

The Senate

Community Affairs
References Committee

Forgotten Australians

A report on Australians who
experienced institutional or
out-of-home care as children

August 2004

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The collage used on the inside cover includes photos of Balmain Industrial School – Balmain; Church of England Boys Home – Walkerville; Dalmar Children's Home – Carlingford; Dalwood – Seaforth; Magill Boys Home - Magill; Marsden Home for Boys – Kallangur; Mater Dei Orphanage – Narellan and Yarra Bay House – La Perouse.

These photos have come from individual submissions and CLAN. The CLAN website at www.clan.org.au also contains an extensive photographic gallery of orphanages and children's homes.

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*Any nation that does not care for and protect all of its children
does not deserve to be called a nation*

Nelson Mandela

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EXECUTIVE SUMMARY

Upwards of, and possibly more than 500 000 Australians experienced care in an orphanage, Home or other form of out-of-home care during the last century. As many of these people have had a family it is highly likely that every Australian either was, is related to, works with or knows someone who experienced childhood in an institution or out of home care environment.

Children were placed in care for a myriad of reasons including being orphaned; being born to a single mother; family dislocation from domestic violence, divorce or separation; family poverty and parents' inability to cope with their children often as a result of some form of crisis or hardship. Many children were made wards of the state after being charged with being uncontrollable, neglected or in moral danger, not because they had done anything wrong, but because circumstances in which they found themselves resulted in them being status offenders. Others were placed in care through private arrangements usually involving payment to the Home. Irrespective of how children were placed in care, it was not their fault.

Children were placed in a range of institutions including orphanages, Homes, industrial or training schools that were administered variously by the state, religious bodies and other charitable or welfare groups.

The Committee received hundreds of graphic and disturbing accounts about the treatment and care experienced by children in out-of-home care. Many care leavers showed immense courage in putting intensely personal life stories on the public record. Their stories outlined a litany of emotional, physical and sexual abuse, and often criminal physical and sexual assault. Their stories also told of neglect, humiliation and deprivation of food, education and healthcare. Such abuse and assault was widespread across institutions, across States and across the government, religious and other care providers.

But the overwhelming response as to treatment in care, even among those that made positive comments was the lack of love, affection and nurturing that was never provided to young children at critical times during their emotional development.

The long term impact of a childhood spent in institutional care is complex and varied. However, a fundamental, ongoing issue is the lack of trust and security and lack of interpersonal and life skills that are acquired through a normal family upbringing, especially social and parenting skills. A lifelong inability to initiate and maintain stable, loving relationships was described by many care leavers who have undergone multiple relationships and failed marriages. Many cannot form trust in relationships and remain loners, never marrying or living an isolated existence.

It is not just the impact that tragic childhood experiences have had for the care leavers. Their children and families have also felt the impact, which can then flow through to future generations.

The legacy of their childhood experiences for far too many has been low self-esteem, lack of confidence, depression, fear and distrust, anger, shame, guilt, obsessiveness, social anxieties, phobias, and recurring nightmares. Many care leavers have tried to block the pain of their past by resorting to substance abuse through life long alcohol and drug addictions. Many turned to illegal practices such as prostitution, or more serious law-breaking offences which have resulted in a large percentage of the prison population being care leavers.

For far too many the emotional problems and depression have resulted in contemplation of or actual suicide. Anecdotal evidence has shown an abnormally large percentage of suicides among care leavers.

Care leavers harbour powerful feelings of anger, guilt and shame; have a range of ongoing physical and mental health problems – often directly associated with beatings or lack of health care as a child; and struggle with employment and housing issues.

A large number of positive stories were heard by the Committee from people who with a great deal of love and support from partners, families and friends are now able to better come to terms with their past and live fuller and more satisfying adult lives.

The Committee considers that there has been wide scale unsafe, improper and unlawful care of children, a failure of duty of care, and serious and repeated breaches of statutory obligations.

The Committee further considers that many comments in recent years by governments, churches and care providers reveal a complete lack of understanding of or acceptance of responsibility for the level of neglect, abuse and assault that occurred in their institutions.

The Committee believes that governments, the Churches and agencies should issue formal statements acknowledging their role in past institutional care policies and practices and the impact this had on the lives of many care leavers. These statements should express sorrow and apologise for the physical, psychological and social harm caused as a result of the care leavers' experiences as children in institutional care. The Committee also considers that these acknowledgments must be accompanied by other positive measures as recommended in the report to ensure that they are not regarded as merely 'empty gestures' by the care leavers and the community generally.

The Committee considered various reparation and redress schemes including access to civil litigation and the legal and other barriers to pursuing claims through the civil system. The Committee examined international and Australian reparation schemes before concluding that a national reparations fund for victims of institutional and out of home care abuse should be established.

The Committee also considered the internal church processes for dealing with allegations of abuse and their commitment to address past grievances. Such processes need to be open, rigorous and accountable; however many of those that do exist are

deficient in these areas and so the Committee has made a number of recommendations to improve transparency and accountability.

Questions of identity both for themselves and of other family members through locating and accessing records has become very important for many care leavers. A range of issues are discussed including locating and accessing records (overcoming FOI hurdles and barriers), the lack of or destruction of personal files, the quality of record keeping at the time and the nature of information and personal comments contained in records, and the need for support when care leavers are viewing their records.

The provision of services to address the needs of care leavers is seriously lacking at many levels. The Committee discusses many issues surrounding what services need to be provided or improved, and how and by whom should they be provided. In particular, support and advocacy services, counselling and the need for specialised counselling services, and programs to tackle health and ageing, housing and homelessness, and adult literacy and numeracy and other education services are addressed.

Recognition of care leavers and their history in Australia in more tangible ways is discussed through the erection of memorials, creation of memorial gardens, construction of heritage centres and in other forms such as reunions. To ensure that the experiences of care leavers are not lost to current and future generations, the Committee recommends that an oral history project be undertaken to collect life stories and that the Museum of Australia should consider the establishment of a permanent exhibition as part of its collection.

Finally the Committee recommends that research needs to be undertaken into a number of areas including the role of institutional care in Australia's social history, the social and economic impact and cost, and interdisciplinary research into the relationship between child protection and welfare dependency. This research needs to be combined with the establishment of courses of study at the tertiary level focusing on these and a range of related subject issues, since the links between how a child is raised and their totality as an adult will continue to influence the creation of policies affecting all Australians.

This report is not just concerned with the past, it is very much about the present and it informs the future of our nation.

RECOMMENDATIONS

Chapter 7

Statements of acknowledgment and apology

Recommendation 1

7.110 That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.

Recommendation 2

7.111 That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

Chapter 8

Addressing legal barriers

Recommendation 3

8.67 That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction.

Recommendation 4

8.68 That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.

Recommendation 5

8.69 That the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

National reparation fund

Recommendation 6

8.125 That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:

- the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;
- the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;
- a board be established to administer the scheme, consider claims and award monetary compensation;
- the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;
- the board should have regard to whether legal redress has been pursued;
- the processes established in assessing claims be non-adversarial and informal; and
- compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.

Internal Church redress processes

Recommendation 7

8.170 That all internal Church and agency-related processes for handling abuse allegations ensure that:

- informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourses to more formal processes, the aim being to promote reconciliation and healing;
- where possible, there be independent input into the appointment of key personnel operating the schemes;
- a full range of support and other services be offered as part of compensation/reparation packages, including monetary compensation;
- terms of settlement do not impose confidentiality clauses on complainants;

-
- internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and
 - information on complaints procedures is widely disseminated, including on Churches' websites.

Recommendation 8

8.171 That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:

- investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;
- review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;
- report annually to the Parliament on the operation of the Churches' complaints schemes, including data on the number and nature of complaints; and
- publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.

Recommendation 9

8.172 That the Churches and agencies publish comprehensive data on all abuse complaints received to date, and then subsequently on an annual basis, and that this information include:

- numbers of complainants and type of complaints received;
- numbers of Church/agency personnel involved in complaint allegations; and
- amounts of compensation paid to complainants.

Recommendation 10

8.173 That information on the above matters be provided annually (including any reasons for non-compliance) to the national commissioner for publication in a consolidated form in the commissioner's annual report.

Royal Commission

Recommendation 11

8.223 That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault,

including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations;

And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:

- be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and
- be narrowly conceived so as to focus within these institutions, on
- the nature and extent of criminal physical assault of children and young persons, including assault leading to death;
- criminal sexual assault of children and young persons;
- and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.

Chapter 9

Location, preservation, recording and access to records

Recommendation 12

9.113 That government and non-government agencies holding records relating to care leavers, implement and fund, as a matter of priority, programs to find, identify and preserve records including photographs and other memorabilia.

Recommendation 13

9.114 That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

Recommendation 14

9.115 That all State Governments and non-government agencies, which have not already done so

- provide dedicated services and officers to assist care leavers in locating and accessing records, both government and non-government; and
- compile directories to assist in the locating and accessing of records relating to care leavers and the institutions into which they had been placed.

Recommendation 15

9.116 That a dedicated information and search service be established in each State and Territory to:

- develop a complete register of all records held by government and non-government agencies;
- provide assistance to care leavers to locate and access records;
- provide advocacy and mediation services to care leavers accessing records; and
- ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

Recommendation 16

9.117 That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:

- the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
- the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;
- the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and
- the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.

Recommendation 17

9.118 That all agencies, both government and non-government, which provide access to records for care leavers, ensure adequate support and counselling services are provided at the time of viewing records, and if required, subsequent to the viewing of records; and that funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency.

Recommendation 18

9.119 That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families.

Chapter 10

Advocacy and support groups

Recommendation 19

10.58 That the Commonwealth fund a national conference of service providers and advocacy and support groups with the aim being to establish a professional national support and advocacy body for care leavers; and that this body be funded by the Commonwealth and State Governments and the Churches and agencies.

Recommendation 20

10.59 That the Commonwealth and State Governments and Churches and agencies provide on-going funding to CLAN and all advocacy and support groups to enable these groups to maintain and extend their services to victims of institutional abuse, and that the government and non-government sectors widely publicise the availability of services offered by these advocacy and support groups.

Provision of support services

Recommendation 21

10.77 That all State Governments, Churches and agencies provide a comprehensive range of support services and assistance to care leavers and their families.

Recommendation 22

10.78 That all State Government funded services for care leavers be available to all care leavers in the respective State, irrespective of where the care leaver was institutionalised; and that funding provisions for this arrangement be arranged through the Community and Disability Services Ministerial Council.

Counselling services

Recommendation 23

10.106 That all State Governments, Churches and agencies fund counselling services for care leavers and their families, and that those currently providing counselling services maintain and, where possible, expand their services including to regional areas. The counselling services should include:

- the extension of specialist counselling services that address the particular needs of care leavers;
- their provision to clients on a long-term or as required basis; and
- the provision of external counselling as an option.

Recommendation 24

10.107 That specialist higher education courses be available for the training of health professionals in areas related to the particular psychological and psychiatric effects of institutional abuse.

Health care, housing and aged care programs**Recommendation 25**

10.133 That the Commonwealth and State Governments in providing funding for health care and in the development of health prevention programs, especially mental health, depression, suicide prevention and drug and alcohol prevention programs, recognise and cater for the health needs and requirements of care leavers.

Recommendation 26

10.134 That the Department of Health and Ageing fund a pilot program under the Aged Care Innovative Pool to test innovative models of aged care services focussing on the specific needs of care leavers.

Recommendation 27

10.135 That the Home and Community Care program recognise the particular needs of care leavers; and that information about the program be widely disseminated to care leaver support and advocacy groups in all States.

Recommendation 28

10.140 That the Supported Accommodation Assistance Program recognise the particular needs of care leavers; and that:

- data on the usage of the Program by care leavers be collected; and
- information about the Program be widely disseminated to care leaver support and advocacy groups in all States.

Education**Recommendation 29**

10.150 That the Commonwealth and State Governments widely publicise the availability of adult literacy and numeracy services and associated adult education courses to care leavers and care leaver support groups.

Recommendation 30

10.151 That State Governments investigate options for alternative entry pathways to higher education courses for ex-residents of institutions and their children.

Data collection**Recommendation 31**

10.159 That the Commonwealth, in conjunction with the States, develop procedures for the collection of data on people who have been in care on forms that are already used to elicit client information such as Medicare and Centrelink forms and admission forms to prisons, mental health care facilities and aged care facilities.

Recommendation 32

10.160 That Commonwealth and State programs across a range of social policy areas, including health and aged care and social welfare services generally, explicitly recognise care leavers as a sub-group with specific requirements in the publications and other material disseminated about programs.

Whole of government approach to program and service delivery**Recommendation 33**

10.164 That the Commonwealth and the States commit, through the Council of Australian Governments, to implementing a whole of government approach to the provision of programs and services for care leavers across policy areas such as health, housing and welfare and community services and other relevant policy areas.

Chapter 11***Recognition through memorials and exhibitions*****Recommendation 34**

11.46 That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable memorials commemorating care leavers. Where possible, memorials could take the form of:

- memorial gardens constructed in conjunction with local councils;
- the placement of plaques at the site of former institutions; and/or
- the construction of heritage centres on the site of former institutions.

The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.

Recommendation 35

11.47 That the National Museum of Australia be urged to consider establishing an exhibition, preferably permanent, related to the history and experiences of children in institutional care, and that such an exhibition have the capacity to tour as a travelling exhibition.

Oral histories**Recommendation 36**

11.48 That the Commonwealth Government provide funding for the National Library of Australia to undertake an oral history project to collect the life-stories of former residents in institutional and out-of-home care.

Research**Recommendation 37**

11.49 That the Commonwealth Government fund research either through the Australian Institute of Family Studies or other relevant research body or university into the following areas:

- historical research into institutional care, including the role of institutional care in Australia's social history; the history of institutions and the commissioning of personal histories of former residents;
- the social and economic impact and cost of institutional care; and
- inter-disciplinary research into the relationship between child welfare/child protection and areas such as welfare dependency, social problems such as drug and alcohol abuse and family relationship breakdowns.

Recommendation 38

11.50 That the Australian Institute of Family Studies National Child Protection Clearinghouse be funded by the Commonwealth Government to collect publications related to historical studies of institutional and other forms of out-of-home care and that this information be widely disseminated.

Tertiary study courses**Recommendation 39**

11.51 That the Commonwealth, in co-operation with State Governments, establish courses of study at selected tertiary institutions that focus on child protection and related issues, especially early childhood and family studies, psychology, conflict management, the impact of institutional care and social policy to address issues in these areas.

CHAPTER 1

INTRODUCTION

In some ways I feel like wasted potential, I feel that because I was full of potential as a child and if I'd had a different childhood I could have done anything and been anyone I wanted but instead I was lumbered with a childhood where I had no rights and the government "carers" did whatever they felt like doing to me, so instead of being anything I wanted I've had to deal and cope with the horror of my childhood. This is something that I will keep doing for the rest of my life. I also ask, "what if what happened to me, happened to one of your children"? That's how you need to view me, as a child as valued as your own because I am someone's daughter, my parents just aren't here. (Sub 246)

Terms of reference

1.1 On 4 March 2003, the Senate, on the motion of Senator Andrew Murray, referred the following matters to the Committee:

1. (a) in relation to any government or non-government institutions, and fostering practices, established or licensed under relevant legislation to provide care and/or education for children:
 - (i) whether any unsafe, improper or unlawful care or treatment of children occurred in these institutions or places,
 - (ii) whether any serious breach of any relevant statutory obligation occurred at any time when children were in care or under protection, and
 - (iii) an estimate of the scale of any unsafe, improper or unlawful care or treatment of children in such institutions or places;
- (b) the extent and impact of the long-term social and economic consequences of child abuse and neglect on individuals, families and Australian society as a whole, and the adequacy of existing remedies and support mechanisms;
- (c) the nature and cause of major changes to professional practices employed in the administration and delivery of care compared with past practice;
- (d) whether there is a need for a formal acknowledgement by Australian governments of the human anguish arising from any abuse and neglect suffered by children while in care;
- (e) in cases where unsafe, improper or unlawful care or treatment of children has occurred, what measures of reparation are required;

- (f) whether statutory or administrative limitations or barriers adversely affect those who wish to pursue claims against perpetrators of abuse previously involved in the care of children; and
 - (g) the need for public, social and legal policy to be reviewed to ensure an effective and responsive framework to deal with child abuse matters in relation to:
 - (i) any systemic factors contributing to the occurrences of abuse and/or neglect,
 - (ii) any failure to detect or prevent these occurrences in government and non-government institutions and fostering practices, and
 - (iii) any necessary changes required in current policies, practices and reporting mechanisms.
2. In undertaking this reference, the committee is to direct its inquiries primarily to those affected children who were not covered by the 2001 report *Lost Innocents: Righting the Record*,¹ inquiring into child migrants, and the 1997 report, *Bringing them Home*,² inquiring into Aboriginal children.
 3. In undertaking this reference, the committee is not to consider particular cases under the current adjudication of a court, tribunal or administrative body.
 4. In undertaking this reference, the committee is to make witnesses and those who provide submissions aware of the scope of the inquiry, namely:
 - (a) explain the respective responsibilities of the Commonwealth and the states and territories in relation to child protection matters; and
 - (b) explain the scope of the committee's powers to make recommendations binding upon other jurisdictions in relation to the matters contained in these terms of reference.

1.2 In its report *Lost Innocents* on child migration the Committee referred to comments that that inquiry was the second part of a trilogy, the first being the HREOC report *Bringing them home* on indigenous children. A third report was needed about the plight of the many thousands of mainly non-indigenous Australian-born children who suffered under institutional care. This report is the third part of the trilogy.

1 Senate Community Affairs References Committee, *Lost Innocents: Righting the Record*, Report on Child Migration, August 2001 (Chair: Senator Rosemary Crowley).

2 Human Rights and Equal Opportunity Commission (HREOC), *Bringing them home*, Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, April 1997 (Chair: Sir Ronald Wilson).

1.3 The attention focussed on the Stolen Generations of indigenous children that resulted from the HREOC inquiry and the more recent coverage provided to child migrant issues was commented upon in evidence. It was not so much that these two groups were receiving the recognition and services they deserved, rather that there were many thousands of other Australians who were subjected to similar treatment in care and removal from families and that they also deserved equal recognition and access to services as a result of their childhood experiences. Some refer to themselves as the 'white stolen generation'.

Conduct of Senate Inquiry into Children in Institutional Care

1.4 The inquiry was advertised in *The Australian*, *Daily Telegraph* and *Herald Sun*, and publicised through other print and electronic media, through newsletters circulated by support groups and service providers, and on the Internet. The Committee invited submissions from Commonwealth and State Government departments and other interested organisations and individuals. While an initial deadline of 31 July 2003 was extended to 1 September 2003, due to the highly personalised nature of this inquiry and the time taken for many care leavers to gain knowledge of the inquiry, the Committee continued to accept submissions throughout the course of the inquiry.

1.5 The reporting date was extended from December 2003 to August 2004 due to the wide-ranging and complex issues that arose during the inquiry, the sheer volume of evidence that required processing and the workload imposed on the Committee by competing priorities of other inquiries being conducted concurrently. The Committee was also mindful of the need to produce an authoritative and compelling report which respected the life experiences of care leavers.

1.6 The Committee received 440 public submissions and 174 confidential submissions. A list of individuals and organisations who made a public submission or provided other information that was authorised for publication by the Committee is at Appendix 1. The extensive nature of this inquiry can be recognised from the submissions received by the Committee. Submissions were received from care leavers who had been in government and non-government institutions or foster homes across all States in Australia and spanning the period from the 1920s to the 1990s. Appendix 6 provides a summary listing from submissions of all the institutions the care leavers who provided those submissions had been placed in. The span of years they were in those homes as described in submissions is summarised in Appendix 7.

1.7 The Committee heard evidence in public at Melbourne on 11-12 November 2003; Adelaide on 13 November 2003; Perth on 8-9 December 2003; Sydney on 3-4 February 2004 and Brisbane on 12 March 2004. The Committee also held four in camera hearings. 171 people who had lived in a broad range of institutional settings and those representing many organisations gave evidence at these hearings.

Submissions

1.8 Without doubt this inquiry has generated the largest volume of highly personal, emotive and significant evidence of any Senate inquiry.

1.9 Many hundreds of people opened their lives and the memories of traumatic childhood events for the Committee in their public submissions and at the hearings. Some people were actually telling their story to another person, including family, for the first ever time. For some these memories and their life story remain so distressing that they asked for their name to be withheld or to be identified only by their first name. Many others who for a range of reasons preferred that their identity remain undisclosed provided confidential submissions. All these people desperately wanted the Committee to read and hear what they had experienced in childhood and the impact that those events have had throughout their life. They wanted their voice to be heard.

1.10 The power of these submissions in conveying a life needlessly haunted by potent feelings of guilt and shame is overwhelming and must be acknowledged and addressed in a decisive and resolute fashion; that these events happened, that the care leavers were not to blame, that theirs is not a background of shame, that they should be recognised and understood as having had a childhood full of emotional and social deprivation.

1.11 For the Committee members and parliamentary staff involved with this inquiry the scale and magnitude of the events described in evidence was overwhelming. To think that a human could treat another in such a psychologically and physically abusive manner is unthinkable; to treat a child in such a manner is simply incomprehensible. Yet it happened. Comments were made during evidence that it is impossible for others to fully comprehend what was happening unless they had actually experienced this life, and that a certain desensitisation could occur. These feelings were well expressed in one submission:

it occurred to me that Senators and other government staff involved in reading and assessing submissions, could easily become hardened to their content. It appears there were many, many incidents that are questionable, which took place in government institutions like Parramatta Girls' Home. I only hope that Senators give their utmost attention to the details of submissions, and try to imagine the effect on a person's character as a result of abuse and ill-treatment. Empathy must be difficult to achieve when your own life has been sweet. (Sub 284)

1.12 To fully understand the roller-coaster of emotions generated by this inquiry is indeed very difficult. We as Committee members have read the submissions and sat through deeply emotional and disturbing hearings. One Committee member has described the inquiry 'as the most emotionally wrenching period I have spent in politics in 15 years', a view shared by all members. The Committee understands the courage of those care leavers who wrote submissions and the complex emotional problems faced by many in completing their submissions. The Committee is aware of

many cases where the writing of a submission took many months of agonising over and reliving painful past events.

These types of things have never been released from my mind before. Writing my life experience for this submission has really broken me emotionally as I am reliving all these issues and events. (Sub 341)

Telling this story is one of the hardest things I have had to do. I'm telling you things I've never told anyone before, not even my brother and sister. We never discuss being in that place, the shame and damage it has caused is just too powerful. (Conf Sub 44)

Writing my memoirs has been a frightening experience because all the painful memories swamped me like a tidal wave. The emotion in my heart did become too great and many tears flowed from my eyes. These intense emotions from the chemistry of pain, humiliation, anxiety and fear, often wake me up many mornings of my life feeling afraid but not understanding why. (Conf Sub 143)

1.13 The Committee understands that for the hundreds of care leavers who provided submissions there are many hundreds more, probably thousands, who for various reasons could not bring themselves to relive their experiences and produce a submission, or simply were unaware of the inquiry.

I have cried even writing this letter to you, I guess I just can't understand why I must go on with it as I have hoped all my life that someone would hear me... This letter was written for all of those who were unable to write their own. (Sub 371)

By proxy, may [my submission] also convey the feelings and sentiments of the many who through death, ill health, damaged psyche, painful shame or a denial of education are unable to have their say in regards to how they were treated while in these institutions. (Sub 365)

My brother Barry was also a state ward and never got any support or counselling and died at the age of 32. By writing this submission, I also want to give him a voice... I hope that my story gives other people hope. If this inquiry does not learn from past mistakes, it is doomed to repeat them. No child should have experienced this in the past and no child should have to experience it in the future. (Sub 318)

1.14 The Committee also understands that for some people drafting a submission was a cathartic experience and a small step along the healing path.

I [aged 71] decided to write about my past in the hope that it will help me to understand myself and to help take away the guilt which has spoilt not only my own life but that of just about everyone else I got close to. (Sub 320)

This is not just a submission to me, these are the memories that make up my childhood. A childhood I have fought with all my might to conquer so I can lead a normal life. (Sub 246)

I was so pleased to find out about this inquiry I hope my story will help me and others like me. (Sub 279)

I thought I had healed myself of my memories till I started to hear about this inquiry and other peoples stories and realised I needed to also lay my own ghosts of the past. It also helps me to know that perhaps my story can be of help to others and help them to heal as well. (Sub 322)

For many years I have wanted to write about those years and the lasting effect on my life. (Sub 364)

At first I wanted to keep this submission private, but...I gave permission for this submission to be public. It has certainly lifted a load from me emotionally and physically; I feel I've let go of my story. I now feel free. I've lived with this all my years and I have felt stunted in lots of ways. Now at 77 years my story has been told. (Sub 425)

1.15 The Committee members are most grateful and offer their heartfelt thanks to all those who provided submissions describing their life experiences. The Committee considers that these submissions by so many people do not just represent their own individual stories, but they are also provided on behalf of their thousands of brothers and sisters who experienced life in an institution or out-of-home care. In addition, all those who provided submissions deserve the thanks of the Australian people for whom these submissions can open their eyes to a sad, painful, often tragic and not understood chapter in Australian history.

1.16 As this report describes, children were for many reasons hidden in institutions and forgotten by society when they were placed in care and again when they were released into the 'outside' world. One person referred to 'the carpet children' – as in swept under. These people who spent part or all of their childhood in an institution, children's home or out-of-home care background have been the forgotten Australians. Until now. It is now time for all Australians to recognise and acknowledge the painful and haunting experiences and memories of this vast number of fellow Australians.

The report

1.17 Due to the broad scope of the terms of reference and sheer magnitude of the evidence and information received, the Committee has decided to produce two reports on this inquiry.

1.18 This first report focuses on children who were in institutional and out-of-home care, mainly from the 1920s until the 1970s when deinstitutionalisation began to see large institutions replaced by smaller residential homes, foster care or other options such as placements with families for accommodating children in need of out-of-home care. This report includes background information on institutions and the governments' and churches' roles in placing children in care, the treatment of children in care and the long-term effects of experiences while in care. The issues of responsibility, acknowledgement and reparation are also canvassed, as are issues relating to accessing records and information and the provision of wide ranging services for care leavers which are critical in ensuring that they can improve their quality of life.

1.19 The second report will cover foster care, including information from earlier times but with its main focus on contemporary foster care issues, children in care with disabilities and the contemporary government and legal framework in which child welfare and protection issues operate. Many care leavers expressed their concern over the fate of children currently in foster or out of home care to ensure that the experiences they suffered as children are not being repeated in the contemporary situation. These issues will also be addressed in the second report.

1.20 A number of chapters in the report quote extensively from the submissions, particularly the chapters dealing with institutions, treatment in care and the long-term effects. This is a deliberate effort to give as many care leavers as possible a direct voice in the report by using their actual words. In doing so, submission numbers are sourced after each direct quote rather than by using footnotes as is the case in other parts of the report. By drafting these sections of the report to enable care leavers to tell their stories and describe their experiences in their own words has meant that the use and choice of quotes is necessarily selective and highly subjective and at best can only give a snapshot or a sense of events, experiences and emotions. Reading extracts from submissions does not give the full picture; they need to be read in the context of the whole submission – to understand the individual's complete story – a story possibly of a struggling family life before separation, of poverty and deprivation, of parental problems, breakdown or loss, of the trauma of removal from family, for a complete contextual understanding of the treatment experienced while in care, and for a realisation of the devastation inflicted on many individuals for a lifetime.

1.21 To read these submissions as a body of evidence is emotionally devastating. Each submission is different. For those who were in the same institution and who suffered from similar treatment and abuse, the memories, the impact are different because they are all individuals with their own backgrounds, histories and personal circumstances that found them thrown together in a particular place and that colours their experience. As vulnerable, impressionable children grasping to understand what was occurring, their reactions and responses differed dramatically from individual to individual.

1.22 The Committee acknowledges that many carers in many Australian homes for children were concerned for the children's best interests and that treatment and practices obviously varied according to management regimes and staff at certain times in institutions. The Committee did receive evidence from some people who reported benefiting from being in care and provided positive or at least neutral stories about their experiences of institutional life and various homes, though people of this view generally do not see a need to come forward and tell their story. However, the stories and anecdotes cited in the report typify the overwhelming majority of evidence received by the Committee.

1.23 The Committee has made many recommendations and acknowledges that some are beyond the Commonwealth's jurisdiction. The Committee considers that the Commonwealth should encourage the States and Territories to adopt recommendations through the Council of Australian Governments and Ministerial

Council discussions. The Committee expects that the Churches and agencies would also acknowledge and accept responsibility for their involvement and adopt the recommendations that have been directed towards them.

Perspectives of institutional care

1.24 A number of terms have been used in evidence to describe children who were in care including ex or former residents, Homies, Wardies, orphans and foster kids. The Committee has used the term 'care leaver' in the report to describe all those people who have experienced life in some form of institutional or out-of-home care. The term 'institutional care' is used in the report to refer generally to care and experiences in establishments run by government or non-government organisations that can vary in size and configuration and include orphanages, large children's homes, training schools, dormitory or group cottage homes, juvenile detention centres or other forms of out-of-home care such as foster care.

1.25 Institutional care involves a variety of living arrangements. Residential care for children includes placing children in a residential building where children are cared for by paid staff, who may or may not live on the premises. Home-based or out-of-home care may include foster care (where the child is placed in a family setting), or community care or relative/kinship care where the caregiver is a family member or a person with a pre-existing relationship to the child.³ The orphanage system was initially based on large residential institutions housing hundreds of children in a communal environment. Children's institutions and their history in Australia are discussed in chapter 2.

1.26 The inquiry has examined care and experiences in residential and out-of-home care (foster and kinship care), juvenile detention centres and homes for people with disabilities. The committee also received a number of submissions relating to children in migrant detention centres and boarding schools, as well as adoption issues.

1.27 A central theme of the report relates to abuse of children in institutions, including emotional, physical and sexual abuse and neglect, much of which constituted criminal physical and sexual assault. Contemporary definitions of 'child abuse' vary across Australian jurisdictions, according to particular State and Territory Acts for the care and protection of children. Such terms are not clearly identified in legislation covering the earlier eras applicable to this report. Legislation from earlier times relating to children in institutions tends to focus on issues such as punishments, standards of care, nutritional requirements and educational standards. These matters are discussed in a number of chapters through out the report and extracts from some relevant Acts are in Appendix 4.

3 Australian Institute of Health & Welfare, *Child protection Australia 2002-03*, AIHW, Child Welfare Series no.34, 2004, p.39.

Recent reports on children's institutions and institutional life

1.28 Since the mid-1990s, various inquiries into children's institutions such as orphanages, and institutional practices for the care and protection of children and young people, have been undertaken in a number of Australian jurisdictions. The following discussion highlights some of these reports that illustrate the background against which the Inquiry into Children in Institutional Care was established.

1.29 More recent inquiries have or are being conducted into the activities of some State and Territory government agencies which have responsibility for the care and protection of children. These reports, including their recommendations and outcomes, are discussed in the Committee's second report.

Bringing them home

1.30 In May 1995, Sir Ronald Wilson chaired a Commonwealth Human Rights and Equal Opportunity Commission (HREOC) investigation into the history and circumstances of indigenous⁴ children's removal from their families and communities.

1.31 The report, *Bringing them home*, released in May 1997, focused on children who had been in institutions and church missions, or those who had been adopted or fostered and described how indigenous children had been forcibly separated from their families and communities since the European settlement of Australia. The report revealed many shocking stories of abuse and deprivation, including in foster care and provided information about the history and consequences of the removal of children from their families, and contemporary separations. It described stages of legislation in each Australian jurisdiction and policies regarding the removal of Aboriginal children including those related to segregation, biological absorption and assimilation of indigenous people.

1.32 While some stories of kindness did emerge, the report contains many others that reveal that: indigenous babies were often given away like commodities to suit white adoptive parents' needs; authorities ignored indigenous kinship roles for child rearing; and children were locked up in squalid, unhygienic rooms and left crying from hunger or scrounging for food in rubbish dumps.

1.33 Many indigenous children in the homes received only a very limited education and were given no proper opportunities, but were merely trained as domestics. Witnesses spoke of being sexually abused, including by members of churches, having their names changed and being punished for speaking their own language. Not surprisingly many subsequently did not know anything about their families or indigenous heritage, and experienced identity crises, even to the point of being unsure if they were black or white.

4 *Bringing them home*, p.27. This generic term is used throughout *Bringing them home* to include all Aboriginal groups and Torres Strait Islanders.

1.34 Key findings from *Bringing them home* included:

- nationally, between one in three and one in ten indigenous children were forcibly removed from their families and communities between 1910 and 1970;
- indigenous children who had been removed were often physically and sexually abused and not paid wages for their labour; and
- under international law, from approximately 1946 the policies of forcible removal amounted to genocide; and from 1950 the continuation of distinct laws for indigenous children was racially discriminatory.

1.35 Among the report's 54 recommendations are those relating to reparations; acknowledgements and apologies from entities such as Australian Parliaments, police forces and churches; monetary compensation; rehabilitation and restitution measures; counselling, and principles to allow indigenous communities control over their own children.⁵

1.36 The Federal Government's formal response to *Bringing them home* encompassed \$63 million in assistance including funds for programs directed to assist with indexing and preserving files, providing indigenous family support and parenting programs and establishing projects for culture and language maintenance and oral histories.

1.37 In August 1999, the Prime Minister, the Hon John Howard MP, delivered a statement of regret in Parliament to Aboriginal people acknowledging that the mistreatment of many indigenous Australians over a significant period represented the most blemished chapter in our international history.⁶ The Government was criticised for not making an official apology and an acknowledgement of human rights violations, and for not paying compensation. Critics stated that international law clearly and explicitly imposes an obligation to pay compensation as a measure of reparation for any acts which constitute a violation of human rights.⁷

Abuse of Children in Queensland Institutions (Forde Report)

1.38 In 1998, the Queensland Government established a Commission of Inquiry chaired by Ms Leneen Forde AC to examine, *inter alia*, if there had been any abuse, mistreatment or neglect of children in Queensland institutions and breaches of any relevant statutory obligations during the course of the care, protection and detention of

5 *Bringing them home*, pp.303-307.

6 The Hon John Howard MP, Motion of Reconciliation, 26 August 1999 –
<http://www.pm.gov.au/media/pressrel/1999/reconciliation2608.htm>

7 Buti, Antonio, *Unfinished Business: The Australian Stolen Generations*, Vol. 7(4), December 2000 [E Law] http://www.murdoch.edu.au/elaw/issues/v7n4/buti74_text.html

children in such institutions.⁸ The report, *Abuse of Children in Queensland Institutions* (Forde Report), released in May 1999, covered the period from 1911 and examined the situation of more than 150 institutions. Investigations were restricted to the period from 1935 to the present given that residents and staff from institutions prior to the 1930s were unlikely to present at the Inquiry.

1.39 The Forde Report included information about Queensland's institutional care for children and contemporary child welfare, juvenile and indigenous justice systems and legislative and departmental practices, profiles of children in care, and staffing arrangements. The inquiry found that many children in State care had suffered varying degrees of abuse, and heard stories of being denied opportunities and of adult lives filled with unsuccessful personal relationships, suicide attempts and insecurity. Evidence included stories of children being inadequately clothed and so desperately hungry as to eat scraps from bins; only being permitted to have a bath once a week (in shared water); being locked in small dark places and enduring severe punishments and beltings that would draw blood.

