

1943.

WESTERN AUSTRALIA.

REPORT

of the

ROYAL COMMISSION

appointed to Inquire into

The Care and Reform of Youthful Delinquents

Presented to both Houses of Parliament by His Excellency's Command.

[FIFTH SESSION OF THE SEVENTEENTH PARLIAMENT.]

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REPORT of the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.

To His Excellency Sir James Mitchell, K.C.M.G., Lieutenant-Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.

May it Please Your Excellency :

We, the Members of the Royal Commission appointed to inquire into and to report upon—

- (a) what provision should be made by the State for the care and reform of youthful delinquents ;
- (b) the conditions of Barton's Mill Prison as a place of detention for male youthful delinquents, and of York, or elsewhere, for females, and whether improvements can be effected at such places for such purpose ;
- (c) the problem of juvenile delinquency generally ;

have the honour to present to Your Excellency our Report, as follows :—

Your Commission, acting in the first instance as a Select Committee of the Legislative Council, has held 15 sittings and examined 23 witnesses.

The evidence submitted has been of a highly informative character. It has made clear that the problem of child delinquency is a serious one, and one that in the interests of the State should be dealt with in comprehensive fashion.

Of recent years many Royal Commissions and Select Committees in different parts of the world have investigated and submitted reports on this matter. They have reached general agreement, both as to the causes of juvenile delinquency and the methods that should be followed in its prevention and treatment.

Of the causes the most frequent is found to be lack of parental control, particularly in what are called " broken " homes.

Next to this comes some form of abnormality, either mental or physical.

War conditions have contributed to an increase in the more serious forms of delinquency, due to the absence of many fathers on service, and to the general laxity that characterises wartime life. Some witnesses consider the slackening of religious instruction and of the Sunday school is a contributory cause.

Other witnesses regard a certain class of picture-show as inciting to lawlessness, but there was no general expression of opinion that the pictures were responsible to any great extent for the increase in child delinquency.

The ease with which articles can be stolen from multiple shops was also quoted as a contributing factor.

Boys allowed to roam streets at night, patronising fun fairs, was suggested as leading to delinquency, but this is regarded as an outcome of inefficient parental control.

Your Commission sets higher value on preventive rather than correctional methods. The evidence suggests that a very large percentage of those children who make a second appearance before the Children's Court are convicted again and again and finally lapse into a life of crime.

It is now widely recognised that in the formation of character far more can be done between the ages of two and six than in any later period, and for this reason the wide extension of the Kindergarten movement must be regarded as a first essential. It is disquieting to think that no progress was made in this work during the decade preceding the outbreak of war, but the recognition of its importance by both Federal and State Governments is a hopeful sign.

Your Commission considers that much excellent work is being done by the Police Boys' Clubs and strongly urges the extension of their activities.

Idleness always invites evil. Every step in the direction of affording young people opportunities for the rational and pleasurable enjoyment of leisure should be encouraged by private charity and Governmental approval, and the widest possible facilities should be provided for the acquiring of useful knowledge and cultural attainments. There is great scope for the establishment of youth clubs for both girls and boys. The Police Boys' Clubs serve a dual purpose : They provide a beneficial method of employing leisure for the boys, and also establish between young lads and the police a mutual understanding that must be of great advantage to the community.

Regarding present methods of treatment of delinquents, your Commission fully recognises the difficulties that have to be faced, and does not desire to be over-critical. At the same time it is satisfied that there is weakness in dealing with cases of persistent offenders. The evidence submitted by the Inspector

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ROYAL COMMISSION

WESTERN AUSTRALIA, } By His Excellency Sir James Mitchell,
TO WIT. } K.C.M.G., Lieutenant-Governor in and
JAMES MITCHELL, } over the State of Western Australia
Lieutenant-Governor. } and its Dependencies in the Common-
[L.S.] } wealth of Australia.

To the honourable Sir Hal Pateshall Colebatch, K.B., C.M.G., M.L.C.; the Honourable Cyril Richard Cornish, D.S.O., M.L.C.; the Honourable Edmund Henry Hartley Hall, M.L.C.; the Honourable Charles Bennett Williams, M.L.C., and the Honourable Garnet Barrington Wood, M.L.C.

