

1910.
—
VICTORIA.

THE CHILDREN'S COURT ACT.

REPORT

OF THE

CHIEF PROBATION OFFICER

FOR THE YEAR

1908.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

By Authority:

J. KEMP, GOVERNMENT PRINTER, MELBOURNE.

REPORT.

Office of the Chief Probation Officer,
 Temperance and General Buildings,
 C/r. Swanston and Little Collins Streets,
 9th June, 1909.

SIR,

I have the honour to submit a report on the work of the Probation Officers assigned to the Children's Court in the State of Victoria. In my last report which covered only a portion of a year from the time when the Probation Officers were first appointed, I mentioned that the work had so far been almost wholly educational, and that all concerned had been learning how to apply the new system. Though the present report covers a full year's work and there is evidence of a satisfactory improvement, I have, nevertheless, again to report that the work has been in the main educational in character.

Attention was also called by me to certain misunderstandings touching the administration of the Act, which in my belief were calculated to prejudice the work of the Probation Officer. Such misunderstandings continue to exist, and I have again to respectfully draw attention to these matters as requiring very serious consideration.

PROBATION OFFICERS.

During the year the roll of Probation Officers was increased by 96 further appointments. The total number now on the roll is 211. The Children's Courts which have had Probation Officers assigned to them have increased from 40 to 53. Although the Courts in many instances may not be sufficiently staffed, further appointments should not be made where the services of those already appointed have not been made use of. I find cases in which Probation Officers have regularly attended their Courts, but have never been required to carry out any of the duties which the Act imposes on them. Their interest in the work is consequently weakening. Many complaints also continue to reach me as to the time lost whilst waiting for the Children's Courts to open. In some instances it has been very considerable. There are many difficulties to be overcome before this matter can be satisfactorily arranged, but the inconvenience to Probation Officers is substantial and calls for a remedy.

PRELIMINARY INVESTIGATION.

So far as I have been able to ascertain Probation Officers have not been directed to undertake this very important duty as set out in clause B, Section 9 (1), of the Act, viz:—"To inquire and furnish the Court with information as to the child's habits, conduct, and mode of living." Whether this preliminary investigation should be ordered in all cases before a child is dealt with is at present an open question; but there is evidence that in certain cases, which on the facts before the Court appeared childish or trivial, such an investigation would, if undertaken, have shown that the child was in the way to acquire bad habits and in danger of becoming an habitual criminal. To illustrate the value of investigation in an apparently simple case, take the following which occurred recently. A boy, aged 10, was charged with damaging property—to wit, ivy. The evidence disclosed that the boy in climbing a tree to reach a bird's nest tore down the ivy entwining the tree. He was discharged with a caution on promising not to offend again. The offence evidently was regarded as too trivial to warrant anything more, and no preliminary investigation was ordered. The absence of both parents from the hearing and the fact that the child was accompanied by his sister, aged 16, led me to make an inquiry on my own account. As a result I discovered that the child was a truant. Two summonses had already been issued against the parent for his non-attendance at school. The mother was an inmate in a hospital, and the father away at sea. The girl in question was keeping house for this boy and his brother also of school age. Both kept late hours and did not attend school regularly. In such a case as this the supervision of a Probation Officer was specially necessary, yet the want of a preliminary investigation left the Court in ignorance of the true state of the facts.

TERMS AND CONDITIONS OF RELEASE.

In a very few cases has a child been bound to observe some clearly defined course of conduct.

PERIODS OF PROBATION.

The periods of one, two, or three months are far too short to accomplish permanent results in changing the habits and character of a child. Out of 275 children who were under supervision during the year, in six cases the period was for one month, in 47 for two months, and in 73 for three months. During these periods the child is little likely to repeat at once the offence which has brought unpleasant consequences in its train. It is when the shock of these has passed and the recollection of them is less keen that the force of old temptations is again felt and the child needs the guidance, counsel, moral support, confidence, and aid of a wise and discreet friend. In too many cases the steadying influence of probation oversight has expired just at a time when it was most needed. In the cases of children of tender years, many of whom are truants, and naturally backward in their schooling, the maximum term should be imposed. In this manner then will the real difficulties, as well as the real possibilities of release on probation be discovered.

AGES OF CHILDREN ON PROBATION.

Unfortunately, there is a disposition to treat lightly the children of school age who are brought before the Court. If the Court would regard each such case as a monition that there is one more possible criminal before it, and that it is called upon not to punish but to contrive means of rescuing the culprit from grave peril, there is no certain limit to the good which may be done.

BEHAVIOUR AND CONDUCT OF CHILDREN ON PROBATION.