1.40 Complaints of sexual abuse, perpetrated by clergy, officers and staff, other residents, or visitors to the institution, emerged about almost all of the institutions. Poor departmental record keeping meant that children often did not even know their correct birth dates and were not informed about their families.

1.41 The inquiry noted that in many large institutions there were relatively few staff, leading to regimentation and depersonalisation, and often staff were untrained and unable to care for the healthy development of children. Departmental staff described an absence of standards prior to 1970, a lack of guidelines for institutional performance, and of a prevailing departmental attitude of not getting 'the churches too offside' because they did not want to lose facilities.

1.42 The report cited many examples of sadistic treatment of young people in Queensland's juvenile detention centres, and concluded that problems still exist which are contrary to legislative principles of juvenile justice. The inquiry reported high levels of abuse towards indigenous youth in detention, such as deprival of family visits, sexual abuse and extreme physical punishments. While finding less abuse and breaches of regulations nowadays in comparison to previous decades, the Inquiry noted shortcomings in contemporary residential care facilities including inadequacies of staff to deal with detainees with intellectual disabilities.

1.43 The Forde Inquiry recommended initiatives that included those to assist with information retrieval for State wards and access to material for individuals and families; legislative requirements for regular departmental inspections and monitoring of residential care facilities and juvenile detention centres; standardised record-

8 Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Report), 1999, p.iii. Institutions examined were all government and non-government children and young people's residential care or detention centres established under the relevant Queensland legislation. www.qld.gov.au/html/fordeinquiry

keeping among stakeholders and principles of compensation from the Queensland Government and responsible religious authorities.

1.44 The Queensland Government accepted 41 of the 42 recommendations of the Forde Inquiry and committed \$100 million over four years from 1999-2000 to implement responses to the recommendations. Initiatives included an apology, in conjunction with heads of churches, to former residents of Queensland institutions, a review of existing legislation focused on young people and development of new legislation, and new child protection and youth justice service delivery responses. The Government also contributed \$1 million to the Ford Foundation Trust Fund.⁹

1.45 The Forde Foundation was established to assist former residents of Queensland institutions with education, health, family reunion and basic necessities for former residents. The Government also contributes funding to the Esther Centre, the Aftercare Resource Centre (ARC) and the Historical Abuse Network (HAN).¹⁰ Along with the Forde Foundation, these groups provide services for former residents which are discussed in the chapter on the provision of services.

Lost Innocents: Righting the Record

1.46 During 2000-01 the Senate Community Affairs References Committee, chaired by Senator the Hon Rosemary Crowley, conducted an inquiry into the history and treatment of unaccompanied children generally under the age of 16 years who were brought to Australia from the United Kingdom, Ireland and Malta under approved child migrant schemes during the 20th century. The inquiry's report, *Lost Innocents: Righting the Record*,¹¹ (*Lost Innocents*), was released in August 2001.

1.47 The report included an outline and history of the large-scale child migration program, government involvement and legislation of the time, financial arrangements and information on the organisations and churches which ran the institutions where the child migrants were placed. The Committee estimated that 6 000-7 500 child migrants were sent to Australia during the 20th century, with a total child and youth migration of upwards of 10 000.

1.48 The Committee heard that some parents had only consented for their children to migrate because of assurances that they would be better off in Australia and that many children were sent without parental consent, with evidence indicating that parents were lied to about their children's fate. The inquiry noted that many children were incorrectly told that they were orphans and correspondence was often not passed on to children in institutions.

9 Submission 125, p.2 (Queensland Government).

10 Submission 159, pp.1, 5 (Board of Advice of the Forde Foundation).

11 Senate Community Affairs References Committee, *Lost Innocents: Righting the Record*, Report on Child Migration, August 2001 (*Lost Innocents*).

1.49 The child migrant inquiry revealed stories of child exploitation, virtual slave labour, criminal physical and sexual assault and profound emotional abuse and cruelty. Evidence was given of children being terrified in bed at night as religious brothers stalked the dormitories to take children to their rooms for sexual acts, and of children being severely beaten with leather straps, belts, wood or other weapons.

1.50 Depersonalisation occurred through the crushing of individual identity and changing of names and, often when children told of their terrible experiences, they were either not believed or merely sent back to the institution where the matter would be covered up. Maltese child migrants were often made to stop speaking and using their own language in institutions. For many former child migrants, their sense of dislocation and not belonging, loss of family and of emptiness has profoundly affected their lives and that of their partners and children, and many have discovered as adults that they were not even recognised as Australian citizens – even though they served the country at war.

1.51 The Committee made 33 recommendations including that the Commonwealth and State Governments supplement the travel funding of the Child Migrant Support Fund. Extensive recommendations were made to assist former child migrants with access to services, including access to their records through the development of uniform protocols for accessing records.

1.52 In May 2002, the Government responded to *Lost Innocents* with a package including \$125 000 per year for three years to the Child Migrants Trust to fund family tracing and counselling services; \$100 000 contribution to State-initiated memorials to commemorate former child migrants; \$1 million per year for three years in travel funding to assist former child migrants of British and Maltese origin to return to the UK or Malta to reunite with family members. The funding criteria have been extended to include cousins, nephews and nieces and visits to family graves and funding for an accompanying carer in exceptional circumstances.¹²

Tasmanian Ombudsman's interim report on abuse of children in State care

1.53 In July 2003, the Tasmanian Department of Health and Human Services became aware of allegations by a person, who had been in foster care approximately 40 years ago, that his foster carer had sexually abused him while in care as a child. The Minister for Health and Human Services requested the Tasmanian Ombudsman to set up a telephone hotline to establish the veracity of such claims and to review them.¹³

1.54 The Ombudsman and the Secretary of the Department of Health and Human Services subsequently commenced a review of claims of abuse of children in State care that entailed an initial stage of telephone contact, claims assessment and testing;

12 http://www.aph.gov.au/senate/committee/clac_ctte/response/response/child_migration.pdf

13 Additional information, Mr Jim Bacon, Premier of Tasmania, 11.11.03.

analysis, reporting and recommendations, and a subsequent review of applications by an independent assessor in the Department where *ex gratia* payments could be recommended, where appropriate. An *Interim Report on the Abuse of Children in State Care* was released in January 2004.¹⁴

1.55 Thirty-four per cent of allegations were reported to have been in foster homes while almost two-thirds occurred in some type of church-run institution. Sexual abuse, physical abuse and emotional abuse/neglect were said to have occurred in 25 per cent, 39 per cent and 36 per cent of cases, respectively. More than two-thirds of claims related to incidents of more than 30 years ago, with the largest number dating back to the 1960s while 35 matters were more than 50 years old.¹⁵ At early April 2004 the abuse hotline had received 352 calls; the Ombudsman's office had interviewed and assessed about 200 claimants with 58 cases progressing to the final stage.

1.56 Included in recommendations from the Ombudsman have been those to provide ongoing counselling and medical fees for claimants, paid by the Tasmanian Government. Further, the Tasmanian Minister for Human Services has launched a new system to improve case management of the 350 young Tasmanians in State care.¹⁶

Other reports

1.57 Inquiries into management practices and abuse occurring in children's homes and institutions are not just a recent occurrence.

1.58 For over a century, many inquiries have condemned children's institutions in Australia. The New South Wales Royal Commission into Public Charities of 1874 attacked the Randwick Asylum for destitute children for many reasons, including its factory-like style, isolation from the community and lack of after care supervision.¹⁷ A 1945 inquiry into Sydney's Parramatta Girls' Industrial School was scathing, finding its staff, buildings and equipment to be inadequate and noting that problems at Parramatta could be matched at institutions throughout the Commonwealth.¹⁸

1.59 A major British Government investigation, the 1956 Ross Report, criticised many facets of Australian children's institutions including their lack of homely style, isolation from the community, lack of trained staff and poor educational and

14 O'Grady J (Tasmanian Ombudsman), *Interim report on abuse of children in State care*, 7.1.04. <http://www.justice.tas.gov.au/ombudsman/CART.html>

15 O'Grady J (Tasmanian Ombudsman), 7.1.04, p.2.

16 Rose, Danny, "'Horror' at child abuse', *The Mercury*, 2.4.04.

17 Ramsland J, 'An anatomy of a nineteenth century child-saving institution', *Journal of the Royal Australian Historical Society*, v.70, pt 3, 1984, pp.202-203.

18 Tenison-Woods, M (Chair) Delinquency Committee of the Child Welfare Advisory Council, *Report on the Girls' Industrial School, Parramatta*, Melbourne University Press, 1945, pp.ix-x.

employment opportunities.¹⁹ In 1961 the Schwarten Inquiry into the Queensland correctional centre for boys, Westbrook, drew attention to many issues including the poor standard of food, inadequate hygiene and excessive drill. However, the Inquiry focused particularly on the institution's punishment regime noting that the strap was used excessively and too often, punishment for disciplinary breaches was unduly harsh and excessive and inmates were physically assaulted by certain members of staff in a vicious and brutal way.²⁰

Commentary on the above reports

1.60 The above reports share stark similarities in their findings about harm to children who were removed from their families and placed in some form of institutional care. A common theme has centred on various governments' failure to protect children in their care. The inquiry into child migration noted that the British, Australian and Australian State governments and relevant agencies had failed in their duty of care towards former child migrants. Similarly, the Forde Inquiry concluded that the department had failed to protect children in residential care from abuse.²¹

1.61 Just as *Bringing them home* noted legal impediments for indigenous people seeking compensation for past actions, the child migrants' inquiry found that while some former child migrants had suffered criminal assaults, various legal impediments imposed by the statute of limitations prevented them from taking legal action.²² Regarding physical assaults, the Forde Inquiry said that the abuses went far beyond the prevailing acceptable limits, while the child migrant inquiry found that some children had clearly suffered physical and sexual abuse, similarly beyond anything that could conceivably be argued as normal for the time.²³

1.62 The child migrants' inquiry revealed instances of humiliation, degradation, profound emotional abuse and criminal assault.²⁴ More recently, the Tasmanian Ombudsman review had revealed that substantial sexual, physical and emotional abuse, and neglect had occurred in various church-run institutions and foster care placements.²⁵

1.63 A significant common outcome reported by care leavers is their loss of identity, stemming from lost childhoods, irrespective of what State or home they grew up in. As well, the hypocrisy surrounding the abuse which often came from members

19 *Lost Innocents*, p.40.

20 Forde Report 1999, pp.126-128.

21 *Lost Innocents*, p.121; Forde Report 1999, p.281.

22 *Bringing them home*, pp.308-313; *Lost Innocents*, p.217.

23 Forde Report 1999, p.iv; *Lost Innocents*, pp.104-5.

24 Murray A & Rock M, 'The hidden history of child migration', *Australian Journal of Social Issues*, Vol 38, No 2, May 2003, pp.153-155.

25 O'Grady J (Tasmanian Ombudsman), 7.1.04. www.media.tas.gov.au/

of the clergy, and the dishonesty of people responsible for placing children in homes, who often deceived, or at best, did not support the children's parents, have left many care leavers with an enormous basket of unresolved issues to deal with in life.

1.64 As the Forde Foundation noted, very few children who experienced institutional care for long periods or at crucial stages of their development have escaped detrimental effects in later life and this has often damaged their ability to live as effective members of society. Their problems often include low levels of literacy and numeracy; high incidences of alcoholism and substance abuse; high levels of unemployment, homelessness and imprisonment and poor health.²⁶ Sadly, suicide rates are comparatively higher than for the general population.

1.65 As will be expressed during this report, the descriptions of the treatment of children in care outlined in the Forde inquiry findings and *Lost Innocents* were not limited to Queensland or child migrants but were repeated in institutions throughout Australia. The Committee's present inquiry into children in institutional care has received many stories which echo similar instances of appalling emotional, physical and sexual abuse and assault. The Committee has also heard how the negative impact of these experiences has flowed through to also affect the families and children of care leavers. The impact that these issues have had for care leavers and their families is substantial. In addition they also create a significant impact for Australian society in general, including the costs of providing the support necessary to help people deal with many broad-ranging ongoing problems.

1.66 It is even more distressing that the Committee and other contemporary inquiries have received many reports that abuse is still occurring among Australia's out-of-home care children. As such, a need exists for a national approach to further raise community awareness of child abuse and garner support for an effective campaign against child abuse, irrespective of when or where it has occurred. This issue will be developed further in the Committee's second report.

26 Submission 159, p.3 (Board of Advice of the Forde Foundation).

CHAPTER 2

INSTITUTIONAL CARE IN AUSTRALIA

All I understood was that I was away from my family, and as bad as they said that situation was, it was still my family, and it was the only way of life I had known.¹

Institutions

So began my life of fear, confusion, humiliation and shame as an orphan of the living in the Ballarat Orphanage. (Sub 18)

2.1 Various factors have been used implicitly or explicitly to define institutions, including size, overcrowding, separateness from the community, regimentation, external control, residents who lack identity, choice and autonomy, and physically and emotionally barren environments. Institution is rarely to be taken to be a positive term. An oft-cited 1961 Goffman definition of institutions includes:

A basic social arrangement in modern society is that the individual tends to sleep, play and work in different places, with different co-participants, under different authorities, and without an overall rational plan. The central feature of total institutions can be described as a breakdown of the barriers ordinarily separating these three spheres of life.²

2.2 Evidence to the inquiry described the atmosphere in many homes as emotionally and physically punitive, and where children were subjected to criminal assaults and had no emotional relationships with any adults or personal interaction with significant people in their lives.³ Apart from specific acts of emotional, mental, physical, psychological and sexual abuse, institutional life itself is inherently abusive:

It was abusive to be kept in an institution separate from your family. It was abusive to be denied rights as a human being, such as affection and relationships. It was abusive to be required to get up at five o'clock in the morning and milk the cows or have a cold shower.⁴

2.3 Many Australian institutional settings for children and young people such as orphanages, group cottage homes, foster care, homes for children with disabilities and juvenile detention centres, have fitted the above negative descriptions. Of significance is that while children and young people need care, protection and safe environments,

1 Submission 235, p.3.

2 Australian Institute of Health and Welfare, 'Deinstitutionalisation: the move towards community-based care', *Australia's Welfare 2001*, p.98, citing Goffmann E, *Asylums: essays on the social situation of mental patients and other inmates*, 1961 & 1968.

3 Submission 22, p.10.

4 Committee Hansard 4.2.04, p.22 (Association of Children's Welfare Agencies).

over time, many children were placed in institutions which not only did not meet these needs, but meted out cruel treatment and abuse.

Framework of children's institutional care - Australia

Introduction

2.4 The following discussion outlines the development of institutional care in Australia from the earliest times to the 1970s. The Committee was not in a position to conduct in-depth historical research into changes in child welfare practices in each jurisdiction. Much of the information provided below relates to New South Wales and Victoria, however indications are that these examples would be similar in other States.

2.5 Certainly the difficulties in gaining a clear picture of the development of policies affecting children in institutional care are worth noting and illustrated by an examination of the situation relating to child welfare departments. No comprehensive histories about the States' establishment of separate social welfare departments are available, presumably because such issues have always been a State responsibility, with myriad arrangements to accommodate them. It seems too that the administrative structures within which child welfare issues rest have been largely ignored by historians and governments alike. Further, any attention which they have received has usually been for reasons unrelated to the needs of child welfare issues.⁵

2.6 However, the information below should assist with understanding care arrangements for children, including the elements that have combined to influence the formation and evolution of policies and practices affecting children in institutions. While these issues have been described under a number of headings, they have an obvious nexus in terms of their relationship and interaction with each other.

Overview

2.7 The early period of Australian settlement was beset with problems in every aspect of life. From 1788, colonial New South Wales needed care for children who were orphaned or whose parents were in jail, destitute or experiencing some misfortune.⁶ Given Australia's British heritage, notions from England about child welfare and juvenile justice practices prevailed, and well into the 1890s, benevolent ideas of usurping poor parents and placing children in more 'morally suitable environments', prospered.⁷

5 Submission 313, Additional Information, 11.8.04.

6 Liddell, MJ, 'Child welfare and care in Australia: understanding the past to influence the future', in CR Goddard and R Carew, *Responding to children: child welfare practice*, Longman Cheshire, Melbourne, 1993, p.30.

7 Submission 207, p.3.

2.8 The youth of this newly-formed class were the targets of new systems of dealing with young people. Further the systems of control which were introduced to colonies like Australia were imposed in a society which was also in the process of dispossessing the indigenous community.⁸

2.9 Practices in Australia for children in institutions emanated from factors including the extent of government involvement which ebbed and flowed over many eras. Of significance was the power of organisations such as churches and 'child-saving'⁹ lobbyists, overlaid by the non-uniformity of standards, laws and government policies among the colonies, which continued after Federation in 1901, and became a hallmark of Australia's federal system. Further, colonial governments' involvement in policy decisions about the fate of children who needed some form of out-of-home care, may have been determined by what was politically and economically feasible, which in turn was subject to the influences of the media and public opinion.

2.10 A reflection on the patterns of the development of children's institutions in Australia is a reminder of the power of groups such as the churches, and the powerlessness of women, children and young people and poor families.

Policies of governments placing children in care

The role of governments, churches and other groups

2.11 Beginning in the 1800s, notions about ways to care for children requiring welfare assistance tended to move between those favouring institutions, or, family-based care such as foster care.¹⁰ Initially, the new colony chose foster care but the shortage of stable families and the survival needs of the times rendered this strategy doubtful.¹¹ Fashions existed at various times both within and among the colonies about institutional care or boarding-out (out-of-home care or foster care). Such fluctuations continued until the 1960s when governments became more involved in child welfare and moves began to close large institutions for children.

2.12 From the early times, churches were important given that before 1890 most of the children's institutions had been established by churches.¹² The Catholic Church

8 Cunneen, C & White, R, *Juvenile justice: an Australian perspective*, Oxford University Press, South Melbourne, 1996, p.9.

9 The child welfare reformers of those times were known as 'child savers' – submission 207, p.3.

10 Tomison, A, 'A history of child protection: back to the future', *Family Matters*, No 60 Spring-Summer 2001, Australian Institute of Family Studies, p.49.

11 Liddell 1993 p.30.

12 Mellor EJ, *Stepping stones: the development of early childhood services in Australia*, Harcourt Brace Jovanovich, London, 1990, pp.16-17.

favoured institutional care for it was a way of imbuing the children with religion.¹³ According to evangelical reformers such as George Ardill and other church people, the key to helping children was via a proper Christian education, 'best achieved in a church institution'.¹⁴ Catholic orphanages were used extensively for the many Catholic children needing care in 1881-1905 and it is perhaps significant that most Catholic families were too poor to provide foster care to needy children.¹⁵

2.13 Other groups with influence over government child welfare policies, such as the New South Wales 1873-1874 Public Charities Commission, were scathing of institutional life for children,¹⁶ basing their criticisms on the appalling conditions they gleaned on their visits to State children's homes. The Commission noted the violence meted out to girls at the Biloela Asylum,¹⁷ many of whom had black eyes, bruises and bloody noses. The Randwick Destitute Children's Asylum, set up in the 1850s, also came under the Commission's critical eye, for many reasons including because it was said to be a barracks-like environment which bred barrack children. Other groups such as leading child saving experts also opposed institutional life for children.¹⁸

Developments - institutions versus boarding-out (foster care)

2.14 In the period 1850-1890, institutions continued as the prime response for housing welfare children and this coincided with the development of child neglect legislation and the establishment of reformatories and training schools and marked the beginning of greater government acceptance of responsibility in the child welfare sector.¹⁹

2.15 Among the colonies however, variations existed about ways to deal with child welfare issues, at times determined by economic imperatives and, as mentioned, the churches' views. Financial difficulties in Tasmania meant that many children were boarded out until 1846, when the government again funded the orphanages. In Victoria, while pressures to deal with its child welfare problems initially focused on institutions, the earliest responses, in the late 1840s, had centred on boarding-out schemes. The 1850s saw the establishment of a number of institutions commencing in

13 McGrath MS, 'Catholic orphanages 1890s-1950s: two case studies – St Brigid's Ryde and St Michael's Baulkham Hills', *Journal of the Royal Australian Historical Society*, vol 77, pt 2, October 1991, p.26.

14 Garton S, *Out of luck: poor Australians and social welfare*, Allen & Unwin, Sydney, 1990, p.95.

15 McGrath 1991, pp.26-27.

16 Ramsland J, 'An anatomy of a nineteenth century child-saving institution', *Journal of the Royal Australian Historical Society*, v.70, pt 3, 1984, p.202.

17 The girls from Biloela were later transferred to a site at Parramatta which subsequently became the Parramatta Training School for Girls.

18 Garton 1990, p.90-1.

19 Liddell 1993, p.34.

1851 with the Melbourne Orphan Asylum, and further boarding out schemes were established in the 1850s.²⁰ During the 1920s the shortage of foster parents in Victoria, attributable to economic pressures, resulted in the growing use of children's homes.²¹

2.16 In Queensland, after the 1866 economic collapse, the Diamantina Orphanage was bursting at the seams and the government partly funded the Catholic St Vincent's.²² Generally throughout 1890-1935 there was a push towards institutional care because it was seen as cost effective.²³ However, by 1930 in Queensland, only 10 per cent of State children were in institutions. This led to problems in securing inspectors to supervise the over 8 000 boarded-out children and hence Queensland State children were returned to institutions.²⁴ The first boarding-out experiments began in South Australia in 1872 with 200 children taken into cottage homes. Boarding-out was still in its infancy in 1900 in Western Australia, because government officials considered that there were insufficient suitable homes in the colony.²⁵

2.17 The drift of State children back to institutions increased in the 1930s and 1940s because of a lack of foster families.²⁶ By the 1940s, most young children needing residential care were placed in institutions. Another shift started and occurred at different rates in different states. In Queensland the percentage of State children in institutions doubled during 1930-1950 but declined slowly in the 1960s. By contrast, in Victoria, by the early 1950s, around half the state wards were in institutions, increasing to 85 per cent in the early 1960s and only starting to decline late in the decade.²⁷

2.18 In 1881, there were just over 3 000 orphaned, neglected and delinquent children in government industrial schools and reformatories. By 1911 there were 17 731 such children in Australia receiving State care, three-quarters of whom were fostered while the remaining one-quarter were in institutions.²⁸

Moves from institutions to other forms of care

2.19 A number of factors influenced policymakers' decisions about moving children from institutions to smaller homes. Issues about the cost of maintaining

20 Liddell 1993, p.31.

21 *Submission 173*, p.4 (Victorian Government).

22 Forde Report 1999, p.36.

23 Liddell 1993, p.40.

24 Mellor 1990, p.95.

25 Garton 1990, pp.91-92.

26 Mellor 1990, p.94.

27 Mellor 1990, p.142.

28 Garton 1990, p.92.

orphanages were significant and by the mid-1970s served as an incentive for governments to find alternatives.²⁹ No real thought seems to have gone into the effects on children of institutional life and until the early 1960s, little attention was paid to children's emotional needs and the effects of harsh treatment on children in later life.³⁰ Child protection services began to move from homes in the late 1950s-early 1960s, influenced by child development theories on the importance of maternal love and family life, but principally because of Bowlby's 1951 work about the link between maternal deprivation, emotional adjustment and mental health and childhood care.³¹

2.20 Government and non-government child welfare agencies considered that if children could not be in their own homes, they would be better off with family members or foster carers. The 1960s saw the end of the orphanage system and in the 1970s and 1980s many large children's homes were closed down.

If regimentation, isolation from the community, lack of independence, dignity and privacy, poor quality of care, and control by others were seen as the essence of an institution, then there is little wonder that social reformers and health and welfare advocates of the 1960s and 1970s argued for deinstitutionalisation.³²

Trends in types of care, including move towards foster care

2.21 In the 1960s and 1970s increased emphasis on adoption resulted in fewer children requiring residential care. For out-of-home children, the initial emphasis was on foster homes, and later, placements with relatives/friends and support for children in their own family home.³³

2.22 In the late 1950s, 'family group homes' comprised of children in a house with 'cottage/house' parents had started to take over from institutions.³⁴ In 1950s Western Australia after the Hicks Report into child welfare, institutionalisation was regarded as a 'last resort' and the department recruited foster parents to deal with children's placements. By 1959, the State's Welfare Reception Home was the only State out-of-care facility and the Government started to provide direct out-of-home care.³⁵ During the 1950s some Victorian non-government groups began to close large homes in favour of family group homes and there was an increase in foster care services among organisations and the department itself.³⁶

29 AIHW 2001, p.127.

30 Forde Report 1999, p.vii & p.36.

31 AIHW 2001, p.101.

32 AIHW 2001, p.99.

33 AIHW 2001, chapter 4.

34 Mellor 1990, p.144.

35 Submission 55, p.7 (WA Department for Community Development).

36 Submission 173, p.7 (Victorian Government).

2.23 While views and attitudes towards social welfare and what form of care best addresses the needs of a child have developed and changed over the decades, the one fundamental was simply described by a 70 year old lady:

I feel though things may get tough, a mother or father should never be forced to give up their children to any institution or home if it is at all possible to stay together, because after all a child only needs to know they are truly loved and wanted.³⁷

2.24 Nowadays, very few large institutions remain and most residential care for children is provided in family group homes or smaller residential establishments. More information about the trend towards the use of foster care and contemporary foster issues will be discussed in a second volume of this report.

Government responsibility and initiatives for children in institutions

2.25 Aligned to early debates and practices about institutional or boarding-out options, was the ambivalence of governments to take full responsibility for child welfare. In colonial New South Wales, government-subsidised committees ran the voluntary institutions. In 1824 the responsibility for orphan schools was transferred to the Anglican Archdeacon and in 1836 funds were provided to Catholic institutions. This pattern of government and private joint control remained for over a century.³⁸

2.26 Over the years, the use of charities for children's institutions was attractive for governments for various reasons including the churches' preparedness to take children at short notice.³⁹ As well, non-government organisations provided cheaper options; in Queensland, the licensing of St Vincent's Orphanage in 1867 resulted largely from financial expediency on the part of the government during an economic downturn.⁴⁰

2.27 Governments were at times influenced by non-government groups in decisions about types of care for welfare children. This was demonstrated in 1881 by the success of child savers (who favoured boarding-out systems) in persuading the New South Wales Government to establish the State Children's Relief Board, which then implemented a policy to pay subsidies to families with boarded-out children.⁴¹

2.28 However, the late 19th century saw moves for more government control over child welfare issues. For example, in the 1880s and 1890s, colonial governments appointed inspectors or superintendents to inspect and report on all charitable institutions which received government subsidies.⁴²

37 Submission 269.

38 Liddell 1993, pp.30-31.

39 Garton 1990, p.95.

40 Forde Report 1999, p.36.

41 Garton 1990, p.92.

42 Garton 1990, p.95.

2.29 Government bodies dealing with children in care seemed to adapt their roles in line with trends about ways to house children. In New South Wales the anti-institutionalisation stance fell into disrepute. After the enactment of the *Child Welfare Act 1923*, the State Children's Welfare Relief Board was abolished and replaced by a Child Welfare Department, responsible to the Minister of Education. This move marked a rethink about ways to house children and a return to the use of institutions. However, orphanages' operations essentially remained the same until the 1950s.⁴³

2.30 After World War II another push emerged for family-based care. In 1956, the New South Wales Child Welfare Department became the Department of Social Welfare with its own ministerial head.⁴⁴ By the 1960s, despite that State government children's receiving depots were grossly overcrowded, the government did not opt to use non-government institutions because it favoured the boarding-out system.⁴⁵

2.31 In Victoria, from the 1870s the State ceased operating government establishments except for the children's reception centre 'The Depot' at Royal Park, and for many years relied heavily on charitable and church-based agencies. However, from 1954 the government increased its involvement in direct services, coupled with the tighter government standards for non-government homes. The Victorian department's increased participation reflected the growing recognition of the importance of retaining the parents in their children's lives. Under the Victorian *Children's Welfare Act 1954*, the government established its own institutions for children and young offenders. However, the Victorian Government continued to rely on the non-government sector until the 1960s and 1970s.⁴⁶

2.32 Evidence to the Committee showed the dependence of various State governments on the non-government sector in the provision of care to State children:

Without the voluntary children's homes it would have been impossible for the Victorian government to carry out its residential child care function in the 1950s and 1960s.⁴⁷

Some key points about...[WA out-of-home care] are: it has historically been one of a state sponsored system, with more facilities run by the private than the public sector. The role of charitable, mainly religious, bodies in the provision of out-of-home care has been paramount.⁴⁸

2.33 Later developments in Victoria included the introduction of the *Social Welfare Act 1960*, when the Social Welfare Branch of the Chief Secretary's

43 McGrath 1991 p.34.

44 McGrath 1991 p35.

45 Submission 63, *Orphans of the Living*, pp.142-43 & 152 (Dr Penglase).

46 Submission 173, pp.5-6 (Victorian Government).

47 Submission 47, p.24 (Mr McIntosh).

48 Committee Hansard 9.12.03, p.1 (WA Department for Community Development).

Department replaced the Children's Welfare Department. This coincided with moves towards foster care. The *Social Welfare Act 1970* in Victoria saw the establishment of a separate Social Welfare Department and various processes commenced including moves to keep children in care closer to their families.⁴⁹

2.34 The Queensland Government set standards for children's institutional care including under the *State Children Act 1911*. However, the orphanage system was very poorly funded and the government sought to reduce spending on children's institutions. Until the reforms of the Report of the Committee on Child Welfare Legislation (1963) and a Public Service Commission (1962), the department was massively under resourced and standards for the care of State children were poor.⁵⁰

2.35 Across Australia, increases in government responsibility in child welfare in the 1960s saw the establishment of separate State welfare departments. Generally prior to that, child welfare departments, however styled, had been part of other government departments.⁵¹ With the exception of Western Australia which set up its first child welfare department in 1934, most other states did not establish separate child welfare departments until the 1960s-1970s.⁵²

Attitudes of government officials who placed children in care

2.36 The Committee received many submissions that were critical of government departments and the officers responsible for placing children in care. The point was made often that welfare departments seemed to be obsessed with regulating adolescent sexual behaviour, particularly that of girls. While such notions dated back to very early eras, they pervaded institutions up to the 1980s.⁵³

2.37 This care leaver explained how the ineffectiveness of government systems had negative repercussions for her:

I was made a state ward at 15, in the early 1980s, after years of ineffectual intervention by a number of welfare organisations – government and non-government – as well as the police...I had to cope with sexual assaults from my stepfather and an uncle. By my 12th birthday, I had been to 20 different primary schools and had lived, variously, in Salvation Army hostels, foster care, orphanages, Housing Commission accommodation, motels, and an endless series of ad hoc, low-quality rentals. I had been repeatedly removed from my family and placed in care. (Sub 138)

2.38 Overall, many care leavers do not consider that child welfare officers took proper care of the children in their charge:

49 Submission 173, p.7 (Victorian Government).

50 Forde Report, pp.35-36.

51 Submission 313, Additional Information (Dr Liddell).

52 Liddell 1993, pp.44-45.

53 Submission 173, p.5 (Victorian Government).

I believe the people employed by the Child Welfare Department should be made accountable for the emotional, physical and mental abuse they bestowed on the young people who went through the system. Many of them are still living and their actions should be investigated. Some of the officers were very good and decent people, others were vicious and child abusers...Shame on the Department of Child Welfare, shame, shame, shame!!! (Sub 238)

Government financial contributions to non-government children's homes

2.39 While non-government organisations have played a key role in providing children's institutional care, the following information illustrates the intricacies at times between governments and the voluntary sector, particularly regarding funding for the homes and factors that increased their financial pressures. Significantly, when legislative definitions of children who could be made state wards were broadened, the numbers coming into homes increased as did the need for more institutions.⁵⁴ Further, often governments only made payments to homes for children who were designated as state wards or whose parents could not afford to pay.

2.40 The Western Australian Department for Community Development advised the Committee that its payments policy did not cover all children in homes:

It was not true for all children in institutions. We were paying for wards and we were paying for some proportion of privately placed children whose parents could not afford to pay for them.⁵⁵

2.41 In New South Wales, government policies for the State care of children had developed in conjunction with voluntary organisations which were heavily subsidised by government. However, the relationship between the State and agencies altered after the 1873 Public Charities Commission. The government ceased its funding to the homes which continued, but became dependant on private funds.⁵⁶ Similarly in other States, orphanages relied on businesses for finances and services and fund-raising activities.⁵⁷

2.42 Ms Sarlos from Wesley Dalmar confirmed the importance of government funding for the homes for children whose parents were unable to pay:

If say a year has gone by and the agreed payments from the parents have not been coming in, it may well be at that point that the government supported the children. It was really driven by the finances in terms of trying to make sure that there was some income...to support each child.⁵⁸

54 *Committee Hansard* 12.11.03, p.16 (Ms Gaffney).

55 *Committee Hansard* 9.12.03, p.15 (WA Department for Community Development).

56 *Submission 63, Orphans of the Living*, p.144 (Dr Penglase).

57 Mellor 1990, p.17; McGrath 1991, p.33.

58 *Committee Hansard* 4.2.04, p.9 (Wesley Dalmar).

2.43 In 1958, the New South Wales Association of Child Caring Agencies started lobbying for State subsidies for Catholic homes, many of which ran without government funding. The New South Wales Government favoured its boarding-out policies but in 1961 amended the 1939 *Child Welfare Act* to provide an allowance for children in homes, payable only where the parents permitted their children to become state wards. This practice became an administrative nightmare and in 1965 the Act was amended again to eliminate the requirement for wardship.⁵⁹

2.44 Victorian non-government homes were funded on a per head basis for state wards and the government reimbursed institutions for children's expenses. It seems that relations between the government and non-government sectors were difficult at times. In evidence to the Committee, Ms Gaffney said that the government might, with no warning, decide not to reimburse organisations for children's expenses:

I am not saying that that is a standard feature of the relationship, but you have little things like that, where the non-government organisations have maybe done everything they can and the government plays games or tightens its belt without necessarily telling them.

It is my impression, in some respects, that non-government organisations or institutions were sometimes put over a barrel. They became dependent upon state funding. They became dependent upon receiving state wards because of the per head funding. When they complained they were receiving unsuitable wards...and said, 'Will you stop sending us these wards', the government's response, on more than one occasion, was, 'We will stop sending you wards, and you will not get any money'. I have read file notes that said: 'This institution needs our money so we can threaten them with stopping sending them wards. They will accept any ward we want because they need our money.'⁶⁰

2.45 According to Ms Gaffney, the government at times had the upper hand even to the point of playing non-government organisations off against each other:

That marks Victorian welfare very much. It is an assumption that non-governments will provide these services—we can change the legislation and throw the number of children at them that we want; they will still pick up the children and provide the services. Here is the assumption that the government plays non-governments off against each other—the idea that if you will not take that ward because you think he is difficult, too bad; we will just remove all the wards and remove all your money. So there is competition between non-governments for government funding.⁶¹

2.46 The pressures among institutions about government payments to house state wards in Victoria came to a head in the early 1970s when the charitable institutions

59 Submission 63, *Orphans of the Living*, pp.151-52 (Dr Penglase).

60 Committee Hansard 12.11.03, p.18 (Ms Gaffney).

61 Committee Hansard 12.11.03, pp.18-19 (Ms Gaffney).

ceased to take voluntary placements and became, in effect, part of the residential arm of the Social Welfare Department.⁶²

2.47 As mentioned, by the mid-1970s institutions' costs served as incentives to find other ways to house state welfare children. Parents' ability to pay for their children's upkeep particularly in relation to any government financial help was also influential in decisions about children being placed in institutions. This issue is discussed below.