I, THE said Lieutenant-Governor, acting with the advice and consent of the Executive Council, do hereby appoint you the said Sir Hal Pateshall Colebatch, Cyril Richard Cornish, Edmund Henry Hartley Hall, Charles Bennett Williams, and Garnet Barrington Wood to be an honorary Royal Commission, without payment of remuneration, to do the following things, namely:—

1. To inquire into and report upon—
 - (a) what provisions should be made by the State for the care and reform of youthful delinquents;
 - (b) the conditions of Barton's Mill prison as a place of detention for male youthful delinquents and of York or elsewhere for females, and whether improvements can be effected at such places for such purposes; and
 - (c) the problem of juvenile delinquency generally:

AND I hereby appoint you the said Sir Hal Pateshall Colebatch to be Chairman of the said Royal Commission:

AND I declare that you shall, by virtue of this Commission, be a Royal Commission within the Royal Commissioners' Powers Act, 1902, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1928, and that you shall have the powers of a Royal Commission or the chairman thereof under the said Act:

AND I hereby request you, as soon as reasonably may be, to report to me in writing the result of this your Commission.

Given under my hand and the Public Seal of the said State, at Perth, this 11th day of May, 1943.

By His Excellency's Command,

J. WILLCOCK,
Premier.

GOD SAVE THE KING ! ! !

in charge of the C.I.B. shows that convicted children are released again and again. So far from applying to isolated cases, it seems to be a common practice. He quoted 18 cases of boys who had been convicted on from nine to 52 charges, and who were almost continuously at liberty to the danger of the community and their own undoing.

Your Commission is of opinion that this, in common with other defects in the present system, can be remedied only by closer co-operation between the different departments concerned, and consequently makes its main recommendation the establishment of a Child Council to co-ordinate the work of all those institutions of Government concerned with youth welfare.

Many witnesses strongly condemned the present practice of newspaper publication of details of Children's Court proceedings; in fact, there was unanimity that this acted as an incitement to delinquency. The children whose cases were published regarded themselves as heroes, and other children were incited to emulate their performances.

Your Commission is impressed with the great importance of the probationary system and considers that it should be extended. Witnesses urged:—

- (1) The establishment of a clinic for examination, both from a general medical and psychological standpoint, and before they are presented to the Court, of all children arrested; and
- (2) The appointment of additional highly-trained probationary officers—both men and women—and recognition that their qualifications entitled them to adequate remuneration.

Your Commission is aware that neither of these requirements is capable of immediate complete realisation, but given the setting-up of a Child Council, as suggested, they should be gradually accomplished.

Your Commission, in the course of its investigations, visited the Roe Street lock-up; the Receiving Home at Mt. Lawley; the Psychological Department at the University; the Home of the Good Shepherd; the Church of England Boys' Orphanage at Upper Swan; Barton's Mill Prison; and the Salvation Army Home at Seaforth. Transport difficulties prevented a visit to the Roman Catholic Home at Bindoon, but evidence was furnished regarding that institution.

Your Commission desires to express its warm appreciation of the pains taken by the different witnesses in the preparation of their evidence. This, and the nature of the evidence given, satisfied the Commission that there are, in the different departments, officers who take a deep personal interest in their work, and who would be more than ready to accept the responsibilities of membership of the suggested Child Council.

Your Commission is of opinion that the printing and wide publicity of the evidence would serve a high purpose, but makes a recommendation in that direction with diffidence, and subject to the more exact knowledge of those who are faced with war-time difficulties in matters of this kind.

The Secretary (Mr. A. B. Sparks) has been assiduous in his attention to the work of the Commission, and is accorded its warmest thanks.

RECOMMENDATIONS.

