion

Child welfare systems in most Australian States had undergone significant reforms in
the 1960's. In New South Wales, however, there had been little alteration in the
fundamental precepts which characterised practices in the substitute care arena and
which had existed since the Child Welfare Act was formulated in 1939. In the period from 1976, however, the changes wrought under the Wran Labor government saw a cessation of the 'accommodation of change' which had characterised the child welfare department. The Labor administration introduced numerous legislative, administrative and procedural reforms which impacted strongly on the department's substitute care and child protection services. The government, eager to reform a bureaucracy in crisis and to institute 'solutions' to the burdensome issue of an exponential expansion in the in-care population, where children entered but were unable to exit both foster care and residential care, adopted a vigorous program of review, investigation and evaluation.

The re-evaluation of the caseplans of children in care, and the planned restitution of large numbers of children from a range of substitute care placements back to their families, were the first components of the substitute care program evaluated by the new administration. A number of inquiries, reviews and task force investigations were conducted to examine the department's substitute care program and to identify the policy and procedural directives which could institute significant changes.

The environment in which this process of review was conducted was in accord with a critical examination of the care of children and young people conducted by the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985) which catalogued the imperfections of State child welfare systems. An examination of the child welfare system in the Australian Capital Territory by the Australian Law Reform Commission (1981) also provided further evidence that child welfare programs in Australia denied the rights and interests of children and young people in their care. In addition, the review process was conducted in a milieu which was characterised by a history of limited evaluative research where State child welfare departments had access to very limited indicia
about the effectiveness of their services (Australia Parliament Senate Standing Committee on Social Welfare 1985).

Although the Senate Standing Committee on Social Welfare (Australia Parliament Senate Standing Committee on Social Welfare 1985) reported that there had been a 'decline of enthusiasm' for foster care in most Australian States, it is not possible to observe such a response in the New South Wales child welfare system. The reforms in the substitute care program were fuelled not by a growing dissatisfaction with the 'success' or 'failure' of foster care but more by the intent of the government to transform the tired policies and practices which were constructed as 'out-of-step' with social changes and community expectations. The Labor government was not entirely revolutionary in undertaking this process of review. Other Australian States also conducted inquiries into their child welfare systems during the 1980s. For example the Victorian Child Welfare Practice and Legislation Review Committee, chaired by Carney, was conducted in 1983-84. By 1985, each of the six Australian States and two Territories has undertaken a revision of its child welfare laws (Carney 1985a).

An international critique of residential and foster care services provided a broader context for the process of review conducted in New South Wales. The publication of local data which supported these criticisms (for example Bell 1981) and which positioned the substitute care system in New South Wales as a 'fragmented, confused and directionless' system (Bell 1981, 1), contributed to the atmosphere of urgency which underpinned the government's reform agenda.

The department's own internal inquiry into substitute care articulated the department's intentions that long-term placements for children, in which their contact with their families of origin had been actively discouraged, and in which foster care had maintained preeminence as the officially sanctioned 'desirable' placement for children,
were to cease. The committee which was set up to review the department's residential care program produced a damning illustration of the department's management of its state wards who lived in the department's residential units. The department's Task Force on Residential and Alternate Care was then followed by the establishment of a committee to administer a funding scheme which was designed to address the standard of care provided for children in the care of the non-government sector. Finally, a substitute care review was conducted by the department to evaluate the progress and achievements of its substitute care program. Stage II of this review developed strategies to translate the goals of the department's substitute care program into field practice directives (DYCS AR 1985/86, 13)

There is no doubt as Mowbray (1983) suggested, that the government's child welfare reforms were underpinned by cost-saving objectives. As in all determinations about financial expenditure, the priorities for government spending were not determined solely by the political ideologies of the day, but substantially reflected the government's economic imperatives.

During this period, the department's rhetorical construction of 'neglected' children was replaced by the 'official' categorisation of 'children in need of care', or more colloquially, children 'at risk'. By 1987, the concept of 'child welfare' had been erased from the department's lexicon to be replaced by 'child abuse'. Increasingly, the imperative to assess and investigate child abuse notifications absorbed the activities of field officers whose role embraced the ambiguous and often conflicting imperative to both protect children and to support and assist families.
CONCLUSION

This thesis has undertaken a socio-political examination of the discourses about 'neglected' children which were constructed by, and within, the Child Welfare Department (and subsequently the Department of Youth and Community Services) in New South Wales from 1945 to 1988. This state government bureaucracy is represented as a political focus through which the 'problem' of children charged as 'neglected' children is named, mediated and managed and where the political struggle over the distribution of social, political, cultural and economic resources for the care of children and families in New South Wales is located.

As shown, the politics of this discourse is characterised by limited contestation, whereby the department's engagement in, and production of, the discursive construction of the needs and interests of neglected children revealed a process which reduced complexity through bureaucratic decisions, policy pronouncements and legislative inscription. In this process of political activity, the 'voices' of children, of parents and of foster carers were silenced as they had no vehicle through which to express their opinions and responses. The department created the 'reality' of neglected children by naming this 'reality' and giving it meaning, by determining the fields of inclusion and exclusion, and by conferring particular identities and agencies on the actors engaged in the political process.