Government financial assistance to parents

2.48 Mr Scott from the Association of Children's Welfare Agencies told the Committee that for many years after WWII moves were made to obtain financial recompense from parents of children in homes:

When a child was made a ward, if the father was able to make a financial contribution he would be approached to make such a contribution. It did not necessarily make a great impact on the budget for the state care of children; it was seen more as reminding him of his responsibilities and, to some extent, keeping a link between them. It was abandoned because it was seen as punitive. It was expensive to collect...For various reasons at that time it was seen as desirable that parents maintain a financial contribution.⁶³

2.49 In various eras in Australia, schemes had been introduced to help mothers to keep their children at home. During the 1880s, Brisbane's St Vincent's Orphanage trialled paying the same allowances to mothers as were paid to foster mothers but the scheme stopped because it was seen to be creating a class of permanent pensioners. In Victoria, New South Wales, Queensland and South Australia in the late 1800s, financial assistance was introduced for mothers to keep their own children. However, the early forms of such government assistance were limited for various reasons.⁶⁴

2.50 By the late 1920s, many State children or those on benefits were cared for in their own homes though some parents could not afford to keep their children despite boarding-out payments.⁶⁵ During 1900-1945, some States assisted parents with cash or goods to help them maintain their children, and, the federal government introduced the maternity allowance (1912) and the child endowment allowance (1941).⁶⁶

2.51 Given the pivotal role of finances in determining a family's ability to maintain their children, the social security benefits that characterised the Whitlam Government era (1972-1975) had obvious effects for people who might otherwise need to place their children in a home. The introduction of the Supporting Mothers Benefit in 1973

62 Submission 173, p.8 (Victorian Government).

63 *Committee Hansard* 4.2.04, pp.7-8 (Association of Children's Welfare Agencies).

64 Mellor 1990, pp.92-94.

65 Garton 1990, pp.94-95.

66 Mellor 1990, pp.74-76, 92-94.

and other government assistance, particularly to women, made it much less likely that parents would relinquish their children to the state, for financial reasons.⁶⁷

2.52 The increased Commonwealth Government financial support of the 1970s to parents fundamentally shifted the role of the state regarding parental responsibilities. In earlier times it had been accepted that some parents would be unwilling or unable to care for their children and could place their children in a home and pay for the child's care (or perhaps not), with the state playing no role. However, from the 1970s the state had an increasing role in supporting families and protecting children.⁶⁸

2.53 A discussion of the correlation between parents' finances and the economic pressures that have contributed to children's placement in homes, appears in chapter 3.

Number of children in institutional care

2.54 It is likely that more than 500 000 Australians have experienced life in an orphanage, home or other form of out-of-home care during the last century in Australia.

2.55 Evidence to the Committee has shown the difficulties encountered when assessing such numbers. Often data on children in institutions is not comprehensive, covers different time periods and has gaps and inconsistencies. As CLAN noted, often data is not broken down into categories such as numbers already in care, new admissions or departures from care, and because of recording practices, children may be counted more than once. Significantly, not all children in institutions were taken through the official legal processes of state wardship and therefore would not necessarily have been included in official records.⁶⁹ Further, different ways of collecting and maintaining data have existed within and among States according to counting requirements of various times. A discussion of how the 500 000 figure has been arrived at, is in Appendix 5.

Conclusion

2.56 The above outline demonstrates the *ad hoc* and disparate nature of the workings of governments and other groups and their agendas, which over the years, have had responsibility for children. Perhaps it is not surprising that many problems occurred for children in institutions. For instance given that State governments contributed nothing or very little to non-government children's homes, they effectively relinquished their chances to oversee the activities or standards of the homes.

2.57 As an academic, Dr Penglase noted, the New South Wales Government washed its hands of funding for the homes, clearly demonstrating its disapproval of

67 AIHW 2001, p.127.

68 *Submission 173*, p.8 (Victorian Government).

69 *Submission 22*, p.21 (CLAN).

the use of institutions. Dr Penglase also noted the lack of cooperation between the government and non-government sectors.⁷⁰ Mr McIntosh, a Victorian child welfare researcher advised the Committee that by the 1960s, any original reform ideas of the homes had diminished and the government's involvement had become merely administrative so that any planning and research activities came from the voluntary sector. As such, departmental officials were unable to suggest or require changes in care methods and voluntary institutions were limited in any efforts to introduce changes, because they did not have the funds to do so.⁷¹

2.58 More than anything, one would consider it reasonable to expect that there would be cooperation and openness between the sectors, given that the non-government sector was essentially doing the government's work.

2.59 Most telling perhaps is that the majority of State governments did not have separate child welfare departments until well into the 1960s and 1970s, a demonstration that child welfare issues were not a high agenda item for governments. In other words, it is likely that the core business of the large departments dealing with child welfare issues would have overshadowed the needs of children in institutions. This is also pertinent given that the managerial styles of large bureaucracies are not at all conducive to meeting the best interests of children, particularly those children who are society's most vulnerable.

Legislative framework, including Commonwealth's role

Background of child welfare laws

2.60 Under Australia's Constitution at Federation in 1901, a large degree of government responsibility remained with the State governments. Apart from various matters of national importance retained by the Commonwealth and powers derived from s.51 of the Constitution, the colonies (States) retained welfare service responsibilities.⁷²

2.61 By the 1890s, most Australian colonies had set up children's courts and child protection legislation.⁷³ Children's courts acquired exclusive jurisdiction over criminal matters (juvenile offending) and welfare matters (neglected children and young people). The courts could determine if a young person had committed a criminal offence or was neglected within the meaning of the Act. The courts had wide discretionary powers relating to young people;⁷⁴ a 'neglected' child could be detained

70 Submission 63, *Orphans of the Living*, p.144 (Dr Penglase).

71 Submission 47, pp.25-26 (Mr McIntosh).

72 Mellor 1990, p.73.

73 Tomison 2001, p.49.

74 Cunneen & White 1996, pp.18-20.

by the police and committed to government care.⁷⁵ The processes where children were deemed to be state wards and placed in children's homes, are discussed in chapter 3.

2.62 While legislative provisions differed across Australia and were introduced in different years, they did have similarities. Queensland's *State Children Act 1911*, was intended to codify existing laws regarding State children and was modelled on South Australian and Western Australian legislation from 1895.⁷⁶ In 1872, South Australia's *Neglected Persons Act* significantly broadened that colony's definition of 'neglected' to include uncontrollable children. The *Public Charities Act 1873* in Tasmania, allowed parents to surrender their children to government control.⁷⁷

2.63 In the 1800s in most jurisdictions, young offenders could be sent to industrial schools in certain circumstances. Legislation in Victoria, Queensland and New South Wales provided for industrial schools for children defined as neglected. In Victoria, Queensland and South Australia, a child convicted of an offence could be sent to a reformatory regardless of the offence. In New South Wales, a young person convicted of an offence that was punishable by 14 or more days in prison, could be sent to a reformatory. Offences that resulted in incarceration in industrial schools and reformatories were often minor and the punishments often outweighed what the offences warranted.⁷⁸

2.64 Much of the States' early-days legislation formed the basis for later legislation and often remained for years. For example, section 13 of the Victorian *Neglected and Children's Act 1864*, set out the grounds on which a child may be deemed to be 'neglected', to include: found begging, wandering, residing in a brothel and the parent representing that he is unable to control the child. That definition of 'neglected' was expanded by the Victorian *Neglected Children's Act of 1890*.⁷⁹ The 1890 Act was consolidated in 1928 into the *Child Welfare Act*.⁸⁰ While the Victorian *Children's Welfare Act 1954* removed neglect as an offence and replaced it with an administrative procedure for removing a child from the parents' legal guardianship, the 1928 and 1933 provisions virtually remained until 1970. Four of the six grounds for a neglected child under the 1864 Victorian Act, remained operative in the 1960s.⁸¹ In other States, legislation from earlier eras was similarly built upon but with basic principles remaining unchanged for years.

75 Mellor 1990, p.18.

76 Forde Report 1999, p.289.

77 Mellor 1990, p.18.

78 Cunneen & White 1996, pp.14-15.

79 *Submission 47*, p.20 (Mr McIntosh).

80 *Submission 173*, p.4 (Victorian Government).

81 *Submission 47*, pp.20-21 (Mr McIntosh).

2.65 Despite amendments, many laws were locked into the past and seemed to imbue governments and managers of children's homes with wide discretionary powers regarding children. They were often skewed towards the needs of people in power, judgmental and punitive towards children and young people and not overly stringent on what they required of adults charged with the care and protection of children. Significantly, such laws were often not enforced. Even if arguments could be put that colonial and Federation times' mores underpinning legislation justified them then, by the 1960s and 1970s, they were archaic and out of kilter with current societal thinking.

2.66 In 1976 the Norgard Committee inquiring into child care services in Victoria, called for a major overhaul of child care legislation, noting that Victoria's child welfare laws were out of date:

Comparison between the *Social Welfare Act 1970* and earlier legislation indicates that much of Victoria's child welfare legislation has developed largely by a process of accretion and addition rather than from the results of fundamental review...it does not contain any clear rationale for official intervention in individual children's affairs. Those sections of the Act which are specifically concerned with the admission of children to State guardianship and with the exercise of that guardianship basically derive from the nineteenth century. They reflect the political, psychological and social beliefs of that day and still incorporate procedures which were pragmatically adopted by early legislators from their contemporary administrative resources. Many of the moral and social assumptions which they reflect are, in our view, no longer tenable today.⁸²

2.67 Pertinent to note is that over the years despite changes in legislation and forms of care, rarely did changes occur for the children in care. Very often, government programs have focused on immediate needs and preferably at the lowest costs. At the heart of the issues for policymakers have been those related to economic issues:

...the priority for both politicians and officials was not the wellbeing of children but cost cutting and economy.⁸³

An overview - provisions of the child protection laws

2.68 The following outline canvasses the effectiveness or otherwise of aspects of Australia's laws which were designed to protect young people.

2.69 Much of the legislation seemed to give governments and public servants significant power and control over children's lives. Consider for example, Regulation 5 of the Western Australian *Child Welfare Act 1947-1957*:

5. During a ward's attendance as so required at a place...and while a ward is travelling or being conveyed to and from such a place pursuant to that

82 Victorian Legislative Assembly, *Report of the committee of enquiry into child care services in Victoria* (Norgard Report), Government Printer, Melbourne, 1976, p.25.

83 *Committee Hansard 3.2.04*, p.108 (Mr Quinn).

requirement or is otherwise absent from an institution in pursuance of or accordance with any provision of the Act or these regulations, every person who has custody or charge of the ward shall, while so having custody or charge, have all such powers, authorities, protection, and privileges for the purposes of the execution of his duty in relation to the custody and charge of the ward, as any police officer has by common law or statute.

2.70 Feasibly, interpreting the definition of 'satisfaction' for the purposes of Regulation 78 of the Western Australian *Child Welfare Act 1907-1927* would be subjective and discretionary for the Secretary of the department:

78. A ward boarded-out with a foster-parent shall be fed, lodged, and clothed to the satisfaction of the Secretary...

2.71 The intent of Regulation 65 of the *Queensland State Children Act 1935*, seemed to lean more towards a carer's needs than those of a foster child (or his or her family):

65. On presentation of an order from the Director or district officer, relatives and friends may visit children apprenticed or placed out for hire at such times as will be convenient to the foster-parents. Such visits must not be longer than one hour nor more frequent than once every four weeks.

2.72 Government officials also had the authority to open children's mail in institutions and could decide if it would be forwarded to the recipient(s). Under Regulation 22 of the *State Children Act 1911*, all letters to and from inmates were to be sent through the superintendent who could, after perusal, forward the letter to the Director or district officer if he considered it undesirable to deliver the letter. Regulation 34 of the South Australian *Welfare Act 1972*, contained similar provisions regarding children's mail.

2.73 The language of legislation is vague to the point where it could have discouraged any reporting of improper behaviour towards children in institutions. By all accounts, sexual abuse of children in homes has been widespread. There seems to be little reference to this subject in legislation. Regulation 102 of the 1911 Queensland Act refers to 'interference' of a child. On a literal interpretation, it is unclear if this would apply to interference by anyone other than a child's 'relative' or 'friends':

102. It shall be the duty of every person with or to whom a State child is placed out or apprenticed to report at once to the Director or district officer any interference with the child under his charge by relatives or friends.

Laws to protect children and young people – inadequacies and contraventions

2.74 The New South Wales *Child Welfare Act 1939* which operated until 1987, related to children in care. It did not provide for discharging children back to parents' care nor provide specific ways to deal with badly treating or assaulting a child in State care.⁸⁴ Victoria's 1864 Act which operated until 1970 focused on punishing children

84 Submission 22, p.9; Committee Hansard 3.2.04, p.110 (Mr Quinn).

for being neglected but did not provide for intervention on the grounds of unfit guardianship of parents or make provisions to assist the child-family situation.⁸⁵ Regulations regarding training for institutional staff, licensing of homes and inspectors' visits to homes, were either not required or not strictly adhered to under the 1939 Act.⁸⁶ In Victoria, the laws governing children's institutions seemed to be equally as lax.⁸⁷ These issues are discussed in chapters 5 and 7.

2.75 The Committee heard that children were often kept in illegal isolated detention, well beyond the allowable maximum time under the NSW *Child Welfare Act 1939*, under the guise of what was called 'segregation':

Both involved being locked in a cell. Most of the cells had steel doors...Normally you got one decent meal a day, and the rest of the time you got a bread and milk or bread and water. That has never been officially acknowledged; nevertheless, it definitely existed. There is a file in the state records...which shows numerous cases of segregation in excess of one week. One case I found was 26 days.⁸⁸

2.76 Evidence to the Committee included information that illegal punishments were meted out to absconders under s.139(2) of the NSW *Child Welfare Act 1939*:

Under the 1939 act, absconders were supposed to be dealt with by the courts alone. The reason for that was, again, the Yanco scandal. Although it is not stated overtly in the act, the purpose of it was that, if somebody did run away from an institution, an independent body—for example, a magistrate hearing a charge of absconding—could at least determine whether there had been some good reason for the child to run away. That is contained in section 139(2) of the act. There had also been inhumane and illegal punishment of boys at Gosford, Yanco and Mittagong. This is well detailed in the report by John McCulloch in 1934.⁸⁹

2.77 While legislative provisions were available in New South Wales to punish people who criminally assaulted an institution's inmate, no records appear to exist of any charges being laid.⁹⁰

2.78 In Victoria, the Norgard Committee criticised the practical application of the 1970 child welfare laws which allowed police, not departmental officers, to undertake duties which were essentially welfare work:

Victoria is unusual in English-speaking countries in that its Welfare Department's staff is not authorised to approach families where children are

85 *Submission 47*, p.20 (Mr McIntosh).

86 *Submission 63*, p.2 and *Committee Hansard 3.2.04*, p.117 (Mr Quinn).

87 *Submission 173*, p.5 (Victorian Government).

88 *Committee Hansard 3.2.04*, pp.107-108 (Mr Quinn).

89 *Committee Hansard 3.2.04*, p.108 (Mr Quinn).

90 *Committee Hansard 3.2.04*, p.110 (Mr Quinn).

believed to be inadequately cared for, and to take whatever action is considered appropriate. We accept that the Police will retain a residual function in the welfare field, but consider that their primary duty of law-enforcement makes them generally inappropriate as first points of contact in welfare work.⁹¹

2.79 How children and young people in institutions were dealt with by bureaucracies and the laws meant to protect them, is perhaps best encapsulated below:

For good or bad, the child went forth into the unknown, a receipt for his person secured, and a brief history of the child sent to the Superintendent of the institution. This history was no more than a précis of the Police complaint, a statement of the court decision, and an itemised account of the disposal of the other children in the family. There the child would remain, and for practical purposes the file was closed, until it became necessary to remove him from the institution. For the time being, the Department had fulfilled its legislative functions, and no further action ensued until it was necessary to make a new decision about his disposal.⁹²

2.80 Appendix 4 provides examples of legislation relating to the treatment of children in institutions in Australia. Comparisons of what was legislatively permitted regarding punishments, with examples of actual abuses as outlined in the report, demonstrate that laws were broken and actions were illegal at various times in many institutions across Australia. An examination of what was specified under statutes regarding inspections of institutions against claims that such inspections were not undertaken, illustrates that laws were often not applied. Similarly laws pertaining to the education of children in institutions were very often ignored.

Conclusion

2.81 Because of the difficulties in harnessing information about the start and evolution of policies in Australia for housing children in need of care and the legislative framework to accommodate such policies, against the background of fluctuating ideas about types of care and prevailing attitudes of government officials dealing with children, it is impossible to accurately gauge how such elements affected children's lives in various eras and jurisdictions. The above information is simply an example of discrete outlines. A comprehensive study that draws these jigsaw pieces together would be helpful for many people in Australia, particularly those who have experienced, or are experiencing, life in some form of out-of-home care.

2.82 Such a study would also be useful for governments and parliamentarians in formulating policies for people who have experienced institutional care, particularly given the importance of lessons from past practices in influencing present-day policies. Leaving aside the moral issues of ensuring that children are not harmed,

91 Norgard Report 1976, p.26.

92 *Submission 47*, p.22 (Mr McIntosh), quoting Tierney L, *Children who need help*, Melbourne University Press, 1963.

strong arguments exist to provide help to children in order to reduce the social and economic costs that often ensue when a harmed child becomes a harmed adult.

Major organisations and their institutions for children

Early-days developments

2.83 Trends about the use of orphanages or boarding-out options for children needing out-of-home care varied until the 1960s-1970s, when moves began in earnest to close large institutions. The following information traces some developments in orphanages and other forms of out-of-home care for children in Australia from early times to later eras when large homes run by non-government providers tended to become the main providers, and remained so for many years. A salient feature of the early-days practices is that they set the scene for many years to come.

Orphanages

2.84 The early decades in Australia saw the establishment from 1792 of a range of caring institutions. Institutional care for children dates back to a small orphanage opened in 1795 on Norfolk Island⁹³ followed by other orphanages including the Female Orphan School (1801); the Male Orphan School (1819); the Benevolent Asylum (1821) for 'destitute, unfortunate, needy families'; and the Roman Catholic Orphan School (1837).⁹⁴ In the 1850s, Sydney's Society for the Relief of Destitute Children which was run by a group of prominent Sydney community leaders, set up an asylum for children, Ormond House, to deal with the alarming increases in child neglect and destitution. Later to become the Randwick Asylum, it took children from the Benevolent Asylum and trained girls in needlework, laundry work and housework and boys were engaged in gardening and manual labour. A government boarding-out system in 1885 saw the children taken from the Benevolent Asylum to the Randwick Asylum, leaving only those who had been privately admitted.⁹⁵

2.85 Throughout this period, ideas about institutional life versus small home-type environments for children varied both within and among colonies. From the 1880s a movement against institutional care in New South Wales saw strong advocates for cottage homes and some were set up in Mittagong about 1885. However, while preferred by governments and politicians, they did not become a reality because of their high costs.⁹⁶

2.86 In Tasmania, orphanages were opened in 1828 followed by an institution for transported teenage boys. The boarding-out system took over for a while, reverting to government-funded orphanages in 1846. In the late 1840s, Victoria's earliest

93 Liddell 1993, p. 30.

94 Cunneen & White 1996, p.12.

95 Ramsland 1984, pp.194-209.

96 *Committee Hansard* 4.2.04, p.108 (Mr Quinn).

responses to deal with children in need of care consisted of boarding-out options and a number of children's institutions were established in the 1850s including the Melbourne Orphan Asylum, and further boarding out schemes later in the 1850s.⁹⁷

2.87 In Queensland, orphanages and homes for destitute and neglected children were established in the mid-19th to early 20th centuries. In 1865, the government established Queensland's first orphanage, the state-administered Diamantina Orphanage in Brisbane, funded by the Benevolent Society.⁹⁸ From the 1890s, the vast majority of children in care were sent to a number of Catholic orphanages.⁹⁹

2.88 In Western Australia, the Anglican Church established the Perth Orphanage for Girls (1863) and the Boys' Orphanage at Middle Swan (1871). Other Anglican homes included the Children's Home (Adelaide, 1886) and the Orphan Home (Adelaide, 1860), founded by Mrs Parr in conjunction with the Church. Wesleyan orphanages during the 1880s included Livingstone Home, Melbourne.¹⁰⁰

Industrial Schools

2.89 Large and barrack like, industrial schools were set up in Australia to provide rudimentary education and industrial training for children who were not necessarily orphans but who subsisted in poverty or whose parents did not provide for them.¹⁰¹ Reformatories (nowadays juvenile justice centres), were often combined with industrial schools, often blurring the distinction between 'neglected' youth and young offenders.¹⁰² In 1864-1874, all Australian colonies legislated for 'neglected' and 'destitute' children and except in Queensland, this legislation distinguished between 'neglected' and 'criminal' children. The former were sent to industrial schools, the latter, to reformatory schools.¹⁰³

2.90 Some examples of Australian industrial schools include the Magill establishment in South Australia, set up in 1869, and the boys' reformatory in Queensland from 1871 on the ship, *Prosperine*. Victoria set up children's industrial schools including at Melbourne's Prince's Bridge, on the hulk, *Nelson*, and a number of smaller industrial schools were established in rural areas such as Geelong. St Joseph's Industrial School with orphanage facilities was established in Hobart in 1879. The Catholic Church and Salvation Army set up industrial schools in Queensland and Western Australia in the 1890s.¹⁰⁴ New South Wales children who were deemed to be

97 Liddell 1993, p. 31.

98 Mellor 1990, p.16.

99 Forde Report 1999, pp.31-34.

100 Mellor 1990, p.16.

101 Mellor 1990, p.18.

102 Cunneen & White 1996, p.17.

103 Mellor 1990, p18.

104 Mellor 1990, pp.19-20.

'uncontrollable' could be sent to institutions such as Gosford, Yanco, and the Shaftesbury Reformatory for boys or the ships the *Vernon* and the *Sobraon*.¹⁰⁵

Juvenile Justice Detention Centres

2.91 A separate system to deal with juvenile offenders was developed in the second half of the nineteenth century, coinciding with reforms including restrictions on child labour and the introduction of compulsory schooling.¹⁰⁶

2.92 As a researcher in the juvenile justice field and former officer of the New South Wales Department of Community Services, told the Committee:

From its inception in 1866, the juvenile corrections system in New South Wales was essentially punitive. Right from the word go it used isolated detention and corporal punishment.¹⁰⁷

2.93 Children could be placed in juvenile detention centres despite not having committed a criminal offence. Hence the mixing of welfare and criminal cases in detention systems became a hallmark of dealing with young people in the juvenile justice system until well into the contemporary period.¹⁰⁸ Not surprisingly, the by-product of such indiscriminate mixing of children in detention centres 'bred' criminals, as the Committee noted. One care leaver described how abuse and bad treatment in various places pushed her to the point of running away often and circumstances of being arrested, taken before the courts and placed in Parramatta Girls' Home, from which she emerged at 18 years as a young offender.¹⁰⁹

Conclusion

2.94 Many of the attributes that came to characterise children's homes such as low standards, overcrowding, poorly-trained staff, lack of children's education, parents' loss of control over their children, appalling conditions and sickness among the children, obviously stemmed from early-day practices. That low standards became the norm in many orphanages is not surprising. The Sisters of Mercy from Ireland who had opened St Brigid's Orphanage at Ryde in 1898 were familiar with the wretched poverty of Ireland and hence saw Ryde as 'palatial' compared to Ireland's very harsh orphanages. Conditions at St Brigid's seemed to indicate what lay ahead: too few nuns (carers) and too many children; a focus on menial tasks at the expense of education or occupational training and severe physical punishments of the children.¹¹⁰

105 *Committee Hansard* 3.2.04, p.109 (Mr Quinn).

106 Cunneen & White 1996, p.9.

107 *Committee Hansard* 3.2.04, p.107, (Mr Quinn).

108 Cunneen & White 1996, p.17.

109 *Submission* 238, p.2.

110 McGrath 1991, pp.26-29.

2.95 The Randwick Asylum's focus on producing goods for outside markets with the cheap labour of children¹¹¹ demonstrates the ready acceptance of child labour and the lack of any real thought about their careers. That families often had to sign over complete control when admitting their children to an orphanage,¹¹² demonstrates that parents were destined to take a subordinate role regarding their children's lives.

2.96 Child labour issues have been reflected in other inquiries into children in institutions such as the Child Migrant Report and *Bringing them home*, for example:

Much of the evidence provided harrowing descriptions of small children undertaking adult tasks – clearing land, building, looking after livestock – while at the same time trying to participate in the little education that was offered...most institutions required inmates to at least perform daily housekeeping and general operational chores.¹¹³

Although Aboriginal children were expected to take on the responsibilities of work at a very young age, they were not trusted with their own wages...I was sent out when I was eleven years old to [pastoral station]. I worked there for seven and a half years. Never got paid anything all that time.¹¹⁴

2.97 The Committee received numerous stories outlining experiences of child labour in institutions (see also chapter 4):

We were up very early every morning, either raking leaves or scrubbing floors...We worked hard, doing everything around the home. (Sub 101)

While at Riverview I worked in the dairy. I was required to get up between 4.00-4.30 am to bring the cows for milking...Another job I was required to perform while at Riverview was regular sanitary duty. This involved pushing wheelbarrow loads of effluent and burying it beside the Bremer River. (Sub 75)

2.98 With large numbers of children under the one roof, the serious health issues of orphanages and industrial schools were replicated in homes for years to come. At the Randwick Asylum in 1867, 77 children died of whooping cough and health and hygiene issues were a serious problem.¹¹⁵ At Melbourne's Prince's Bridge industrial school in the 1860s, at any one time, 22 per cent of the children would be sick.¹¹⁶

111 Ramsland 1984, pp.194-209.

112 Mellor, 1990, pp.16-17.

113 *Lost Innocents*, p.86.

114 *Bringing them home*, pp.171-172.

115 Ramsland 1984, p.201.

116 Mellor 1990, pp.18-19.

More contemporary times for children's institutions

2.99 Over the years as needs and options changed regarding the care of children who were unable to live with their families, institutions continued to be set up across Australia by government and non-government organisations.

2.100 The amount and nature of information in this section on Australia's children's institutions tends to be typical of that received by the Committee. The Committee has endeavoured to quote from submissions and evidence to give as diverse a picture as possible of Australian non-government and government institutions. Many of these homes have since closed or, over time, taken on different types of service provision for children such as foster care or residential cottage homes.

2.101 Significantly, although stories in this report depict many institutions in a bad light, the Committee acknowledges that many carers in these homes were concerned with children's best interests and that treatment and practices obviously varied according to management regimes and staff at certain times.

Catholic institutions

2.102 In 1836 Australia's first Catholic Orphanage school was established and moved to bigger premises in Parramatta in 1844. From the 1840s, Orders from Europe, particularly Ireland, arrived in Australia and by the 1860s, Catholic religious orphanages operated in all capital cities. Orphanages were established in cities and regional centres across Australia. In the early 1900s, more centres were opened by various nuns, while the Christian Brothers provided institutions for boys. In 1840s-1890s, Catholic homes were established for indigenous children, predominantly in Western Australia and the Northern Territory. New South Wales' Catholic orphanages have included Mater Dei, Narellan, and Sydney's Tempe Home. The Convent of the Good Shepherd, Abbotsford and St Augustine's, Geelong, are examples of Catholic children's homes in Victoria. In Western Australia, Catholic Orders such as the Sisters of Nazareth, Sisters of Mercy and Christian Brothers conducted various orphanages. In Tasmania, the Mt St Canice Home was established by the Sisters of the Good Shepherd for women and girls.¹¹⁷

2.103 Given that the Catholic Church has conducted a significant number of orphanages across Australia, not surprisingly, many submissions and information to the Committee have been in relation to Catholic homes.

2.104 In recalling a number of Victorian Catholic orphanages, one care leaver noted:

I watched a program on 60 minutes called the sisters of cruelty and was awakened to the memories of my own experiences of the two Nazareth houses in Victoria, Nazareth House in East Camberwell and Nazareth

117 *A Piece of the Story*, National Directory of Records of Catholic Organisations Caring for Children Separated from Families, Australian Catholic Social Welfare Commission, November 1999.

House in Ballarat from the 1960s until 1971...I still have nightmares...about...being forced by a nun to lean into the coffin and kiss a dead man I did not know...I even have flashbacks to this very day of the smell of a dead body. (Sub 5)

2.105 Other people's experiences also related to Nazareth Houses in Victoria:

Back to Nazareth House Camberwell, Victoria...a very painful period in my life to talk about in fact I still have nightmares especially when I have to revisit memories. I have come to realise that we were never children. We were an unpaid workforce, with no reward just punishment. (Sub 169)

I was in...Nazareth House, Ballarat in about 1957 – I was 4 years old...It is something that has never left me – how and why these places were allowed to run the way they were is impossible for me to comprehend – it made no sense. A place to de-humanise children? – it worked. (Sub 240)

2.106 This care leaver outlined her 'living nightmare' as a state ward when she was abused at Nazareth House, Ballarat, and St Catherine's Children's Home, Geelong:

My placement in these orphanages...has deeply scarred me and will continue to have an impact on me for the rest of my life...The emotional abuse I received was demeaning and humiliating, it undermined my confidence and self worth...The physical abuse never ceased, the beltings, having my head smashed together with another child's head (this was my introduction to St Catherine's on my second day at this home). (Sub 111)

2.107 The Committee received many submissions outlining experiences of St Vincent's, South Melbourne:

I was placed in St Vincent's orphanage South Melbourne from the age of 8 until I was 14. In that time I suffered the most horrific abuse, sexual physical and psychological. To this day I find it very hard to talk about without becoming upset depressed and angry. (Sub 137)

2.108 Various submissions outlined stories of appalling treatment at Adelaide's Catholic Orphanage, Goodwood, run by the Sisters of Mercy:

Next, we went to an awful children's home called 'Goodwood' in Adelaide...We were not allowed to go to the toilet and told not to wet the bed! I told my sister to wee in my bed, if she had to, so they wouldn't belt her. In the morning, the nuns would walk straight up to me and the other kids and we would all get belted with the strap for wetting our beds. I was made to work like a slave. At 4.30 am, my little, sick sister and I were forced to carry two mops and buckets up steep stairs to the next floor and scrub toilets and bathrooms...No shoes or underwear for me. The food was terrible. For breakfast everyday we ate stale bread with lumpy hot milk. For dinner we ate boiled 'hogget' with Swedes. A lot of the children were sexually abused – not me or my sister. (Sub 95)

2.109 The Committee also received information outlining significant abuse at St Anne's Orphanage in Liverpool, Sydney, including the following:

I remember my father visiting us and asking us what we had done with the pocket money he had given to Mother Phillipa. I told my Father we had not received this money. After that he gave the pocket money to us directly...the food at St Anne's was absolutely terrible...I hated it but Sister Herman made me eat some of it...She hit me with the cane over my legs and when I fell to the ground she then hit me over my back. (Sub 348)

2.110 Neerkol Orphanage in Rockhampton, Queensland, was mentioned in a number of submissions, very often in an unfavourable light:

I was bashed by the nuns and estranged from my brothers and sister. We didn't get much food and were made to feel stupid. It was a very bad place and I was confused and very scared. I tried to pretend that I wasn't really there so that when I was being abused sexually and mentally, I pretended it was happening to someone else. (Sub 149)

I was brought up in the Neerkol Orphanage outside Rockhampton...from the age of 10 months to 12 years old. During this time I suffered mental, physical and sexual abuse from employees of Neerkol. I was treated as being mentally retarded from the age of two until the age of 10 when they discovered that all that was wrong with me was a simple tongue tie. (Sub 218)

I was a ward of the state from 1961 to 1968 at a Queensland orphanage, that being Neerkol Orphanage. I was physically, mentally and sexually abused while there. I could not begin to tell you, especially in brief, how horrific my experience was and how I was transferred to eight different institutions in seven months (one being a psychiatrist hospital) so as to stifle me from speaking out about my sexual abuse claims. (Sub 309)

2.111 Western Australia's Christian Brothers' orphanages were remembered for their brutality and abuse of boys who went through their system:

I shall not forget that life of Hell that the Western Australian Government put us through. This is a story to be told, of each of these orphanages, Castledare, Clontarf, Bindoon, Tardun and St Joseph's, Subiaco. (Sub 41)

I left Perth over 20 years ago, hoping to forget the horrible things which happened to me while...in Castledare and Clontarf Boys Homes, run by the Christian Brothers...In 1950 aged 7 years along with other children, I was transferred to Castledare. This is where Hell on earth began. In 1954, aged 11, I was sent to Clontarf Boys Town a few miles away, where Hell continued for the rest of my childhood...I hold the child welfare department responsible for the abuse and lack of education while I was under the care of the Christian Brothers. (Sub 85)

2.112 Another care leaver provided significant details of abuse and harsh treatment of boys, including brutality and physical and sexual abuse at Castledare Boys' Home, Clontarf Boys Town, Bindoon Boys Town and St Mary's, Tardun. (Sub 365)

Anglican (Church of England)

2.113 Starting around 1890, the Anglican Church has operated many children's homes across Australia, including the Church of England Boys' and Girls' Homes, Carlingford, New South Wales. The Church's Queensland homes included the Home of the Good Shepherd, Nundah; St George's Homes for Children, Rockhampton and Tufnell Homes, Nundah. The Church's Northern Territory's homes included St Mary's in Alice Springs, while South Australian institutions included Adelaide's Orphan Home (Farr House), the Babies' Home, Walkerville, and, St Mary's Mission of Hope. Victorian-based Anglican homes included the Brighton Children's Home and the Darling Babies' Home, East Malvern, as well as many babies' homes, boys' training farms and Aboriginal missions. In Tasmania the Church conducted homes such as the Roland Children's Home (for boys) and assisted with residential care for Aboriginal children. Included in Western Australian institutions have been Swanleigh Hostel, the Anglican Children's Mission, Perth, and missions for Aboriginal children.¹¹⁸

2.114 The following example illustrates some experiences in an Anglican home:

When I was seven I was taken to a home in Brighton Victoria run by Church of England Nuns, they were very cruel, we were used for slave labour, we had to scrub floors on our hands and knees, use heavy machinery to polish floors, peel spuds, wash and dry piles of dishes, if we did anything wrong, our punishment was being locked in a cupboard most of the time we were locked there all night. (Sub 279)

2.115 Established in 1903, the Anglican Church's Parkerville Children's Home in Western Australia, pioneered small cottages for children in Australia with a 'village environment' that included a primary school, farm and homes with their own 'mother'.¹¹⁹ Describing Parkerville in the 1940s, one care leaver recalled:

When we arrived at Parkerville, we were separated...I hardly got to see my sister at Parkerville. She got very sick with rheumatic fever and because she didn't get treatment early enough, spent 6 months in Royal Perth Hospital...medical treatment was almost non-existent at the Home...There were about 30 kids per cottage. We slept on the veranda and in winter up in the hills it was freezing...Beltings were common for all the kids and mostly were not deserved. (Sub 181)

2.116 The above recollections at Parkerville were confirmed by his sister:

We had to do the housework in the Cottage, Padbury. We had to polish the wooden floors in the Dormitory and the Balcony until we could see our faces, every day we had to scrub floors and toilets with cold water, always on our Hands and Knees...Miss Middleton was very cruel. She would slap

¹¹⁸ Boyce James, *For the record*. Background information on the work of the Anglican Church with Aboriginal children and directory of Anglican agencies providing residential care to children from 1830 to 1980, Anglicare Australia, 2003, pp.23-44.