Your Commission recommends:—

(A) That a Child Council be established, consisting of representatives of those socialising instruments of Government at present concerned with separate aspects of youth welfare, viz.: The Education Department; the Child Welfare Department; the Children's Court; the Youth Section of the Department of Labour and National Service; the Medical Department; and the Police Department. The members of the Council would act in an honorary capacity as a part of their ordinary duties. One representative of the Medical Department might be a trained psychologist. It would be the duty of the Council to co-ordinate the activities of the different authorities, and to acquire knowledge of the circumstances surrounding each case of delinquency, with a view to making sustained efforts at reform.

In making this recommendation, your Commission has in mind that the Council should be a permanent organisation, holding regular sittings and submitting recommendations from time to time for the better handling of the problem of juvenile delinquency in all its branches.

Amongst the activities of the Council would be the supervision of a filing system through which the records of each delinquent child might be followed.

From the evidence tendered your Commission is satisfied that there are, in the different departments, officers well qualified to constitute such Council, and imbued with the necessary personal interest in their work.

(B) That the publicity of proceedings in the Children's Court be drastically restricted. Witnesses were unanimous in their condemnation of the present practice of permitting the publication of details on the grounds that it had the effect of encouraging, rather than mitigating, delinquency.

(C) That the building of an auxiliary lock-up for children in the yard of the police station at Roe street (plans for which have been prepared) be proceeded with immediately. The Commission fully sympathises with the views of those who dislike the idea of this lock-up being at the police station, but since man-power restrictions, and financial considerations make it clear that much time is likely to elapse before anything of

a permanent character can be attempted, it is thought that this lock-up should be provided as a temporary expedient. The only alternative seems to be the continued use of the existing lock-up, which is unsatisfactory in the highest degree.

Members of your Commission were deeply concerned to find that juvenile offenders were confined in such conditions for considerable periods. Their feelings are fully shared by the Police authorities who are anxious that the situation should be remedied in the manner suggested. When constructed, this building might also serve the purpose of temporarily housing delinquents for which the reception home at Walcott street is now used—and for which it cannot be considered satisfactory.

(D) That a State institution be provided capable of taking, say, twenty boys, and from which they could not escape. This should be used only for the more hardened offenders whom the existing institutions will not take. Workshops could be provided where the boys might learn trades. If established at Barton's Mill, it should be safe against escape and effectively separated from the adult prison. Subject to these conditions, the Commission does not consider Barton's Mill an unsuitable site for the purpose.

(E) There is also a need for the establishment of a Home for delinquent girls. At present the Department is entirely dependent upon the good offices of the Home of the Good Shepherd. Having visited the Home, the Commission is satisfied that the work there is of the highest order and that the State is greatly indebted to those conducting it. There are, however, cases unsuited to such an institution, though the urgency is not so acute as in the case of the boys.

(F) The Commission strongly approves of the practice of small weekly payments being made to delinquents, as is done in some institutions. Under the direction of the proposed Child Council this might be made a general, and fairly uniform, practice.

(G) Better methods should be adopted in dealing with persistent offenders. Evidence suggests that about fifty per cent. of these continue a life of crime when they become adults. A number of cases were submitted of boys of ages varying from nine to 16 who were committed by the Children's Court to an institution until they were 18 years of age, released after a short period on good behaviour, and thereafter committing offence after offence—in several cases over 20 offences, and some over 50, and winding up with prolonged gaol sentences when they passed from the jurisdiction of the Children's Court. It is not too much to say that the members of the Commission were shocked by the revelations made in this connection. A most unsatisfactory state of affairs can be met only by closer co-operation between the Child Welfare Department, the Children's Court, and the Police, under the general oversight of the Child Council.

Whilst satisfied that good work is being done by the existing denominational institutions, the Commission is of opinion that, in all cases facilities should be provided for the learning of trades. The value of an institution like Seaforth is restricted by the fact that it teaches only farming, to which all boys are not adapted.

Members of the Commission have visited these institutions. In all cases financial difficulties have stood in the way of development. Child endowment has opened up new opportunities, and given a continuance of generous Governmental support there should be a marked increase in the beneficent influences of all of them.

(H) That consideration be given to the desirableness of separating the Children's Court into two sections—one dealing with children under 12, and the other with children of 12 to 18. There need not necessarily be two magistrates, but the sittings of the two courts should be held on separate days—or, at least, at quite distinct times.