The construction of these discourses was authored, designed and sustained by the state government department of child welfare through its authoritative shaping of the 'problem' of neglected children. Several central discursive constructs persisted throughout the period from 1945 to 1988, traversing party political interests and other political processes. These constructs enshrined 'truths' about children and their care, including the assertion that children should whenever possible remain in the care of
their family, that foster care, representing family-like care, was the optimal care arrangement for children, and that some families should be supervised to ensure that their children were provided with an adequate standard of parenting.

This thesis has drawn on the historical accounts which are recorded in the official reports, papers and research and policy publications of the New South Wales Child Welfare Department, later to become the Department of Youth and Community Services. This department has been responsible for the care of state wards both directly, through the care of children in the department's residential facilities and foster home arrangements, and indirectly, through the provision of funding to non-government agencies which provided foster homes and cared for children in large congregate residential settings. The debates about the care of 'the state's children' conducted in the New South Wales Parliament also provided a rich commentary on the state's construction of responses to these children's perceived needs. As shown, these deliberations about the care of 'neglected' and delinquent children, about poor families, the unmarried parent, and the uncontrollable child, enshrined particular perceptions about children and their families which were reflected in the policies and practices of the child welfare bureaucracy.

The utilisation of official documentation of the state government department with responsibility for child welfare policies and services was influenced by my own experiences as an employee of the child welfare department where I had developed an awareness that the department's official pronouncements conveyed a particular construction of its activities. As mentioned in the introduction to this thesis, a wealth of commentary was contained within the 'official' documentation published by the department which could not be located in other external and research sources (Picton and Boss 1981). Additionally, my own experiences as an employee of the department has presented me with an insight into its operation as a body with a potent authority,
not just in its interventions into the lives of children and families, but in its intersections with a range of government and non-government departments and agencies. Thus King's (1997) depiction of an 'authority discourse' reverberated with my analysis of the department's activities and its management of a discourse about its 'clients'.

This thesis has constructed an historical narrative about the children who were admitted or committed to care as state wards, and about the discourses which constructed the state's responses to those children - in constructing children's needs in certain ways, in creating a system of care provision, in presuming children's abilities and capacities, and in determining their presumed 'needs'. As discussed, the state's care of children and families in New South Wales from 1945 was underscored by the provisions of the Child Welfare Act 1939. This Act was amended many times between 1945 and 1988, until being superseded in 1987 by the Community Welfare Act. This examination of the numerous legislative changes and the debates surrounding these changes, provides an account of the public discourses which reflected the state's perceptions of and responses to, neglected children and their families.

The history of officially constructed child welfare in New South Wales since 1945 is in large part a history of the state child welfare department's activities, its involvement with its client constituents, its interrelationship with those organisations which provided related and subsidiary services, and its interface with other government bodies and organisations. The historical narrative included in this thesis has traced the state government's activities as paresns patriae to neglected children who were admitted or committed to the care of the state and placed into substitute care arrangements. The discourses which emanated in each of the historical periods examined in the thesis reflected different policy and program emphases. In each
period however, in spite of these variations, the construction of children as the product of failed or 'problem' families persisted, as did the presumption that children's interests could be addressed by their placement into the care of an alternative family, that is, into foster care.

Chapter 2 considered the first historical period, from 1945 to 1956, during which Australia emerged from World War II with a sense of euphoria and a belief in the country's potential for prosperity and progress. In Australia, child welfare policies continued to favour foster care placements for children, an approach which was supported by Dr John Bowlby's 'maternal deprivation' theory. Although Bowlby's research work was cited in the official reports of the Child Welfare Department in New South Wales as substantiation of the department's placement policies, foster care had in fact been established as a preferred placement for children since the 1880s, when the State Children's Relief Board had begun a program of 'boarding out' to remove children from the poor conditions which characterised institutional care. During this period from 1945, children were removed from their families and placed with foster families, so that the deprivations they experienced with their 'disturbed' families could be addressed and so that they could be provided with the care which would afford them the capacity to develop as good and healthy citizens.

The official data published by the Child Welfare Department indicated that approximately 2 600-2 700 children constituted the total 'official' population of state wards each year in the period from 1945 to 1956. An additional population of children was also resident in the care of non-government agencies. The department's data did not reveal the actual numbers of children who were cared for in out-of-family arrangements at any time, nor reveal the movement of children through the system, nor indicate the duration of children's separation from their families. The children who were resident in the care of religious and charitable organisations, and those
children who arrived in Australia under the Commonwealth *Guardianship of Children Act* 1946 and who were placed into out-of-family care arrangements, were a silent population of children who were not addressed in the state's authorised and hegemonic discourse about 'neglected' children. This 'silent' population included Aboriginal children and those children who resided in the care of non-government organisations. The 'invisibilising' of these children denied them a political status. Indigenous children, too, were rendered invisible through the hegemonic processes which constructed 'family' and 'care' as universal concepts.