¹¹⁹ Boyce 2003, p.42.

the girls across the face or ears for nothing, and loved telling us if it wasn't for them we would be in the gutter, where we belong. We had no shoes for every day wear, we would get chilblains on our toes and fingers. (Sub 180)

2.117 Another person wrote about the Anglican Swan Homes in Western Australia and recalled instances of extreme punishment of the boys, including the following:

In January 1946, when I was just 12 years of age, my three younger brothers, a younger sister and myself were committed to care...and placed in the Swan Homes at Middle Swan then operated by the Anglican Church...I am now over 70 years of age but still find my experiences of this Institution remain with me, and some of the traumatic things I experienced still bother me, and I believe have had a profound effect on my life. (Sub 414)

Salvation Army

2.118 The Salvation Army has run children's homes in Australia for over a century. Victorian establishments have included: the Bayswater Boys' Home, Box Hill Boys' Home, Kardinia Children's Home, East Camberwell Girls' Home, Glenroy Girls' and Pakenham Boys' Homes. Its homes in South Australia include the Kent Town Boys' Home, Mt Barker Boys' Home and Woodville Girls' Home, while the organisation conducted homes in Western Australia in Cottesloe, Seaforth and Nedlands. In Tasmania, Salvation Army homes have included the Barrington Boys' Home and Maylands Girls' Home, and in New South Wales the Kolling Memorial Boys' Home at Bexley, Manly Boys' Homes, Lyndon House Girls' Home, Canowindra and Goulburn's Gill Memorial Boys' Home are other examples. In Queensland, the Salvation Army homes include Kalimna Vocational Centre for Girls, Toowong, Indooroopilly Boys' Home, the Riverview Girls' Industrial school and the Riverview Boys' group of homes, Ipswich.¹²⁰

2.119 The Committee received many submissions regarding abuse in Salvation Army homes. One woman recalled the home in Cottesloe, Perth, in the 1940s where she lived when her young mother was unable to care for her and her siblings:

I found it very traumatic as I was a bed wetter and had to wash my own sheet in the mornings and got into quite a deal of trouble for the bed wetting...I would need to use the toilet during the night and this got me into trouble for being out of bed and I was made to stand in the cold hall until the carers went to bed...this occurred on a regular basis. (Sub 184)

2.120 A New South Wales care leaver described treatment at the Salvation Army's Gill Memorial Home, Goulburn, from 1966:

I was in my innocence, entering these dimensions of the so called home from early childhood, to which I experienced and witnessed abuse from my early years to September 1974...For the first two years in the boys home

120 Submission 46, (Salvation Army – Australia Southern Territorial Headquarters).

influences affected my behaviour/personality, as I learnt the discipline of the home, and the hypocrisy of Christian ethics and morality from the age of about 8 to 15. (Sub 326)

2.121 He further described life at Gill, including being made to sweep the toilet with a toothbrush, having to stand outside in all weather conditions, sometimes without shoes and being punished for speaking about one of the officer's sexual misconduct. He left the home, totally disenchanted with the Salvation Army and its officers:

What annoys me the most is the two faced presentation of Salvation Army officers who pride themselves as upstanding citizens in the community while in SA uniform, the other face of abuse hidden from the community...The Salvation Army officers acted as wardens, not devoted fathers to us all. There was a lot of mental abuse in the so-called home that I had no experience of before I entered this place. (Sub 326)

2.122 In writing about the Gill Boys' Home and recent remarks in the media of a senior Salvation Army officer about 'tough love' for the boys, another man said:

I have difficulty in reconciling...'love' with: Being physically abused particularly by one officer who enjoyed punching boys in the mouth and hitting them across the face with his open palm...on a regular basis...As a child at the Gill Home for Boys at Goulburn, the abuse...was constant. There were obviously some officers who tried to uphold the principles of the founder of the Salvation Army, William Booth, but they were not able to stop, or have much of an impact upon those officers who choose to ignore humanitarian beliefs, ideals and concepts...as a teacher I ended up teaching one an ex-Gill Home officer's sons. This particular officer did try his hardest to make life as pleasant as possible for the boys. When I asked him why we were treated so badly he said that although he tried his hardest he was told that as a junior officer it was not his role to interfere and that if he didn't like it then he should pack his bags and leave. The arrogant, abusive and purposeful humiliation methods of the Salvation Army are still in existence today, and are still impacting on my life. (Sub 286)

2.123 Other care leavers wrote of the lack of compassion at the Gill Home:

After lights went out at night you would be quite often awakened by younger boys crying for their parents. If this wasn't sad enough, if the officer heard it, the doors would be flung open, the lights turned on and everyone had to stand at the end of their bed until the boy who had been crying was found. The officer then flogged the boy. (Sub 336)

2.124 Many stories about the Queensland Salvation Army home, Riverview, emerged, such as the following outline that included sexual and physical abuse. In describing a particularly abusive officer, this care leaver said:

On the way home, Captain Gilliam would often stop at a pub to buy alcohol and we were threatened with a flogging if we told anyone. On return to Riverview, approximately 12 boys were made to sort through this truckload of food and push the best of it in a wheelbarrow approximately 1.25 miles to the kitchen...Fights were a common occurrence during shower time at

Riverview...On one occasion I had my eye split open when Captain Spratt took a swing at one boy who ducked, leaving me to receive the blow. (Sub 75)

2.125 Located at Indooroopilly in Brisbane, the Salvation Army home, Alkira, was also the subject of criticism:

Boys were punished for sitting next to girls at little lunch...these punishments would range from going to bed without TV, the strap or the cane...The manager...would occasionally punch boys with a closed fist. The dairy officer...would hit you with a stock whip if he caught you talking during milking. (Sub 90)

Uniting Church

2.126 The Uniting Church in Australia is a union of the Methodist, Presbyterian and Congregational Churches and was inaugurated in 1977. The Methodist and Presbyterian Churches were 'relatively small players' in children's institutional care in Australia. Included in Uniting Church homes in Victoria have been the Dhurringile Rural Training Farm (Tatura) for boys; Kilmany Park Family Home for Boys in Sale; the Presbyterian Sisterhood for babies and homeless mothers in Melbourne; and the Orana Family Services which commenced in 1888, changing its name and location several times over the years.¹²¹

2.127 A number of care leavers submitted positive stories about Uniting Church homes in Victoria:

I was transferred to Tally Ho Boys' Home 20/5/1939 aged nine years and five months. I remember that when I went to Tally Ho I started wetting the bed for about eighteen months until I settled down. I was never punished for this. At Tally Ho they taught you to make your bed, wash your clothes, and we shared laundry duties, farm duties, cooking, separating milk, harvesting. I found the homes to be a good environment...The only fights I saw were between the boys. (Sub 153)

2.128 However, the Committee received contrary evidence about Uniting Church homes, for example, Kilmany Park:

From Baltara I was sent to Kilmany Park in Sale...When I did go to school and spoke to my family, and the home found out, I was constantly belted...We showered together and our penises were measured. I was abused by the superintendent's son and, when I told the superintendent, I was constantly pulled out of bed – probably at about 11 o'clock at night – for telling lies, made to do a three or four-mile run, made to swim in a freezing cold swimming pool and sent back to bed...this was a Presbyterian home. We went to church every Sunday and were told of this God of love and understanding who was watching over us. I could not understand, because I thought: 'Jeez, what's happening? He's not watching over me.' I

121 Submission 52, pp. 3-4, 16-17 (UnitingCare Victoria and Tasmania).

was told my mother was nothing but a drunken slut who had never been any good to me. I was given a foot up the bum and sent back to school...The abuse, sexual abuse and torture abuse that I suffered at Kilmany Park – no child should have to go through it.¹²²

2.129 Western Australia's Mofflyn has provided a range of out-of-home care services to children, starting in 1923, through the Methodist and Presbyterian Churches. Children's homes run by Mofflyn and its religious antecedents have included the Methodist Girls' Home, the Werribee Farm School (Allandale) and a number of campus and cottages such as Allandale and Cooinda, Mt Lawley.¹²³ Mofflyn cited feedback which was generally positive from 13 parents and 18 children who had experienced Mofflyn residential services during 1967-1971:

'I could not have coped without Mofflyn' (parent), 'It was like a big family...I liked the cottages being together' (child), 'We felt loved by our Cottage Mother' (child, now adult). One boy 'just wanted to forget', and there were some criticisms of Mofflyn which were akin to comments on service improvements. No concern was identified...of any unsafe, improper or unlawful care or treatment of children. The current Director also made inquiries about any known concerns of this nature within the wider church, amongst past and present staff of Mofflyn...records and corporate memory. No issues or cases were identified.¹²⁴

2.130 From 1960 until 1989, Brisbane's Methodist-Uniting Church conducted Nicklin Cottages.¹²⁵ A care leaver described her experiences of Nicklin Cottages:

In 1960 the Methodist church built cottages...Geoff and myself moved to Nicklin in Aspley. I was 5 years old and Geoff was 6 years old...Geoff suffered from asthma and was later sent to join Les at Redcliffe...Les used to tell me that the man in charge...was cruel and would often take Geoff's puffer off him as punishment. Geoff died at the age of 12 and I was told he died from asthma. I went to the funeral with no family at the age of 11 years. I did not receive any support and neither did Les. Life at Nicklin went on and the lady in charge Mrs Elva Matthews was a kind and good woman...she left when I was 11 years and [another] woman...came and changed our home into an institution. This woman was cruel and often beat us...She constantly belittled us...I was molested at Nicklin by the Sunday School teacher who used to visit us and so were the other girls. I was raped twice at Nicklin but did not have the courage to tell anyone. (Sub 229)

122 Committee Hansard 11.11.03, p.64.

123 Submission 160, pp.1-3 (Mofflyn).

124 Submission 160, p.6 (Mofflyn).

125 Queensland Department of Families, *Missing Pieces: Information to assist former residents of children's institutions to access records*, Brisbane, 2001.

Wesley - Dalmar

2.131 From the late 1800s, the Wesley Mission provided substitute care to Sydney's neglected and orphaned children and young people as part of various Methodist Church networks. Initially in Woolloomooloo, this home moved to Croydon in 1900 and as Dalmar, relocated to Carlingford in 1923 as a cottage-style children's institution. From its inception, the complex was managed via a number of different styles, including in the 1960s when it accepted court and government referrals and took on increasing numbers of children from 'broken homes' and single parents.¹²⁶

2.132 A number of care leavers provided varying perspectives on Dalmar:

I wet the bed continually and was made to walk in shame with wet sheets and held up to ridicule...My brother and I were caned many times by Don Stewart for things I don't know why. Canings anytime, anywhere. (Sub 151)

We arrived at Dalmar March 8th and our first impression of Dalmar and Mr Stewart was what a filthy hole and what a bullying bastard Stewart was... Sister Olive who came out with us on a three year contract was trying to protect us from Stewart all the time. Sister Olive had years of experience in child care and she was made junior to a Sister Watson who had no idea and could neither read or write. (Sub 152)

I had this place that was my home and all these other children and people that cared about me...it was a place that I was 'happy' and now I was on the move again. I remember leaving in the car driving down 'that long driveway' and that distinctive main sandstone or brick entrance never seeing it again until years later. That was the end of my days at Dalmar the place of my first 'happy' childhood memories. Dalmar has always been one of my strongest childhood memories as well as lots of other good and very bad ones that I'm sure Dalmar children and others like us all have. (Sub 241)

My natural mother signed a document giving me into the care of the Methodist Church, so that I was legally a ward, not long after my birth in 1924. I understand I was first cared for in the Dalmar Home in Ashfield, and subsequently at Dalmar, Carlingford...my girlhood recollections are of happy days, both during school periods and during school holidays. (Sub 328)

Burnside - Presbyterian

2.133 UnitingCare (Burnside) is a child and family social welfare agency of the NSW Uniting Church synod, established in 1911 to provide institutional care for disadvantaged children in New South Wales. By 1923, with private benefactors' funds, Burnside included 14 cottage homes and a range of amenities such as a school, gymnasium, hospital, playing fields and vegetable garden. In the 1960s the buildings

126 Submission 178, pp.1-9 (Wesley Mission – Dalmar Child & Family Care).

were redeveloped to suit 12-15 children and later were replaced by smaller residential houses in Sydney. More recently, the organisation has turned to foster care services.¹²⁷

2.134 Recounting life at Burnside after her parents had died, one care leaver noted:

My younger sister and I ran away because of this Matron's attitude towards us. When I was taken back, the matron beat me and I was literally black and blue for six months. Before the belting I had to scrub the bathroom floor, the room was very big as the building was previously a hospital. She told me it depended on how well I did the floor to the punishment I would receive. I did my best as a 12 year old girl. (Sub 310)

2.135 Other care leavers informed the Committee of their experiences of Burnside:

I lived in the home next door to the administration office where the superintendent lived and if he had turned around in his leather swivel chair and looked out the window he could have seen beatings and abuse going on just about any time...a matron...hit girls with the bristle end of scrubbing brushes and dragged girls around by the soft part under their arms...staff were not trained to deal with disclosures of sexual abuse...Nothing at Burnside modelled normal family life or human relationships.¹²⁸

Every type of abuse happened in Burnside...For the slightest little thing...you were made to go up to the dormitory...You were made to put on your pyjama pants...and lie over the bed, ready for the punishment. You knew it was coming...it took about six or seven hours sometimes to come. Then you would hear him walking up the bloody steps and down the bloody hall. He would have a double razor strop...he took pleasure in belting your arse...[The food] was shit when I was there...If you threw it up...you had to eat it there and then.¹²⁹

When I was 12, 13, 14 years old I was in Burnside homes for children, me and my sister...were both treated badly, and spoken to very meanly. I was sexually abused by the male house parent, his name is available if needed. It caused me a lot of mental stress and still is today...I'm getting help from Burnside after care; they are helping me with these issues. (Conf Sub 125)

2.136 Brisbane's Presbyterian WR Black Home was established in 1928.¹³⁰ A number of care leavers referred to this home, the following excerpt is indicative of some of the comments:

I was hit across the nose with the leg of a chair...not attached to the chair. My nose was gashed open and bloody...The matron stopped us from

127 Submission 59, Executive Summary (UnitingCare Burnside).

128 *Committee Hansard* 3.2.04, pp.73-75.

129 *Committee Hansard* 3.2.04, p.78.

130 Queensland Department of Families, *Missing Pieces: Information to assist former residents of children's institutions to access records*, Brisbane, 2001.

studying. 'You needn't bother studying. You're nothing. You'll always be nothing. You're from the gutter. You'll end in the gutter', she said. (Sub 87)

2.137 Another former resident who entered the WR Black Home at the age of six, had to deal with her mother's death and many years of bad treatment:

Matron Gennon proved to be a very harsh and cruel woman, who was determined to 'Knock the BAD out of us'...Then began 10 long years of extreme mental and physical abuse from 'The Matron from Hell'...A favourite punishment was to stand facing a wall, both arms raised above heads and woe betide anyone caught with arms down. She often would forget us and had to be reminded...Children would be crying with pain...one of my jobs was to scrub the kitchen floor. I felt a searing pain as a tin dipper was slammed into my scalp, breaking the skin. 'You stupid girl' Gennon yelled. 'Always put cold water into the bucket first before hot'. I went to school with blood matting my hair... [The teachers] did nothing about it. After all I was 'Just one of the Home Kids'. (Sub 409)

Uniting Protestant Association Homes

2.138 Formed in 1938, the United Protestant Association (UPA) provided care for children and promoted the Protestant faith. In the 1940s-1950s, it had up to 12 homes each caring for around 15-25 children, with house parents and other staff.¹³¹

2.139 A number of care leavers submitted their stories about life at UPA homes. The following person was placed in a UPA home had already badly treated in foster care:

I was placed in NSW Protestant Federation Girls' Home, Garnet Street, Dulwich. The memories are of a cruel harsh regimental environment. I did not cope well. (Sub 234)

2.140 However, another care leaver's story of UPA contrasted with the above:

I was then taken to the United Protestant Association's, Buena Vista (meaning Beautiful Vision) Boys' Home in Orange, in the Central West of New South Wales from February 1951 (Aged 11) till October 1954 (Aged 15). This home being run by a lovely Christian Couple who were like Mother and Father to us and are the reason I am, as I am today. (Sub 390)

2.141 In the following story of a UPA home a care leaver emphasised that her experience was not as bad as those in other homes. She also attributed adverse treatment to the 'value systems' of the time. Nevertheless, many negativities are described:

Children were beaten on a daily basis. I can remember being beaten for something that I might do wrong in the future...The beatings were not the worst things we had to endure. Some of the staff played mind/emotional games with the children that enhanced their feeling of power whilst demeaning the child...There was a time when the local Church of England

131 Submission 30, p.1 (United Protestant Association of NSW Limited).

Minister was brought in to administer beatings as the then sadistic matron 'Mrs Ireland' was unable or unwilling to do it herself...she still smacked girls' faces and beat their bottoms when the Minister was not around. (Sub 311)

Plymouth Brethren (ie, Silky Oaks)

2.142 In Brisbane, the Open Brethren home, Silky Oaks Haven operated from 1940 to 1989.¹³² The Committee received a few submissions about this home, but they contained very similar information about the abuse of children:

During my time at Silky Oaks Children's Haven, after arriving there shortly after my fifth birthday, the abuse started, this ranging from physical through to sexual and including mental abuse. (Sub 102)

During my time in Care in 'Silky Oaks', was 'HELL' and 'HORRIFIC'. Mentally, physically, sexually, spiritually, culturally, emotionally and educationally. And I still today carry deep scars emotionally and to a large degree all the above. If it wasn't for my only son I don't know what I'd have to live for!! (Conf Sub 45)

Hopewood

2.143 Various people raised issues about the children's institution, Hopewood, set up in country New South Wales during World War II by a wealthy businessman, Leslie Owen Bailey. A common theme about Hopewood centred on its role as a social experiment, which 'took the form of the gathering and rearing, side-by-side, 86 male and female babies born to unwed mothers during the war years. The 'official' line put by Mr Bailey's supporters was that his philanthropy extended to a desire for the welfare of the children and the promotion of a 'natural health' lifestyle.¹³³

2.144 Contrary to the positive publicity on Hopewood of its founder, the Committee received other views. In writing about its *modus operandi* and negative impact on her mother (who had lived there as a child), one person attributed her mother's psychological damage and unhappiness, to life at Hopewood:

I grew up on stories of 'Hopewood' and knew the despair my mother felt from her experiences there....His [Bailey's] stance on gathering quantitative data from the Hopewood experiment via his subjects tells us very little other than the fact that the children were physiologically well kept (although this is a contested point by a number of children themselves). The Hopewood experiment, rather than being a philanthropic activity for a wealthy businessman, was an attempt by Bailey to eugenically improve a selected group of children. Bailey intended to use the data gathered from his experiment as a model for the eugenic engineering of the Australian population as a whole, as a defence against the perceived external, non-

132 *Missing Pieces*, p.84.

133 *Submission 337*, p.3.

European threat...The children of the Hopewood experiment were subjects. Their utility lay in the fact that they were able to provide the quantitative data necessary to prove Bailey's hypothesis and contribute to the development of 'scientific' knowledge. As individuals, they had become objectified, individuals made into objects of enquiry. (Sub 337)

2.145 Another former Hopewood care leaver expressed similar negative sentiments about Hopewood and its unconventional patterns of children's care, including attendance at three different schools each year, an inadequate diet, and sexual abuse.¹³⁴

Barnardos Australia

2.146 Since the 1920s, the child welfare agency, Barnardos, has operated in Australia and had over 30,000 children in its care.¹³⁵ Barnardos initially sent children to Western Australia's Fairbridge Farm School. In 1929, it established a model farm school at Mowbray Park, near Picton (New South Wales), based on the cottage principle. Boys were trained as farm labourers, the girls as domestic servants.¹³⁶

2.147 The Committee received limited information about Barnardos homes for children. However, it was advised of situations regarding sexual abuse of children. Dr Coldrey submitted details of a homosexual/paedophile ring which had operated in the 1950s at Barnardos Home, Picton. According to Dr Coldrey such events seemed to originate from sexual liaisons formed between some Barnardos teenagers en route to Australia from England and members of the ship's crew. Events escalated when a member of a Sydney homosexual ring was employed at Mowbray Park and introduced more lads to a paedophile circle. The story attracted high-profile media attention in *The Truth* newspaper, was investigated and various men were charged and sentenced for sex offences relating to former Barnardos pupils.¹³⁷ Barnardos itself submitted details of allegations made in the 1980s of sexual abuse of children from the 1960s in one its group homes. A man was charged, tried and goaled. The organisation offered counselling to ex-clients when it became aware of allegations.¹³⁸

2.148 A care leaver provided her account of some memories of Barnardos:

My sister and I then went to Dr Barnardo's Home, in Keiraville, Wollongong, in January 1964...Few incidents, although I remember being caught smoking along with older children – I must have been only about 6 years old. My sister tells me the 'carers' had a distinct interest in ensuring that our vaginas were scrupulously clean, other than that, I remember nothing. (Sub 418)

134 *Submission 93*, pp.2-3.

135 *Submission 37*, p.1 (Barnardos Australia).

136 *Lost Innocents*, p.48.

137 *Submission 40*, pp.47-49 (Dr Coldrey).

138 *Submission 37*, p.3 (Barnardos Australia).

Government organisations

2.149 As with non-government institutions, some of the government receiving homes, orphanages and juvenile justice centres for children and young people cited in submissions and evidence, have closed or continued under different names or modes of operation.

New South Wales

2.150 New South Wales Government homes have included homes for pre-school children as well as the receiving homes, Bidura and Royleston in Glebe, from which children were transferred to other institutions. Other boys' homes included Turner and Suttor Cottages, Mittagong, and the Berry Training Farm School.¹³⁹

2.151 Often an institution's 'official description' would be at variance with a care leaver's views. Royleston boys' home was described in a government publication as very comfortable, temporary accommodation for boys, in an attractive old house with many interesting features.¹⁴⁰ However, more than one care leaver had a contrary view:

...1953, I was two years old. My recollections of Royleston seem to be much later, around five or six...Royleston was a terrible place to find yourself, at any age...As a child, under care at Royleston, I felt the heavy hand of adult men, men employed to care for us...when they weren't happy, we suffered...Over time this treatment developed your sense of hopelessness, worthlessness, and aloneness. At times even the good guys had a heavy hand. (Sub 321)

2.152 Lynwood Hall for girls at Guildford, was said to be set in 'one of Sydney's most graceful old homes', where the educational objectives focused on English, speech, appreciation of the beauty of language and letter writing.¹⁴¹

2.153 The Committee received substantial information on Lynwood Hall, much of it extremely negative. This care leaver submitted a story that is generally supportive of the home though she did express reservations, including about its lack of homeliness:

I went there [Lynwood] around 1942 till late 1945 or early 1946. Contrary to the residents of later years (from reading the letters in CLAN magazine), we had it good...Yes we got punished when naughty, & put in clink when bad & believe me I did my fair share of punishment & clink. No one to my knowledge ever got a beating – punishment was scrubbing the dining room floor & polishing the main hall, we didn't have carpet & sometimes we had to stand in the hall barefooted in the winter & it was very cold...What was

139 McLean D, *Children in need: an account of the administration and functions of the Child Welfare Department, New South Wales, Australia: with an examination of the principles involved in helping deprived and wayward children*, Government Printer, Sydney, 1956, pp.36-48.

140 McLean 1956, p.39.

141 McLean 1956, p.45.

really missing was a homely atmosphere, cuddles when upset & very little if any TLC...We were taken to Guildford shopping once a month, given money to spend, we were also taken to Auburn & Granville swimming pool in summer...when the war ended...the gardeners built us a huge bonfire & we were allowed to raid the kitchen for pots & pans to belt together to make a loud noise to celebrate & no-one got into trouble...things were different to what a lot of residents of later years had to put up with. (Sub 402)

2.154 However, the following excerpts are indicative of stories about the Lynwood Hall of later years, which present it in a very different light to the above:

I was sent to Lynwood Hall...Miss Davies and I had a personality conflict – that leads to me being locked in clink (an isolation cell approx 3ft by 6ft) sometimes for weeks. One time in particular I had been locked in isolation for answering back. (Sub344)

After this I went to Lynwood Hall...I was there for three years...this place it was locked up at all times and run by Miss Davies...There was no staff apart from the supervisors and teachers as we did everything. If the girls cooking messed up we still had to eat it no matter how terrible it tasted...Punishments here were varied but included scrubbing bathroom floors with a toothbrush, hand polishing wooden floors and being locked up in a room about the size of a walk in pantry with no light and nothing to do for hours...you were reminded that you were wicked and worthless. (Sub 352)

A little while ago I met a woman who I was in the home with. She told me I was never violent as a child, the violence was done to me. The woman who ran Lynwood Hall – I was her punching bag. Every time I'd turn around she would smash me in the mouth with her keys. (Sub 394)

2.155 Mt Penang Training School for Boys at Gosford catered for boys aged 14-16 years, who were committed by a Court. It was said to be 'open' and was divided into a main section with dormitories as well as a privileged section.¹⁴² Information about life at Mt Penang included the following excerpt:

Ben was also charged with the theft of a pushbike and he received what he said was a General Committal...Ben was placed in what he said was known as the Gosford Boys Home [Mount Penang]...He spoke of the complete lack of proper follow up care by the Welfare Department in those days, there being no interest in how he was coping either at school or in the family home. (Sub 329)

2.156 The Tamworth Institution for Boys was a closed institution. It had stricter discipline than Mount Penang, only a small number of inmates (rarely older than 16 years), individualised training, no opportunities to abscond, discipline similar to naval standards and punishments for a wide variety of behavioural misdemeanours.¹⁴³

142 McLean 1956, p.28.

143 McLean 1956, pp.143-144.

2.157 Some stark outlines of the Tamworth Institution were put to the Committee:

Tamworth was set up in 1947 to counter the large-scale absconding that had occurred in the early 1940s from Gosford...this was an effort to create a place of terror, if you like, to stop boys absconding from Gosford. Tamworth was an old colonial prison. It had cells and you could still see the place at the end of the cell block where people had been hanged. No visitors were allowed. Talking was allowed for only one hour per day...Boys were confined in cells. They slept on the floor on coir mats...in both summer and winter in Tamworth. They were under continual surveillance and they were punished for the slightest infringement of rules – usually by 24 hours isolated detention.¹⁴⁴

2.158 A care leaver who spent time at the Tamworth Institution described it thus:

Ben likened the conditions at the Tamworth Boys Home to the conditions experienced by prisoners of war in the Changi prison camp in WWII...as the most unbelievably cruel, sick and sad place...It was staffed by mainly ex soldiers...The boys had to look ahead at all times at a point on the ground about three feet in front of themselves. Any glancing sideways or looking up was met with punishment...There were also in place rules as to how a boy had to sleep...At night...if you should have made the mistake of being snuggled completely under your blankets then a fire hose was pushed through the peephole and the boy and his bedding were soaked. (Sub 329)

2.159 In 1866, Sydney's Parramatta Girls' Industrial School was set up and until the 1980s was the main place for girls. It became renowned for extreme cruelty, was the subject of many inquiries which were scathing of its activities and achieved notoriety in the 1960s when many of the girls rioted against its conditions.

2.160 According to evidence, girls were judged and treated very badly:

...girls were treated far worse than boys...it was because of entrenched Victorian attitudes to fallen women and the view that girls were inherently more difficult to reform than boys. Those attitudes you can see in statements by Henry Parkes...and by a succession of people who were involved in the child welfare systems right up to the 1950s.¹⁴⁵

2.161 Girls were discriminated against including with sentencing and the extensive use of isolated detention and segregation.¹⁴⁶ Often young women were punished even though they had been the victims of serious crime. As the entry books to the Parramatta Industrial School show, girls who were raped or the victims of incest often found themselves committed to the institution, while the perpetrators remained free.¹⁴⁷

144 *Committee Hansard 3.2.04*, p.111 (Mr Quinn).

145 *Committee Hansard 3.2.04*, p.109 (Mr Quinn).

146 *Committee Hansard 3.2.04*, p.110 (Mr Quinn).

147 Van Krieken, *Children and the state*, Unwin & Allen, North Sydney, 1991, p.93.

The Committee received many stories about the cruelty and harshness at the Parramatta Training School for Girls as this 14-year-old girl's experience shows:

I was brought down in the train from Lismore with a handcuff around my ankle and a blanket put over me so that the other people in the train couldn't see the handcuffs. When I got to Parramatta I was told that they would break my spirit at that time I didn't know what they meant...a Mr Gordon punched me in the face several times, my nose bled I was made to scrub large areas of cement with a toothbrush even in the middle of winter with nothing under my knees and my knees used to bleed and some times I would pass out with exhaustion....I stayed in Parramatta for 4 years in that time I was sent to Hay NSW which was like a horror camp. (Sub 39)

2.162 The following excerpts are further evidence of the negativities of Parramatta:

I did not know what cruelty was like until I went into Parramatta Girls Home. I still do not understand exactly why I was sent to the home. I was no more than 16 years of age, an innocent child with a whole life ahead of me. Nevertheless regardless of what the reason no child should have endured the neglect, the cruelty, the brutality, malice and immorality that were shown by many of the staff to many of the girls in the home...From the day I entered the home I did not realise that my life would never be the same again, that my childhood would be taken from me. (Sub 110)

My mother never recovered from what she'd been through as a child in 'that dreadful place', called Parramatta Girls' Home. She blamed herself for what she'd been through, for being Aboriginal, and for losing me. Is it any wonder she wasn't able to bond with her subsequent children, and with the one she'd been forced to give up? (Sub 154)

I was involved in the Parramatta riots...Myself and other girls were the first to get on the roof at Parramatta which was to escape the brutal bashing we knew we would get for leaving the laundry. Mr Johnson was then in charge, he was a brutal man and within that week I had seen him bash and kick a girl that he had been molesting to try and induce a miscarriage...we tried to escape and because we couldn't make it to the gate the other alternative was to go to the schoolhouse roof. Johnson was called and we had our audience...I knew that I would be flogged but because I was on the roof I decided to out him and verbally screamed that I knew what he was doing to Barbara...it was a secret that everyone knew about but no one spoke about because of fear of this man. (Sub 250)

2.163 In New South Wales, a girls' institution at Hay replicating the Tamworth institution was set up in a former colonial prison to deal with the 'rebellious' girls from Parramatta after the 1961 riots.¹⁴⁸ A consistent theme about Hay was that girls were drugged when taken there, made to scrub paint work off walls and undertake tasks that were beyond their capacities and were deprived of food and subjected to many harsh

148 *Committee Hansard 3.2.04*, p.111 (Mr Quinn).

punishments. Recounting her involvement in the riots at the Parramatta girls' institution, a care leaver told of her transport and entry to Hay:

...three males came to my cell...they forcibly held me down in my cell and poured the Largactil down my neck I fought as much as I could...I was drugged and didn't know what I was doing...they handcuffed me to the seat in the train...I woke up at Junee Station...I needed help to be placed into the van...I was taken to the cell block...It was dirty and looked like it hadn't been lived in for years. The cell doors had peep holes in them...with big bolts that would lock the doors. I was given a bucket, a roll of toilet paper, bedding and a night dress. I was placed in the cell with a small table and wooden seat and a single iron bed and mattress on the floor. I was told to put the bed together and make it and I was told to stand at attention facing the door with my eyes down...we were told to sleep facing the door. If we turned over we were woken and told to stand for half an hour...For nine months I never slept a whole night without being woken up... We were treated like wharfie labourers and remember I was fourteen years...We had to dig up the old footpath that was four foot under the sand, sift the dirt...dig it over and over and dig truckloads of topsoil into it, mix cement, cement the paths together. (Sub 250)

2.164 Many other care leavers had equally horrific stories of Hay, as the following excerpts show:

I was...escorted handcuffed put on a train and taken to Hay Institution...more of a mental concentration camp than a reform school. There was no talking and eyes down, marching and having to raise your arm to report or report back. 10 minutes in the morning and 10 mins in the afternoon we could sit together and talk and raise our eyes but we had to be very careful what we talked about. At one meal time I was served Lambs Fry which made me gag and dry reach, I vomited on the plate. I was then served the same Lambs Fry for the next 3 meals until I ate it. I did not eat it and was severely punished and was given extra time at Hay. (Conf Sub 111)

I was also given Largactil before I was sent to Hay, a bigger dose than I was normally given at PGH...it knocked me out, but I vaguely remember being put in a van and driven to Hay...My first day at Hay...I couldn't eat or drink, they gave me a sandwich and weak milky coffee, they kept giving me the same sandwich and weak coffee to eat, until I ate it...The first couple of days at Hay I was scrubbing paint off walls in a cell. I had to do this all day for a few days...Every morning we had to turn our mattresses, if it was not done, you got half a meal. We had a bucket for toileting in our cell. And 4 squares of toilet paper...During your periods, you had to show your pad to get another one...It was a prison for little girls. (Conf Sub 137)

2.165 Situated at Thornleigh, the State-run home, Ormond, was established to provide short-term residential care for older children and young people who were state wards or in departmental care. Until 1976, Ormond was a girls' training school. From

1976 until 1982 it was a co-educational school for truants and in later times operated in various ways including as a secure unit for young offenders.¹⁴⁹

2.166 The Committee received submissions about life at Ormond, including:

I was about eleven and a half when I ended up in Ormond. Ormond was a regimental place. I was molested there, my memories are of physical abuse. We were still caned and beaten and my hair was cut off and I got a number...I got out of Ormond at 14, I was taught nothing. I knew how to iron and sew but I had no outside social skills, I had low self esteem. (Conf Sub 115)

2.167 Yet, another person who had experienced abuse and very harsh conditions at Parramatta Girls' Home, found Thornleigh to be fair:

From Parramatta I was sent to Thornleigh. A lovely place I had a fair go there. (Sub 377)

Victoria

2.168 In Victoria, from the 1940s many children admitted to State care were 'processed' via Turana in Parkville¹⁵⁰ and sent to other institutions. In the 1950s, because of increased numbers coming into care, the State established institutions such as Winlaton for girls and Allambie for both genders.¹⁵¹ Until 1955, reception care was provided only at the departmental 'depot' at Royal Park (later known as Turana).

2.169 The following care leavers provided their perspectives on time spent at Melbourne's Royal Park institution, all of which painted a gloomy picture:

Royal Park children's home is a batch of memories I would rather not have and most of them are painful to recall – however some of them are: Being severely beaten for going up to the crèche area to visit my brother David...made to go without food for two days at a time on numerous occasions for various 'offences' such as being late for assembly...I do have one specific fond memory and that was being allowed to dress in 'new' clothes and spending the whole day with my brother and we spoke to Santa on the phone (I still possess a photo of this occasion). (Sub 379)

I was made a state ward at the age of eleven and was placed in Turana Boys home Melbourne (Victoria) where I was abused physically and mentally on a regular basis. I remained at Turana for approximately six months...while at Turana I suffered regular bashings from other older boys for no other reason than they didn't like me. We ate reasonably well, except for when being put on punishment for trivial things. (Sub 268)

149 Community Services Commission, *The Ormond Centre – a complaint investigation into institutional care of children*, April 1999, p.4.

150 Prior to the 1950s Turana was known as the Department of Children's Welfare and Reformatory Schools Receiving Depot for Boys and Girls – Submission 207, p.4 (Ms Gaffney).