The children released on probation during the year numbered 217, as against 79 of the previous year. Adding the cases of children whose terms had not expired at the close of the year 1907, the number of children who were under the supervision of Probation Officers during the past year numbered 275. Of these fifteen committed some new offence, and nine were reported to the Court for unsatisfactory behaviour. From the quarterly returns furnished me by the Probation Officers, I find that in the latter cases an improvement in the behaviour has taken place, and that the practice of reporting children whose conduct is unsatisfactory, has been productive of good results. A reference to the Appendix A will show the behaviour generally.

VISITATION.

The visits paid by the Probation Officers to the children under their supervision and the times which these children have reported themselves to the Probation Officers number 3,156, as against 624 of the previous year.

QUARTERLY RETURNS.

Under the regulations, the Probation Officers are required to prepare and furnish me with their quarterly returns. Many misunderstandings arose as to what was required of the Officers. To meet this difficulty, the rule has been that whenever a child is placed on probation, the Clerk of the Courts shall furnish me with the name of the child and the Supervising Officer.

At the end of each quarter I forward to each Supervising Officer a form with the names of the children under his supervision, and blank spaces for his remarks on conduct, &c. He fills these in and returns the document to me. Though this has increased my duties in an unlooked for direction, this method has worked well, and the returns are always promptly to hand before their due date. Whilst at present it would be unwise to accept without reserve statements as to the establishment of good habits in children under probation, there is evidence from the returns furnished me that, after making full allowance for over estimates, something is being done to turn these young people into honest members of society. A great experiment is now being made, and it is essential that it should be carried out with intelligence, tact, and uniformity.

APPREHENSIONS.

The question upon whom rested the duty of reporting the children apprehended caused a considerable amount of uncertainty when the Act first came into operation. Owing to this, many children who were apprehended were not reported, with the result that the returns for the year 1907 do not give an accurate account of the facts. On the gazetting of the rules and regulations under the Children's Court Act, this duty was cast upon the apprehending police officer; though I believe there have been cases which have not been reported, the return for the present year may be taken as substantially complete. From these returns I find that the police place a child in the watch-house only as a last resource, and in many instances this is through the fault of the child who has given some fictitious address. There are also cases where proceedings by way of summons have been taken against children who might otherwise have been apprehended.

Though the children apprehended as neglected appears large, in the majority of cases they have been brought to the Court for the purpose of having them committed to the Department for Neglected Children and then boarded out to their own mothers.

THE CENTRAL CHILDREN'S COURT.

The wisdom of holding a Children's Court at some place other than at the ordinary Police Court is apparent from the experience at the Central Children's Court. Outside those directly interested in the cases, there is a complete absence of the ordinary frequenters of courts. The kindly interest taken by the management of the Gordon Institute in the children who are held there pending the hearing of their cases, cannot be too highly commended. There can be no doubt that the children, no matter of what age, must feel that though they have transgressed the laws of society, their short detention at the Institute marks the commencement of a new period of their lives in which they will have every encouragement to do right. The practice of appointing a particular constable for duty at the Central Children's Court has worked very satisfactorily. Constable J. T. McIntosh, the officer set apart for this special duty, has shown great interest in the work. I have again to thank Mr. Anderson, the Secretary to the Law Department, for his ever ready assistance and advice, and to those of his officers for their co-operation.

I have the honour to be, Sir,

Your obedient servant,

ALFRED E. CLARKE,

Chief Probation Officer.

To the Honorable the Solicitor-General.

APPENDIX A.

RETURN showing Behaviour, Conduct, Surroundings, &c., of Children who were under supervision during the Year ending 31st December, 1908.

Behaviour and Conduct.				Surroundings.				Number of Times Children Visited by Probation Officers.	Number of Times Children Reported themselves to Probation Officers.	Cases of Children Reported to Court by Probation Officers for Unsatisfactory Behaviour.	Cases of Children on Probation who were charged with committing some Fresh Offence.
Satisfactory.	Fair.	Unsatisfactory.	Total.	Satisfactory.	Fair.	Unsatisfactory.	Total.				
230	14	31	275	249	12	14	275	1,489	1,667	9	15

RETURN showing the periods of Probation of Children who were under supervision during the Year ending 31st December, 1908.

1 Month.	2 Months.	3 Months.	4 Months.	5 Months.	6 Months.	7 Months.	8 Months.	9 Months.	10 Months.	11 Months.	12 Months.	Total.
6	47	73	..	..	98	..	..	..	..	..	51	275

Included in the above returns are the cases of 58 children whose periods of probation had not expired at the close of the year ending 31st December, 1907.

NOTE.—During the year 217 children were released on probation.

APPENDIX B.

TABLE showing Offences of Children who were placed under supervision, referred to in Appendix C.