The Child Welfare Department's construction of children who lived in out-of-family care located them outside a political discourse which both identified and acknowledged the significance of poverty as a precipitating factor in the breakdown of their families and in the subsequent removal and placement of children. The admission of approximately 500 state wards per year into the care of the Minister for Child Welfare was juxtaposed with the department's rhetorical commitment to the maintenance of children in the 'proper' care of their families. This dichotomous activity permeated the department's perceptions about children and their care throughout this period. The Child Welfare Department's accounts failed to include as 'the children of the state' those children in the care of the non-government sector and in other 'silent' populations of children who did not reside with their families. The quality of care offered to children in non-government children's homes was not the subject of debate, nor was there consideration of the role and responsibility of the state government in addressing the causes of the entry of children to these services. The 'public' debates about children, such as were conducted in the New South Wales Parliament, during this period, constituted delinquent children as a priority concern for the state. The 'other' category of children, the neglected children, were seen to be sufficiently accommodated by the provision of foster families and through the provision of children's homes in the non-government sector.
During this period, the interventions of front-line field officers employed by the Department of Child Welfare shifted from their previous roles as 'inspectors' to that of caseworkers. Casework purportedly involved the provision of supportive intervention which was represented as a 'prevention' service. The field officers' casework activities enshrined the preservation of the metaphorical sanctity of the family unit. The preponderance of rhetorical prescriptions about 'failed families' which permeated debates in the department's official reports, disguised the social and economic circumstances of those families whose children had been removed from their care. Such families were rarely revealed as poor families, or as deserted, unmarried and financially unsupported women and their children. As discussed, the Department of Child Welfare constructed an implication that children who were placed into the care of the department were in need of medical care and therapeutic assistance. This construction obfuscated the realities of the lives of children who became state wards, and denied the effects upon children of long-term separation from their families. For many of the children who were removed from their families during this period, the tenure of their placement in non-family care arrangements continued throughout their childhood.

In Chapter 3, the historical narrative addressed the period from 1956 to 1964, when an amalgamation of child welfare and social welfare services occurred. This amalgamation permitted the Department of Child Welfare a potential and legitimate entry into the lives of all families who applied for social welfare benefits. Such families, the majority of which were single parent female-headed families, were automatically subjected to the supervision of departmental field staff to ensure that they observed correct moral practices, that they did not cohabit with men to whom they were not married, to ascertain that their children were attending school and to ensure that they inculcated the moral standards which would promote the development
of their children as decent and healthy Australians. Those families which required material or financial assistance, or who otherwise came under the surveillance of the department, were assessed as 'multi-problem' families, who were presumed unwilling or unable to benefit from the provisions of the social welfare system. The department's discourse obscured the social and economic conditions which prevailed for many of these families, and obfuscated the department's own data which indicated that homelessness and destitution were significant factors in the breakdown of families and the subsequent entry of their children into the care of the department or of non-government children's homes.

The workload of the department's field officers increased in tandem with the growth in the state's population during the 1960s, a growth which was supplemented by the continued arrival of migrant families. The complexity of the field officer's role was heightened by the perception that the children of newly-arrived immigrant families presented 'special' problems. While by 1961 the number of 'unaccompanied' immigrant children coming to Australia had decreased, the children who had arrived in Australia with their families from Europe were viewed as an 'exotic' category. The child caring practices of immigrant families were considered to result in unacceptable expectations of, and undesirable behaviours in, their children. Newly-arrived families were homogenised as a category of persons whose child caring traditions were inherently questionable, especially in terms of the capacity of migrant parents to ensure that their children attended school. Migrant families and their children were categorised within the corpus of 'multi-problem' families who were considered to over-extend the demands upon the already over-burdened officers.

During this period, the in-care population of children in the non-government sector was greater than the in-care population of children cared for by the Department of Child Welfare. The relationship between the Department of Child Welfare and
agencies and organisation which cared for children in the non-government sector, was formalised between 1956 and 1964 through legislative change and new funding arrangements. The importance of maintaining the capacity of this sector to continue to care for a large population of children became highly significant in this period, when the department's own facilities were over-crowded, and when the department was unable to develop non-residential care arrangements for 'special needs' children, such as children with an intellectual handicap, and very young children who were entering the department's care and residing in over-crowded institutions.

In the face of considerable changes within the Child Welfare Department, the practices which supported the removal and placement of children into state care remained relatively unchanged. The reification of foster care as the most desirable form of care for children was only partially imperilled by the increase in the population of children who were deemed unsuitable for foster placements because of their intellectual handicap. As in the previous period from 1945, children who became state wards were likely to remain in the care of the department for long periods of time. The possible restoration of children to their families however, was articulated in the department's annual reporting of its achievements in 1963 and presaged the first steps in a reconsideration of previous child placement practices.

Chapter 4 considered the historical period from 1965 to 1975. In this period, an emergent body of research pointed to the poor outcomes for children in foster care and residential care, resulting in the 'drift' of children in the in-care system. The certainty which had surrounded the preference for foster care placements for children was briefly destabilised by this data which questioned long-established practices in the child welfare field. During this period, the movement for deinstitutionalisation also gained popularity.
This socio-historical review of child welfare reveals that children continued to be admitted or committed to care and that the 'shape' of the child welfare system changed very little. There were some changes in the provision of residential care, with the closure of larger institutions and the placement of children into smaller, 'family group' homes. Whilst lip service was given to preventing the entry of children to care, to restoring children to their families, and to protecting the 'right' of every child to remain in the care of their family, these ideals were not supported by the development of correlative policies and practices. Subsequently, while the department's official reports gave rhetorical acknowledgment to the criticisms of traditional child caring modes, the department's practices revealed a tardy capacity to institute large-scale changes in residential and foster care programs.

