

# Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents, State of Western Australia

1943 – 1943

**Other Names:** • Royal Commission on Child Delinquency

## Details

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The Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents was established in Western Australia on 11 May 1943 and reported on 10 August 1943. Key recommendations included establishing a cross-Departmental Children's Council, 'drastically' restricting the publication of Children's Court proceedings; improving remand facilities and constructing secure detention facilities for boys and girls; extending the probation system and Police Boys' Clubs; and raising the school-leaving age to at least 15 years.

The Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents had begun as a Select Committee inquiry. A Select Committee had been appointed by the Legislative Council in March 1943. It had heard evidence but had not completed its report when Parliament rose. At the request of the Select Committee members, the Premier converted the Select Committee to an honorary Royal Commission so that the report could be acted on by the Government during the Parliamentary recess.

The terms of the Select Committee and, subsequently the Royal Commission, were to inquire and report upon:

- what provisions should be made by the State for the care and reform of youthful delinquents;
- 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
- the problem of juvenile delinquency generally.

Barton's Mill was established as a temporary prison so that Fremantle Gaol could be used by the military during World War II. In March 1943, there were 6 young offenders imprisoned there. According to parliamentary debates, no girls were sent to York and most of the women who had been sent there were returned to the women's section at Fremantle Gaol.

The Report (p.2) observes that the most important causal factor in juvenile delinquency was lack of parental control. Where parental control was adequate, delinquency was seen to be caused by 'some form of abnormality, either mental or physical'.

In a speech to Parliament in August 1943, the Chairman of the Royal Commission, the Hon. Sir Hal Colebatch MLC, said there was a 'unanimity' of opinion that the main cause of juvenile delinquency was 'parental neglect' which was caused in '90 per cent' of cases by 'broken homes'. World War II was seen as a key factor in family breakups, either through fathers being killed or 'through hasty marriages and numerous divorces' associated with the War. The Report concluded (p.6) that the welfare of juvenile delinquents was 'clearly an obligation of the State since their condition is the direct result of the war.' The Commissioners (p.2) also stated that they set a

'higher value on preventive rather than correctional methods' of dealing with young offenders.

The evidence heard is not included with the Report tabled in Parliament, apparently due to a wartime restriction on printing. The Hon. EHH Hall, MLC sought to shed some light on the evidence given and the quotes he selected are included in a debate in the Legislative Council on 25 August 1943 (pp. 112-116). There are many case examples of children's convictions cited. Excerpts from the evidence heard by the Commissioners also included:

- The Police Department's observation that there was insufficient technical, trades and religious education in schools and institutions; that lack of parental control and moral direction was a key factor; that most young offenders were over school-leaving age; and that the probation system should be extended.
- The Children's Court magistrate's concern that boys were not safe at Barton's Mill prison – a boy had reported to Magistrate Schroeder that 'he had to sleep near the guard's tent to escape the attentions of the old men'.

The Report of the Royal Commission (pp.4-6) included the following recommendations:

- Establish a Child Welfare Council comprising representatives from the Education, Police, Medical and Child Welfare Departments; the Children's Court; and the Youth Section of the Department of Labour and National Service. The purpose of the Council would be to coordinate agency activities to reform young offenders on a case-by-case basis. It should be a permanent body, hold regular sittings and supervise 'a filing system through which the records of each delinquent child might be followed'.
- Limit publication of Children's Court proceedings.
- Build an auxiliary lock-up for children at the Roe Street police station (on the understanding that it would not be possible to build a separate facility during the war).
- Establish a State-run secure institution for male juvenile offenders 'from which they could not escape'. A separate facility on the Barton's Mill site would not be 'unsuitable' for that purpose.
- With less urgency, establish a State-run 'Home for delinquent girls' who were 'unsuited' to the Home of the Good Shepherd, to whom the State was currently indebted.
- Provide 'small weekly payments to delinquents' along the lines conducted in some of the institutions.
- Ensure 'better methods' of dealing with persistent offenders to prevent recidivism and decrease the number (50 per cent) of young offenders who continued 'a life of crime' as adults. There should be better cooperation between the Child Welfare and Police Departments and the Children's Court, and all institutions should teach trades, not just agricultural skills.
- Reconfigure the Children's Court into separate sections: children under 12; and children aged 12-18 years. Adult offenders should not be tried in the Children's Court.
- Extend the probation system to divert young offenders from court and 'more effectively following up' children who had been convicted. Probation officers should be highly qualified and 'should receive suitable recognition'.
- Provide psychological testing of children appearing before the Children's Court and employ psychologists to work with young offenders and their parents 'in some such manner as Baby Welfare centres'.
- Restrict licenses for street trading ('selling newspapers') so that boys under the age of 14 years were not on the street after 8pm.
- Develop a voluntary, State-run kindergarten system for children aged from 2 years as 'these early years play the most important part in the formation of character'.
- Give 'every possible encouragement and assistance' to Police Boys' Clubs so that they could be present in each large town in the State.
- Raise the school-leaving age to 15 years and, as quickly as possible, to 16 years. This would comprise a combination of 'moral and physical' training and teaching, with instruction that encouraged a 'respect for public property'.

In September 1943, the Chief Secretary, the Hon. WH Kitson MLC, outlined progress on the recommendations: The government was building a holding yard for young offenders at the Roe Street Lock-Up; there was no need for any further statutory intervention to limit publication of Children's Court cases; and Barton's Mill prison would continue to be used as a detention facility for young offenders.

On 8 October 1943 the Minister for Child Welfare was asked in Parliament how the Government intended to respond to the recommendations about establishing a Children's Council, a Home for 'delinquent girls', street trading and the restructure of the Children's Court. The Minister said that the recommendations were being considered by the Government and 'an announcement' would be made in 'the near future'. *Hansard* does not

appear to contain any further information about the Government's actions on these recommendations.

## More info

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### Related Entries

#### Related Organisations

- [Castledare \(1934 - 1983\)](#)  
Castledare was used to confine boys who had been convicted of offences by the Children's Court, according to evidence given in the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -
- [Home of the Good Shepherd, Leederville \(1902 - 1979\)](#)  
The Home of the Good Shepherd was inspected by members of the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -
- [Swan Homes \(1943 - 1959\)](#)  
Swan Homes was inspected by members of the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -
- [Tardun Farm School \(1928 - 2008\)](#)  
Tardun was used to confine boys who had been convicted of offences by the Children's Court, according to evidence given in the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -
- [Government Receiving Home \(1935 - 1952\)](#)  
The Government Receiving Home was inspected by members of the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -
- [Seaforth Salvation Army Boys' Reformatory \(1920 - 1955\)](#)  
The Seaforth Salvation Army Boys Reformatory was inspected by members of the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -
- [Barton's Mill Prison \(1942 - 1975\)](#)  
Barton's Mill prison was inspected by members of the Royal Commission appointed to Inquire into the Care and Reform of Youthful Delinquents.  
Date: 1943 -

#### Related Concepts

- [Juvenile Justice \(1860s - current\)](#)

### Resources

- [Address-in-reply \[Royal Commission on Child Delinquency 2\]](#), Hansard Archive 1870 to 1995, 26 August 1943.  
*Relevance:* pp.134-136
- Swain, Shurlee, [History of Australian inquiries reviewing institutions providing care for children](#), October 2014

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