

**STATE CHILDREN'S ACT AMENDMENT BILL
(SECOND READING)
12 October 1921**

Edith Cowan strongly supported the provisions of the Bill, some of which she had advocated for many years. She thought it was 'obsolete' to treat children on the same basis as adults in police court matters. In Committee she successfully moved two amendments to the Bill. One amendment gave the Children's Court discretionary powers over the penalties to be imposed if parents failed to pay fines imposed on their children. Another amendment prevented a conviction in a Children's Court being used against a person in adulthood.

Mrs. COWAN: (West Perth) [7.55]: I strongly support the Bill and I hope the House will deal with it from the points of view which have been put forward by the previous speaker. It is really very important in the interests of the children of the State that we should regard these questions from a standpoint different from that of an ordinary court. The idea of treating children on ordinary police court lines has become obsolete, and we wish now to do as much as possible in the way of reform. Take Clause 10 which provides a case in point. At the present time the court must impose a fine. That is why we desire to strike out the words "any child". In one case not long ago, had it not been for Mr Lovekin, who was sitting on the bench, the woman who was before the court must have been sent to prison because she had no means of paying the child's fine, and being the mother there was no one else to pay it. That kind of thing has happened more than once. I do not think members of the bench should be placed in the position of being compelled to put their hands in their pockets. If the mother fails to pay the child's fine, a writ of execution must be issued, and if the fine be not paid three days imprisonment must be awarded for every one pound or less. Then every time the woman fails to pay, the court must go on adding to the sentence. Only the other day Mr Lovekin paid a woman's fine. In fact he has done so on other occasions. This woman was receiving 34s a week from the State to keep herself and five children. Will anybody tell me that that woman was in a position to pay a fine, even though that fine was one of a shilling? As a matter of fact it was 8s.

Mr O'LOGHLEN: They are refusing even that 34s next week.

The COLONIAL SECRETARY: It is not true.

Mrs COWAN: By exercising the words I have quoted that kind of thing will be prevented from happening. It is harsh to a degree, and detrimental to family life if a woman has to be sent to prison. The only alternative is for the bench to pay the fine so that the mother may not have to go to prison. It seems to us an extremely cruel thing that because a child has been fined for perhaps only a breach of a municipal by-law that that child should not be given a chance even though it be not a first offender. A child may be accused of having rung the neck of a duck, or cut a few letters on a tree in the park, or picked wild flowers more than once. We must remember that these offenders are very young and we should regard them as wards in chancery rather than criminals. Very often they are only troublesome children who have not had much chance, and I do not think that we should stigmatise them as criminals for the rest of their lives. If they are really bad they will continue so even after they reach 18. And the offences which appear in the records may then be used against them and create great prejudice. We should give them a clean sheet from the time when they reach the age of 18 years for whatever they have done in the past. It is hard enough for people to be punished for the sins of their parents. Why should we punish children for what they have done—after all they are still only children up to the age of 18—and thus carry their youthful misdeeds on to be a stigma against them for the rest of their lives? After all, many of the so-called sins are not of a serious nature. It is not fair to them and it is not the right way to deal with the question. I hope the House will support the Bill and pass it practically as printed. It is my intention to withdraw one of the amendments I have placed upon the Notice Paper.

Mr SIMON: Which one?

Mrs COWAN: The second one.

Mr SPEAKER: That can be done at the Committee stage.

IN COMMITTEE

Mrs COWAN: I move an amendment—

That in line 8 the words “by any child” be struck out.

Hon. W.C. ANGWIN: If a child is convicted and fined the child is not imprisoned. If a fine is not paid but is passed on to the parent and the parent is not in a position to pay, then imprisonment follows. Some objection has been raised to the deletion of these words because of their probable effect in connection with the Education Act. If a parent neglected to see that children attended school, the magistrate would take care that proper penalties were imposed. In many instances parents are not in a position to pay fines, and the discretionary power should be left to the court. It would be possible to achieve the same object in another way, namely by appealing to the Executive Council

to have the fine remitted, but that procedure would cost more than the amount of the fine.

Mr MUNSIE: Will the amendment give the discretionary power to the bench?

Mrs COWAN: Yes.

The COLONIAL SECRETARY: I cannot see that the amendment will make any difference. The court will be able to ascertain the circumstances of the parent and may administer a caution instead of imposing a fine. If the amendment is passed parents guilty of a breach of the Education Act might escape without penalty and continue to neglect to send their children to school.

Mrs COWAN: Section 28 of the Act provides that no child shall be liable to imprisonment for neglect to pay a fine but shall be liable to be sent to an institution, and an institution is put to the expense of keeping a child for a term equal to the term of imprisonment.

Hon. P. COLLIER: It seems to me that the amendment will carry us no further. Section 28 imposes certain obligations upon the court and the clause as printed will achieve the object the hon. member has in view.

Hon. W.C. ANGWIN: The clause as printed applies not to the parent but to the child. If the amendment is passed the clause will apply to the parent as well as to the child. That is the legal explanation of the effect of the amendment.

Mr RICHARDSON: I think the amendment will defeat what the mover desires. If a child is fined for a misdemeanour, the clause as printed will mean that no execution can be issued on either the parent or the child. The striking out of the words proposed to be deleted would defeat the very end which the member for West Perth desires to attain.

Amendment put and passed; the clause, as amended, agreed to.

Clause 3—agreed to.

Clause 4—Amendment of Section 17a;

The COLONIAL SECRETARY: For the reasons which I have already given on the second reading, I must vote against this clause.

Clause put and negatived.