The Coalition administration had instituted a restructuring of the Child Welfare Department, and had pursued several internal inquiries and investigations into the department's operation. From 1965 to 1975 the formerly centralised bureaucracy was partially devolved into a regionalised administration. The process of regionalisation had granted to field officers an expanded discretionary power to assess the eligibility of applicants who applied to the department for social welfare assistance. The Coalition government's administration also began a review of the Child Welfare Act. Although the government had introduced the Youth and Community Services Act in 1974, the introduction of this legislation did not substantially alter the fundamental precepts which constructed the 'neglected' child and the young offender. The Youth and Community Services Act did, however, address the concerns of the non-government sector, which was rewarded with new financial provisions which enabled their continued care of children in their children's homes and prevented the entry of children who had lived in non-government children's homes into the department's care. The proposed formal review of child welfare legislation was not completed at the time of the Coalition government's departure from office following the 1976 State
election. It can be said that although the Coalition administration had recognised the growing body of data which questioned the time-worn practice of placing children into foster care without specific case plans, and had acknowledged the shortcomings of maintaining children in long-term institutional care, it had not been effective in undertaking a vigorous and proactive program to address this critical knowledge. While the number of children entering care during this period diminished as the department continued to re-state the provision that children should only be admitted to care 'as a last resort', the administration was unable to effect a policy of restitution of children from the in-care population to their families or to instigate a cohesive program to address the rising number of intellectually handicapped persons who required services both during their childhood years and after the attainment of adulthood. The changes which occurred in the construction of, and response to, neglected children were, in the main, rhetorical. During this period, the department's administrative energy was devoted to the supposed potential of community development programs to eradicate or ameliorate the increased workloads, the lack of resources and the 'problem' of the continued entry to care of neglected children.

The final period examined, from 1976 to 1988, was characterised by an ambitious and reformative process of review in the Department of Youth and Community Services. The planned reform agenda, however, was impeded by broad social and economic events which created degrees of tension within the bureaucratic change process. The department's attempts to withdraw from its traditional provision of social welfare assistance were thwarted by the continued increase in applications for emergency and financial assistance. This period was one of very high unemployment and joblessness when families, sole parent and unemployed, were compelled by poverty to make repeated calls on the 'emergency relief' provided at State level. This demand presented a dilemma for the department's administration which construed the provision of social welfare assistance as an activity not suited to a dynamic, community services agency.
The period from 1976 to 1988 was one in which the new Premier, in his energetic plan to institute reforms, established a review of the New South Wales public service and created a political milieu which promoted the introduction of significant and innovative agendas of change. This climate afforded the new Minister, Rex Jackson, the opportunity to introduce a series of legislative and programmatic reforms, many of which had been promoted by the former government, but not enacted. The Labor administration's review of the child welfare legislation, represented by the publication of Minister Jackson's Green Paper on the introduction of new community welfare legislation, was also impeded, firstly by a reconsideration of implementation costs, and secondly by the apparent failure of political will of the Ministers who succeeded Jackson during this period. The new, revised Community Welfare Act commenced on 29 May 1987 and was followed, in 1988, by the proclamation of the Children (Care and Protection) Act. By 1988, the issue of child abuse had become a matter of such significance that it had overshadowed many of the government's original legislative designs.

Throughout this period from 1976, the concepts of 'community development', 'community liaison', 'community services' and 'community work' became commonplace in the department's lexicon. This nomenclature was supported by the department's rapid and notable expansion in the provision of funds to community-based programs through the Community Services Funds, and by the aggrandisement of the responsibilities and activities of the department's Community Liaison Bureau.

Chapter 6 addressed the profound changes which occurred in the department's substitute care program during the period of Labor's administration from 1976. The Labor administration introduced numerous legislative, administrative and procedural reforms which impacted strongly on the department's substitute care and child
protection services. The government, eager to reform a bureaucracy in crisis and to institute 'solutions' to the burdensome issue of a considerable expansion in the in-care population, adopted a vigorous program of review, investigation and evaluation. Many of the reforms which were instituted in this period, such as the planned restitution of children from the department's care to that of their original families, had been mooted by the previous government but not underscored by legislative or policy provisions. The reforms in the substitute care program which were introduced during this period were fuelled not by a growing dissatisfaction with the 'success' or 'failure' of foster care but more by the intent of the government to transform the tired policies and practices which were constructed as 'out-of-step' with social changes and community expectations.

During this period, the department's rhetorical construction of 'neglected' children was replaced by the 'official' categorisation of 'children in need of care', or more colloquially, children 'at risk'. By 1987, the concept of 'child welfare' had been erased from the department's lexicon to be replaced by 'child abuse'. Increasingly, the imperative to assess and investigate child abuse notifications absorbed the activities of field officers whose role embraced the ambiguous and often conflicting imperative both to protect children and to support and assist families. As indicated in Chapter 6, the many reforms, including legislative reform, which occurred from 1976 witnessed ultimately the replacement of the discursive and legislative construction of children's welfare with that of children's protection.