151 Submission 207, pp.4-6 (Ms Gaffney).

I was 8½ years old...23/3/38 I was made a Ward of the State in Victoria and admitted to Royal Park Children's Home. It was a very traumatic experience being locked in an isolation room for the first week. All in one day I had lost my mother, brothers and my freedom. My sister and I cried and cried and cried. The nurses were too busy to sit and comfort, or talk to us. When we heard the key in the lock we weren't told why we had been locked in the wired in sleepout. (Sub 413)

- 2.170 Winlaton was also the subject of horrendous stories:

I had issues with my step-father and ended up made a ward of state for being 'exposed to moral danger' and was sent to Wimberra Remand Section of Winlaton. I was in a room on my own, being pregnant...That afternoon I met Ms Somersett, the deputy head of Winlaton. She lined all the girls up in the corridor and proceeded to belt them with her large bunch of keys and hands. She took one girl by her hair to the toilet pushed her head down and flushed...dragged me out by my hair and when I told her about the scrubber, she kept punching my face and head. She finally pulled my head up by my hair and I laughed. Why I don't know nerves I guess. That sent Somersett ballistic screaming and dragging me by my hair over 100 metres to Winlaton. Where I get another belting, one of very many to come. Why I didn't lose my baby, I've no idea. Life in Winlaton was rough and scary. (Conf Sub 94)

- 2.171 However, there were also positive stories about Turana:

Royal Park Boys Home (Turana) run by State officers saw no acts of physical or sexual abuse. We boys were well fed, schooled & recreated with daily gym & weekly movies by admirable staff whose ethics were exemplary. Conditions at Turana were so good that I cannot recall one instance of corporal punishment. (Sub 210)

Queensland

- 2.172 Established in 1959 as a remand, assessment and treatment centre for boys, Brisbane's Wilson Youth Hospital received its first intake in July 1961. In 1971 a similar centre for girls was built to replace Karalla House.¹⁵² Stories of abuse of young people in these homes emerged in the Forde Report, including those relating to corporal punishment, solitary confinement, physical abuse and lack of educational opportunities. While the boys' section was said to be akin to a training school, the girls' section has been described as running on a 'medical model'.¹⁵³

- 2.173 Recalling the 1970s at the Wilson Youth Hospital (by which time it housed boys and girls), one of its former chaplains told the Committee:

152 Initially known as Moreton House, Karrala House was set up in 1963 as a Training Home for Girls at the Ipswich Mental Hospital – Forde Report 1999, p.149.

153 Forde Report 1999, pp.151-154.

Probably most of the girls who went in there had not committed a criminal offence at all. They were running away from violence – physical, sexual and emotional violence. Many of the boys...were there for criminal offences. Many of them were minor criminal offences...one lad who had stolen \$5 and bought a packet of chips. They actually got the change back but he was processed through the Children's Court and placed under a care and control order.¹⁵⁴

2.174 In Queensland, Westbrook was established as the Reformatory School for Boys in 1900, later undergoing various name changes, including Westbrook Youth Centre (1987). Many shocking stories about treatment of young people at Westbrook have been told over the years and it has often been depicted as Queensland's most feared correctional centre for boys.¹⁵⁵ The Committee received many negative Westbrook stories, including the following:

Just before I turned 12 years old I was sentenced to Westbrook Farm Home for Boys near Toowoomba in country Queensland. Although sentenced to only two years, I was forced to remain incarcerated for 5½ years...Westbrook was a state-run reformatory for boys...The warders...were sadistic and brutal. We were treated as slave labour under the harshest conditions, working from dawn to dusk each and every day in the fields, the quarry, the farm, the kitchens, bathrooms and laundries. I was deprived of proper schooling...Most of the warders used sadistic methods to control and punish us, but the worst of them was the superintendent. This man seemed to take great pleasure in humiliating us publicly, flogging us with his heavy leather belt while we knelt naked at his feet. (Sub 141)

Western Australia

2.175 In 1894 the Western Australian Government Receiving Depot for 'destitute children' was established. The role of what later became known as the Walcott Centre or Government Reception Home was to provide short-term care prior to placement in other institutions. Until the 1960s it was customary for all children coming into the State system to be placed in the Reception Home.¹⁵⁶

2.176 The following outline exemplifies this care leaver's experiences in a number of Western Australian homes:

As a child I'd been, along with 3 younger brothers, tossed between several homes in Western Australia...My brothers got to the Catholic home too...Salvation Army home, Cottesloe, Parkerville [Anglican], Methodist and there's other government receiving homes...Presbyterian at Byford...Now I'm 60. I was abused, bashed, starved, tortured, disregarded as either a child or human, ie, one instance due to bed-wetting due to STRESS. I was undressed. Naked. Stood on one dining area table so all the

154 *Committee Hansard* 12.3.04, p.44 (Father Dethlefs).

155 Forde Report 1999, pp.124-125.

156 *Submission 55*, pp.4-6 (Western Australian Department for Community Development)

children could jeer! I was 8 or 9 (Presbyterian). Parkerville Anglican children's potties were tipped on me to revive me. (Sub 363)

2.177 Contrasting his life in Cornwall, England, before coming to Australia, this person described Fairbridge Farm School in Western Australia, a far cry from happier days. His experiences included being bullied, having monotonous food, experiencing hard labour, being constantly hungry and having very few personal possessions:

[Of Fairbridge]...I have only memories of fear, anger and resentment. When I left Fairbridge, I had become an uncaring, selfish, fearful loner. I had been dehumanised...We were assigned...a cottage mother...More of a sadistic prison warder than a surrogate parent. Among her less endearing ways of showing her displeasure was the full fisted punch to the face. (Sub 375)

Experiences of various homes and orphanages

2.178 The following extract from a submission shows this person's wide experience of Queensland religious homes:

Silky Oaks, Wynnum [Plymouth Brethren]. At pre-school age I got a very bad dose of the mumps my ears ached so badly my mouth was swollen...for this I was punished. I was placed in a wooden crate and taken down to the cow shed there I stayed until morning...they forgot me.

WR Black Home, Graceville [Presbyterian]. The matron was a cruel woman, I had my vomit shovelled back into my mouth not only was I swallowing it I was also swallowing my blood as the matron scrapped my gums with the spoon making sure I ate the lot.

Nudgee Orphanage [Catholic]. The lack of footwear and warm clothes in winter and of course the slop we all had to eat.

The Salvation Army Home, Toowong. This was the most barbaric home I was in...I spent many nights and weeks and months locked in solitary confinement...I went mad raging like a wild animal.

Holy Cross, Wooloowin [Catholic]. Locked in a broom closet...pitch dark and sleeping on a dirty mattress on the floor which I shared with the mice.

Mitchelton Good Shepherd Home [Catholic]. The food was so bad it was plain slop. The hygiene was appalling. (Sub 120)

2.179 Some people's experiences entailed a combination of government and non-government homes including training schools and centres for people with a disability:

I was born on 28th November 1941 in Sandringham, Victoria. I spent the first two years at home with my parents. Then I went into the first of the institutions. I was in: Royal Park Receiving Home; St Joseph's Home, Carlton; St Anthony's Home, Kew; St Joseph's Babies' Home, Broadmeadows; St Joseph's Boys' Home, Surrey Hills; St Augustine's Boys' Home, Geelong; Royal Park Receiving Home; Turana, Melbourne; Bendigo Training Centre; Royal Children's Hospital, Melbourne. (Sub 283)

I have been placed in a number of ward establishments due to being a neglected child and mental homes due to mental abuse and physical abuse. The first home was Royleston, state ward home Glebe at the age of four years of age...1962...in 1965 I spent time in Royleston. North Ryde Psychiatric Centre children's unit, in the year 1967...I was returned to Royleston, Glebe – November 1967. State ward home Mittagong, Turner or Suttor Cottage, year 1968. Rydalmer Hospital, in adult ward 21/01/70...Yasmar Boys' Shelter 8/4/70...Toombong special central school, year 1970 – Mittagong training school Mackeller. Yasmar Ashfield NSW boys' shelter...Returned to Royleston...8/9/71...Berry Training Farm...1971...Callan Park and Gladesville Psychiatric hospitals 15/1/73. Metropolitan Boys' Shelter 26/2/74. (Sub 318)

I spent time...with my twin sister Sandra in 5 different orphanages and children's homes around Sydney, NSW for the first 14 years of my life. They are...St Anthony's Foundling Home, Croyden 1950-1962; St Joseph's Home, Croyden 1952-1956; Narrellan Girls' Home 1956-1957; St Martha's Girls' Home, Leichhardt 1957-1963; St Anne's Orphanage, Liverpool 1963-1964. (Sub 374)

I was placed in departmental care at the age of 7½ and spent the next 10 years in 8 different homes...Thornby Lodge, Baulkham Hills; Protestant Federation Girls' Home, Dulwich Hill; Palister Girls' Home, Greenwich; Bidura Orphanage, Glebe; Glebe Shelter, Glebe; Minda Remand Centre; Ormond Institution, Thornleigh; Parramatta Girls' Institution at Parramatta. During this time I was bashed, had my face cut, locked in a broom cupboard, in...solitary confinement, the dungeon, told I wasn't worth the dirt under their feet, dumb, an idiot, not worth the clothes on my back. (Conf Sub 119)

Comparisons of homes with jails

2.180 The most damning comment on certain institutions came from a few care leavers who compared the conditions in children's homes unfavourably with that of jails, the latter in some instances considered to be more endurable:

Westbrook was another hell hole but much worse than Neerkol no human beings should ever have to go through what I went through in Westbrook. There were guards screwing boys, bashing, threats, older boys standing over younger boys, older boys used by guards to hold other boys down while, they, the guard, bashed them and boys taken out of the dormitory at night to be used by the guards or the older boys for their sexual pleasure. I would lie awake listening to other boys sobbing in misery and I cried myself to sleep every night in sickening fear...After the hell holes of Neerkol and Westbrook I found Boggo Road a paradise. (Sub 217)

2.181 One care leaver made similar comparisons about a Melbourne Salvation Army home and Pentridge Jail:

Turana was pretty scary at first. I was a truant among petty criminals. It was hard at first, but I adapted...Then came the nightmare. In 1958 I was sent to Bayswater, another home run by the Salvos...We were bashed savagely,

not by officers, but by a large group of trustee prisoners. From then on it was nightmare after nightmare. We were then belted on a regular basis by the warders They were savage beatings. Boots and all. Time and time again...Even being in Pentridge at the age of seventeen was bad but nowhere near as bad as Bayswater. Even H division wasn't as bad. (Sub 148)

2.182 As well, this care leaver compared life at a Salvation Army home unfavourably with later experiences at a South Australian 'reform school' for boys:

I was placed in the Salvation Army Boys Home...Mt Barker...about mid-1967. I was 10½ years old...I only spent 18 months in this place, but the legacy from the physical, emotional and psychological abuse, I took with me from there has basically destroyed my life...Strappings and canings came thick and fast, sometimes deserved, sometimes not...We received some pretty rough treatment in the remand home, this scared me when I was sentenced to the reform school...Reform school was nothing like I perceived it to be...The worst punishment was standing at attention for a couple of hours. The staff were more interested in finding the person and building on it...You had the opportunity to work your way up through the ranks...becoming a captain of a dorm, then an honour boy...If the Salvos had the same kind of program, I wouldn't have the problems I have today. (Sub 291)

Experiences of other homes

2.183 Amid the many negative stories, the Committee received positive ones:

Then when I was 13 I was sent to St Augustine's in Geelong and made a ward of the state...I spent time in Baltara Boys' Home and then a hostel run by Tally-ho for a couple of years. I was shown how adults should be and that not all are bad. I learnt a lot and met a lot of boys just like myself. (Sub 342)

2.184 Irrespective of a home's size or configuration, a common theme was the overlay of a harsh unloving environment. One care leaver described the small institution that was her 'home', run by two women, more as a commercial enterprise, principally because they had no men to support them financially:

The lives of these women...were shaped by the deaths or desertion of men, demonstrating the importance in these years of having a male breadwinner and the limited life and work choices if none were available. For my 'foster mothers' the sandwich shop had been hard work...hence the decision to set up a 'Children's Holiday Home', as they called it...There were also four other long-term inmates...We grew up together, but apart from my own sister, I never saw any of them again except for a chance meeting with one, years later...we lived under a totalitarian regime though obviously I would not have described it like this at the time...my sister and I and the other children – lived according to an iron-clad routine, in constant fear of doing the wrong thing and of the threatened (catastrophic) consequences of such transgressions...Materially we were very well cared for...It was an isolated and insular life...My feelings about the Home were complex. It was all that I knew and having in effect lost my parents, it represented security...I

depended so completely on the approval of this woman [the main carer] that I felt I must love her; I was also very afraid of her. She bound me to her by guilt, impressing on me how good she and her mother had been to save me from 'the gutter'. (Sub 63)

Conclusion

2.185 Much of the above information is indicative of material that the Committee received about Australia's children's institutions. It would not be surprising if stories of this ilk contrast markedly with what many everyday Australians would normally associate with children's institutions across the country, regardless of the time period or the type of operation.

2.186 Indeed, many publications and brochures have described institutions for the care of children, glowingly. For example, a 1956 New South Wales Child Welfare Department book provided a critique on various State institutions for children, describing the location of the Training School for Girls at Parramatta as 'a tree-lined lane, facing a sunken garden [with] a low stone wall which suggests an English village rather than busy Parramatta'.¹⁵⁷ Similarly, the Mt Penang Training School for Boys at Gosford is depicted as being in surrounds 'reminiscent of the beauties of England's Lake District'.¹⁵⁸ Unfortunately, such descriptions do not fit with those provided to the Committee about government and non-government homes.

2.187 Given the wide disparities between what is often put as the 'official line' about children's institutions and the reality, the Committee considers it vital that stories such as these presented are given prominence. The Committee considers that the information in this and other reports can serve as lessons in helping to prevent further bad treatment of children including those in some form of out-of-home care.

157 McLean 1956, p.153.

158 McLean 1956, p.129.

CHAPTER 3

WHY CHILDREN WERE IN HOMES

I am one of the blessed ones. But what about the scars of my fellow brothers and sisters of state wards who didn't get a better start? All I am asking in closing is to take a good look at your neighbour, your workmate, the postman, your paymaster. Are they ex-state wards? What are their pains and dark thoughts that need to be expressed to need help in?¹

3.1 Children have been placed in institutions for many reasons, including: family poverty; being orphaned; being born to a single mother; family dislocation from domestic violence, divorce or mental illness; lack of assistance to single parents and parents' inability to cope with their children. Child sex abuse by a parent or step-parent was frequently cited in submissions to the Committee as the reason for welfare authorities placing a child in care. Often, a combination of these factors resulted in children being removed from a family and placed in a home.

3.2 In most cases where children have been placed in homes, the reality has been that some sort of crisis or hardship affected a family's ability to care for their children. More often than not it occurred in a milieu of hardship where parents were not given enough support to help them to rear their children in their own homes. At the heart of the issue is the children were often the main victims.

3.3 A Commonwealth study in the late 1970s identified a general pattern of reasons regarding the admission of children to homes in Australia, including those relating to family finances, parental abuse or neglect of children, and children's behavioural problems. These reasons were shown to be strongly interwoven however the lack of finances often led to problems and fragile situations which in many cases, contributed to a child or children being admitted to residential care.²

3.4 Prior to placement in care, the children may have been taken through various procedures whereby they were classified as wards of the state (discussed below in this chapter). However, even if children were not taken through the official wardship process, the result would be the same: that is, the child was placed in some form of institution or out-of-home care.

3.5 Often, situations regarding children being placed in care were complex:

1 Submission 128, p.4.

2 Hanson D, *Why are they in children's homes?* Report of the ACOSS children's home intake study, Department of Social Security, 1979, pp.14-17.

A child might have been placed voluntarily and then gone home, and then a year later whatever the department of community services was at that time requested placement. It is not always black and white.³

3.6 Significantly, many people who themselves were given up to some form of out-of-home care as children, have expressed concerns about losing their own children, as the following experience of a mother from Western Australia illustrates:

Once she got bacterial meningitis and had to go to hospital, well I never left her side for one minute the whole time she was there because I thought if I did, they would take her away. (Sub 172)

State wards

It is generally recognised that there is an inherent tension in all child welfare codes between the State's responsibility for providing positive welfare services for families and its authority to intervene legally in children's affairs and to remove them from their normal way of life under sanction.⁴

3.7 As mentioned, in being placed in homes, children were often made wards of the state, a process entailing a court appearance (often the Children's Court or magistrate's court) where an order would be made for wardship, usually until a child turned 18 years, though in Victoria the wardship age was raised in 1960 to 21 years. It is noteworthy that when legislative definitions of children who could be made state wards were broadened, the number of children coming into institutions increased.⁵

3.8 For many years, under particular States' child welfare legislation, children could be classed as state wards on various grounds including any variation on 'being uncontrollable', 'neglected' or 'in moral danger'. In other words, children were often declared 'uncontrollable', 'neglected' or 'exposed to moral danger' and deemed to be wards of the state, not because they had done anything wrong, but because the circumstances in which they found themselves resulted in them being status offenders and often they were institutionalised. 'Status offender' is a term used to describe a person who has committed a status not a criminal offence. These offences are so designated because of the offender's status as a juvenile.

3.9 Whether taken into care because of a juvenile offence, as a state ward or via some form of private placement, in most States, children were first admitted to a State reception centre from where they were 'processed' and sent to a children's home.

3.10 The Committee received many care leaver descriptions about being 'processed' in State receiving homes such as Bidura in Sydney, or Winlaton, Allambie

3 Committee Hansard 4.2.04, p.9 (UnitingCare Burnside).

4 Victorian Legislative Assembly, *Report of the committee of enquiry into child care services in Victoria* (Norgard Report), Government Printer, Melbourne, 1976, p.24.

5 Committee Hansard 12.11.03, pp.16-17 (Ms Gaffney).

or Turana in Melbourne, before being charged in court with 'crimes' over which they had no control. For many care leavers, this has meant carrying what they consider to be the stigma of 'having a record' throughout their lives.

3.11 The sad irony which has not been lost on care leavers, is that 'being neglected' such as in relation to inadequate food, clothing, accommodation or personal care of a child, related to parental behaviour, not that of the child. Similarly, a child's behaviour was tied to a parent's ability to control their child. In the case of uncontrollable children, certainly, much of the information received by the Committee shows that any bad behaviour which resulted in placement in a home, is likely to have been the product of extreme deprivation and hardships of the children's life experiences. As noted in chapter 2, the legislation underpinning the children's court actions punished children for being neglected rather than the parents for being unfit guardians, and it did not make provisions to assist the child-family situation.

3.12 In 1976, the Norgard Committee inquiring into child care services in Victoria made the following criticism of the wardship process:

Most children are admitted to State guardianship through procedures starting with Police contact and adjudicated in the Children's Court. These procedures and the legal grounds on which they are based date largely from the last century and in many ways have strong similarities with those used in actions against adult offenders.⁶

3.13 By all accounts, the administrative power of the State to have children declared wards was largely unquestioned and rarely scrutinised until relatively recently.⁷

Legislative provisions of wardship

3.14 As noted, children could be charged under relevant State legislation and after going through the court processes, a decision could be taken to place them in a children's institution. Persons who had power under State Acts to take children before the courts included government welfare officials, the police or a child's parents or family members. Examples of legislation governing such actions are provided in sections of New South Wales and Victorian Acts cited below.

New South Wales

3.15 Under the New South Wales *Child Welfare Act 1939*, children who were regarded as 'neglected' and/or 'uncontrollable', could be made wards of the state and subsequently sent to institutions, as the following legislative provisions show. For example, the terms 'uncontrollable' and 'ward' are defined in s.4:

6 Norgard Report, p.78.

7 Submission 35, p.6 (NSW Commission for Children and Young People).

'Uncontrollable' where used in reference to a child or young person means child or young person who is not being or cannot be controlled by his parent or by any person having his care.

'Ward' means any child or young person who has been –

- (a) admitted to State control;
- (b) committed to an institution;
- (c) admitted into a hostel for expectant and nursing homes;
- (d) admitted into a home for mentally defective children.

3.16 Section 72 of the *Child Welfare Act 1939*, provided a wide range of definitions of what constituted a 'neglected' child or young person, including one who:

- (b) has no visible lawful means of support or has no fixed place of abode;
- (d) without reasonable excuse, is not provided with sufficient and proper food, nursing, clothing, medical aid or lodging, or who is ill-treated or exposed;
- (g) whose parents are drunkards, or, if one be dead, insane, unknown, undergoing imprisonment, or not exercising proper care of the child or young person, whose other parent is a drunkard;
- (k) is destitute;
- (l) whose parents are unfit to retain the child or young person in his care in their care, or, if one parent be dead, insane, unknown, undergoing imprisonment, or not exercising proper care of the child or young person, whose other parent is unfit to retain the child or young person in his care;
- (n) is falling into bad associations or is exposed to moral danger.

3.17 Sections 73 and 74 contained provisions where officers authorised by the Minister or police officers could apprehend a neglected child or young person who would then be summoned to appear before court.

3.18 Under s.78 of the New South Wales Act:

78. Any child or young person apprehended as a neglected or uncontrollable child or young person or juvenile offender shall be taken to a shelter and as soon as practicable thereafter shall be brought before a court.

3.19 Given that s.80 provided that 'any person having the care of a child or young person may apply to a court to deal with such child or young person as an uncontrollable child or young person', a child or young person could be taken before a court and charged with being neglected, uncontrollable or in moral danger by a range of people including their parents or relatives.

3.20 Under s.82, if a child or young person was found to be neglected or uncontrollable a range of options were available for the court, including that it could:

-
- (d) commit the child or young person to the care of the Minister to be dealt with as a ward admitted to State control; or
 - (e) commit the child or young person to an institution, either generally or for some specified term (whether expiring before or after the date upon which the child or young person attains the age of eighteen years) not exceeding three years.

3.21 Similarly, where charges for a summary offence were proved, a range of options were available to the court under the s.83(1) of the Act, including that the child or young person could be committed to an institution - s.83(1)(c); or committed to the Minister's care to be dealt with as a ward admitted to State control - s.83(1)(d).

Victoria

3.22 In Victoria, applications to the Children's Court were often made by a police officer or a child's parent(s) or relatives where a child could be made a ward of the state on the grounds of being 'uncontrollable'.⁸

3.23 Under the Victorian *Children's Welfare Act 1954*, a ward of the state was defined:

s.3(1)(b) 'Ward of the Children's Welfare Department' and 'ward of the Department' means one of whose person and estate the Director is guardian under the provisions of this Act.

3.24 As well, under s.16 of the *Children's Welfare Act 1954* a range of definitions were outlined where a child could be deemed to be in need of care and protection including children or young persons who:

- (c) has no visible means of support or no settled place of abode;
- (f) is not provided with sufficient or proper food nursing clothing medical aid or lodging or who is ill-treated or exposed;
- (h) is in the care and custody of any person unfit by reason of his conduct or habits to have the care and custody of the child or young person;
- (i) is living under such conditions as indicate that the child or young person is lapsing or likely to lapse into a career of vice or crime;
- (j) is exposed to moral danger.

Section 17 of that Act contained provisions where any member of the police force or other person authorised by the Minister could apply to the Children's Court regarding any children found in circumstances as outlined in s.16 to have them deemed to be in need of care and protection of the Children's Welfare Department. Section 19 provided for other people with the 'care and custody of a child or young person' to apply to a Children's Court to have him deemed to be uncontrollable and admitted to the care of the Children's Welfare Department.

8 Submission 207, pp.3-5 (Ms Gaffney).

3.25 Section 25 of the Act provided for the Director of the Department to deal with a child or young person who had been committed to the care of the Children's Welfare Department in a number of ways including placement in a home:

25. Subject to the regulations the Director may from time to time deal with any child or young person admitted or committed to the care of the Children's Welfare Department in one or other of the following ways:
- (a) Place him in a reception centre or children's home or other establishment conducted and managed by the Department;
 - (b) Place him in an approved children's home;
 - (c) Place him in a juvenile school conducted and managed by the Department or an approved juvenile school but no child shall be placed in a juvenile school without the approval of the Minister;

3.26 Other States had similar legislative provisions regarding state ward processes. Section 4 of the Western Australian *Child Welfare Act 1947* defines a state ward as:

'ward' means a child who, under the provisions of this or any other Act, is received into an institution, or apprenticed, boarded out, or placed out.⁹

Care leavers' experiences of wardship processes

3.27 Many care leavers have described the harsh realities of appearing before a court. Waiting for the courts to determine a child's fate was not pleasant as the experience of Glebe or Albion Street Children's Court shows:

Albion Street Children's Court was a very hard place. If you have read "LORD OF THE FLIES" think of that society of kids on steroids with a black sense of humour and always in a bad mood, you will have some idea of life in Albion Street. (Sub 321)

3.28 As well, a court appearance could be frightening for families and children:

After suffering the early morning trauma of being dragged away from my family, I was taken before the court, standing beside my brothers with the escort of police. We were charged with what? I can remember thinking what have we done wrong? I looked at my mother who was in tears, my grandfather with his head in his hands. I was then separated from [them all]. (Sub 24)

3.29 Regardless of the era or the location, care leavers' recollections of how they came to be deemed to be neglected, were often remarkably similar:

In December 1936 when I was 19 months old I was forcibly removed from my parents and charged with being a neglected child. It was during the depression and my father was very poor. I was institutionalised at Royal

9 See also WA *Child Welfare Act 1947* ss.5-66 regarding administrative and legal procedures for placing state wards in homes, including the role of institutions and courts and types of placements for children.

Park Girls' Depot. In 1938 I was fostered inappropriately and later removed due to reports of abuse. (Sub 17)

I was born in Queensland on 27th February, 1941. At the age of seven I was termed 'a neglected child in need of proper care and protection' and made a Ward of the State of Queensland. I was removed from my mother, brothers and sisters, and placed into St Vincent's Orphanage in Nudgee, Brisbane. (Sub 141)

On the 28th of April 1967 I along with my other siblings were removed from the care of my parents and committed to state wardship as a result of being charged with neglect. I was 6 years old at the time I was placed at Bidura with my sisters Maryanne and Debra-Ann. My brother Kenneth was placed at Royleston Home, Glebe. (Sub 142)

3.30 Another care leaver outlined her experience of being on charges of being exposed to moral danger:

I began to run away again. I was arrested by the police and taken to the children's court many times, until I was sixteen and placed in Parramatta Girls Home for 'being in moral danger'. (Sub 238)

3.31 Significantly, one person who had been charged with neglect as a child, nowadays makes the point:

As if a child can neglect itself and was a criminal, even today I feel that I have to declare that I have been charged when documents ask for criminal records'. (Sub 352)

3.32 It is not surprising that the Norgard Committee criticised the Victorian *Social Welfare Act 1970*, regarding its grounds on which children could be made state wards:

Exposure to moral danger...reflects the nineteenth century's preoccupation with prostitution and should be considered for repeal...

Present procedures for the admission of 'uncontrolled' children under Section 34 of the *Social Welfare Act* date almost unchanged from the 1864 legislation. They have aptly been described as 'barbaric' and should be replaced in such a way that parents can receive help with child management problems by less distressing methods.¹⁰

Other children in care

3.33 As mentioned, not all children in institutional care have been state wards and not all state wards have been under the direct control of the state. The category of state ward is reasonably restricted and does not account for all children in institutions.¹¹ Some children could have been voluntarily relinquished to an institution by a parent or a relative usually because of hardship. As well, many children in orphanages were not

10 Norgard Report, p.26.

11 *Submission 207*, p.3 (Ms Gaffney).

orphans. Wesley-Dalmar noted that in 1967 only four of the 130 children in care were orphans.¹² Further, indigenous children have often been placed in care merely because of the colour of their skin.¹³

3.34 Witnesses noted that many individuals who were non wards in non-approved institutions were largely invisible to government authorities.¹⁴ The procedures which applied to state wards did not apply to other children. This difference is seen today in one important area: record keeping. Many non-wards have found few records about their time in care. This issue is discussed in chapter 9.

Reasons for children being place in homes

3.35 While some care leavers do not know why they were placed in care, others advised the Committee of their removal from their families. In the time period covered in this report, the 1930s-1970s, a major reason related to lack of help, especially financial support, for families in crisis arising from various events such as the death or illness of a parent, desertion of a spouse or an inability to cope with children.

3.36 It is true that hardships are exacerbated by parents' lack of finances. As evidence to the Committee's inquiry into poverty and financial hardship overwhelmingly showed, a strong correlation exists between poverty and children living in abusive situations. Not surprisingly, poverty was shown to undermine parenting abilities because economic and social stress can lead parents to become less nurturing and more rejecting of their children; children living in poverty have been shown to have a higher incidence of child abuse and neglect.¹⁵ As noted earlier, a parent's lack of finances often underlies the reasons for children being admitted to residential care.¹⁶

3.37 As mentioned in chapter 2, schemes were introduced at times by State governments to help mothers to keep their children at home. Generally though, very little government financial support was available to families in crisis. The Widows Pension, introduced in 1942, assisted women who had lost a partner and could not be expected to work due to child care responsibilities or age. Not all women in this category were eligible. *De facto* widows, deserted wives, divorced women and women whose husbands were in institutions for the insane, were included. Single mothers, wives of prisoners, women deserted by their *de facto* husbands and women who had deserted their husbands or agreed to separate, were excluded.

12 Submission 178, p.8.

13 Forde Report, 1999, p.ii.

14 Submission 207, p.5 (Ms Gaffney).

15 Senate Community Affairs References Committee, *A hand up not a hand out: renewing the fight against poverty*, Report on poverty and financial hardship, March 2004, p.258.

16 Hanson, pp.14-17.

3.38 Widows who were ineligible for the Widow Pension, received varying amounts of State government assistance. In 1968, the Commonwealth began to partially fund that assistance. In 1973 the Supporting Mothers Benefit was introduced to provide support for single mothers who were not adequately catered for by existing arrangements.¹⁷ Divorcees and women whose husbands did not pay maintenance had to pursue the matter through legal channels including via prison orders.¹⁸

3.39 Irrespective of the crisis, very few family support services existed. Single parents who had to work had few child-care options and it was generally accepted that fathers were not appropriate as single care givers. Often the only place to turn to was the church. Some parents tried valiantly to keep families together, but often the solution to family crises was to move the children into care. As noted by Dr Penglase, these children would otherwise have been charged by the welfare authorities with neglect, had they come to the attention of the relevant department. Dr Penglase stated:

This may also be significant as a background to parental decision around placing children in Homes, in that it was less likely in such a legal context that parents would risk intervention by the Department [of Child Welfare].¹⁹

Single parents (usually mother)

3.40 The Committee received stories from people about how they came to be placed in care because of lack of support for their mothers. This occurred mainly in times when government or other financial support to unmarried mothers was clearly lacking and when being a mother out of marriage carried a stigma, which for many women, would have been too much to endure:

My story begins on 6 September 1932 when I was born to an unmarried 19 year old. My mother had no support from her family, so when I was born at Crown Street Women's Hospital, I stayed there till I was one month old. I was then taken to Myee Children's Home at Arncliffe and made a State Ward...I remained at Myee till I was 18 months old and was then fostered by the Newman family of Campsie. (Sub 179)

3.41 And:

I was born out of wedlock on the 21st August 1931, at the Lady Bowen Hospital, in Brisbane, Queensland. My mother's name was Helena Corkery. Still to this day I do not know who my father was. I have never ventured onto that. My early recollection was that up until the age of three years, I was placed in and out of the Holy Cross Church in Wooloowin, which was a home for babies. (Sub 237)

17 Parliamentary Library, *Social Security payments 3: Sole parents and widowed people, 1942 to 1995*, p.4.

18 Submission 63, *Orphans of the Living*, p.117 (Dr Penglase).

19 Submission 63, *Orphans of the Living*, p.118 (Dr Penglase).

3.42 As well:

At the stroke of the pen on the 10th of December 1946 I was officially deemed a 'ward of the state' (nearly 3 months old), signed by mother Mary Bernice Harrison. When I read the Adoption Order the words are so harsh...I'm sure society does not understand the anguish and the heartbreak the mother has to go through, to make a decision regarding adoption, yet the written word is not precise in the way, it was meant to be said...the document was signed by a GP. (Sub 3)

Death of a parent or parents

3.43 A parent's death was pivotal to children's futures. Often the father could not cope with caring for the children after his wife's death, whereas if a father died, the mother often could not financially support her children.

