

Juvenile Delinquency

1850s – 1990s

Details

Juvenile delinquency was a term used to describe the behaviour of children and young people who are committing criminal offences, or thought likely to commit offences, at a young age. This behavior could include vandalism, truancy, stealing, fighting, running away from home or being sexually active. Many children in institutions were labelled as delinquents, or described with terms like uncontrollable, incorrigible, maladjusted or 'likely to lapse into a life of vice and crime'. The function of institutions such as reformatories, industrial schools and training schools was to treat and rehabilitate juvenile delinquents, as well as to punish them for offences committed.

In Australia, public concern about juvenile delinquency was at its peak in the mid twentieth century. However, the term delinquency was used in the nineteenth century to describe the behaviour of young people. A letter to a Ballarat newspaper in 1863 quoted Miss Mary Carpenter's words: 'The intemperance of parents is a prominent cause of the juvenile delinquency which inundates our gaols, and is preparing for a future generation of criminals' (The Star, p.3).

Blaming parents for a young person's errant behaviour remained a constant in discussions of juvenile delinquency over many decades. 'Vice' in parents, as well as a lack of discipline and control were thought to influence juvenile delinquency. In the twentieth century, mothers who were in paid work were also blamed as a contributing factor. Environment was another factor commonly referred to by 'experts' in delinquency. Cities with dense populations and little fresh air and open space, as well as 'slums' were thought to be breeding grounds for delinquency.

Discussions about juvenile delinquency also considered the young person's physical condition. In 1949, a resident magistrate presenting on juvenile delinquency claimed that 'Chronic moral disorder is frequently associated with an illness or a disease ... even minor conditions such as bad teeth, ear trouble and such like tend to restlessness and loss of control' (The Blackwood Times, p.10).

Particularly from around the 1920s onwards, the young person's intellectual condition was thought to be the greatest single cause of delinquency. Juvenile delinquency was a key concern of the field of 'mental hygiene', a field of study that had close ties to eugenics. Young people with intellectual disability, mental health problems or supposed low intelligence were thought to be highly likely to become delinquents. Policies around the treatment and reform of juvenile delinquents were often the domain of mental hygiene agencies, rather than justice agencies.

Delinquency as a term first began to appear in Australian legislation and policy around the 1920s. In Tasmania, the purpose of the Children of the State Act (1918) was to ensure that:

the care and discipline of a child of the State should approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and

assistance (clause 137).

In Tasmania, between 1922 and 1963, children considered to be delinquent were more likely to be tested for intellectual disability. If the test was positive, the child would be jointly managed by the Children of the State Department or its successor, the Social Services Department, and the Mental Deficiency Board. The methods of intelligence testing were not sophisticated and the authorities often made mistakes.

In New South Wales, there were concerns in the 1940s that the state was backward in its treatment of delinquent young people. Mary Tenison Woods was one advocate who criticised the NSW Child Welfare Department and its institutions for young offenders. She wrote in 1944 about how institutions for male offenders like the Gosford Training School did nothing to train or rehabilitate their residents: “A lad who enters one of our institutions with a knowledge of one or two delinquent techniques invariably emerges with a greatly increased repertoire” (Sydney Morning Herald, 2 February 1944). Tenison Woods also expressed concern that female delinquents were being treated as criminals and even being sent from Parramatta Girls’ Training Home to adult jails like Long Bay (Sydney Morning Herald, 3 February 1944).

The definition of female delinquent behaviour also had a moral element, with girls being punished for non-criminal acts like running away from home, being ‘uncontrollable’ or sexually active (O’Neill, 2015). Child welfare legislation contained definitions that applied specifically to girls, for example the Victorian Children’s Welfare Act 1933 provided that girls ‘found soliciting men for prostitution, or otherwise behaving in an indecent manner’, or ‘habitually wandering about a public place at night’ could be made wards of the state. From 1954 in Victoria, girls could also be charged with being ‘exposed to moral danger’, described by Hamilton as a ‘nebulous term ... a catch-all justification for incarcerating children engaged in any actual or potential sexual activity, and was applied almost exclusively to adolescent girls’ (Hamilton, 2014). Under child welfare laws in Victoria, boys and girls could be charged with ‘living under such conditions as indicate that the child is lapsing or likely to lapse into a career of vice or crime’ (this was abbreviated on children’s ward files as ‘Likely to lapse’). Young people could be classed as delinquents even if they had not committed any offence.