This thesis thus depicts the development of the state government department's 'authority discourse', in which the government, operating principally through the organ of the child welfare bureaucracy, was the architect of an authoritative account of the identity of children charged as 'neglected', of their needs, rights and interests, and of the state's responses to those depictions. This officially sanctioned, and indeed sole
and therefore 'privileged' account embraced the prospect of certainty and of expert knowledge and was contained within a discourse in which the state government referred principally to itself as an authoritative and legitimating voice. This process of self-legitimation or social autopoiesis excluded knowledge of, or reference to, those elements which did not constitute a part of the department's own authorised system. The discourse about neglected children was constructed from within the child welfare bureaucracy and was little changed by 'expert' and other commentaries from outside that structure. While developments in sociology and psychology, or the dissemination of new research data about children's care may have been acknowledged, there existed no evidence that such recognition was received as other than a foundation which supported a range of pre-existing bureaucratic imperatives. Thus, the 'problem' of neglected children was reproduced in terms which were amenable to the bureaucracy's communications and operations, and where the paradoxes inherent in this definitional construction were concealed through the formation of a bureaucratic, social and policy environment in which paradoxes either did not appear, or were represented as unproblematic.

In conclusion, it is apt to repeat Lindsey's (1994) statement that,

> by every standard, ... the system ... has failed to make progress for children. While the system has seen periods of progress, overall it has not adapted to the major demographic and structural changes that have occurred. In critical ways, the system lacks the instruments to effectively solve the problems confronting children ... (1994, 5).

Increasingly in the 1990s, children are recognised in a political agenda which seeks to address their rights, and it can be said that 'late-modern society has re-adopted the child' (Jenks 1996, 16). Whatever the location of children in late modern society, the role of the state in ensuring the adequate care and protection of children, particularly when the state assumes the role of 'parent' of such children, continues to be characterised in New South Wales by the state's authoritative depictions of what is
'best' for children. Such depictions continue in an arena in which there is limited contestation over the state's construction of the needs, rights and interests of the child 'at risk'.
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## INNOVATIONS IN SOCIAL WELFARE BY THE AUSTRALIAN GOVERNMENT COMMONWEALTH DEPARTMENT OF SOCIAL SECURITY

<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>1912</td>
<td>Maternity allowance: grant of a flat rate free of means test allowance on the birth of a child, where the child was born alive or was a viable child, unless the mother was an Asiatic or an Aboriginal of Australia, Papua or the islands of the Pacific.</td>
<td>Fisher Labor</td>
</tr>
<tr>
<td>1926</td>
<td>Maternity allowance: eligibility conditions rephrased to exclude 'aliens' rather than 'Asiatics'.</td>
<td>Bruce-Page Nationalist Country Party Coalition Scullin Labor</td>
</tr>
<tr>
<td>1931</td>
<td>Maternity allowance: changed to an income-tested basis.</td>
<td>Menzies United Australia Party</td>
</tr>
<tr>
<td>1941</td>
<td>Child endowment: introduced in respect of each child after the first child for children under 16 years of age. Granted free of means test.</td>
<td>Curtin Labor</td>
</tr>
<tr>
<td>1942</td>
<td>Widow's pension: introduced, subject to means and residence test, to three categories: Class A - widow with at least one child under 16 years Class B - widow over 50 years with no children under 16 years Class C - other widows in &quot;necessitous circumstances&quot; following the death of a spouse (maximum period of 26 weeks) 'Widow' included, under certain conditions, a deserted wife, a divorcee, a women whose husband was in a hospital for the insane, and a de facto widow</td>
<td>Curtin Labor</td>
</tr>
<tr>
<td>1942</td>
<td>Aborigines: granted eligibility for age, invalid and widow's pension and maternity allowances subject to certain restrictions (eg age and invalid pensions payable if living in civilised conditions and of good character and intelligence)</td>
<td>Curtin Labor</td>
</tr>
<tr>
<td>1943</td>
<td>Wife's allowance: means tested allowance introduced for the non-pensioner wife of an invalid pensioner or of an age pensioner who was permanently incapacitated for work of blind</td>
<td>Curtin Labor</td>
</tr>
<tr>
<td>1943</td>
<td>Maternity allowance: income test abolished</td>
<td>Curtin Labor</td>
</tr>
</tbody>
</table>
1944 Social work casework service: introduced to assist social service beneficiaries with problems arising from or contributing to, their invalidity or widowhood etc

1945 Unemployment and sickness benefits: introduced on an income-tested basis subject to a 7 day waiting period for men aged 16-64 and women aged 16-59 who had resided in Australia for a period of at least 12 months immediately prior to the date of the claim. An applicant for unemployment benefit was required to show that he was capable if undertaking and willing to undertake suitable work and that he had taken reasonable steps to obtain such work. Sickness benefit was payable to persons temporarily incapacitated for work because of sickness or accident. Also included provisions for additional benefit for a dependent wife and one child under 16 years

1945 Special benefit: granted at the discretion of the Director General to a person who by reason of age, physical of mental disability or domestic circumstances or any other reason was unable to earn a sufficient income for himself and his dependents and did not qualify for a pension or unemployment or sickness benefit