The Committee does not think it was the intention of the State Children's Act that adult offenders should be tried in the Children's Court and disapproves of such practice, saving in most exceptional circumstances.

(I) That the probation system be extended, as a means of dealing with children who need never be brought before the court, and of more effectively following up children once convicted. Your Commission is satisfied that probation officers require high qualifications, and should receive suitable recognition. Evidence suggests that good results have followed the psychological examination of children before trial, and it has been urged by witnesses that a clinic should be established at which this examination should be extended to all the children before trial. The Commission does not feel qualified to express dogmatic opinion as to the extent to which the problem of delinquency is a psychological one, but is confident that the proposed Child Council would find the best means by which the services of trained psychologists might be employed, both in the treatment of children, and in the instruction of parents, in some such manner as the Baby Welfare centres operate to-day.

(J) That care should be taken to see that boys under 14 years of age, who are issued with licenses for street trading (selling newspapers) should not be permitted to remain on the streets after, say, 8 p.m. The cancelling of licenses of offenders would probably have the desired effect. Without criticising present methods the Commission considers that great discrimination should be shown in the issuing of licenses to boys under 14 years of age, and regard should be had to the extent to which it may interfere with their educational opportunities. These licenses should be issued subject to the approval of the Child Council.

(K) That the pre-school training of children on the Kindergarten system should be accepted as a State responsibility that can be discharged only by the provision of facilities for such pre-training for all children from the age of two, until the compulsory school age is reached. There is unanimity of opinion that these

early years play the most important part in the formation of character. At the outset these schools might be established on the basis of voluntary attendance, and unquestionably the demand would far exceed the present capacity to supply either schools or teachers.

(L) That every possible encouragement and assistance be given to the Police Boys' Clubs, whose activities should be extended until they cover every considerable centre of population in the State.

(M) The school age should be extended to 15 years, and with as little delay as possible, to 16. It is recognised that war conditions may make any immediate operation of this recommendation impossible, but your Commission is of opinion that the necessary legislation should be passed, so that preparation might be made for the introduction of the reform as soon as circumstances permit. Your Commission is fully alive to the fact that the same class of education is not suitable for all children over 14 years of age, but the problem thus suggested is not beyond the capacity of educational authorities to meet. Suffice it to say that a combination of training—moral and physical—with teaching, must be the aim. It was not within the province of your Commission to consider the school curriculum, but it is felt that some good might be accomplished by constantly urging upon the children respect for public property ; by impressing upon them that it is their property, and that its destruction means loss to their parents, and eventually, to themselves.

Your Commission does not suppose that all of these reforms can be put in hand quickly. Those of a most urgent character have been specified. The subsequent recommendations are, for the most part, dependent upon the adoption of the first : the establishment of a Child Council from which would come suggestions for continuous improvements in all departments of child welfare.

Your Commission is strongly of opinion that there must be a fuller recognition of the responsibility of the State for the care of the child, and of the necessity for the provision of adequate money for this purpose.

In a country of great area, vast possibilities, and scanty population, it cannot be tolerated with complacency that even a small number of children should be diverted from useful to criminal lives. The evidence is convincing that, taken in time and properly treated, most delinquents can be re-educated ; but that, otherwise, they generally go from bad to worse.

By way of emphasising the urgency of its main recommendations, your Commission would direct special attention to the unanimity of opinion that defective parental control is the chief cause of juvenile delinquency, and that this defect is particularly noticeable in what are known as " broken homes." The need for immediate action lies in the fact that war conditions are bound to greatly increase the number of " broken homes." Fathers killed in battle, hasty and ill-conceived marriages, desertions, and divorces, must mean that an increasingly large number of children will be without the guidance that good and united homes afford. Their welfare is clearly an obligation of the State since their condition is the direct result of the war.

Signed—

Hal Colebatch, Chairman.
C. R. Cornish, Member.
E. H. H. Hall, Member.
C. B. Williams, Member.
G. B. Wood, Member.

A. B. Sparks, Secretary,
Parliament House, Perth.