

Wales statutes include the formula that regulations are to be published in the *Gazettes*, are to be laid before Parliament within fourteen days of publication, and may be disallowed by resolution of either House within fifteen days of laying. Until 1960 no machinery was established for systematic policing of the requirements, or for examination by a specialist committee. The initiative was left to the individual member.

A Committee of Subordinate Legislation was established by resolution of the Legislative Council on 27th September, 1960, charged with consideration of all Regulations, Rules, By-laws, Orders or Proclamations required by any Act to be laid on the table of the House, and to be subject to disallowance by either or both Houses of Parliament. This Committee comprises four members, including the Attorney-General. Following observations by the Attorney-General that the Committee had no jurisdiction to review Local Government Ordinances, a motion was introduced in the Legislative Council on 23rd August, 1961, re-constituting the Committee on the same basis as before, but including Ordinances in the list of delegated legislation to be considered.

The matters required to be considered on review by the Committee are an amalgam of the British House of Commons and Australian Senate Committees terms of reference:—

- (a) whether the Regulations are in accordance with the general objects of the Act pursuant to which they are made;
- (b) whether the Regulations trespass unduly on personal rights and liberties;
- (c) whether the Regulations unduly make the rights and liberties of citizens dependent upon administrative, and not judicial decisions;
- (d) whether the Regulations contain matter, which in the opinion of the Committee, should properly be dealt with in an Act of Parliament;
- (e) whether the Regulations appear to make some unusual or unexpected use of the powers conferred by the Statute under which they are made;
- (f) whether there appears to have been unjustifiable delay in the publication or the laying of the Regulations before Parliament;
- (g) whether for any special reason the form or purport of the Regulations calls for elucidation.<sup>17</sup>

Two reports have so far been submitted to the Council, and the second of these revealed that one Department had failed to table fourteen sets of regulations as required by the principal Act.<sup>18</sup>

At a time when the New South Wales Parliament has taken steps to remedy its shortcomings in the supervision of delegated legislation, this work by Professor Kersell is of considerable interest. It is unpretentious and limited in scope, but contains a wealth of detailed information which is unavailable from other sources. What is perhaps more important is that Professor Kersell has proved his point — parliamentary supervision has come of age.

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*Attendance Centres*, by F. H. McClintock, M. A. Walker and N. C. Savill. London, Macmillan & Co. Ltd., 1961. xiv and 152pp. (£2/6/6 in Australia.)

It seems to be generally agreed that in the years since the Second World War there has been a considerable increase, on an international scale, in juvenile delinquency. There are differences of opinion about the extent of this phenomenon. And despite the proliferation of new soubriquets (*Blousons noirs*,

<sup>17</sup> First Report of Committee of Subordinate Legislation 1960.

<sup>18</sup> Second Report of Committee of Subordinate Legislation 1961.

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*Halbstarken, Stilyagi, Teddy-boys, Bodgies, etc.*) there is some doubt about its novelty. Thus the much publicised activities of today's New York street gangs are a pale shadow of the battles waged by similar gangs a hundred years ago when a death toll of fifteen or twenty was not uncommon. Nevertheless, if we limit ourselves to the period since 1948 there can be little doubt that an increase in youthful lawlessness has taken place and that even if it is not as great as the unanalyzed figures seem to suggest, it is sufficiently large to justify serious attention. It is particularly important if these young offenders are not to continue to repeat their offences until they become regular and habitual criminals that new methods of treatment should be developed, for many of our present methods are notoriously ineffective. It is no less essential that such new measures as are introduced should be kept under review and subjected to careful empirical examination to evaluate their effectiveness.

In the United Kingdom under the Criminal Justice Act of 1948 what Professor Radzinowicz describes as "a novel and rather ingenious measure" for dealing with youthful offenders was introduced, and *Attendance Centres* is the report of an enquiry by the Cambridge Institute of Criminology which sets out to provide an account of the measure as such, of its mode of enforcement and of its utility, based on an investigation covering the first ten years of the scheme's operation.

Penal reformers have long been concerned over the excessive number of young persons being sent to prison on short sentences or confined in other institutions; yet for many probation would appear to be insufficient. The idea behind the attendance centre derives from Sir Alexander Paterson, perhaps the greatest practical penologist of this century, and can be found in the evidence which he gave to the Persistent Offenders Committee in 1931. He was of the opinion that imprisonment should be avoided for all save extreme cases and he said:

Therefore I recommend to the attention of the Committee the deprivation of leisure as a means of dealing with the troublesome adolescent. The lad who commits a street offence, breaks some by-law or refuses to pay a fine should not have his roots torn up and be sent away from home and work to prison or institution. His future should not be handicapped by the dislocation or stigma of such a sentence. It will be a salutary reminder to him if he is compelled to surrender himself at 7 p.m. every evening for detention till 10 p.m. or at 2 p.m. on Saturday till 10 p.m. Sunday. He would be incarcerated in a central lock-up in the city and required to chop wood or scrub or clean or wash. The process would do him no harm, and might well remind him of the power of the law to interfere with his liberty if he does not conform with its requirements.