1947 Wife's allowance: extended to a de facto wife. Payment continued where the husband entered a benevolent asylum provided the wife was aged 50 or more and had the care of children under 16 years of age

1947 Child's allowance: extended to single pensioners who were incapacitated for work

1947 Class D widow's pension: additional class introduced for women over 50 years, or with one or more children under 16, whose husband had been in prison for 6 months

1947 Unemployment, sickness and special benefits: provision for payment of a partial additional benefit introduced where a beneficiary had dependent children under 16 years of age, was not receiving benefit for his wife and had a housekeeper substantially dependent on him but not employed by him

1950 Child endowment: extended to the first child under 16 years
1952 Residence qualification: for widow's pension reduced from 5 years to one year of couple were residing permanently in Australia when the husband died

1956 Class B widow's pension: extended to widows aged 45-50 who lost their entitlement to Class A pensions through ceasing to have custody or care of a child under 16

1956 Additional pension for children: introduced, subject to means test, for a second and subsequent children of invalid and permanently incapacitated age pensioners, and widow pensioners

1958 Supplementary assistance: introduced for single age, invalid and widow pensioners, (or married pensioners where the spouse was not receiving a pension or allowance) paying rent and entirely dependent on pension (eligible criteria)

1959 Aborigines: all Aboriginal natives, other than those who were nomadic or primitive, became eligible for social service benefits on the same basis as other member of the community

1960 Class D widow's pension: abolished as a separate class, women formerly in Class D to qualify for Class A or Class B widow's pensions, whatever was appropriate to their circumstances

1961 Merged means test for pension and wife's allowance: combined the separate income and property tests and removed the separate disqualifying limit for property - maximum rate of pensions reduced by amount by which "means as assessed" (income plus property component) exceeded prescribed figure

1962 Additional benefit for children: payable to unemployment and sickness beneficiaries for second and subsequent children under the age of 16 years

1963 Standard rate of pension: new rate introduce for single, widowed and divorced pensioners and certain married pensioners. Married rate for other married pensioners

1963 Widow's pension: Class A pension extended to a widow with dependent student child over 16 until th end of the year in which the child reached 18 years

Menzies Liberal - Country Coalition
<table>
<thead>
<tr>
<th>Year</th>
<th>Description</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>1963</td>
<td>Child's allowance/additional pension of children: extended to cover student child to 18 years. Allowance in respect of first child of a widow pensioner introduced</td>
<td>Menzies Liberal - Country Coalition</td>
</tr>
<tr>
<td>1963</td>
<td>Mother's allowance: introduced for all widow's with one or more children</td>
<td>Menzies Liberal - Country Coalition</td>
</tr>
<tr>
<td>1965</td>
<td>Wife's allowance: extended to wife of any pensioner with the care of one or more children under 16</td>
<td>Menzies Liberal - Country Coalition</td>
</tr>
<tr>
<td>1965</td>
<td>Child's allowance/additional pension for children: extended to children of all age pensioners; also extended to cover student children to age 21 years</td>
<td>Menzies Liberal - Country Coalition</td>
</tr>
<tr>
<td>1966</td>
<td>Residence qualification: provisions which disqualified aliens form receiving age, invalid or widow's pension were repealed</td>
<td>Holt Liberal Country Coalition</td>
</tr>
<tr>
<td>1967</td>
<td>Widow's pension: payable from date of husband's admission to hospital if claim lodged within 3 months of that date</td>
<td>Holt Liberal Country Coalition</td>
</tr>
<tr>
<td>1967</td>
<td>Child endowment: rate of endowment increased for the fourth had each subsequent child under 16</td>
<td>Holt Liberal Country Coalition</td>
</tr>
<tr>
<td>1968</td>
<td>Widow's pension: residence requirement removed if the women and her husband were residing permanently in Australia at the time she become a widow</td>
<td>Gorton Liberal Country Coalition</td>
</tr>
<tr>
<td>1968</td>
<td>State's Grants (Deserted Wives) Act: introduced $1 for $1 subsidy, within limits, to States to assist needy mothers of families without a breadwinner not eligible for assistance under the Social Services Act</td>
<td>Gorton Liberal Country Coalition</td>
</tr>
<tr>
<td>1972</td>
<td>Supplementary assistance: extended to married couples paying rent, subject to a means test with a free area</td>
<td>McMahon Liberal Country Coalition</td>
</tr>
<tr>
<td>1972</td>
<td>Pension rates: Class B and C widow's pensions brought up to the same level as the standard rate of age or invalid pensions</td>
<td>McMahon Liberal Country Coalition</td>
</tr>
<tr>
<td>1973</td>
<td>Supporting mother's benefit: introduced for unmarried mothers and mothers who are deserted de facto wives, not eligible for widow's pension. Payable at the same rate and subject to similar conditions as the Class A widow's pension. Payable six months after the date of the event which gives rise to eligibility</td>
<td>Whitlam ALP</td>
</tr>
<tr>
<td>Year</td>
<td>Description</td>
<td>Party</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>1973</td>
<td>Additional pension for children: removal of age limit (21 years) on payment of benefit in respect of a dependent full-time student child; extension to a child born to a widow pensioner after her husband died or after separation (previously only paid of born of the marriage)</td>
<td>Whitlam</td>
</tr>
<tr>
<td>1973</td>
<td>Additional benefit for children: extended to the dependent full-time student child, aged 16 years or more, of a beneficiary</td>
<td>Whitlam</td>
</tr>
<tr>
<td>1974</td>
<td>&quot;Character&quot; and &quot;not deserving&quot; provisions: removed from the Social Services Act</td>
<td>Whitlam</td>
</tr>
<tr>
<td>1974</td>
<td>Mother's allowance/additional pension for children: extended to Class B widows who have the custody, care and control of any child</td>
<td>Whitlam</td>
</tr>
<tr>
<td>1974</td>
<td>De facto wives: provisions for de facto wives of pensioners extended to unemployment and sickness beneficiaries (ie treated in the same way as legal wives if the parties had lived together on a normal domestic basis for not less than 3 years</td>
<td>Whitlam</td>
</tr>
<tr>
<td>1974</td>
<td>Handicapped child's allowance: introduced. Paid free of means test to parents or guardians of physically or mentally handicapped children under 16 years who are cared for in a family environment and who, because of the severity of the handicap, are in need of constant care and attention</td>
<td>Whitlam</td>
</tr>
<tr>
<td>1976</td>
<td>An Aboriginal Unit: established together with Aboriginal welfare officers</td>
<td>Fraser</td>
</tr>
<tr>
<td>1976</td>
<td>Social workers and welfare officers: introduced into the regional office network</td>
<td>Fraser</td>
</tr>
<tr>
<td>1976</td>
<td>Pensions: became taxable</td>
<td>Fraser</td>
</tr>
<tr>
<td>1976</td>
<td>Pensions income test: replaced the means test for all pensioners and supporting mother's benefits</td>
<td>Fraser</td>
</tr>
<tr>
<td>1977</td>
<td>Supporting parent's benefit: replaced supporting mother's benefit, eligibility extended to men</td>
<td>Fraser</td>
</tr>
<tr>
<td>1978</td>
<td>Maternity allowance: abolished</td>
<td>Fraser</td>
</tr>
</tbody>
</table>
1980  Supporting parent's benefit: six months waiting period abolished  
Fraser Liberal County Coalition

