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DEPARTMENT OF TERRITORIES.CRA/TEH

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CORPORAL PUNISHMENT IN INSTITUTIONS
DECLARED UNDER THE WELFARE ORDINANCE
AND CHILD WELFARE ORDINANCE -
NORTHERN TERRITORY.

In accordance with the Minister's minute at folio 38, the matter of corporal punishment in institutions in the Northern Territory has been reconsidered by the Administrator at folios 44/46.

2. The Administrator advocates corporal punishment, strictly defined and controlled, for children in institutions under the age of twelve years (in the case of girls) and under fourteen years (in the case of boys), for offences against morality, gross impertinence, and wilful and persistent disobedience.

3. It is most unlikely that offences against morality would be committed by girls under twelve years of age or boys under fourteen years; hence legislation under this head is not necessary. Gross impertinence and/or wilful disobedience usually have their basis in personality or behaviour problems responsive to remedies other than corporal punishment.

4. The physical ability to administer corporal punishment or the personality of the Superintendent may render the punishment ineffectual. It cannot be envisaged that the female Superintendent of Retta Dixon House (approximately 60 years of age) can effectively inflict punishment on a lad of thirteen years plus or the Clerical Superintendent of Garden Point or Croker Island chastise a girl of almost twelve years.

5. Superintendents of institutions have differing values which have come to them from their own personalities, training, understanding and religious precepts - and as six various religious bodies conduct institutions, there are six different appreciations as a result of fundamental religious teachings.

6. Staff changes within institutions are regular. (In the mixed-blood sphere only one Superintendent - of the ~~Aboriginal~~ Inland Mission - has had continuity extending over the post-war period). There are regular changes of Superintendents in all other institutions. Experience gained elsewhere has usually been in a southern environment in normal surroundings where standard social rules and values prevail and where the children's background differs from that of mixed blood and aboriginal children. Superintendents must learn the values appreciated by the Northern Territory children placed under their care. They are not (in the main) as qualified as, or in a similar position to, school teachers who have been trained in a lifetime career in appreciating child and adolescent behaviour and who have, during school hours, the complete discipline of the school or classroom and its sanctions.

7. The need for corporal punishment was first suggested owing to the unusual social conditions surrounding Retta Dixon Home - its population component from delinquent women to their illegitimate offspring; the Home's contiguity to the wards of Bagot Settlement; lack of organised social outlets; lack of suitable staff required to rehabilitate some of the occupants of the Home.

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8. The concept of Northern Territory institutions has been changed. On other papers Cabinet has approved loans to organizations for the purpose of establishing homes and hostels for the following groups :

- (i) pre-school children up to eleven years plus;
- (ii) children of post-primary age attending post-primary schools;
- (iii) young apprentices and young working people;
- (iv) young persons, attending educational institutions in the main centres, from areas where educational services are not available to them.

To date, institutions have continued in the Northern Territory, with an aggregate of age groups with all attendant problems of controlling non-homogeneous groups, without the need of legislation providing for corporal punishment.

9. With the recasting of their role so that each institution will cater for a group with similar interests and problems only, the disciplinary problem presented at the Retta Dixon Home will be removed.

10. Corporal punishment is proposed for only those institutions catering for children of ages up to eleven plus and post-primary children (under the ages of twelve for girls and fourteen for boys). Proper training, organised social activity and privileges which can be removed as sanctions, should cancel out the need for corporal punishment.

11. The attitude of the community in general to corporal punishment has changed considerably in the past decade, even within the family circle. Legislation in the States making provision for corporal punishment is a carry-over from the years when corporal punishment was accepted as a usual means of discipline. The relevant legislation regarding corporal punishment in Victorian and New South Wales institutions is attached as an appendix (folios 47/51). Corporal punishment is forbidden in Victoria and restricted to three strokes on each hand, under strict control, in New South Wales. The Administrator proposes to follow the New South Wales legislation as to the quantum and method of corporal punishment.

12. In view of the Australian attitude at the United Nations (reference folio 39) and the cumbersome procedure necessary to administer what is in effect a negligible amount of corporal punishment, the Department holds the view that corporal punishment should not be permitted in institutions, but that normal breaches of discipline merit some punishment and should be dealt with by the forfeiture of rewards or privileges, reduction of status or temporary loss of recreation. Punishment by isolated detention or variation of diet is not supported.

13. The Administrator's views (at paragraph 7 of folio 46) that punishment should be administered only for offences against morality, for gross impertinence, or for wilful and persistent disobedience is agreed with. Other offences should be reported to the Director of Welfare for his action.

14. The Administrator's comments at folios 45/46 (paragraph 10) respecting foster children and children who are boarded out are supported.

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15. It is recommended that the Minister approve :

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- (i) that corporal punishment be prohibited in institutions;
- (ii) that punishment in institutions be confined to forfeiture of rewards or privileges, reduction of status or temporary loss of recreation for normal disciplinary breaches;
- (iii) that punishment for offences against morality, gross impertinence, or for wilful and persistent disobedience be administered by a superintendent approved by the Administrator. Other offences should be reported to the Director of Welfare for his action;
- (iv) that all punishments administered by a superintendent, and the circumstances giving rise to the need for punishment, be recorded in a punishment book;
- (v) that, if it is found that a few individuals are not amenable to such discipline and constitute a disruptive element in institutions, consideration be given to the establishment of a disciplinary institution for uncontrollable children;
- (vi) the Administrator's views regarding foster children and children boarded out, as stated in paragraph 10 of his memorandum at folios 44/46.

(D. McCarthy)
ASST. SEC. (S&GS)
/9/58.

THE MINISTER.

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