3.44 Many care leavers described their mother's death as the reason for being placed in a home:

When I was 7 (1940) my mother died of cancer. I had had a very happy start – with 2 older brothers and a little sister – in a happy family. This however broke up my family (a war on). I was never to know happiness again or to overcome the stress of life (as my father said he put me), 'in a good Church home', from these 10 and a half years I have survived – it was the best I could do. (Sub 230)

I was put into the 'Sutherland Homes for Children' at the age of 8 years in 1945. My brother was 2 years older than me, our mother had died and father was unable to cope. (Sub 183)

3.45 As noted, men were not considered to be appropriate care givers. The following describes the impact of this view on one witness:

Dalmar became my home from approximately late 1946 to November 1955...My mother died when I was aged 5 years & 8 months & I needed care that only women were then considered able to give & so, after due consideration my father & I had to live apart. (Sub 343)

3.46 Unsurprisingly the death of a mother had devastating effects for children in homes:

She left six children ranging from 21 to 5 years of age. Her death was a tragedy. She was the nucleus of the family and with her death the family disintegrated. My father couldn't cope and turned to alcohol and was overwhelmed by his loss...Within weeks of my mother's death, I found myself at Murray Dwyer Orphanage in Mayfield...I quickly had to learn all about the rules of the orphanage, quite different from my family life I had experienced for the first 9 years of my life. (Sub 360)

3.47 When both parents died, often very few alternatives were available. While in some instances grandparents and other relatives tried to care for children, the lack of support often resulted in the children being placed in homes:

December the 11th 1969. I am taken to St Vincent's Hospital, to see my mum. My mum looks different to the other times that I have been in the hospital, she smells, her stomach is swollen... I know I will never see my mum again, she knows too. My mum takes my hand and tells me 'everything will be alright', and that she knows why I am crying...on December the 12th 1969 at approximately 0600hrs, my mother gives into death...The police arrive that afternoon...I remember Aunty Gwen telling me to run and keep running, hide in the paddocks, don't let them take you...December 30th 1969, I went to the children's court...it is decided that I have no means of support, or suitable caregivers...I am an orphan, and a Ward of the State, and so was my mum a Ward, No. 53822...I remember being taken to Allambie, by van...I was scared, I felt like an impounded dog, trapped and alienated. (Sub 239)

3.48 This person's future and institutionalisation was affected, firstly by the death of her mother, and then, her grandmother:

I became a state ward in 1968 after my mother died. My grandmother raised us till her death in 1970 then we went into foster care. (Sub 17)

3.49 Another care leaver recounted being placed in care when her mother died and her father's new partner had the children made wards of the state:

I was born on 8 May 1931. My brother, Edward John, was born 20 months later. When I was 6, my mother died in childbirth leaving behind my father, brother and me...I remember one day at school, some people came to question Edward and me. I now know they must have been welfare officers. They asked us questions about what we had for breakfast and what other food we had. We had obviously been reported to welfare as being neglected kids. Not long after we went to court with our stepmother...she said because we had been misbehaving and she was going to explain why. Dad left thinking we would be there as usual when he got home from work. I was 8 then. In court I clearly recall her telling awful lies about us and I was thinking why don't they ask us questions. I was too scared to talk. We were made wards of the state. My brother and I were separated, he went to a boys' home and I went to the Bidura Girls' Home at Glebe. (Sub 185)

3.50 The World War II (1939-1945) era had an effect on people's capacity to care for children. Care leavers cite examples of being placed in institutions when their father went to war and their mother had died or where the authorities considered that mothers could not cope with children while the men were at war:

WR Black Presbyterian Girls Home was situated in Chelmer, Brisbane. During World War II the girls and staff were relocated to Killarney. My sister and I went to the home whils't in Killarney. We were put there because our father was away at war. Our mother died 2 years earlier when I was 5 years old. Our Grandparents cared for us before going to the home. When our Grandmother left us there I cried, the matron made me blow my nose on a piece of rag. She screwed my nose around saying 'we don't have cry babies in this place'. She made my nose bleed. (Sub 101)

Can you imagine what all those mothers, the pain and suffering all those mothers went through to have their children taken off them by the Western Australian Government...Taken from our mother between 1939 November or March 1940. I, my four brothers and two sisters, we were the sons and daughters of our (Dad) who served his country in World War 2. Any mother who asked for assistance from the Western Australian Government during the war years...was put down unfit to look after her children. (Sub 41)

Parents' divorce or separation

3.51 Some care leavers have described being placed in homes when their parents' marriage ended. For example, the children from this large family were dispersed to orphanages around Victoria:

I became a State Ward of Victoria on the 4th July 1957 at the age of 3, until I was discharged at 18 on the 31st of January 1972...I was placed into the care of the Sisters of Mercy at St Catherine's Children's home in Geelong where I would spend the next 13 years. I remember my arrival there, my two sisters and I wore the same matching coats, black wool with red corduroy on the collars. I was placed into care because of the usual dysfunctional background, too many children, too much alcohol, not enough money, and neglect. (Sub 33)

3.52 A marriage breakdown combined with factors such as the custodial parent's inability to care for the children, or financial strains for parents, particularly women, after a divorce, could result in the children being institutionalised:

He won the divorce case and was given custody of the four children Joyce, John, Myself and Keith. Grandmother made an attempt to look after us but it was too much for her...[Dad] was...called up into military service. He decided to put the four of us into children's homes. Joyce disappeared and we learned later that she had been placed in a girls' home called St Saviour's home for girls in Goulburn...Dad finally put us into the care of the Salvation Army in Goulburn. Dad took us and left us with a promise that he would visit us often but he did not keep this promise. (Sub 292)

My young brother and I were placed in St John's Home for Boys at Goulburn, NSW...it would have been about mid 1940s to 1949-50, my mother had just been divorced and could not afford to look after us. We had a good home life before the divorce, growing up in Annandale and Balmain, never went without anything, my mother never had to work...Now at the time there were no childcare centres, so that's how we ended up in Goulburn. (Sub 297)

3.53 Many submissions outlined stories where young people were faced with adverse situations with which they were not equipped to handle. For example, a nine-year-old girl 'caught in the middle' of her parents' divorce was despatched by plane from Perth to Adelaide, only to have her mother refuse to take her. The police then intervened and she was made a ward of the state and institutionalised in Adelaide:

...I moved to Windana. When Windana became a 'boys only' home, my Social Worker, Mrs. Scott asked me if I would like to go to Vaughan House. I was unaware that Vaughan House was a remand centre for delinquent girls...I was eleven years of age at this time and I had not committed any offence...I was the youngest inmate, several years younger than all the other inmates were. I felt intimidated by them and was often scared. No family members came to visit me. (Sub 273)

Parent(s) unable to care for children

3.54 Some care leavers have described situations where circumstances converged, resulting in their institutionalisation. One care leaver attributed his placement in a home to his truancy from school which had resulted from his limited understanding of English. To some extent he considered that his fate was preordained, because his mother, who was new to Australia and unfamiliar with the country's rules, was powerless in the system:

I was incarcerated in St Vincent de Paul's Boys' Orphanage in South Melbourne, Victoria, from 1957 to 1962 inclusive, before my transfer to St Vincent de Paul Boys' Hostel in 1963...I am of ethnic origin, born of Hungarian parents in Germany on 17/7/1949...As a result of my mother constantly changing addresses after leaving the Bonegilla Migrant Camp, I did not attend school on a regular basis and only had a limited understanding of the English language. The Authorities deemed me to be in 'Moral Danger' and an 'Uncontrollable' child and as I now understand it, coerced my mother into placing me into an institution of her choosing; Failure [to do so] by my mother would have meant that, The Authorities would have arbitrarily removed me from my mother's care and enabled them to place me into a State run Institution. (Sub 38)

3.55 Similarly, another witness outlined details of factors in his life in a large family in the 1930s where poverty, parental unemployment and sexual and physical abuse were 'part and parcel of life', leading to his institutionalisation:

At about the age of ten, because of neglect, truancy and behavioural problems I was, with my parents consent removed from their care and placed in care at Burwood Boys' Home, Burwood Victoria, where I remained until their care and supervision until I was about age sixteen. (Sub 133)

3.56 Situations also occurred where children were classified as a 'juvenile delinquent' where their parent felt unable to care for them:

I was sent to Riverview 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. I remained at Riverview until December 1959, when I was transferred to Alkira, in order to be able to go to school. (Sub 75)

3.57 Various care leavers recalled how the 'crime' of truancy had led to their institutionalisation:

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). (Sub 236)

3.58 The examples above highlight the concern of welfare authorities to ensure the proper supervision of children and the attitude that children were neglected if their parents had no control over them. It was viewed that some children were better off in homes where they could be provided with stability, routine, care, and training in manners and morals.²⁰

3.59 A parent's mental illness could result in children being placed in homes:

I entered the Gill Memorial Home for Boys with my two brothers, Peter aged 4 and David aged 13, self aged 6, on the 8th March 1966. Our presence in the home was due to our mother's mental illness; hence admitted into mental hospital at Kenmore, Goulburn. My sister at this time entered St Saviour's home for girls, run by the Church of England in Goulburn. (Sub 326)

3.60 As well, this care leaver described a situation where when her father died the burden of caring for eight children was left to a mother and children were placed in a home:

I was only 7 years old when my dad died on the 7th January 1953 he was 56 years old. My mother was 29 years old and was left with us 8 children the youngest 2 months old and the eldest 10 years old. A week after my dad had died we were sent to St Joseph's Home, Neerkol, near Rockhampton. A few weeks there our abuse began. (Sub 361)

3.61 When a young mother in the 1940s was having her fifth baby, no family support and a spouse with mental health issues resulted in children being put in care:

I remember being in Darly Baby Home when I was about 4 years old...When I was 6 years old we became State Wards, for a period, less than 12 mths...My father died when I was 9 years old...We went into the Burwood Church of England Children's Home. (Sub 192)

3.62 Certainly, the arrival of a new baby could affect parents' ability to cope:

I was 2 years, 9 months when together with 4 of my siblings we were handed to the Baptist City Mission by my father while my mother was in hospital waiting to give birth to child no. 6. We had nowhere to live and food was scarce so my parents had no option but to find shelter for the children...My parents, although promising to bring money for our keep,

20 Submission 63, *Orphans of the Living*, pp.125-26 (Dr Penglase)..

neglected to do so, this is when the woman we were with called the welfare. We, the children, were charged by police with being neglected, destitute and were made 'Wards of the State of NSW'. This is when the nightmare begins. (Sub 206)

Economic stress and social disadvantage

3.63 Some care leavers have outlined extremely abusive situations where family poverty, alcoholism and sexual abuse, led to them being institutionalised:

My father was in and out of Long Bay Prison for various offences...we lived on pumpkin, tripe and had an open fire, which we would toast the bread and put dripping on it. We hardly had any electricity...The conditions we lived in were not hygienic at all! I forever had LICE and my scalp would burn from MUM putting Kerosene on it to kill them. We didn't have proper beds; we slept cramped together on mattresses on the floor, with the youngest one urinating on you...We were eventually evicted from our home. I was 7 at the time. (Sub 16)

3.64 A care leaver from the 1940s attributed his placement in a home to his father's unemployment:

I am 55 years old. I was a ward of the state at the tender age of one. My parents couldn't look after me because my dad wasn't working and didn't have any money. So the government put me in a home in Ballarat... St Joseph's Home run by nuns. I was there until I was 9 years old. They were very bad to me because I didn't have any parents. (Sub 130)

3.65 Another witness described where parental illness, lack of financial support and the family's unfamiliarity with Australia led to children being placed in care:

My mother was only 20 years old, a mere child herself who ended up with five children in Australia who went to institutional care. My mother had no support from anyone. My father got to stay in our house. No one helped my Mother. I don't blame my parents because my Father had a mental illness, which was made worse no doubt by being away from the extended family in Ireland. In the 1960s I don't think people were very readily diagnosed for a mental illness...My mother got custody of the five children but she could not support us, she knew nothing of the welfare system. She had never been away from her family in her life; she had never been more than 10 miles from her home...A big black car pulled up in front of our house in 1966 and took the five of us away. (Sub 37)

3.66 The 1930s Depression and other issues affected people's capacity to care for their children:

I was placed in St Vincent's Home, Nudgee in 1937. I know the country was in a depression and war was about to eventuate. I know more than that as my Father was not a responsible father, so my mother and eldest sister (17) left home to find work in a café. (Sub 23)

Children abandoned

3.67 Various forms of abandonment of children have not been uncommon, perhaps avoidable or not, by the parents concerned:

In 1945 my mother took me to the Salvation Army girls' home in Newtown, Hobart, with the promise of retrieving me in a couple of months. At the age of 7 and she didn't return I got upset and started bed wetting. (Sub 208)

3.68 A care leaver told of wandering Wangaratta's streets prior to being in care:

I was born in 1943, the police found my younger brother and I neglected, wandering the streets of Wangaratta, we were then made State Wards, then we went to Royal Park Depot in Melbourne. (Sub 103)

3.69 A man cited his father's desertion from the family as to why he became a state ward:

I was born on the 19.8.30 at Granville NSW...My father deserted the family and I became a ward of the state on 9.3.31. I was fostered...I grew up believing those I lived with were my family. (Sub 233)

3.70 Some stories of children's abandonment are heartbreakng, albeit unusual, even bizarre:

John Franklin was born on 28th October 1928. He is the oldest of 4 children, they all ended up in various orphanages in Victoria. His mother took him to the Melbourne Zoo when he was about 10 years old and left him alone. (Sub 380)

3.71 Another person described her abandonment as a four-year-old, with no adults in the family house in mid-1960s Liverpool, Sydney, and where she and her brother would find bags of biscuits taped to the walls, presumably left by adults for them:

I have learned since that my father banished our mother from our home & she was forbidden to have us. My last memory of my mother was waiting at our front gate for her, as I did ritually for her to get off her bus...I waited and watched every single bus pass by, but my mother never got off any of them. I even waited into the darkness. I resigned myself with despair & returned to our house...Next thing the courts ordered that we be made wards of the state & placed in care. I don't even know if my mother had been contacted. I assume not...This is when our family became completely fragmented. My older brother was placed in Buena Vista, Orange. I went to St Michael's Girls' Home in Bathurst. My younger brother & sister went back to Parramatta to be re-allocated to wherever & my youngest sister, who would not have even been a year old, well I don't know how she fitted into this picture. (Sub 196)

Sexual abuse by a parent

3.72 The Committee heard that sexual abuse by fathers often led to children being taken into care, though in some cases, the state or the 'system' did not necessarily protect children from such parents:

I was put into care on the 6/7/59 with my brother...the Melbourne Orphanage at Brighton Sands Vic. We were placed there because the conditions we were living in were not fit for a dog and I had a Father also that was not fit to be a parent as he was charged with indecent assault on me. I was only two or three or so we were taken away and placed in care as state wards. While I was in state care my Father would come and take us out for a visit unsupervised with only him...my father used these conditions to sexually abuse me again while he was under a three-year good behaviour bond and the state home would know of this because it was covered in my ward file...This makes me very angry that they would let a girl go out with such a sick man. Where was the duty of care, there were no such systems. (Sub 345)

3.73 Similarly, another care leaver from a large family outlined her appalling home life conditions including details of her father's behaviour, prior to her placement in a home:

My Father was also a deviate. He used my sister and I to fulfil his sexual needs. I used to be awoken at night by my sister, to be told that Dad wants you: 'It's your turn now'... I was 7 at the time. Most of us were taken to Bidura Home at Glebe and separated. (Sub 16)

Children escaping domestic violence and parental alcoholism

3.74 Often poverty, alcoholism and violence in large families resulted in decisions to place children in an institution. Many care leavers have described scenarios similar to this story from the 1950s when departmental officials placed the children into care:

When I was up in my lookout tree I saw a strange black car driving towards our tent. A lady and a man got out of the car. They looked very important...I started feeling scared. They started talking to my parents. My mother called for my two little sisters Patricia and Doreen and me. My sister Joy was in hospital at the time. She told us that we had to go with these people. We were very confused and scared and we started crying and protesting. We told them that we didn't want to go. My sisters were kicking and screaming as they tried to put us in the car...We were taken to the police station and charged with being neglected children. It was very scary and I felt like I really was a criminal. I thought that I must have done something really bad, only I couldn't think what it was...We were then taken to court where we were sentenced – we were made wards of the state...We were committed all right but we certainly were not cared for – especially by the minister. (Sub 94)

3.75 One care leaver recalled a happy childhood up until he was seven years old:

Then, one day, when I was 7 my mother just wasn't there anymore...My next memory is arriving on the steps of St Josephs Orphanage (Neerkol) Rockhampton, Queensland, 500 miles from my home in Townsville. (Sub 217)

And it was as an adult that he learnt about why he had been in a home:

It was only years later, after I had left state (care?) that I was told that my mother had been heavily pregnant, with twins, at the time and my father had kicked her in the stomach, this had resulted in my mother going into premature labour and dying after bleeding to death during the birth of these twins, one of which, also, died at birth. (Sub 217)

3.76 Another person recalled a home life of poverty, violence, neglect and alcoholism, before she and her siblings were placed in a government institution. In particular they were escaping from extreme physical and sexual abuse from their father and their 'uncle' (who was no relation):

Even with the monitoring by the Government our troubles were getting worse so I started running away again. At one time in particular Carla and myself stayed away on the run overnight, sleeping on a front door mat outside a house on a very cold night...The policemen escorted Carla and myself to a Social Welfare Department children's home named Allambie. I recall Carla was throwing a tantrum and had to be carried in to the reception area but I felt it must have been going to be better than our house. (Sub 278)

Repatriation children

3.77 The Committee received evidence from a care leaver who, with his sister, believed they were 'Repatriation wards' upon their parents' death. The care leaver's father had been a member of the Australian Defence Force and following the death of both parents, he spent considerable time until 18 years of age in institutions and foster care, later describing abuse and neglect towards him, and questioning the Repatriation Department's role in ensuring his wellbeing. He has had difficulty in accessing departmental files and information.²¹

3.78 The case of 'Repatriation Wards' raised a number of questions regarding the role of the Commonwealth in the care of these children. The Committee received advice from the Department of Veterans' Affairs²² that 'the role and responsibility of the Repatriation Commission and the Department was set out in the legislation in force at that time'. This role was limited to the payment of pensions, benefits and other allowances to ex-servicemen and women and their dependents. The Department also advised that the Commonwealth has never had a role in the placement of children in care, nor is there any evidence that the Repatriation Commission ever owned or operated orphanages. It further noted that 'the care and responsibility for children is a matter of State law'.

3.79 The Repatriation Commission was linked with Legacy and Legacy Homes in some evidence received by the Committee. The Department of Veterans' Affairs also advised that 'while there have been, and continue to be, close links between Ex-Service Organisations and [the Repatriation Commission and now Department], as a

21 Submission 73; Committee Hansard 12.3.04, p.59.

22 Department of Veterans' Affairs, Additional Information, 13.7.04.

matter of law they are clearly separate and distinct organisations...Such volunteer organisations were not regulated by any Commonwealth laws...but were subject to the relevant States and Territory dealing with religious and charitable organisations and the care and custody of children'.

3.80 The inquiry received information from a care leaver who as a child in Hopewood had been advised that she was a War orphan only to find out years later that in fact she was not a State ward, raising questions about her status and who would shoulder duty of care for her:

I am 59, until I was 49 I believed I was a war orphan. I was born in December 1943, my mother Beryl Mavis Tucker joined the Army in Tasmania in March 1943 and was sent to Sydney. In October 1943 the Army discovered my mother was pregnant. Instead of discharging my mother...she was sent by the Army to a home run by a L O Bailey who at that time was in the process of collecting a number of infants both boys and girls to start what was to be a private experiment in what is generally known as 'Natural Living'...I remained in my mothers care for a grand total of 9 days. My mother was recalled to active service but only for three months, then the Army discovered they no longer needed her, but 3 months too late for me. So started my life in LOB private orphanage. LOB eventually acquired 86 babies...from about 1942 to 1949. We were told from an early age that we were orphans and that we should be glad and grateful for what LOB did for us...We were lied to all our lives. (Sub 93)

Conclusion

3.81 As mentioned, children were placed in homes for many reasons: families in crisis; poverty; death of a parent; mental illness; and family breakdown. Families in these situations had few services to draw on and little financial assistance from government. The attitudes of the day also worked against some families staying together as fathers were not seen as appropriate care givers while single unmarried mothers experienced significant social stigma. Some families in crisis chose to send children to homes rather than risk welfare intervention. Other children were placed in care because they were seen as being out of control and in need of supervision and training. Many children were not told why they were being placed in care, while for others the poverty, neglect and violence were all too well remembered.

3.82 Regardless of the reason for being placed in care, for many the experience was often worse or at least no better than staying with their family. The following chapter looks at the treatment and care of children in institutions.

CHAPTER 4

TREATMENT AND CARE OF CHILDREN IN INSTITUTIONS

Do I often wonder what it would have been like to have been left in a loving home with my family intact, to share Christmas morning with all my brothers, sisters, grandparents and mother? Sure I do! I do not delude myself that it would have been all roses and always loving. We would have had many trying situations but we would have had the only unconditional love that is available, that of the love of family.¹

4.1 The highly evocative and emotive language that is constantly repeated through the submissions and evidence received from across Australia is testimony to the nature of the treatment of children in institutions over many decades. 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.

4.2 It must be remembered at the outset of this chapter that a large number of the children placed into the 'care' of the state, especially during the 1950s and 60s, were status offenders who had been charged with neglect, no visible means of support, being uncontrollable or exposed to moral danger. These were not crimes of the child. They were crimes of the parents or, in a sense, crimes of a society that at the time was not providing anywhere near sufficient help and assistance to families living in underprivileged social circumstances and often desperate poverty. As one witness succinctly said: 'We were not bad then and we are not bad now'.

4.3 Yet these children were placed in receiving depots and institutions with other children who were guilty of various misdemeanours or more serious criminal activity. The many submissions and evidence from those children who found themselves in this situation at such a young and vulnerable age can only give a sense of the full extent of the trauma and horror they experienced when confronted with this totally foreign world and way of life.

4.4 One of the most tragic consequences of this time that was expressed in so many submissions is a powerful feeling of guilt and shame that has haunted people throughout their life. These unnecessarily mistaken feelings are the result of attitudes beaten, both psychologically and physically, into children during their time at so many of the institutions. But the children were not guilty. The events and experiences of that time were not their fault.

1 Submission 272, p.4.

4.5 As will be seen in this chapter such events and experiences included being repeatedly and constantly subjected to deliberate and callous cruelty, humiliation, abuse and deprivation of basic necessities of life such as healthy food and diet, proper clothing, medical care and education, and most tellingly the emotional support, love and psychological necessities required by a young maturing child. A breakdown by type of abuse described by care leavers in their submissions is in Appendix 7.

Receiving children into care

Arrival

I snatched at each shaft of the iron fence as the policeman pulled us towards the great double gate. The gravel crunched under our feet as we drew near the dark-red building. Looking up to the balcony on the second floor, Billy read to us the cast iron words 'ORPHAN ASYLUM 1865'. This was a grim place, this Ballarat Orphanage. Solid, like a fortress. (Sub 18)

The very first thing I saw of my destination was a very large steel gate. I remember the clang it made when it was shut and the sound of a bunch of keys being turned. (Parkside Baltara – Sub 278)

'I arrived at a large grey depressing looking building which was Bidura.' Being taken to Bidura was a revelation to many – 'Bidura was our first stop and what a culture shock it was coming to this cold dismal institution'.

I felt my life had come to an end after the door was closed behind me. I missed my mother enormously and used to cry myself to sleep at night, the feelings of loneliness and isolation were terrifying. I was scared and I wondered what would become of me. (SA Nedlands – Sub 231)

They took me to that terrible place called Parramatta Girls' Home...I am quite sure that I was in shock – with the big high wall around it and all gates and doors all locked, no way out no one with a smile or a bit of kindness – I was there for a long time. (Parramatta – Sub 377)

Health checks, delousing and body searches

4.6 Reception at some institutions involved a number of health and hygiene procedures. Delousing by cutting and washing hair in kerosene was commonly practiced. However, the manner by which procedures such as internal examinations were performed was most traumatic, especially for young girls who in some instances were not even teenagers.

Upon arrival each individual was stripped searched in the full sense of the term, made to take a shower and had delousing solution applied to their hair. You were then issued with a shapeless uniform, some underwear and sandshoes with no laces or thongs. The institutional programming had begun. (Wilson – Sub 58)

I was subjected to a humiliating, distressing, and painful internal examination by a doctor, who used heavy stainless steel instruments. I had never been examined internally prior to this, and was absolutely destroyed. (Parramatta – Sub 284)

On arrival back at Bidura I was given the standard vaginal tests...When I protested I was told they knew "how quickly I would open my legs for a boy!" *I was 9 years old! I had no idea what they were talking about.* (Sub 258)²

4.7 Dr Joanna Penglase, in her thesis *Orphans of the Living*, under a section titled 'State-sanctioned rape' notes there was a provision in the NSW Child Welfare Act 1939 for certifying wards were free of venereal disease. However it appeared thousands of girls were given vaginal examinations on the pretext of testing for 'promiscuity'. Dr Penglase quotes from an interview with a child welfare department field officer who in referring to this procedure commented it 'was just straight out assault, there's no doubt about it, it's a wonder somebody hasn't complained about being assaulted all those years ago'.³

Removal of belongings and clothes

I was taken to a room where my bag containing everything I owned in my life was taken away and nothing was ever returned. Even the clothes I had on were taken from me as I was told to put on the stock clothing. (Bidura – Sub 351)⁴

Royleston was a terrible place to find yourself, at any age. Each time you entered, you were reduced to a manageable unit, private property was removed and never seen again, Government day clothes were issued and you were given a number, this number was your tooth brush number. (Royleston – Sub 321)

She confiscated all my clothes, all my belongings, then used a pair of large black shears to cut off my shoulder length hair. There was no care taken to style the hair, it was HACKED.... I was issued with regulation clothing, a number (43), horrible long dresses made of rough material, clumpy shoes and disgusting bloomers and singlets. I was not given a bra. (Parramatta – Sub 284)

The state wards...were sent to Winlaten remand centre. This had a deeply emotional effect on me, as I was treated like a prisoner. I had to strip, then I was required to put on clothes they provided. I was confined to an exercise yard during the day then locked in a bedroom on my own at night. (Sub 166)

I was sent to Lynwood Hall at Guildford. Every thing that my foster parents had given me, clothes, jewellery, shoes, my treasures and my bank account were taken from me. I never saw any of them again. (Lynwood – Sub 325)

2 Graphic stories of internal examinations, especially at Bidura where the doctor was nicknamed Dr Finger, were reported, eg *Submissions* 272, 315, 407 – Bidura; 39, 298, 325, 377 – Parramatta.

3 *Submission 63, Orphans of the Living*, pp.237-240 (Dr Penglase).

4 Removal of personal belongings, toys and clothing to be replaced by standard issue was common, eg *Submissions* 217 – Neerkol; 231 – SA, Nedlands; 297 – St John's Goulburn; 382 - SA Bexley; 413 – Royal Park.

4.8 Many care leavers reported presents and other gifts being routinely removed from the children; of being searched upon return from outside visits and having food packages, clothing and comics taken.

I received a parcel from an Aunt, it was a beautiful hand-knitted red jumper which I never wore as it was taken away from me and I didn't know what happened to it until I saw it being used to wash the floor. For a little girl who was so pleased with her new jumper it was devastating. (Salvation Army, Cottesloe – Sub 184)

We were never allowed to keep the presents as the nuns used to take them off us when we got back to the orphanage and would sell them at their fetes. (St Joseph's Subiaco – Sub 172)

My mother used to visit us every 2-4 weeks. I can still visualise her coming up the hill carrying two shopping bags with some goodies and toys for us, but they were always taken off us when she left. (Parkerville – Sub 181)

I never owned a Doll or Teddy Bear. Those that did had to leave them in a "Special Room" on the top floor, where they would be shown to visitors, but rarely taken down for us kids to play with. (WR Black – Sub 409)

4.9 Letters were regularly censored at best or simply not delivered. The Committee heard of one 70 year old lady who accessed her DOCS file only to discover that 'inside were letters, letters that her Father had written to her and which she never received, letters also from her siblings which she never received and letters that she had written to her Father that hadn't been posted...Ivy has always wondered why her Father didn't reply to her letters'.⁵

Physical environment and living conditions

Buildings and accommodation

The buildings we grew up in were unsuitable. They were architecturally marvellous castles, but growing up in huge cold empty spaces that did not resemble family homes at all was quite traumatising...for little children. (Burnside – *Committee Hansard 3.2.04*)

What a shock! This place had bars on the windows every door was locked, the staff all jangled when they walked as the keys hung from the waist. (Lynwood Hall – Sub 258)

I was sent to Mittagong. Mittagong was a large property Federation style buildings with contemporary add on schoolrooms and a relative modern building for small children. Mittagong was a horror show. (Sub 321)

Now my life lay within the walls of the convent. These walls were at least ten feet high with a thick wrought iron gate at the front. I guess I had become institutionalised because I rarely thought about life on the outside and concentrated more on survival where I was. (GS Oakleigh – Sub 423)

Food

The best that could be said about the food was that it was regular and recurrently basic. Bread and dripping ('flop') was our common breakfast with a mug of lukewarm tea. The main meals were routinised: you could tell what day of the week it was by what we were eating. The menu was totally predictable. And there was never enough. (Ballarat Orphanage – Sub 18)

I have become a vegetarian as a result of often vomiting up meat that was off and we could smell was off before we ate it, but were forced to eat it anyway. (Protestant Federation Home, Dulwich Hill – Sub 311)⁶

My first memory of Goodwood is of the food – the lack of it. I can now only recall being hungry all the time. I can remember licking plates but I could not have been much older than 4 or 5. (Goodwood – Sub 419)

We were always kept near starvation point at Westbrook. All the best produce that we grew was sent to the markets to be sold. We were left with only the maggoty, the mouldy, the weevilly and the stale. I am not exaggerating. I wish I were. We were not allowed to have butter on our bread (even though we produced our own), while the warders and their families received all the milk, cream and butter they wanted. The animals we raised – mainly cows and pigs – were better fed than us boys. (Sub 141)

The freshest part of the food actually moved. (Box Hill – Sub 148)⁷

My memories of meal times at the orphanage were all very similar to this – being forced to eat food we did not like, being hit and removed from the table if we objected and being separated from my siblings. (Sandgate – Sub 412)

4.10 Many compared the standard of their food with that which the nuns or other staff were served.

I was made to work every morning and evening in the nun's dining room and kitchen...They ate wonderful food; fresh peaches and roast lamb. I had never tasted anything like this before. I used to steal all the scraps and give them to my sister (St Joseph's Lane Cove – Sub 95)

The officers did not eat the same food as us. They were seated on a stage looking down at us eating their lovely roast meals, whilst we were eating horrible stews. (Salvation Army, Nedlands – Sub 231)

4.11 Many also reported, especially in Catholic and Salvation Army institutions, that at meal times there was strictly no talking allowed. To talk would result in a strike across the back or head with a cane or other implement.

6 Being forced to eat vomited food was not isolated, *Submissions* 5 and 108 – Nazareth Houses, Vic; 120 – WR Black; 142 – Blackwood House; 266 – SA Camberwell.

7 Having to eat food that was rancid or containing weevils was reported by many care leavers.

4.12 With food and diet being basic and insufficient, children learned to scavenge or supplement their diet through other means.

While we worked in the garden there was always the chance of a bit extra to eat, and we thought it well worth the risk. We'd break the tops off carrots then put the top back in the ground, after consuming the carrot. Potatoes were eaten raw as well. With them it was just a matter of digging at the side of the plant and pulling out the potato. This was called 'bandicooting'. (Ballarat Orphanage – Conf Sub 6)

There were lots of orchards around the place, so we would raid them when we could. Also used to drink the milk before it went through the separator, and would also swallow raw eggs when I could get hold of them from the chooks. One thing we did learn as kids was to be crafty, that's how we survived. (Parkerville – Conf Sub 44)

Clothing

All my clothes were hand me downs from the other kids and given out daily from a pile on the table. (Kardinia House – Sub157)

We were known as 'home' or 'orphanage kids' just by our clothing – I felt very stigmatised. (Sub 111)

Clothing 200 growing children was almost as great a task as feeding them. Uniformity was best, for reasons of economy and practicality. Most of our clothes were hand-me-downs, and like the boots, were expected to last for ever...Saturday mornings we lined up for fresh clothes. Socks and singlets every Saturday; clean pyjamas and shirts every second Saturday; fresh pants once a month...Underpants were unknown until we were at secondary school. (Ballarat Orphanage – Sub 18)

We were not allowed to wear our shoes and were barefooted the whole time we were there, except when we were in a public place ie, outside the confines of the home. (Salvation Army, Nedlands – Sub 231)

4.13 The non-wearing of shoes was common-place across institutions, with many recollecting the pain of going to and from school in bare feet on gravel roads. The only time many children were allowed to wear shoes was on special outings or if important visitors came.

I can remember crying all the way to school in winter as my feet really hurt – chilblains were common – and in summer we would get blisters because the road was so hot. (Sub 181)

Personal hygiene

I remember while we were there that we only got a bath once a week and that the same bath water was used for all the boys. (Ardill House – Sub 199)

At Nazareth House we had a bath once a week, this bathing ritual was performed with me wearing a calico gown so as I wouldn't look at my body or see my reflection in the water. (Sub 111)

Friday night was bath time in the toddlers' block. We soaked ten at a time in a big raised bath. The big girls scrubbed and polished us one by one and pushed us out quickly to make way for the next lot... When we graduated to the big kids' block, we had a shower on Saturday mornings. The system was as efficient as a factory assembly line: six shower outlets to each of five rows, thirty boys at a time. Sixty boys could be done in ten minutes flat. No privacy, no dressing gowns and you shared a towel with the mob. (Ballarat Orphanage – Sub 18)

To stop us getting tinea (athlete's foot) we had to all wash our feet in a bathtub before we got into the showers, that was exactly the way to spread it and I would (after contracting it a few months after I arrived) spend nights tearing my feet & toes to pieces, they were so raw & bloody at times, I could barely walk on them... (King Edward Newcastle – Sub 351)

In the early years we cleaned our teeth with salt rubbed on our fingers. Later, in our teens, we got a toothbrush. Even then, there was no toothpaste. The dentist was called in emergencies only. (Ballarat Orphanage – Sub 18)

4.14 Many girls complained of the lack of education when menstruation commenced and described how they had thought there was something terribly wrong with them. Access to sanitary items was heavily controlled – 'when we wanted one we had to ask a staff member and wait til she unlocked the cupboard and gave us one in front of other children' – 'we had to ask the staff (males included) for one pad at a time and it was written in a book'. The humiliation of actually having to show a soiled pad before receiving another was vividly recalled by many care leavers. No allowance was made for girls who had heavy periods – 'for 18 months I had to stuff toilet paper, lots of it down my undies especially at school'.

When we had our periods we were given a bag with 6 large pieces of rag in it and with our name on it. Once used we had to scrub these until spotless... (Newtown, Hobart – Sub 208)

Depersonalisation and other forms of psychological abuse

The whole time I was in the institutions all I wanted to do was not to be seen, I just wanted to disappear so I wouldn't be singled out.

4.15 The impact on an impressionable child of being constantly told they were good for nothing, would amount to nothing, were evil, were the devil's child, were worthless, were scum of the earth and not fit for normal society, were a nobody, were not wanted by their mother or anybody else, were sluts, whores and prostitutes, had come from the gutter and would end in the gutter cannot be overemphasised. It is little wonder that such abuse and negative reinforcement destroyed the self esteem of so many who have remained scarred through their adult lives.

All my life, as a child in those dreadful homes I was told I was 'ugly', 'would end up a prostitute' and 'should never have been born'. It took me years of struggle to even realise I was a person... It is only recently I have gained enough confidence to believe I am a decent person and as good as everyone else... we really never knew what we were. (Sub 95)

Most of the Christian Brothers made sarcastic remarks to destroy ones innate personality and self worth. The perpetual drive to snuff out the spirit of the individual by inflicting them with senseless brutality and humiliation to conform to the grinding regimented life of the institutions was in the main successful. This would ensure the full potential of many kids in these institutions would be snuffed out. (Sub 365)

Because of being constantly told I was nothing & would end up in the gutter & no one wanted me or ever would, the core negative beliefs I have are my reality. They are the deepest most profound assumptions and expectations I have of myself, & therefore I find it hard to function as a 'normal' human being, beyond my frontdoor. This is just the way life is to me now, & these negative core beliefs continue to govern my life & reality. (Sub 124)

[The officer] then gave me 4 straps across each hand. He then made me run around a yard 5 times yelling at the top of my voice, very ugly things about myself. I was yelling things such as, I'll never be any good, I'm useless, I'm pathetic, I'm a sook etc... Out of everything I took with me from that place, that has been the one thing that has stopped me on many occasions from getting anywhere in life. (SA Eden Park – Sub 291)

4.16 The loss of childhood, of having what would be regarded as a normal childhood taken away, was poignantly described in many submissions. For many there was no time for childhood play with daily life so structured and regimented.

I have come to realise that we were never children. We were an unpaid workforce, with no reward just punishment...At the beginning I said I don't remember being a child, I am saddened that most of the memories of my youth are pretty grim. (Sub 169)

Due to the period in the Home I lost my complete childhood. I never knew my Uncles, Aunties, cousins. I have no happy memories of my childhood at all the Salvos robbed me of that (Sub 198)

We lived in fear during most of our childhood. And our childhood was stolen from us. (Sub 266)

Lack of love and affection

4.17 The most fundamental need for the emotional development of a young child is to be shown love and affection, to be nurtured and wanted. The lack of these essential human qualities was pervasive in institutions and was commented upon or referred to in literally every submission and story. Growing up and developing as a person without receiving love and affection has possibly been the single most influential and tragic legacy of life in institutional care for every care leaver.