1981  Double orphans' pension: extended to refugee children  
Fraser Liberal County Coalition

1983  Family Income Supplement: introduced for low income families not receiving a pension or benefit  
Hawke ALP (legislated under Fraser)

1984  Family Income Supplement: transferred form the main breadwinner to the person receiving Family Allowance normally the mother in two-parent families  
Hawke ALP

1985  Family Allowance: ceased to be payable for students over 18 or where parent not in receipt of pension or benefit  
Hawke ALP

1986  Family Allowance: ceased to be payable for students aged 16 or over in receipt of secondary education allowance (Secondary Assistance Scheme)  
Hawke ALP

1986  Young Homeless Allowance: introduced, for unmarried young people under 18, unable to lie at home and receiving no support from parents  
Hawke ALP

1987  Class A widow's pension and supporting parent's benefit: restricted to those with a child under 16  
Hawke ALP

1987  Class B widow's pension: begun to be phased out - new claims limited to those who, at 1 July 1987, were aged 50 or over, or sole parents aged 45 or over, creating a closed group  
Hawke ALP

1988  Class A widow's pension and supporting parent's pension: with introduction of the Child Support Agency maintenance orders were to be enforced  
Hawke ALP

1988  Maintenance income test: with the introduction of the Child Support Scheme, a separate maintenance income test was introduced for pensions and benefits  
Hawke ALP

1988  Family Allowance Supplement: made subject to an assets test  
Hawke ALP

Sources: Commonwealth Department of Social Security  

Diary of Social Legislation and Policy 1980 - 1990,  
Institute of Applied Economic and Social Research, University of Melbourne;  
Institute of Family Studies, Melbourne;  
Social Welfare Research Centre, University of New South Wales.
APPENDIX 2

CHRONOLOGY OF ADMINISTRATIVE AND LEGAL 'EVENTS' IN CHILD WELFARE IN NEW SOUTH WALES 1881 - 1988

1881  *The State Children's Relief Act*: authorised the State Children's Relief Board to remove children from institutions and board them out

1883 Establishement of the NSW Aborigines Protection Board (APB)

1891 *NSW Children's Protection Act*

1909 *Aborigines Protection Act*: granted power to Aboriginal Protection Board to remove children without their parents consent if found by a magistrate to be neglected

1915 Amendment to *Aborigines Protection Act* enabling the removal of Aboriginal children if Board officials considered it to be in the interests of the child's moral or physical welfare. No court hearings were necessary

1916 Register of Wards commenced which gave details of every Aboriginal child's commitment to the home and the later history of each ward (practice was discontinued in 1928)

1916 *Public Instruction Act*: All children must attend school

1918 Amendment to the Aborigines Protection Act extending the powers of the Board from full bloods to half castes

1923 State Children's Relief Board and the office of President abolished. New South Wales Child Welfare Department established as a sub-department of the Department of Public Instruction under the administration of the Secretary, Child Welfare Department