In newspaper articles, it was common to see periodic concern about a rise in juvenile delinquency, and claims that the ‘youth of today’ was more wayward than previous generations. Looking at the Trove collection of digitised Australian newspapers, it’s clear that from the 1930s to the 1950s, the term delinquency appeared much more frequently in articles than in other decades.

In the mid 1950s in Victoria, the state government established a Juvenile Delinquency Advisory Committee after a spike in public concern about juvenile delinquency, as well as the state’s approach to protecting and reforming young offenders. The Committee’s report in 1956 stated that:

Juvenile delinquency has occasioned grave disquiet in the Western democracies for years, and anxiety about its scale and the nature of its manifestations has increased during recent times.

It is now accepted that child welfare is a form of social activity deriving from the duty which a community owes to less fortunate children, and measures to correct and treat juvenile delinquency are an aspect of child welfare activities.

In the Senate’s 2004 ‘Forgotten Australians’ report, people described how being classified as a ‘delinquent’ led to their institutionalisation:

I was sent to Riverview [Training Farm, in Queensland] in January 1958 at the age of 11, after being deemed a ‘Juvenile Delinquent’ and my single mother was no longer able to cope with me (Submission 75)

In 1959 my crime was truancy ... I was arrested by two plain Clothed policemen, along with my mother as I was holding onto her belt and dress. So they just forcibly dragged us to the car and drove to Bankstown Police

Station ... From the police station they drove me around to about four homes which would not accept me, so I was taken to Glebe Shelter ... To be strip searched and examined and treated like a common criminal ... Then I went to court and judge McCreedy sentenced me to the care of the Good Shepherd Convent until I attain the age of 15 (his words). (Submission 236)

The 1999 report of the Forde Inquiry in Queensland stated that:

the concept of juvenile delinquency and criminality was largely an invention of the mid-nineteenth century middle classes, whose influence in government circles made the 'delinquent child' an object for State intervention ... The fear of the delinquent child arose from concerns held by these powerful social strata over the lifestyles of urban working-class youth. This anxiety, emerging in industrialising countries in the nineteenth century, is notable for its longevity. From that time to the present, 'moral panics' centring on the 'deviant' behaviour of working-class youth have been important in shaping perceptions of the actual or potential delinquent in Queensland (pp.39-40).

Attitudes towards and anxiety about juvenile delinquency led to many children and young people being sent to institutions for committing minor offences, or being deemed likely to offend in the future. Many of the institutions for young offenders were brutal places where the residents endured harsh conditions and abuse.

Many Care Leavers, whether or not they were classed as 'delinquents', look back on their experiences in institutions as periods of incarceration. The Forgotten Australians report remarked on the 'highly evocative and emotive language' used by many Care Leavers in their testimony:

Language such as 'my sentence', 'concentration camp', 'prison', 'hell-hole', 'felt like a convict', 'entombed in institutions', 'inmates', 'incarcerated', 'internship', 'tortured', 'nightmare', 'release', 'outside world', 'victims', 'survivors' graphically describe the feelings that remain about the treatment received at an early age of their lives (p.85).

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Related Glossary Terms

- [Child Guidance Clinic \(1930s - current\)](#)

Related Organisations

- [Ashley Home for Boys \(1926 - 1999\)](#)
Ashley Home for Boys was for boys considered to be delinquent.
- [Boys' Training School \(1884 - 1926\)](#)
The Boys' Training School was for boys considered to be delinquent.
- [Gosford Training School \(1923 - 1945\)](#)
- [Parramatta Girls Training Home \(1912 - 1946\)](#)

- [Riverview Training Farm \(1926 - 1956\)](#)

Related Legislation

- [Children's Welfare Act 1933, Victoria \(1933 - 1955\)](#)
- [Juvenile Courts Act 1941, South Australia \(1941 - 1966\)](#)
- [The Children of the State Act 1918, Tasmania \(1918 - 1936\)](#)

The *Children of the State Act* is the first legislation in Tasmania to state how a child considered to be delinquent should be treated.

Related Concepts

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

Resources

- Petrow, Stefan, [Arabs, boys and larrikins: juvenile delinquents and their treatment in Hobart, 1860-1896](#), Australian Journal of Legal History, 1996
- Evans, Caroline, [Childhood](#), The companion to Tasmanian history, 2005

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