I feel like I grew up as a worm, as I felt I was beneath everybody. (Sub 367)

I was never shown any love at all you were just a number to them not even a name. (SA Kent Town – Sub 198)

We had no nurturing, no love, no hugs, no kisses all necessary in ones upbringing, it was nearly 45 years before we could hug each other when we

met and talk openly about what we had been through. A lot of Hopewoods are still mixed up and still having problems and no one to turn to. For a lot there are still no answers. (Hopewood – Sub 93)

I was trying to get some caring or love from anyone. I remember talking to the laundry lady and trying to get some caring from her but it seemed that all the adults in the place were totally cold to the children. (Royleston – Sub 150)

My biggest complaint is that I was never offered or given anything that even vaguely resembled nurturing. No affirmation of the person I was becoming, no encouragement, no warmth, and absolutely no affection, not under any circumstances... The Manager lived upstairs with his family, providing all 16 residents with a tantalising but extraordinarily painful glimpse of the loving family life we so desired... He and his family made absolutely certain that we all knew our station in life, and reinforced our collective worthlessness. (Raith – Sub 28)

The emotional abuse I received was demeaning and humiliating, it undermined my confidence and self-worth. The continual taunting of being told that I was nothing and would amount to nothing, that I was stupid and that I would be just like my mother who came from the gutter. (St Catherine's – Sub 111)

The special training I was to receive at Brougham was designed to make me believe I was unloved and unlovable, unwanted, worthless and a burden on society who would never amount to anything. Many of these thoughts I still carry. (Brougham – Sub 20)

The most difficult part of all this is the fact that you had no one to turn to for some form of comfort. You just bury it, no way to deal with it... You'd learn to hide emotions in this place, because you might get strapped for it as I did. (SA Eden Park – Sub 291)

There was no one to trust, to confide in, to cuddle, to read us bedtime stories. No one gave us an affectionate 'goodnight' or stopped for a chat. And yet all the while I ached with a question that would not go away. *What can be so wrong with our parents that makes it better to be brought up by such cruel and uncaring people as this?* (Ballarat Orphanage – Sub 18)

4.18 In all institutions over all periods of time, the lack of love was a fundamental constant. Stories emerged that in some instances there were different levels of treatment in care over different eras at the same Home. Even in those few submissions that had positive comments about childhood experiences in care there were still comments about the lack of love and warm human emotion.

Suppression of identity and individuality

4.19 It was common practice in many institutions to give each child an identification number which they kept throughout their time at that particular place. 'No one was referred to by name – usually it was "you" or your number was called out'.

It was here in Parkside I was given the name "NUMBER FIVE". The number you are given is what you answer to, it is sewn on all your clothes, it is your locker number and your bed and cell number. I ceased being Alan and became number five. (Sub 278)

4.20 The impact this had on individual identity could be seen by the number of care leavers who remembered their number or signed off their submission so many years later with the inclusion of their identity number.⁸

4.21 If calling a child by a number is not dehumanising enough, the lack of recognition and celebration of birthdays is the ultimate suppression of identity.

I never had a birthday party or cake. (St Catherine's, Brooklyn – Sub 8)

there were so many children the Orphanage did not celebrate birthdays. (Ballarat Orphanage – Sub 18)

No Birthday parties, no presents no kindness, just fear and regimentation to keep us in line. (Murray Dwyer – Sub 364)

4.22 The lack of recognition of celebratory days including birthdays, Christmas, Mother's and Father's day has had a profound impact on future life, especially for the partners and children of care leavers. Many people have grown up without feeling for these family days and they now pass with little or no recognition.

The absolute sadness I still have is the loss of family, never receiving or giving presents, having birthdays and all that family stuff. That is all I ever wanted. (Sub 181)

4.23 Other care leavers said that their name had been changed while in institutions, which they did not discover until many years later when searching for records. One person recalled having her name changed because they already had a child with the same name in the Home.

I can still remember standing with my Father, Gracie [stepmother] and Matron Gennon. 'We already have a Shirley here. What are we going to call her?' Gennon asked. 'What about Lurline then?' answered Gracie, and that was that! (WR Black – Sub 409)

4.24 Changing a child's religion or forcing them to attend services of a different religion to that which they were baptised both between catholic and protestant and between protestant faiths was also reported in some stories.

we discovered a record on microfilm that I had indeed been baptised as a Church of England in 1937. Although Child Welfare Department Records of my detention...records my religion as being a Presbyterian. I believe that something as important as changing my religion while in the care of the Child Welfare Department should have consulted my father for his approval for such an important decision. (Sub 319)

8 For example *Submissions* 231 – Salvation Army, Nedlands; 282 – SA Gill; 406 – Goodwood; 409 – WR Black; 416 – Parramatta.

4.25 A particularly effective form of depersonalisation was the total regimentation of everyday life – the ultimate suppression of any individuality in a child. Many submissions, particularly those from people who had been in Salvation Army homes, describe a spartan existence where the whole day was governed by bells – 'bells to get up, bells for school, bells for each meal' – or whistle blows and having to march to all activities including meals, showers, school.

4.26 A common theme was not just the separation of children by gender into separate homes or for all daily activities but the constant reinforcement of differences. This inability to relate and interact with the opposite sex as a child has been at the base of many relationship difficulties in adult life, as discussed in the next chapter.

Staff at both homes discouraged boys from having anything to do with the opposite sex, boys were brainwashed that talking about girls was filthy and were punished if they were heard by an officer... I now believe this is why I seem to have trouble starting a relationship with the opposite sex.
 (Salvation Army Riverview and Indooroopilly – Sub 90)

Lack of privacy

4.27 The absolute lack of privacy in showers and toilets was frequently raised, especially the embarrassment of being constantly watched and taunted by carers, often of the opposite gender and during adolescent years.

The shower cubical consisted of half doors where an officer would be continually watching you; again you were given no privacy. (Ormond)

These showers were on a wall and open for everyone lined up to see there was no privacy at all, it was embarrassing (Kent Town)

The toilets had no doors either, and I found this aspect of life at Parramatta most upsetting, particularly during menstruation. This might be difficult for men to comprehend, but a woman likes her privacy in the toilet.

Visits by family members

4.28 Having parents or family members visit was a keenly anticipated occasion, although highly regulated in many institutions. Stories were told of children getting dressed up on visitors' days, more out of hope than expectation that they would receive a visitor in many cases, only to be let down. This had a shattering psychological affect, reinforcing feelings of abandonment and not being wanted. The situation was equally so for those not expecting visitors.

Visitor's days were traumatic for children who had no parents or for those not receiving visitors that day, no counsel or support was provided to children who experienced abandonment every visitors Sunday. (Goodwood – Sub 89)

The emotional harm was much worse, visiting day once a month, sitting and waiting all together in the sewing room, listening to the noise on the driveway outside the window, hoping someone would visit me. Sitting there

all alone pretending it didn't matter that no one came to see me, this was a common occurrence. (Lynwood Hall – Sub 407)

On my arrival at the home [Gill] I was informed by the management that my boys were unavailable to me that weekend due to as the Salvation Army officer explained, that their refusal to grant me access to my children on this weekend was that it was the wrong weekend on which they accepted children in their care to be taken out of the home by parents or family members. I was unaware of these rules being explained to me, rules that did not allow parents or other family members to take out their children, on some weekends but not others. I was not allowed to take my sons out that weekend or allowed to see them. I returned to Moss Vale. (Sub 317)

Forms of Punishment

4.29 Children were punished for a wide range and often the most trivial of reasons. Talking during meal times, if somebody laughed or giggled out of place, not standing still when spoken to, answering back, getting answers wrong in class or being left-handed, playing out of bounds and not doing daily chores properly or to a supervisor's satisfaction were commonly mentioned behaviours that often resulted in severe punishment. Punishments ranged from beatings with straps, canes, cricket bats, bunches of keys; being forced to perform additional and often repetitive tasks; withdrawal of privileges such as watching television or being allowed visits; food rationing; forced immobility for long periods; isolation and humiliation.

Punishment, we were caned with cricket stump...If you spoke out you were caned. If you let your hair grow and a nun didn't like it, she would make you have it cut like a boy, as well as cane you. No one had long hair. (Nazareth house, Camberwell – Sub 169)⁹

...the superintendent at that time ran her school for girls like some sort of Nazi officer making us scrub and polish floors for hours on our hands and knees for being disobedient which might I add was for minor things such as loosing your hair brush, talking when you were not supposed to be talking, answering back etc. (Lynwood Hall – Sub 272)

Punishment could mean extra duties, a good talking to, withdrawal of privileges, or if the Superintendent was involved you could be in for a good beating especially if he lost his temper. (Dalmar – Sub 136)

Every day from 6am when [the nun in charge] would sort out the girls who wet their bed...to belting girls who's bed was not up to scratch, shoes not shined enough, chores not perfect, lockers untidy, going too fast or too slow, talking. It seems she would find fault just because we were there. She hated us. (Goodwood – Sub 406)

At Ormond the punishment there for being disobedient, such as talking when you weren't supposed to consisted of scrubbing cement courtyards on your hands and knees with a tooth brush (I have always been curious, with

9 The trauma for young girls of cutting long locks 'to look like a boy' was often described. A comment was made that is why so many Homies have long hair today.

the amount of girls scrubbing courtyards with toothbrushes why the department never wondered why so many were needed). (Ormond – Sub 272)¹⁰

I loved to climb trees and walk along the fence tops. For this I was caned. The joy of climbing the trees outweighed the pain of the caning. (Burwood – Sub 192)

Any glancing sideways or looking up was met with what Ben said was the standard punishment that occurred at Tamworth Boys Home. This was the loss of a meal or the loss of all meals over a period of 24 to 48 hours. The punishment for boys who habitually broke the rule was being made to wear a cardboard cereal box that had two holes cut for eyes. The boy had to keep wearing the box until it fell to pieces. Ben recalls that later a set of leather blinkers was made, similar to those that a horse would use, and the boy had to wear these for a set number of days. (Tamworth Boys Home – Sub 329)

The punishment inflicted was to have her hair shaved off, and she [a young girl of 7 or 8] was compelled to wear a sugar bag as a dress all day for a period of time...she even wore it to school, which was a public school some distance from the institution, and the children had to walk along public streets to get to this school. It would be difficult to imagine the trauma, that this child was compelled to suffer, or the effect it would have had on her in later life. (Swan Homes – Sub 414)

4.30 A particular punishment practiced at many institutions was not to simply withdraw privileges from the individual child, but from all the children. This would make the individual highly unpopular resulting in ostracism or beatings from his or her peers. Another form of punishment commonly referred to was hours of bed drill consisting of stripping the bed of each sheet and blanket and remaking it with 'envelope corners and no wrinkles' and repeating the procedure over a period of many hours.

4.31 A form of punishment practiced in some institutions was to force younger boys to have fist fights or boxing matches with older and stronger boys, thereby enlisting older boys to inflict the punishment. Holding mismatched boxing bouts was also seen as 'entertainment' for the staff at some institutions.

4.32 The handing out of punishment was also seen as a method of controlling the children. Those children perceived as leaders or simply highly respected by their peers would be 'targeted' and regularly punished so as to serve as an example to the others.

Bedwetting

4.33 The overwhelming number of submissions that referred to punishments for bedwetting indicates the traumas this condition engendered. Bedwetting is commonly

10 The use of toothbrushes to scrub clean toilets and corridors as a punishment was referred to in many submissions, especially from NSW and Victoria, eg *Submissions* 271 – Mittagong; 278 – Parkside; 279 – Winlaton.

a sign of a distressed child. Yet the greater the incidence of bedwetting the greater the incidence of abuse and trauma the child was subjected to. A variety of punishments were inflicted including beatings, cold showers in winter (often combined with a beating) and a range of humiliations so traumatic and severe to a young child that the condition was exacerbated.

As I was a bed-wetter, I used to be belted daily. They used to throw me under a cold shower then belt me really hard with a large strap while I was wet. This was extremely painful – especially in winter – and left big red marks on my body. They also used to rub my face in the wet sheets and then my brother had to wash them. (Parkerville – Sub 181)¹¹

The bedwetters received such humiliation, they would have to parade around the room with their wet smelly sheets draped over their shoulders. (St Catherine's, Geelong – Sub 111)¹²

If you wet the bed, you were made to wear a potty strapped around you rear end all day – thus dis-allowing you to sit for meals and become the brunt of much humour. (Parkville – Sub 379)

If any boy wet his bed, he would be ridiculed in front of everyone, and at times be dressed as a girl. (St Joseph's, Kincumber – Sub 364)

They used to grab us and put nappies on us and then send us off to school. The school was on the premises...I'd have been eight or nine at the time. (Salvation Army, Box Hill – Sub 296)

4.34 It never seems to have been considered that the problem may lie in a range of other reasons such as the child being stressed due to separation from a comforting and loving home environment with parents and family or that they were now living in a state of constant fear.

4.35 As a preventative measure in some institutions drinking was forbidden well before bedtime. This was especially harsh in Queensland.

I have memories of being hungry. But the worst was being thirsty in the summer not allowed to have water long before bedtime. (Riverview – Sub 339)

The master made us or you could say let us have no water after 2pm so that you would not wet your bed. (Brougham – Sub 333)

4.36 More bizarre preventative measures were tried.

11 Rubbing noses in wet sheets, beatings and cold showers were commonly reported punishments, eg *Submissions* 101, 409 – WR Black; 203 – Dalmar; 297 – St John's Goulburn; 411 – SA Bexley; 415 – SA Stanmore.

12 Draping wet sheets over the head and standing for lengthy periods or parading ('Kangaroo Hopping'), and forced nappy wearing were favoured humiliations, eg *Submissions*. 89, 406 – Goodwood; 141 – Westbrook; 166 - Abbotsford; 169 – Nazareth House, Camberwell; 201 – Lismore; 217 – Neerkol; 237 – Nazareth House, Wynnum; 322 – St Joseph's Croyden.

If you wet the bed more than once a week, you got a machine put under your bed, it gave you a shock, you flew out of bed to go to the toilet. (Ballarat Orphanage – Sub 103)

Isolation, including locking in cupboards and cells

[Lynwood Hall] also had an isolation room which apparently the Child Welfare Department was aware of. The room consisted of a mattress on the floor, a metal potty, a window that was boarded up from the outside and a small opening in the bottom of the door where meals were passed through three times a day, the light switch was on the outside of the room. I spent many 24hour periods locked in isolation at the age of twelve to sit and stare at a wall. (Lynwood Hall – Sub 272).

We were often locked in a dark room for hours, mice were running around our feet. We would miss meals. It was very scarey. (WR Black – Sub 101)

[The Superintendent] would lock her under the staircase in a narrow dark room, and leave her there for ages, all day and even over-night. She was left there until she was either prepared to apologise or own up to something she didn't do or say what he wanted her to say. (Dalmar – Sub 203)¹³

I was taken down to the dungeon under the home where there is no windows just the dungeon and told by the sisters the Devil is going to come and punish me. She then closed the door it was pitch black I could not see my hand in front of me I was very frightened as I was waiting for the Devil to come. (St Joseph's, Largs Bay – Sub 106)

4.37 The 'Training Schools' had their own isolation cells.

I couldn't handle being placed in isolation, this was a building away from main building constructed in concrete with 4 or 6 cells...Isolation cell punishment had 2 time zones, 24 hours or 48 hours, the 24 hours you were given bread and water three times a day and a mattress at night to sleep on the floor with 1 blanket, (I still remember the cold and my house as we speak has cupboards full of beautiful wool blankets). I didn't experience the 48 hour number but I believe after 24 hours, you received food...

REMEMBER, WE WERE CHILDREN IN THIS COLD DARK LONELY PLACE. (Parramatta Girls Training School – Sub 299)¹⁴

4.38 The Committee was provided with extracts from the punishment book from Karrala House which records children being locked up in solitary for periods of 30, 40

13 Isolation for long periods by locking in cupboards, dark rooms, attics or cellars for minor misdemeanours was a common punishment, eg *Submissions* 5 and 237 – Nazareth House; 105 – Wilson; 120 – Holy Cross Wooloowin; 146 – Abbotsford; 192 – Burnside; 268 – Bayswater; 278 – Parkside; 279 – Brighton; 318 – Royleston; 322 – St Joseph's Lane Cove; 329 – Tamworth Boys Home; 356 - St Joseph's Cowper; 406 – Goodwood; 421 – SA Fullerton.

14 Many submissions about Parramatta especially recalled the panic and trauma of being locked in isolation and detention, eg *Submissions* 250, 263, 284 ('There were rat droppings in the cell, and the mattress on the floor smelled of urine and vomit'), 293, 304.

and 60 days during the mid 1960s. Lengthy periods of isolation, which breached provisions of child welfare legislation, were common in many other institutions.

4.39 In a bizarre twist, isolation could be sought as an escape from the trauma of daily life.

The inmates formed groups with a leader and younger inmates were required to obey the group. Failure to obey resulted in being bashed which occurred frequently...There were frequent riots by the inmates and invariably everybody was punished including me although I took no part. Punishments included being thrown fully clothed under a cold shower and locked in my room...

To me the only safe place in the home was "the cabin", a room used as punishment by solitary confinement. To be put in the cabin it was necessary to have committed some misdemeanour, which I would deliberately do. (Vaughan House, Adelaide – Sub 273)

Standing on spot for hours

The matron made the children stand for hours with their arms stretched up high above their heads. When our arms fell we were beaten. If this happened in a war prisoners camp it would be called torture by the international community. (WR Black – Sub 87)

There were many other humiliations too numerous to mention...standing for hours on end facing a wall for talking out of line. (Parramatta – Sub 284)

The form of punishment would be standing in line for hours on end without movement and if a boy fainted, he was left lying there until he recovered and resumed his place in the line... A more severe variant to this of standing in line was that the boys had to stand up on the sitting benches, which were around the walls of the playroom, and face the wall and press the nose against the wall. Any boy who took his nose off the wall would have his face pushed into the wall by the officer. (SA Gill – Sub 282)

The white line was the worst punishment... We were required to stand to attention, without bending the knees. No one was allowed to talk to or look at a child on the white line because those children were "a disgrace," to the nuns. No-one wanted to be friends with anyone who had been sent to the white line. Those children were isolated and vilified by the other terrified children. (Goodwood – Sub 419)

Secondary abuse

4.40 Many people referred in submissions to their abuse in institutions as a form of secondary or systemic abuse. Children were taken from their parents who it was claimed could not adequately support or maintain them. The implication was that 'welfare' would be able to provide the care and opportunity that the parents were unable to provide. How then could it be that for many of these children the abuse perpetrated upon them whilst in care in the institutions was far greater than that

committed by their parents? To many this is seen as a failure of 'government' to monitor their needs and well-being during the time they were in care.

4.41 Another form of secondary abuse has been the treatment of these children as adults over a range of issues from the attitudes of supposed support people and counsellors, the lack of programs and services, to the barriers encountered in trying to obtain records and information about their families and childhood.

The reason we have suffered this lack of programs and effort is that the agencies responsible for creating our problems in the first place have sought to hide that fact. They have done that by denying our experiences as children and our existence as adults.¹⁵

Discipline and physical assault

4.42 Many of the severe beatings handed out as punishment went way beyond the sort of corporal punishment which was acceptable at the time. They often took the form of extremely severe physical violence – what can only be described as criminal assault.

He would hit you with a stock whip if he caught you talking during milking...he [also] had a leather strap, which appeared to be from the stirrup of a saddle. The strap would be approximately quarter of an inch thick one to one and quarter inches wide and about twelve to eighteen inches long, this would be used to hit and flog boys with. Our nickname for this was the "horse harness". (Riverview – Sub 90)

This man seemed to take great pleasure in humiliating us publicly, flogging us with his heavy leather belt while we knelt naked at his feet. You could receive anything up to 60 lashes and you always ended up bleeding profusely. Sometimes boys lost consciousness. They were the lucky ones. (Westbrook – Sub 141)

We were then belted on a regular basis by the warders...They were savage beatings. Boots and all. Time and time again. They would get you when you were laying in your bed. Come in, grab you, get you on the floor and kick and beat you till you were badly hurt. It was a nightmare. I often wished I were dead. This happened so often it was frightening thinking about when would be the next time. (Bayswater – Sub 148)

Four kids would hold the offender down and a nun would hit the bare buttocks with a leather belt, anything up to six times. Once I was hit so hard I could not sit down for two days. (Murray Dwyer – Sub 364)

I had my hands held behind my back, hair held and my head bashed into a lot of sinks in the shower block and lost quite a few teeth. (Parramatta – Sub 280)

She'd thrash and thrash looking coldly into your eyes, I could see the hate in her face. Her face would go red the white mantle around her face would get

15 Committee Hansard 4.2.04, p.31 (Positive Justice Centre).

tighter and her face would puff up. I would see how determined and mean and cruel she could be. (Goodwood – Sub 89)

She did not give me a reason for what was about to happen, I was forced to pull up my dress exposing my bare back from my shoulders to my waist. She then struck me anywhere between 10 and 15 times across my waist, very forcefully with the strap. The strap itself was square, thin and very long much like a horse whip. Because of its length, they used to double it, so in effect you were getting a double dose. The force of the blows caused my back to go black in colour. We used to change in front of the other children in the dormitory, but I was so ashamed because of my back, I used to change away from the other children. (Nazareth House, Wynnum – Sub 237)

Matron was an extremely cruel woman, she would hit us with the copper stick, chair or whatever she could pick up at her time of rage. (WR Black – Sub 101)

Absconding

4.43 Absconding was a widely reported practice. Punishment took many severe forms, though one of the most common was being beaten in front of the other children or even by the children.

if any girls ran away, when they were caught they were publicly flogged. Us girls used to have tears in our eyes watching this, but we couldn't do anything. (St Joseph's Subiaco – Sub 172)

...you knew who ran away because when you got up the next day, the boy was standing in the 'quad' with his hands on his head. The punishment for this was not carried out until that night when he was caned on the hands in full view of the rest of us. If you pulled your hand away you were then whacked on the legs. (Salvation Army, Nedlands – Sub 231)

Whilst at Riverview I witnessed two boys flogged. For running away, they used a thick leather strap across their backs. (Riverview – Sub 339)

We were all assembled in the gymnasium where we were told to form up in a line in the shape of a horseshoe, the three boys being punished [for absconding] were instructed to remove their clothing...each of the boys was then told to get on to his hands and knees and they had to scuttle across the floor in this fashion to where the line began, as they did this they were lashed with a rattan cane across their buttocks, as they reached the start of the line they had to crawl between the legs of the other boys and were unmercifully bashed and kicked...When they reached the end of the line they had to remain on their hands and knees and were flogged back to the start. (Swan Homes – Sub 414)

4.44 Many absconders were locked in cellars or rooms for many days and with minimal or no food. Regular offenders would be sent to the harsher, more secure training schools such as Parramatta or Mt Penang in NSW.

4.45 Nobody bothered to inquire why children continually ran away. Those who reported abuse as a reason for absconding, especially to police, were simply not believed and returned to the institution – usually to be summarily punished.

I was a persistent runaway – nowhere to go, no one to see but I would runaway just the same. I now know the sadness and devastation I felt but no one in the Department ever seemed to notice. (Sub 344)

Even after repeated 'running away' episodes by many of their [Child Welfare Department] wards, they never once asked the simplest question 'WHY'. Nor for that matter did police officers. In my own case, with five boys 'on the run' and being described on local radio as 'armed and dangerous' was that simple question raised. NO! (Sub 11)

Sexual assault

While at Bayswater I was abused sexually by an officer, and thought by now this was the normal thing for us boys to endure. (Sub 278)

The night times were hard on us as the brothers would come in and have their ways with us. There were other kids besides us all getting the same things done to them. We just didn't know when it was our turn to be raped, so that's why I still cannot live with the nights. (St Joseph's – Sub 371)

I can't get some of the terrible things he did to me out of my head, they loom in the shadows of my life and haunt me. This man took my virginity, my innocence, my development, my potential (Sub 239)

All the time while the priest was assaulting me (or other children) the sister would stand at the door looking the other way. If another sister came she would flash her torch on the ground and the priest would stand behind the partition until the sister flashed her torch again. After this he would resume his abuse. I don't know how often this occurred but would estimate that the priest came 3 – 4 nights per week and would assault several children on the one night. I was raped on a regular basis. The older children were picked more often than the younger ones. (Sandgate – Sub 412)

4.46 Submissions and evidence to the Committee provided many accounts of extremely graphic and disturbing descriptions of sexual abuse and assault on girls and boys by a wide range of perpetrators. Sexual abuse was widespread with reports covering all States and type of institution – government and non-government, and between religions and in foster care. Care leavers retold being sexually abused or assaulted as very young children and through their teenage years. Stories were received of males assaulting males and females, and also of females assaulting females and younger males. Mostly the predators were staff members, including religious and lay, or adult workers.

4.47 However, some submissions recorded sexual assaults by the older children as well as by staff. The activities of older children were undertaken with the staff simply turning a blind eye.

Most of the time I couldn't sleep, it wasn't possible to shower either. In time I lost the count of the times I was sexually assaulted in the showers. The

place was sickening the cruelty and violence coming from both the older boys and the guards. (Westbrook – Sub 217)

4.48 A number of patterns emerge from the descriptions of those sexually assaulted of the predatory behaviour of the perpetrator. The child's confidence is gained through kind words and actions – 'I thought I had a friend, and as I had never been shown affection by another human being that I could remember, I welcomed it'. Bribes of lollies, biscuits, cigarettes and alcohol were often used.

4.49 Some care leavers indicated paedophiles targeted children who did not receive visitors. One care leaver, speaking from personal experience of the Salvation Army's Box Hill orphanage, confirms that paedophiles singled out 'the ones they know never get visits because they know that the other kids will talk to their parents and that sort of thing'.¹⁶

4.50 Those desiring sexual favours also applied psychological pressure in the form of withdrawal of privileges, the removal and destruction of personal belongings. The threat and carrying out of physical beatings if the sexual assault was mentioned to other people was a common practice.

4.51 The social arrangements existing in some institutions were favourable for predatory behaviour.

I slept in a dormitory with thirty or more other girls. We were locked in of a night with a guard outside our door. There were night watchmen who would give cigarettes to girls for sexual favours. The place we were placed in for protection was the most dangerous for any young girl with young male security officers taking advantage of these girls. (Bidura – Sub 271)

4.52 The Committee referred in its report on child migration to the accounts of systemic criminal sexual assault and predatory behaviour by a large number of Brothers over a considerable period of time at the Christian Brothers institutions Bindoon, Castledare, Clontarf and Tardun in Western Australia.¹⁷ The Committee received a number of submissions from men who had been in these institutions, and who were not child migrants, describing similar assaults being perpetrated against them. As one wrote 'the Brothers did not distinguish between types'. The operation of these institutions and the impact that it has had on the lives of so many was graphically described:

The Brothers were unusually adept at turning loose upon society a huge number of social misfits, low in self esteem and life knowledge (except of the perverse kind), who would pay society in criminal and anti-social behaviour over many years. I personally met plenty of them in various prisons (known individually to me), observed a number in mental

16 Committee Hansard 3.2.04, p.103.

17 Senate Community Affairs References Committee, *Lost Innocents: Righting the Record*, Report on Child Migration, August 2001, pp.76-79.

institutions, and knew of the attempted and successful suicides of others (including a brother of mine). Their commitment to ‘save souls’ was bastardised into a system whereby they ‘stole our souls’; whereby they made us into mere ciphers, to be seized and used whenever the need for sexual gratification was upon them. We meant no more to them than the moment’s pleasure.

These institutions were totally devoid of love, had little compassion, and very little understanding of the needs of young boys. True, a few Brothers had all these attributes, and some boys experienced them. I believe them to be in the minority. These were punishment regimes.¹⁸

Separation of families

4.53 One of the most forceful issues that became apparent through this inquiry was the destruction of families that occurred through the institutionalisation of children. As described in an earlier chapter, children were placed in care for a number of reasons. The vast majority came from large families. Families would be split with children sent to different institutions. Many would not see their parents again and with minimal or no effort made to keep siblings informed of each others whereabouts, let alone arrange meetings, families inevitably drifted apart, often permanently.

I never ever had the opportunity to say goodbye to either of my parents. They were taken out of my life & circumstances never returned them. (Sub 341)

...not to have seen my mother again after we were taken away and not to have been able to find my brothers has been quite traumatic for me, especially when I got a little information so late in life only to be slapped down again when I found that both my brothers and my mother had all died (Sub 184)

Our entire family was ripped apart and we can never get back together. They split me away from my 1-week-old brother and we never knew each other until we were old. I had cousins in St. Aidans and the nuns never told me. I never knew my family. How can you get back together when you don’t know each other? (Sub 264, p.4)

4.54 Some care leavers have discovered from records that extended family members offered to provide a home for the child to prevent the child from going into care or after having been in care, yet these offers were usually denied by the department or agency.

4.55 Access visits by parents or grandparents were often denied due to apparently subjective decisions of departmental officers and as a form of punishment for a child's behaviour or their parent falling behind in fee payments. As CLAN noted family visits to children were regarded as a privilege to be withdrawn, rather than a right. Little

18 Submission 11, p.1. Other submissions providing graphic descriptions of these WA institutions include Submissions 25, 34, 41, 85, 251, 365.

effort was made to encourage or facilitate the maintenance of connection with parents or family.

I was very angry to read all through my earlier files how my mother and maternal and paternal grandmothers all tried for access visits. They were denied each time as my mother was deemed to have fallen from grace...My father although separated from his wife was also denied access. If only I could have met them I would at least have had a mental picture to remember of them. (Sub 263)

What I don't understand is why the Dept. deemed it necessary to deny me any contact with any member of my family. When I read my file my sister & my parents had written asking for contact with me on several occasions. (Sub 258, p.4)

I would witness many tears shed by my mother after coming out of the Superintendent's office, several times being denied access to us children and being turned away from our fortnightly visits because she was unable to pay. (Dalmar – Sub 136)

4.56 The worst scenarios for young children were being told lies about the alleged death of parents and siblings, of not being told when a parent had died or being told embellished horror stories. For some the truth would not be discovered until many years later.

Imagine being told that at the age of five years old that your mother is dead only to find out six years later that she is alive & well and wants to come & visit you. (Sub 111)

It was during my early primary school days when I was told either by my foster parents or by an employee of the Department that my parents and siblings were dead, having been killed in a car accident. I have since learned from my records that my mother and father and brother had written to me however I did not receive any of these letters nor were I told of their existence...Since I learned of the existence of my family I have been in a state of trauma, anxiety, anger and suffering from major stresses related to the knowledge that I have been lied to for the past 35 years (Sub 142)

[At age 11 the House Parent] told me my father had hanged himself...that his head had swollen to five times its normal size and would also have been black...He told me that my father had died in a room above a pub and that I would turn out just like him, an alcoholic who killed himself...I was twenty-eight when I learned that my father suicided at the swimming pool (Sub 246)

As a child I was always told that my parents had been killed in a car accident, only to discover at the age of 40, my mother and other relatives, a result stemming from personal research. There has been little contact since. (Sub 401)

...being told that his family were dead or injured was one of the many dark and dreadful ways in which the boys of Tamworth were treated. (Sub 329)

Separation of siblings

4.57 Relationships Australia referred to studies showing that children and young people living in care have a higher prevalence than other groups of children of physical, developmental and behavioural problems remaining over time, and that siblings who were separated when in the care system have been found to be at increased risk of poorer outcomes.¹⁹ The Committee received many stories from care leavers showing that separation of siblings was a common practice with many reporting a sense of loss and sadness often having difficulties at reconnecting and sustaining family networks.

The staff saw no reason to treat brothers and sisters as part of a family. Instead, children were separated into age groups and some siblings were even sent to different orphanages depending on what room was available here, there and elsewhere. (Sub 18)

I had four brothers and three sisters; I was nine years old and the eldest. I and a few of my siblings were taken to Bidura Children's Depot at Glebe whilst two of my brothers were taken to Royleston Boys Depot...(How could any child taken from the only family she knows and not understanding what is happening be anything but scared, being the eldest it automatically comes to you to be the one to look out for the younger ones which I was not able to do reinforcing my feelings of being a failure.) I remained in Bidura Children's Depot for several months during which time I watched as my brothers and sisters were taken away. I didn't get to see any of them again until many years later. (Sub 272)

This home was in Newcastle so it was impossible for me to see my sisters as they were in Sydney. The Dept never made any effort to keep the bonds between siblings alive. (Sub 351, p.19)

I used to see [my brother] every Sunday because we went to the same church. We could only wave to each other because we weren't allowed to speak. It was shocking, I remember thinking why can't I talk to my brother? (Sub 185)

Forced adoption of babies

4.58 Many submissions were received that provided stories of teenage girls falling pregnant and having their child removed at birth and adopted even though they desperately wished to keep their baby. This situation happened not just to girls living in-care but to single working girls who would be placed in an institution and expected to work for their 'board' during the term of the pregnancy.

I went [to the Sisters of St Joseph's, Fullarton] because institutionalisation was what was familiar to me and I was afraid and confused. We worked in laundry for long hours of the day, and also paid a major part of our Social security benefits to the nuns for board and keep. I now suspect they made a

19 Submission 158, p.8 (Relationships Australia NSW).

lot of money put of us. We were encouraged by the nuns to adopt our babies out. (Sub 89)

Apart from working all day in the laundry the days were made even longer by being woken up at 5 in the morning to go to mass most days of the week. The long hours working with no rest through the day made me very tired and depressed. (Holy Cross Wooloowin – Sub 221)

4.59 The removal of the baby and offering for adoption was often undertaken by duress or in some instances deception. Alternative options to keep the baby and legal rights were not explained.

It was a given that you had to give up your child for adoption to stay in the home [Alexandra Home, Highgate]. [The Matron] made it clear that my baby was not MY BABY – there was no way I was going to keep "it", if I wanted to stay in the home. I had nowhere else to go...There was no privacy in the home only in the bathroom, as we all slept in a dormitory and worked in the kitchen and laundry...Neither 'they'; the 'Welfare', nor any social worker came near me, let alone explain any of the options available. e.g. a special payment from the government for a female to stay at home and look after a relative, the layette, the food assistance, baby bonus and child allowance and / or an additional benefit. Not wealth by any means, but at least a chance for us to get on our feet and stay together. (Sub 97)

She cruelly promoted adoption above my rights to know of alternative options to keep my own child. I was not informed of the Social Welfare benefits that were available to me at that time...I was not even told that I did not have to sign a consent form...I remember being made to sit at the desk, I was sobbing and yelling for my baby and all I got was this nun pushing papers under my face and telling me to sign here, here and here. (Sub 104)

I still had not been shown my baby and on the 8th day a woman from the department came and threatened and coerced me into signing the adoption papers for my son. (Sub 221)

We were submitted into signing Papers, which I found out later, they were adoption papers. We thought we were signing Registration Papers. The nuns forced us into signing, and had their hands over the word adoption, and I will never forget that at all. (Conf Sub 58)

4.60 While the treatment and care of girls in institutions who became pregnant and those who were placed in institutions after falling pregnant are relevant to this inquiry, there is a much wider issue of past adoption practices when babies were routinely taken from young unmarried mothers. When allegations are made that social workers of that time used 'unethical, emotional blackmail and inhuman practices to illegally gain consent forms' and efforts to obtain hospital medical and social worker/almoner's

records, at least in Victoria, are denied,²⁰ there needs to be inquiries at the State level to uncover the truth surrounding past adoption practices.

4.61 The Committee notes that the Victorian Government pledged at the previous election to hold an inquiry into past adoption practices and that a recent decision of the Victorian Civil and Administrative Tribunal has ordered the disclosure of a number of documents relevant to this subject.²¹

Lack of education

Education in the homes was abysmal; when I entered the state school system I was so far behind my age group I was ridiculed and taunted by both teachers and fellow students; leaving me feeling different, dumb and excluded. I have carried those feelings through most of my adult life. (Sub 321)

I left Hillside uneducated and illiterate. I had few social skills, and felt I was a social misfit. (Sub 260)

4.62 One of the saddest indicators on the lack of education provided can be seen in the content and style of many of the personal submissions received by the Committee. While short on literacy, the emotional strength and honesty of these submissions shines through. Many submissions were dictated to partners or other supportive people.

I am not able to write this submission myself, because during my time in the state care they never gave me an education and as a result of that I can't read or write but I can put my story across verbally, to my partner, who is writing this for me. (Sub 217)

They never taught me much, they reckoned I was too slow at everything. I taught myself to read and write at 23 years old age...Even my submission today, I am talking to my sister and she is writing it on the computer for me, as I am not writing it as I can't spell. (Sub 283)

One thing, I was in the boys home in Box Hill from the age of 10 to 15, could you tell me why I am trying to sit at the kitchen table telling my wife these things to write down for me, because I am illiterate? (Conf Sub 132)

4.63 Schooling was usually undertaken at the institution under a variety of arrangements. In State institutions teaching would be undertaken by staff from the education department, the Catholics used nuns or brothers from the order assisted by lay teachers while other non-government groups used outside teachers or sent children to local schools.