This recommendation was embodied in legislation in a somewhat modified form in 1948, and the first attendance centre was opened in London in July 1950. Ten years later forty attendance centres were in operation dealing with 2,500 juvenile offenders annually.

Briefly the purpose of the attendance centre is to deal with youthful offenders between 12 and 21 convicted of an offence punishable by imprisonment without sending them to a residential corrective institution. Under an attendance centre order youths are required to attend a centre during their spare time on Saturday mornings or afternoons for up to three hours on any one occasion and for not more than twelve hours in all. The treatment is not designed for dealing with very difficult or persistent young delinquents but rather for reclaiming impulsive and wayward youths by forestalling habits of delinquency at the incipient stages by teaching respect for the law and giving some instruction in the proper use of leisure. Activities at the centres include a period of instruction in handicrafts or a lecture on a practical topic (e.g., first aid) and a period of physical training or disciplinary tasks under supervision. Efforts are also made to

induce boys to join a youth club or other suitable organisation. It emerges from this enquiry that general arrangements at different centres presented some surprising contrasts; at one the only purpose of attendance recognized was entirely a punitive one; at another the emphasis was on reform by stimulating an interest in citizenship and useful crafts. In the majority the punitive and educative elements were mixed in a curriculum intended to instil "discipline, smartness and self-respect". Failure to attend or any breach of the rules may lead to revocation of the attendance order in which case the court may award any of the punishments they could have given, had the order not been made. To date no attendance centres for girls have been opened and with one exception those for boys have been confined to the 12 to 17 age group. An experimental centre for youths aged 17 to 21 with the activities adapted to meet the needs of the older age group was opened in December 1958. Apart from this senior centre, which is run by the Prison Commissioners, attendance centres are administered and organized by the police for the Home Office. The person in charge is an officer of the rank of inspector at least, usually assisted by two instructors. The centres are situated in police premises or other suitable accommodation. The centres have two main uses: as a method of dealing at an early stage with the less serious forms of delinquency and as a supplementary method of treating misconduct in offenders already on probation. Offenders sent to them must be either first offenders or if they have previously been before a court must not have been previously sentenced to imprisonment, borstal training or detention in a detention centre or approved school.

It is clear that the attendance centre should be regarded as a specialised treatment for certain limited groups of offenders and not as a possible solution to the problem of how to handle juvenile delinquents. Nevertheless, within the limits set by the criteria indicated in the last paragraph the assessment of the results of the system provided in this report indicates a considerable degree of success. The general rate of success, as measured by the effectiveness of the treatment in checking offenders from committing further crime, was 62 per cent. The rate of success for first offenders was much higher, being 73 per cent., but on the other hand that for recidivists with two or more previous convictions was only 50 per cent. No valid comparison of the efficacy of different methods of treatment can be made simply by comparing success rates, for the groups sentenced to different forms of treatment are not similar in all respects. Bearing this in mind, however, it is interesting to note that the general rate is slightly higher than the rate of success for young offenders put on probation and much higher than that for those sent to borstal or detention in remand homes or detention centres. In the light of these results it seems probable that there will be a further extension of the scheme. Certainly the Detention Centre is one of the most interesting recent developments in the treatment of juvenile delinquency, avoiding as it does the dangers of institutionalisation without succumbing to the superficiality of many forms of extramural supervision.

It may be not altogether irrelevant to add that the Boston Citizen Training Centre scheme in the United States provides another example of the theory of deprivation of leisure as a penal method, but in this case somewhat more rigorously applied and with more emphasis on modifying attitudes and achieving social maturity. A research project involving a ten-year study of the boys who had been through this training programme since its inception in 1936 revealed that it had proved possible "to restore 72.6 per cent. of this group to decent and useful citizenship". The emphasis at the Citizenship Training Centres is on "individual adjustment and character training", and attendance of two hours a day, five days a week, immediately after school, for twelve weeks, makes possible much more intensive treatment than the Detention Centres can provide. Of course, no wholly reliable comparison between the two schemes can be made,

but it is very encouraging to note that in both cases the importance of evaluation has been recognized.

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