

# Select Committee of the Legislative Council on the State Children Act Amendment Bill, State of Western Australia

15 October 1918 – 19 November 1918

## Details

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A Select Committee of the Legislative Council of Western Australia was established on 15 October 1918 to inquire into the matters proposed in the State Children Act Amendment Bill (to amend the State Children Act Amendment Act 1915). The Committee made recommendations about the systems of 'boarding out' and institutional care of children and infants, the Children's Court, and 'service children'. These changes were incorporated into the State Children Act Amendment Act 1919.

The Select Committee reviewed legislation and systems in each State and in New Zealand, and took evidence from a wide range of adults and organisations involved in out of home care in WA.

The existing boarding out and institutional systems were not greatly changed by this Bill or the Committee's recommendations, but the period of wardship could now be varied (from the previous mandatory age of 18). The Children's Court was given greater discretionary powers and was to consider the 'best interests of the child' in sentencing and placement decisions, people with the care of infants and children under 6 years of age were to be licensed, and monies that institutions held in trust for service children were to be audited.

The Select Committee of the Legislative Council established to inquire into the State Children Act Amendment Bill was chaired by Hon W Kingsmill MLC, assisted by Hon J Duffell MLC and Hon J Ewing MLC. They started hearing evidence on 22 October 1918 and completed their hearings on 5 November 1918.

In its report to Parliament, the Select Committee upheld the success of the 'boarding out' and 'institutional care' systems in WA. Recommendations included: systems to care for or 'cure' children of 'weak intellect' be established; that inspections of children's homes be more frequent; and that 'cottage care' be encouraged when 'financially possible'. The Select Committee also recommended that the inspection of infants under the care of foster-mothers avoid any 'vexatious use of a power of inspection which might, through lack of discretion, greatly distress innocent and well-meaning persons'.

Recommendations about the Children's Court included: that when committing a child to an institution, the Court was to 'have regard to the future of the child', that it not be limited in where it could order a child to be placed ('one of the institutions scheduled in the State Children Act 1907, or in some other institution, as the Governor may approve of, at which such special training and supervision can be provided as may best meet the needs of any special case.') The Committee also recommended that new premises be acquired; a Probation Officer be attached to the court; the State Children Department be required to implement court Orders without variation; the purpose of the court be 'preventive and reformatory rather than punitive' and that it 'be shorn of legal formalities and the terrifying influence of official uniform'. It was further recommended that the court have the power, after

hearing the background on a case, to refrain from imposing any punishment.

Recommendations about children placed out at service included restrictions on child labour, and that monies held in trust for 'service children' be subject to Government audit, noting that 'the care by an institution of moneys earned by their former inmates constitutes a bond of sympathy between the institutions and their old boys and girls, which can only be good for the latter'.

Evidence was given in hearings by a range of key people in the out of care system in WA and a former employee of the Swan Orphanage who was critical of that institution (page numbers refer to where the evidence can be found in the Report):

- Edith Cowan (pp.6-9) and Jean Beadle (pp.15-16) 'lady members' of the Children's Court
- Frederick Daniel Good, President of the Justices' Association of Western Australia and Member of the Children's Court (pp.9-11)
- Arthur Lovekin JP, Proprietor of the *Daily News* newspaper and JP in the Children's Court (pp.12-15)
- Jessie Annie Gover, Secretary of the Children's Protection Society (pp.16-18)
- Rabbi David Isaac Freedman, Perth Rabbi and Chairman of the Executive Committee of the Children's Protection Society (pp.21-23)
- Patrick Joseph Clune, Archbishop of the Roman Catholic Diocese of Perth (pp.18-20)
- Cuthbert Hudleston, Anglican Archdeacon of Perth and member of the Anglican Orphanage Committee (pp.23-25)
- John William Armstrong, Clerk in Holy Orders, Manager of the Swan Boys' Orphanage, the Native and Half-caste Mission, and Redhill Industrial School (pp.41-42)
- William James Blanch, former assistant at the Swan Boys' Orphanage (pp.29-31)
- Kingsley Ogilvie Fairbridge, Founder and Headmaster of the Fairbridge Farm School, Pinjarra (pp.25-27)
- Major William David McClure, Salvation Army Social Secretary for the State (pp.27-29)
- Clara Lane, Brigadier Salvation Army and Supervisor of Women's Social Homes (pp.39-40)
- Francis Murphy, Senior Inspector of the State Children Department (pp.37-39)
- Sydney Watson, Secretary of the State Children Department (pp.31-37 and, recalled, pp.42-44)

## More info

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### Related Entries

#### Related Legislation

- [State Children Act Amendment Act 1919, Western Australia \(1919 - 1948\)](#)
- [Criminal Code Amendment Act 1918, Western Australia \(1918 - current\)](#)

### Resources

- Select Committee of the Legislative Council, *Report of the Select Committee of the Legislative Council on the State Children Act Amendment Bill*, 1918
- Swain, Shurlee, [History of Australian inquiries reviewing institutions providing care for children](#), October 2014

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