1924 *Child Welfare Act*

1925 *Child Welfare (Amendment) Act*

1925 *Child Welfare (Amendment) Act*

1937 First conference of federal and state governments Aboriginal Affairs officials. Policies and practices were to be directed toward the education of Aboriginal children of 'mixed aboriginal blood' so that they would be able to 'take their place in the white community on an equal footing with the whites' (in d'Souza 1995, 1)
1939  *Child Welfare Act:* All children could be admitted to, or committed to the guardianship of the Minister through three avenues: where hardship, lack of housing, loss of parents or other misfortune made it necessary for parents or relative to apply for admission to state control; if children were found to be neglected or uncontrollable or guilty of an offence within the meaning of the Act by a children's court they could be committed to the care of the Minister under Scts 82-83 of the Act; children could be transferred from an institution for boarding out under Sct 53 of the Act. Position of Director, Child Welfare Department established

First Director of Child Welfare Department

1940  *Youth Welfare Act:* raised school leaving age

1941  *Child Welfare (Amendment) Act*

Child Welfare Advisory Council constituted

1944  Hicks appointed as Director, Child Welfare Department

1946  *Commonwealth (Guardianship) Act:* the Commonwealth accepts guardianship of immigrant children who are also placed into state government care

Child Welfare Department given full departmental status

1955  *Child Welfare (Amendment) Act*

1956  Ministry of Child Welfare and Social Welfare established - child welfare and social welfare administrations combined

*Child Welfare (Amendment) Act*

1960  *Deserted Wives and Children (Amendment) Act*

1961  *Child Welfare (Amendment) Act:* state government to make payments to charitable homes which are caring for children. As a result, an additional 945 children become state wards

1965  *Adoption of Children Act*

May 1965, a Liberal government elected

1966  *Child Welfare (Amendment Act):* allowances for inmates of charitable homes, depots or hostels

1967  Referendum passed giving federal governments constitutional power to pass laws for the benefit of Aboriginal people and for Aboriginal people to be counted in the census

1967  Part IX of the *Child Welfare Act* amended: the state government can now retain the wardship of persons over the age of eighteen years if they are intellectually disabled
1969
*Aborigines Act*: Abolition of the Aborigines Protection Board
Aboriginal children, previously the responsibility of the Aborigines Welfare Board, automatically become state wards


1970
Kinchela Boys Home closed.
7 boys, still in residence, were placed in other children's homes

*Minors (Property and Contracts) Act*: retention of guardianship of ex-wards

1971
*Adoption of Children (Amendment) Act*: relating to residence qualification

Aborigines Advisory Council established

1973
*Youth and Community Services Act*: Child Welfare Legislation Review Committee set up; changed the title of the department to Youth and Community Services; stated duties, powers and functions of the Minister

*Aborigines (Amendment) Act*: reconstituted the Advisory Council; establishment of Aboriginal Lands Trust

1974
Formal change of name of the department to the Department of Youth and Community Services

Community Liaison Bureau established in central office of the department

Child Welfare Legislation Review Committee begins process of review with five review teams and a specialist legislative advisory project under Judge Muir

Part IX of the *Child Welfare Act* proclaimed: provision for handicapped persons

1975
From January 1975, department retitled as Department of Youth, Ethnic and Community Affairs

Child Welfare Legislative Review Committee reports to the Minister

1976
Change of government to Labor following election in New South Wales in May 1976

1977
*Child Welfare (Amendment) Act*: provision for the notification of suspected cases of child abuse.

New procedures established for the interrogation of young people in Police stations. Police must interview only in presence of adult relative or designated person. Public outcry at changes to interrogation procedures, thought to be 'too lenient'
1977  *Children (Equality of Status) Act*: removal of 'illegitimacy', changes to birth certificates

1978  NSW Parliamentary Select Committee on Aboriginal People in NSW

Publication of a Green Paper, by Minister Rex Jackson, on the introduction of community welfare legislation:
- introduction of the concept of 'child in need of care'
- proposed diversionary programs for young offenders
- proposal to establish a Community Welfare Tribunal

1979  *Aboriginal (State Grants) Act*

*Youth and Community Services (Amendment) Act*: licensing of residential facilities for intellectually handicapped people
*Child Welfare (Amendment) Act*: licensing of certain sheltered workshops for intellectually handicapped people

1981  Community Welfare Bill: divided into thirteen parts: community welfare and social development; general welfare assistance; home care services; disaster welfare services; children's welfare; criminal proceedings involving children; the Children's Court of New South Wales; children and other persons subject to control or remand; handicapped person's welfare; and appeals to the Community Welfare Appeals Tribunal

1982  *Community Welfare Act; Children (Care & Protection) Act; Children (Criminal Proceedings) Act; Children (Community Service Orders) Act; Children (Detention Centres) Act*

Separate legislation to address 'delinquent children' and 'dependent children'

1985  *Crimes (Child Assault) Amendment Act, the Evidence (Children) Amendment Act and the Oaths (Children) Amendment Act*

1987  *Children (Care and Protection) Act*
also
*Children (Care and Protection) Act*, *Children (Criminal Proceedings) Act, Children (Community Service Orders) Act, Children (Detention Centres) Act 1987, Children's Court Act, Miscellaneous Acts (Community Welfare) Repeal and Amendment Act, Disability Services and Guardianship Act*