OFFENCE.	AGE IN YEARS.																Total.							
	7-8.		8-9.		9-10.		10-11.		11-12.		12-13.		13-14.		14-15.			15-16.		16-17.		Age Unknown.		
	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.		Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	
Larceny	4	..	1	1	5	1	10	2	13	4	21	4	21	..	12	2	24	1	7	..	118	15
Offensive behaviour	2	..	2	..	3	..	3	..	6	..	13	..	10	..	..	..	39	..
Throwing a missile	1	..	..	..	2	..	2	..	1	..	5	..	3	..	5	..	1	..	..	..	..	..	20	..
Gaming	3	..	..	..	3	..	4	..	7	..	..	..	17	..
Housebreaking	3	1	..	..	2	..	4	..	1	..	4	..	..	..	14	1
Neglected children	1	1	2	..	2	..	..	..	1	..	1	..	..	..	1	4	..	..	8	5
Wilful damage	2	..	..	..	1	..	1	..	3	..	..	..	3	..	..	..	10	..
Unlawful trespass	1	..	..	..	2	..	1	..	..	..	..	..	..	..	4	..
Imposition	1	..	..	..	..	..	1	..	2	..	..	..	..	..	3	1
Drunk and disorderly	1	..	2	..	..	..	..	..	2	2
Sacrilege	1	..	2	..	..	..	..	..	..	..	..	..	..	..	3	..
No visible means of support	3	..	..	..	..	..	..	3	..
Hanging behind tram-car	1	..	..	..	1	..	..	..	..	..	2	..
Assault	1	..	1	..	..	..	..	..	..	..	..	..	..	..	2	..
Illegally using a horse	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..
Maliciously wounding	1	..	..	..	..	..	..	..	1	..
Receiving	1	..	..	..	1	..
Breach of Municipal regulations	1	..	..	..	..	..	..	..	1	..
Obscene exposure	1	..	..	..	..	..	..	1	..
Writing indecent words	1	..	..	..	..	..	..	..	1	..
																							251	24
																							= 275	

APPENDIX D.

TABLE showing places where Children apprehended.

Court.			Boys.	Girls.	Court.			Boys.	Girls.
Bairnsdale	..	..	7	..	Malvern	..	..	4	3
Ballarat	..	..	15	9	Melbourne	..	..	63	16
Ballarat East	..	..	1	1	Mildura	..	..	1	..
Benalla	..	..	1	1	Mirboo North	..	..	1	..
Bendigo	..	..	53	28	Mornington	..	..	1	..
Bendoc	..	..	3	..	Morwell	..	..	1	..
Beulah	..	..	1	..	Nagambie	..	..	1	..
Box Hill	..	..	5	..	Nathalia	..	..	..	1
Brighton	..	..	5	..	Northcote	..	..	3	3
Brunswick	..	..	28	19	North Melbourne	..	..	17	9
Bungaree	..	..	2	..	Oakleigh	..	..	1	..
Camberwell	..	..	3	1	Portland	..	..	3	..
Carlton	..	..	5	..	Port Melbourne	..	..	16	13
Castlemaine	..	..	6	2	Prahran	..	..	21	4
Caulfield	..	..	4	..	Preston	..	..	..	1
Cheltenham	..	..	1	..	Pyramid Hill	..	..	1	..
Chiltern	..	..	3	..	Richmond	..	..	21	1
Coburg	..	..	3	..	Rutherglen	..	..	4	..
Collingwood	..	..	5	13	Sale	..	..	1	..
Daylesford	..	..	3	..	Seymour	..	..	5	4
Dunolly	..	..	4	8	Smythesdale	..	..	..	1
Eaglehawk	..	..	3	1	South Melbourne	..	..	21	12
Echuca	..	..	..	1	Stawell	..	..	2	5
Eldorado	..	..	1	..	St. Arnaud	..	..	1	..
Essendon	..	..	6	..	St. Kilda	..	..	29	9
Euroa	..	..	..	3	Swan Hill	..	..	1	1
Fitzroy	..	..	28	11	Tarnagulla	..	..	3	..
Flemington	..	..	1	1	Tungamah	..	..	..	1
Footscray	..	..	6	2	Wangaratta	..	..	3	1
Geelong	..	..	11	..	Walhalla	..	..	1	2
Gordon	..	..	1	1	Warragul	..	..	5	..
Hawthorn	..	..	7	1	Werribee	..	..	3	..
Heathcote	..	..	7	4	Williamstown	..	..	32	1
Horsham	..	..	5	1	Wodonga	..	..	2	1
Kang	..	..	2	..	Yarram Yarram	..	..	1	..
Kew	..	..	6	2					
Kyneton	..	..	1	..				512	200
Lindenow	..	..	..	1				=	712