We attended school on the grounds two days a week. I have no recollection as to what the lessons consisted of. The other three days were a day in the

20 Submission 104. Other submissions with personal stories about the removal of children and commenting on adoption practices include *Submissions 216, 247 and 387*.

21 'Adoption files opened to mothers' and 'Mothers who can't forget', *The Age*, 7.8.04.

laundry, a day in the kitchen and a day mending and sewing. The girls that were in Lynwood Hall at that time maintained the institution. There was never any recreational time given. (Lynwood Hall – Sub 272)

I now know why my education was lost, because of a night time I was bashed, raped and molested, then stay awake all night wondering if they were going to come back. Then be bashed by the nuns at school for falling asleep in class, so I guess that's why I can't spell today. (St Joseph's – Sub 371)

The large number of kids who left these institutions unable to read and write is testimony to the crude and brutal methods used by a supposed teaching Order, the Christian Brothers. It also points to a complete dereliction of duty of care by the Child Welfare authorities. They should have been involved and provided remedial help for those struggling with their education in a climate of fear. (Sub 365)

4.64 Many of those who attended outside schools reported that school was just a waste of time. Often so tired from early morning work and lack of nutrition the children would be too tired to learn and would consequently be punished. By wearing home clothes and not having the books of other children, their difference was reinforced by being treated differently in school and being teased and humiliated by the other children. Teachers were also responsible for reinforcing stereotypes.

We went out to public schools, the torment and ridicule of other students who weren't in the home made it difficult to learn as we were branded 'homies'. (Sub 279)

We then marched to school in a group dressed in grey shorts and shirt supplied by the Salvos...Other kids at the school used to call us Homies and pick fights with us; at the time the teachers did not worry about it. I can not recall a teacher ever being nice to me. I feel we were treated at school different from the other children. (SA Kent Town – Sub 198)

I went to the local (I'm not sure which) school and were made to feel like the dregs of society. The teacher would refer to us as 'the home kids' or simply as 'homies'. I hated being so different to other kids (Sub 412)

I felt victimised at school and used to get the cuts a lot for getting sums wrong. I found it hard to learn and just remember trying so hard to be quiet and 'invisible' so that I wouldn't get into trouble. I gained nothing from my schooling. (Parkerville – Sub 181)

4.65 Educational achievement did not have a high profile in most institutions. In many instances children were being prepared for work in domestic service or as farm hands so that a 'practical' education was deemed more important than 'formal' education. This usually saw the child removed from school by 14, though many reported being taken out of school at an earlier age to work on the farm or in commercial laundries.

Unmet health needs

4.66 The Committee heard many stories of minimal medical attention received as children, and the often lack of or late treatment of injury and illness for which many care leavers have suffered long-term complications. Dental health was also poor with again stories of long term dental and oral health problems. Many children grew up believing large doses of Epsom salts cured everything!

I knew not to get sick if I could help it, because if you did, you were left in the dormitory, alone, no food, no medicine, nothing, just like you learnt to put up with trying to keep warm in freezing winters in shorts, shirts and bare feet, your arms and legs cracked and bleeding from the cold, pain every time you move and nothing you could do about it. (Neerkol – Sub 217)

I suffered so many severe attacks of tonsillitis throughout my childhood that were left untreated by the time I was 17 they had to be gouged out they were so rotten...it was not the Welfare Dept that looked after me, it was the couple I worked for...There is not one account in my file of having tonsillitis even though I would tell whoever I was with at the time my throat was sore...no-one believed me as usual. (Sub 351, p.24)

I used to get very cold...I told...I was getting pain in my ankles knees and wrists, they wouldn't believe me and said I was stupid, it was only growing pains. When I couldn't walk and my temperature was 105, they sent me to Royal Perth Hospital in an ambulance. I had acute rheumatic fever and was in Hospital for 6½ months. My mitral valve and aortic valve are damaged, and I have to take medicines for the rest of my life. (Padbury – Sub 180)

I recall being kicked twice by a dairy cow...no medical treatment was offered on either occasion...The most risky thing I was part of doing was firing up the boiler and cutting up some of the wood at Clontarf where some boys were injured...[Describing the hard labour he said] I remember being hit on the head by a brick (I still carry the scars) no medical treatment was given. (Castledare/Clontarf – Sub 251)

4.67 Hopewood was a unique home established by LO Bailey based on a natural living lifestyle. Children were on a strict vegetarian diet and medical care was unorthodox.

LOB was a believer that conventional medicine didn't work. We were not allowed to have any vaccinations for childhood diseases...LOB did not believe in formal medicine but only in natural healing...when we got sick, no matter how bad, we were put on a water diet (no food for 6 or 7 days then fruit juice for three days) and were told the BADNESS (whatever that meant) in us was what was making us sick. (Sub 93)

Work and exploitation of children in care

4.68 Some non government institutions appeared to rely upon the labour of children in their care to supplement income. The organisations running these institutions profited from the labour of children through such commercial enterprises

as farms or industrial laundries. The profits from such labour were not passed onto the children or their families in the form of wages and were received as an addition to funding.

4.69 It appears that in government institutions children were not put to employment insofar as they were not used to provide free labour through farming or laundry work. However, children in government institutions were often used to perform the day-to-day labour of running the Home by assisting with kitchen, garden or other domestic duties which were a form of free labour. This form of labour was common to all institutions with many descriptions of harsh domestic duties including constant cleaning, scrubbing and polishing floors and furnishings; of scrubbing bathrooms and toilets; cleaning windows; of working in the laundry; of hours spent peeling vegetables and other kitchen duties.

4.70 Many institutions used girls, often as young as 10, as a source of labour in the nurseries caring for, cleaning and changing babies or dressing, bathing and putting to bed younger children.

On top of that you could be put in charge of the little ones, such as making sure they were washed put to bed etc, if they did anything wrong you, as well as the children were punished. (Nazareth House, Camberwell – Sub 169)

Types of work performed

We worked seven days a week arising at 5.45am except on Sunday 6.30am and were expected to start our jobs by 6.15am lights out at 7.30p.m. The entire week was rostered, and every moment of the day accounted for...Rostered jobs over the years ranged from working in the kitchen, laundry, washing wet bed sheets, scrubbing and polishing floors (at 8 years I was using an industrial polisher), washing windows, lighting the furnace for hot water, dusting, serving breakfast or dinner, making school lunches (humiliatingly wrapped in newspaper), bathing children, polishing shoes, collecting pig slops, scraping and washing dishes, polishing silver, cleaning bathrooms, filling coke buckets, getting children ready for school, working in the babies home, setting tables, working in the staff pantry, taking children to school, working in the isolation ward, the list go on and is seemingly endless. I felt like I was serving time in prison. (Dalmar – Sub 136 p.3)

Home work at the Orphanage did not mean study and unfinished schoolwork. It was the unpaid labour we were required to do outside school time. The management had good reasons for teaching basic skills outside the schoolroom. Once trained, the older inmates were cheap supplementary labour. The girls were used for child minding, sewing, washing, cooking and cleaning for the younger children and the staff. The boys worked the farm and the vegetable garden, cut wood, swept the outdoors, raked the gravel and washed the staff cars – the traditional gendered tasks. (Ballarat Orphanage – Sub 18)

Exploitation of children

4.71 The exploitation of children as 'slave labour' – a term used in many submissions, often at a very young age, was a common means to gain income for the institution. This included working in commercial laundries, on farm plots or in other ventures that would create income for the institution.

[I was sent] to Hobart to the Magdalene (Good Shepherd) Laundry. This was an awful place and very strange to me...I was only 8 but had to work every day in the laundry from after breakfast until 5pm with a break for lunch. It was a huge laundry and we used to do the laundry for all the hotels, schools and hospitals in Hobart. I worked in the ironing room, sometimes I would iron but mostly I would fold and damp the laundry reading for the presses. They must have made heaps of money from doing all this laundry...From the ages of 8 to 12 while at the Magdalene Laundry I never had any schooling. On occasion though, we would be taken by an 'auxiliary' for an hour and she would read us a story, that was all. (Sub 182)

I was actually taken out of school for good at the age of 13 to work in the laundry and the nursery and from then on my days were hell...The laundry was hard work having to use the big mangles and presses. A lot of us have osteo-arthritis today because of this work. (St Joseph's Subiaco – Sub 172)

The home resembled a workhouse, we were made to work every day and all day in dreadful conditions. The home laundered sheets for the local hospital. From early morning to late evening we laundered or ironed dirty soiled hospital sheets. Some of the home girls were intellectually disabled. They were forced to wash soiled sheets in large machines like coppers...The only time we were allowed to break was for meal times...I remember the hunger, the work and the attitude of contempt from the staff. They made us feel worthless...I was 15 years old when I went to the Salvation Army home. We had not committed any crime. But we were locked away like criminals. (SA Hobart – Sub 388)

This place had a huge woodheap. The wood was brought in as 8 foot long pine off cuts. An officer would saw the wood on a bench saw to lengths big enough for a fireplace. We had to unload the truck of long lengths and stack them then cart the shorter pieces and either load the truck with them or stack them to be loaded at a later date. The wood was sold in and around Mt Barker as firewood. The woodheap was no easy task, it was hard work [for a 10 year old]. No talking just work. (SA Eden Park – Sub 291)

4.72 It was not just in the institutions that children's labour was exploited. Children who were fostered or boarded out were often used as a domestic workforce.

...I regarded myself as being an unpaid slave as from an early age. I had to do all the housework while my friends were out playing. I felt like a robot and if the tasks I was set were not done properly...my punishment would be the jug cord or feather duster around my legs and backside. (Sub 179)

I, myself, was placed with a family, and worked from the age of 14 to 18, for a room and food, but no wages. I worked from seven in the morning until seven at night, 6 days a week. I call this slave labour. (Sub 232)

[They were] suppose to be my foster carer but you was there slaves. If they had a party you had to stay up and clean up and be up early and look after there children and keep them quiet till they got up. They used to eat in a nice dining of a silver service then when the food came back to the kitchen that's when I used to eat the left overs. Then clean kitchen scrub the floors...I ran away a few times but she would only come and pick me up and treat me like a dog. (Sub 315)

Non payment of wages

4.73 The Committee has described above the exploitation of children in commercial laundries and farms, and that their labour was used for the daily running and upkeep of the institution or foster home. Many who worked during their mid to late teens while still living at an institution reported receiving minimal or no payment when they left care.

Whilst working on these farm jobs I received no pocket money, even though I regularly signed the pocket money card, I was under the impression that I was signing for wages that were being paid in to the bank for me. On the 4 occasions I had returned from work **I never received any pocket money or wages.** (Sub 217)

All money that was banked or earned later on other jobs where I was placed by the Department was placed in a account at the department under the name of McCall who was at the time Director and classed as friend of said child. There was a large amount of money involved, and on reaching the age of 21, I approached the department, but was told there was none left. (Sub 287)

4.74 The Committee discussed this issue of outside employment, wages and trust monies in its report *Lost Innocents*. The Committee noted that in some States trust or other savings accounts were established for wards of the State when they took up employment. Children were generally paid a wage – half in cash (which presumably paid for food and board and was given to the carer) and half banked by Child Welfare. The Western Australian Department advised that trust monies should have been paid when the child turned 21, went to work or was married. Money not collected was returned to Treasury. However, financial records are only kept for seven years so 'we cannot prove that we have given them the money but we cannot prove that we have not given them the money'.²²

Use of experimental medications and drugs

4.75 Children in orphanages and Homes have been used for medical experiments for many decades. Some of these have been reported in medical journals. Many questions are raised, not least of all is that if these experiments were known, what other experiments may have occurred that were not officially reported?

22 *Lost Innocents*, pp.94-6.

4.76 A description of photos from St Vincent's Orphanage Nudgee c.1928 in the State Library of Queensland reads:

Groups of children from Nudgee Orphanage, 600 of whom were immunised against diphtheria, with no ill effects. As a result of the favourable report thereon immunization against diphtheria was established in Queensland.²³

4.77 In the years following WWII, children were repeatedly struck down by outbreaks of polio, influenza, whooping cough and other diseases that left many children permanently disabled, or dead. A number of research institutes, such as the Walter and Eliza Hall Institute of Medical research, were developing vaccines in Australia. These vaccines needed trialling and children in orphanages were used as the 'subjects' for a range of speculated reasons, including that they were often the most susceptible to disease as an epidemic could sweep through an orphanage.

4.78 The results of a number of experimental trials were reported in the *Medical Journal of Australia* and the *Australian Journal of Experimental Biology and Medical Science*:

- Two experiments to attempt to vaccinate against herpes simplex were conducted at St Joseph's Broadmeadows between March 1946 and April 1948. The first group used 51 babies and the second two groups totalling 32 babies between 7 and 10 months old. In both experiments children contracted the disease, leading to the conclusion that 'the vaccination was of no benefit in preventing primary herpetic infection under the conditions of the study'.²⁴
- A 1953 paper refers to influenza outbreaks in Victoria in 1946 then epidemics in 1950 and 1951, and studies undertaken at St Joseph's Broadmeadows (during this period about 250 children under three years were housed at Broadmeadows).²⁵

4.79 In June 1997, *The Age* printed a series of articles on children in orphanages and babies' homes in Victoria being used for medical experiments and research until the 1970s that included trials of new vaccines that did not work or failed to pass safety tests in animals. The articles referred to studies additional to those described above, including trials of an experimental whooping cough vaccine using children from a number of institutions including St Gabriel's and Berry Street. Reported results from

23 Submission 22, Additional information 12.3.04 (CLAN).

24 Anderson SG and Hamilton J, 'The epidemiology of primary herpes simplex infection', *The Medical Journal of Australia*, 5 March 1949 and Anderson SJ et al, 'An attempt to vaccinate against herpes simplex', *Australian Journal of Experimental Biology and Medical Science*, 28 1950, 579-84.

25 Anderson SG et al (authors were from Department of Experimental Medicine, University of Melbourne; Walter and Eliza Hall Institute of Medical Research; Fairfield Hospital), 'Influenza in Victoria, 1950 and 1951', *Medical Journal of Australia*, 11 July 1953.

these trials indicated the vaccinations caused fevers and vomiting in some of the babies.²⁶

4.80 It is unclear who was legally responsible for giving permission for children and babies to be used in these medical experiments. The Journal reports acknowledge that the studies were carried out with the cooperation of the sisters in charge of the orphanage. However, even if superiors at institutions or departmental authorities who had legal guardianship that covered care and protection, did this extend to agreement for the child to be used for experimentation? Not all the children were orphans, yet there appears to be no record of a parent's permission ever having been obtained.

4.81 In addition to the issue of consent, a number of other issues arise including what other research may have occurred and was it fully recorded, was there follow-up research and were children put at risk of these experiments (in some herpes research it is reported that a number of the subjects had left the Home during the course of the experiment), do any of the children know they were used as experimental subjects and did they suffer any long term adverse health effects?

4.82 The Age articles created considerable debate. Richard Larkins, Chairman of the National Health and Medical Research Council (that had provided grants for some of the earlier studies), editorialised in the *Medical Journal of Australia* that the community needs to be assured that current clinical research is of the highest ethical standard. He wrote:

The apparent outrage to these media reports by many different sectors of the community indicates the need for all those involved in clinical research, and indeed in clinical care, to examine the events of the past, and learn from the reactions of the present...We must all note the community concerns, heed the lessons of the past and work to repair the damage.²⁷

4.83 Shortkids Downunder also referred to the 1997 Age articles claiming that experimental drugs were administered to children in orphanages by medical practitioners during the period of the Australian Human Pituitary Hormone Program that treated infertility and short stature, especially the use of human growth hormone and human pituitary gonadotrophin.²⁸ A tragic consequence for recipients of pituitary hormone treatment from this program was being put at risk of contracting Creutzfeldt-Jakob disease. The Committee' 1997 Report on the CJD Settlement Offer noted that there were large numbers of unapproved recipients that had received hormones from a variety of sources that had not been approved as part of the official Program.²⁹

26 *The Age* 10, 11, 12 June 1997.

27 'Victorian orphans and clinical research', Editorial, *Medical Journal of Australia*, 21 July 1997.

28 *Submission* 121 (Shortkids Downunder).

29 Senate Community Affairs References Committee, Report on the CJD Settlement Offer, October 1997, pp.164-6.

4.84 The Wilson Youth Hospital in Queensland was for a period during the 1960s to early 1980s a unique institution doubling as a corrective institution and mental health facility run jointly by the Children's Services and Health Departments. It became notorious for the use of medication on children. The use of sedatives and other 'experimental' drugs have also been linked with Karrala House.

There were 6 medication queues a day, where medications like Melleril, Largactil and Tryptonal were handed out. There were psychiatrists on staff and it was mandatory to go through their mental health assessment. This included EEG's and various intelligence tests etc. Included in the assessment process was an enforced gynaecological examination, including an internal involving a speculum...

Few of my peers, who were incarcerated in the late seventies, remain. Some did not make it out of their teens. Many died in their twenties, some before my eyes. Some decided it was all too hard and took their own lives. Many more however fell into the addiction trap, self-medication so to speak. I strongly believe there is a direct correlation between the relentless medicating of inmates at Wilson Youth Hospital and the self-medication that people mimicked that would eventually end their lives. (Sub 58)

At Wilson I went through a series of medical tests, not told anything and talked to no one. I was heavily medicated and I remember some boys who would get a virtual cocktail of pills three times a day. (Sub105)

We have since found out that drugs were put in our food to keep us quiet, and even though we cannot yet prove it we have also found out that some new drugs were tested on us. (Karrala – Conf Sub 3)

4.85 The Forde inquiry considered the use of 'medication' at both Wilson and Karrala House. During the 1960s and 70s both apparently operated as a psychiatric facility where 'treatment' was inspired by a 'medical model'. This conceptualised the child's 'anti-social' behaviour solely in medical (psychiatric) terms with little or no regard to social or other factors. What was deemed to be required was medical intervention in the form of psychotherapy and 'chemotherapy', generally involving the use of anti-convulsants, sedatives and tranquillisers. Forde notes that the DCS at the time asserted that inmates of Karrala were 'treated along modern psychiatric lines with up to date tranquilliser drugs'.³⁰ With orderlies having no medical training and with modern treatment using up to date drugs in the 1960s and 70s it is highly likely that there were elements of experimentation in their usage.

4.86 Largactil was widely reported as a drug commonly used to pacify 'out-of-control' children. Doses of Lithium and Melleril were also referred to as being regularly used to sedate young children.³¹

30 Forde Report, pp.153-4 and Forde Closed Report on Karrala, pp.3-4. Conflict between the two Departments over the direction of caring for children in their care led to the takeover of the Wilson institution in 1983 by DCS and its renaming as Sir Leslie Wilson Youth Centre.

31 *Submission 122, pp.13-17 (Positive Justice Centre).*

Children placed in mental homes and other inappropriate accommodation

Children should not ever be placed in a ward with adults in a psychiatric hospital and should always be supervised. At Rydalmer Psychiatric Hospital in 1971 I was placed in a ward with adult men and was sexually assaulted in a toilet block by another inmate. I was only 12 years of age. (Sub 318)

4.87 A number of submissions from Queensland referred to being placed in mental hospitals for reasons such as running away from other homes. As discussed above the Wilson Youth Hospital served a variety of purposes. In the late 1970s children were still being placed in adult mental health institutions, including Lowson House and Wolston Park:

I was placed in an adult mental health institution as a child. I will start with Warilda, because that is where the mental health side of it started...they sent me to D floor at Lowson House, which was an adult institution. It was a big dormitory with about 30 women in it. The day I got there I had to be processed. There was a lady who kept screaming for help. I went to try and help her, and she was in this little cell. Because I made a bit of a scene about that and would not take my medication, they dragged me off to the cell too. They took all my clothes off and just left me on the floor, I was 13, and that was just the beginning.³²

I was sent to Goodna Mental Hospital at Ipswich [now Wolston Park] ...there was nothing mentally wrong with most State Wards that were sent here, they were sent here because they were hard to handle and they could keep them drugged up and under control here...There is also a letter [in my file] written by a doctor to the Welfare Department saying that I should not be there as this place was non-therapeutic for me and that I should be out in a hostel doing a business course. Well of course 6 months later I was still there...We were drugged up most of the time, I was sexually abused and told that this would happen at any time that I tried to escape...I was locked up for some months in the CRIMINALLY INSANE WARD and was nearly murdered by one of the inmates. It was in this ward that I got a beating with a belt and the buckle cut my face and has left a scar...In this ward I was forced to give a wardsman oral sex and got a beating when I first refused. It was in this ward that I was sodomised and raped. It was in this ward that I have been left with scars such as the scar on my face, cigarette burns on my arms and scars on my hand where it was cut with glass...It is beyond me that when people hear that children were put in with the CRIMINALLY INSANE that they are not as mad as hell. There are not a lot of us left as a lot have committed suicide and some just did not make it out of there. (Conf Sub 3)

4.88 One lady reported being placed in Marillac House (a home for people with intellectual disability or social and emotional problems) at the age of 9 even though

³² Committee Hansard 12.3.04, p.38; also Submission 228.

file records show that only 3 years earlier a psychologist had assessed her as 'clearly of normal intelligence'.

the girls there were aged between 5-10 years and most of them were severely retarded, could not speak properly and made no sense and some of them had no control of their bodies...Had no friends. "My best friend was the dog – he would play with me – the other kids I played with couldn't remember the game the next day."

"I hated being seen with the kids...I had to dress exactly like them all in the same dress and sandals – it made you look like them and I hated it – we had to walk on the street and it was so embarrassing". (Sub 264)

4.89 A number of submissions reported people being placed in mental homes for what was apparently a form of punishment for misbehaviour such as running away, refusing to work or perform chores or arguing with Sisters or staff. The use of drugs to pacify children for what may now be considered high spirited or adolescent behaviour was also common and is referred to in the previous section. The use of such institutions for adolescent children is unjustifiable and the impact that it had upon them incalculable.

At the age of 12, I was taken to the Lachlan Park Asylum...

I used to look after the little kids in this place. I'll never forget the ones with encephalitis – there were about 6 or 7 of them – with their swollen heads just lying in their cots waiting to die. There were also 5 girls in there who were just vegetables, 3 were sisters...Once I remember the nurses putting hot water bottles on them without covers on them and they got bad burns. There were also 25 little Downs Syndrome children who would be taken out of their beds each morning and strapped onto potty chairs where they stayed all day until they were bathed in the afternoon and put back to bed. They weren't allowed to walk or run around...

As the children's ward was not locked, I decided to escape one day, but I didn't know how to get out. I remember it being freezing cold and the nurses found me before I could get out. They took me back to the children's ward and gave me a tablet, which I spat out. Later they came back and told me to get dressed, and they then took me to another ward where I could hear lots of screaming. This was where they kept the 'real crazies'. They put me in a cell with a small peephole in the door. I was so scared I couldn't sleep. (Sub 182)

another girl...spent 3 years in Graylands. I didn't know this until I bumped into her just before she died last year. She looked so frail (was anorexic) and sad and although she could barely talk, we did spend some time talking about the past. It was obvious that she had never psychologically left the orphanage and she had a real fear of being sent back to Graylands. She also told me that she had lost her daughter to a drug overdose. (Sub 172)

I ran away from the Home at Cheltenham on three separate occasions. My motivation each time was to try to escape from the abuse, the terrifying experiences, the persecution and regular beatings...After my third escape I was placed by the brothers into a receiving house at the Mont Park Asylum.

This was a terrifying experience...As I was fairly small and only a young teenager, I was sometimes physically attacked by some of the older patients with mental illnesses...During the night I was locked up in a small cell that had bars on a window and a solid door with a small, barred, glass window in it...I spent about two years at Mont Park...until this doctor made an assessment of me and then told me that I should not be in such a place. I was 14 years of age. (Conf Sub 98)

4.90 A number of the harshest institutions that had reputations well known among the children included reformatories (indeed to be sent to such a place was widely used as a threat to control children) and remand or detention centres. However, many children were sent to these places even though they did not have 'a record'.

We boys at Westbrook had nobody to turn to. Some of them (like myself) were considered 'delinquents', but many were just orphans who were too old for the orphanage yet had nowhere else to go. They were treated just as badly. (Westbrook – Sub 141)

I was unaware that Vaughan House was a remand centre for delinquent girls, nor was I told this. I was eleven years of age at this time and I had not committed any offence. I agreed since it was my Social Worker's suggestion. I was the youngest inmate, several years younger than all the other inmates were. I felt intimidated by them and was often scared. (Vaughan House, Adelaide – Sub 273)

I was 13 when I went to stay at Minali for what was to have been one night and turned into 8 and half months of hell...When I got there, I called my caseworker that said to calm down; I would only be there for the night and to calm down. This caseworker left a week later [without] visiting me and my case file was not handed on to anyone else. (Sub 69)

4.91 The NSW Commissioner for Children and Young People has submitted:

Until the late 1980's or early 1990's it was possible in Australian jurisdictions for children who had not offended against the law to be placed in detention centres or prisons.

The detention or imprisonment of non-offending youth was often utilised by Australian 'child welfare' departments as an option if a child was 'uncontrollable' or 'difficult' and as a consequential punishment for behaviour such as absconding. The provision to place children and young people in detention was also used as a response to the 'immoral' behaviour of young women.

The sentencing patterns of the juvenile or criminal courts or the use of administratively sanctioned detention as a form of care for many children, reflected a time where authorities frequently argued the rehabilitative capacity of their detention and punishment systems. Research is generally pessimistic about the rehabilitative power of detention, institutionalisation or imprisonment.³³

33 Submission 35, p.7 (NSW Commissioner for Children and Young People).

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- 4.92 State wards could find themselves in places with a diverse mix of residents.

The inmate population was made up of women of all ages. There were girls who had become too old to stay in institutions for young children. These girls tended to have an intellectual disability or physical disability. Some women were single mothers and others were old women with dementia. Also many young girls had been placed by the courts for protection or for criminal offences. I was so traumatized and shocked that I didn't menstruate for about 12 months. I cried and hardly spoke a word for the first few months. (St Aiden's, Bendigo – Sub166)

Fostering arrangements, including holiday placements

- 4.93 Institutions would place children in foster homes for short periods, weekends or during holiday periods ('Holiday Hosts' as the nuns would call them). This was often undertaken in an uncoordinated manner with expediency rather than child welfare being a primary consideration. No attempt was made to match couples with children nor understand the needs of either party. Many reported being placed with much older couples or people with limited child rearing skills and questioned the motivation of some people who accepted children – 'I am sure they only took us to get the money'. Stories were told of being used as a form of cheap 'slave labour' while others were sexually abused by the foster parents, their children or relatives.

When people came to look for foster kids we were lined up like cows so they could pick who they liked. (Sub 194)

'Foster care' was actually being 'farmed' out as temporary worker...I was sent to those who needed a slave & a slave I was (Sub 293)

It seems that the government paid people to care for abandoned children – in the hard years of the Depression the extra income would have been welcome in many families. I later found out that the head of the house and his sons were the town drunks and I guess I was used for drinking silver and cheap labour. (Sub 320)

We were placed every holiday with complete strangers and it was always somewhere different. I never understood why I was never asked back to any of these foster homes...It wasn't until I read my wardship file that I learned I was wanted back but as Catholic welfare did not co-ordinate with the state welfare this never happened.

...these [foster] people had no intention of having a child for the holidays to give them some home comforts, and a taste of family life, some wanted housemaids, someone to do the housework and watch the younger children...This was what the system was set up for, not with our best interests put first but to fill the needs of families and the Church was so grateful to these people. (Sub 351)

The truth is that if anyone had seen how we had to live, being child slaves to these very poor excuses of foster parents, we would have been taken from them, they would lose the payment for us and they would have no one to push around and make do all their housework. (Sub 206)

Social welfare standards around 1960 for the foster-placement of children were as lax as the advertising of tobacco products. My first placement occurred as the result of two pensioners placing an add in the local newspaper. Aged in their 60's, my foster father was mostly confined to bed, his injuries the result of military participation in both world wars...My foster mother didn't drink or smoke, and most outings consisted of excursions to horse racing tracks and places filled with people playing cards and drinking. (Sub 401)

My Foster parents were and are wonderful people, but in their middle ages, childless and with no parental training, they were totally unprepared to take on the parenting, of the troubled nine or ten year old I was. (Sub 321)

4.94 Issues relating to foster care generally and contemporary problems, remedies and future directions for foster care will be considered in the Committee's second report.

Deaths in institutions

On a few occasions the police would come to the orphanage if one of the girls died. I remember once when a baby had died and the police came - we were told what to say by the nuns, which meant lying. (St Joseph's Subiaco – Sub172)

My older brother has a story about a child in his time two or three years before my stay at Westmead where a child was killed and hushed up by the staff and no more was heard, it still puzzles him today. (Sub 303)

I am writing this brief note on behalf of my younger brother Owen. Owen died whilst in the care of some Church of England nuns. Owen apparently had a tumour on brain and he was smacked across the head by the nuns. This apparently caused the tumour to burst and Owen died as a result. Owen was 3 yrs of age at that time. (Sub 411)

4.95 As was the case with the Child Migrants inquiry, the Committee heard stories of children who died while in care, in mysterious circumstances or 'disappeared', especially if they had been sick or injured. Some of these stories were accompanied by comments of possible foul play or cover up. Children were usually never given information in Homes, and it is possible that in many cases of allegedly missing children the child could have been transferred to hospital or another home and no one would be told.

4.96 The Forde Commission in its Closed Report on Neerkol endeavoured to establish if there was any basis in fact for the stories of a number of former residents over suspicious deaths and burials in unmarked graves. Not all were satisfactorily resolved with a couple of accounts unable to be confirmed either through first-hand evidence or contemporary documents.³⁴

34 Forde Closed Report on Neerkol, pp.8-9.

4.97 The Committee noted in *Lost Innocents* that the records relating to the deaths of some child migrants had been destroyed and that coronial inquests had not appeared to be conducted on some violent deaths. The Committee considered that the lack of coronial inquests and the history of cover-ups of other assaults lead to the conclusion that there should as a minimum be some suspicion concerning the events surrounding some deaths. Unfortunately the passage of years meant that pursuit of cases would now produce inconclusive results.³⁵

4.98 With the level of physical assault that has been reported in evidence, it is highly probable that within a group of 500 000 over many years some deaths would occur as either a direct or indirect result of these assaults. While the Committee only received minimal anecdotal and circumstantial evidence, there remains a suspicion of a pattern of limited investigation by police or authorities, no inquests, and police or authorities accepting unquestioningly the word of the carers in relation to deaths occurring at their institution.

I witnessed a boy who was attacked by a brother and after being punched and beaten he was thrown down the stairs. This boy was taken to the infirmary and I found out that he died a short time later. Later on the day of this incident I was near the infirmary and I overheard some brothers talking. One of the brothers claimed that the boy had fallen down the stairs. (Conf Sub 98)

[One boy stabbed another boy] with a pocket knife he had. The whole thing was – how do you say – hushed up by the nuns. We weren't allowed to discuss it. We weren't allowed to speak to the police...So it was more or less swept under the carpet. We did have a mass at this little boy's funeral. The mass was in the chapel at the orphanage. But, as far as I know, there was never any blame laid on [the other boy] at all. So what happened about that is anybody's guess. (Conf Sub 107)

I befriended an Aboriginal boy, and I can remember being belted black and blue because I was a 'nigger lover'. At that time in Baltara, that boy – I can say now – was probably murdered. I was being held in bed, by people who were supposed to be keeping me safe, while this boy was being bashed.³⁶

4.99 The Committee is also aware that on 28 June 2004 the South Australian Police Commissioner initiated a review following the raising in the South Australian Parliament of allegations by a former State ward that a child had been killed while he was an inmate at an orphanage in Adelaide in the 1960s.³⁷

4.100 In earlier years of the century children died from disease which could sweep through an institution. Through lack of hygiene and nutrition children in these times

35 *Lost Innocents*, pp.99-100.

36 *Committee Hansard* 11.11.03, p.63.

37 'Police advice on orphanage allegations', News Release, Hon Kevin Foley MP, 29.6.04.

were more susceptible to contract disease, which could in their weakened condition prove fatal.

Transition from in care to independence

4.101 If life in the institution was not traumatic enough, leaving it was equally so. With little or no aftercare services many care leavers reported that their departure from care consisted of a letter from the department wishing them well and being given a suitcase with what meagre possessions and clothing they may have acquired, some money if they were lucky and being shown the door. They were left to fend for themselves.

These 6 [Hopewood] girls spent 4 years or more working as UNPAID LABOURERS in the NUNS COMMERCIAL LAUNDRY [Good Shepherd, Ashfield]. When they neared their 18th birthday, they were called out of the workrooms, told to change their clothes, they were given a small suitcase which contained all their possessions, they were given £1.00 and shown the door. These girls were just dumped on the street just a few days before their 18th birthday, they were not given a chance to tell the other girls they were leaving. (Sub 93)

4.102 There was no gradual introduction to the outside world, and no preparation to cope with it, so that children had no preparation for adulthood and little idea how to live a 'normal' life. The 'outside world' often proved overwhelming as they had not been trained in any of the most basic life skills.

I left Burnside quite unprepared for life in the real world. I was afraid of everything – people, unfamiliar places, public transport, conversation, shopping, loud voices, being alone with one person, authority figures and so on. (Sub 276)

When I finally left that home I was so unprepared for the outside world that I fell into a world of alcohol and drugs which allowed me hide myself and my problems from those around me. I had no training in handling any of the things that I was confronted with and so made many mistakes. (Sub 20)

Even at eighteen, after leaving the state's care, I had no idea how to catch a bus, or how to pay my fare, or any idea of the outside world after being institutionalised. It was very hard to fit into a society of which I had absolutely no knowledge or experience. (Sub 8)

I found the world was a lot different to what I knew in the 'Homes'. It was hard to adjust and I found it hard to communicate with people. Institutional life had protected me and now I was on my own. (Sub 153)

When I left Dalmar I could not deal with free time, I did not know what to do with free time as I had developed no interests or hobbies. Even when I had my own children I found it very difficult to play with them. (Sub 136)

There should have been support, counselling and follow up once I turned 18, especially since I had a history of suicide attempts. There was nothing at all available; I was dumped like a hot potato. (Sub 318)

4.103 This was yet another form of abandonment. Often the only home they knew was the institution. Having had any sense of self worth crushed during childhood, they were now thrown out alone into the outside world and expected to function as an individual.

How could the welfare allow young girls and boys to go out into the world so institutionalised. We were like little children not knowing how to cope with all the changes. No wonder so many ended back in institutions and gaol there was no preparation for us. I feel the welfare thought that was all we deserved, and would end up there anyway, as we were no good.
(Sub 407)

Good memories

4.104 Among all the vividly recalled bad memories of life in an institution, some also recalled happier occasions. Some country based institutions would provide an annual outing to the city where the children would go to the pictures, catch a ferry to the zoo or go and see a show. Others recalled being taught drama, singing and dancing or performing in a band. Performing plays at country town halls gave an opportunity to get away from the home.

We also put on a play out in the wheat-belt. Us kids then spent the night and the next day at various farms – the people I went with were really kind and this was the first time that anybody had showed me any kindness.
(Parkerville – Conf Sub 44)

[Our band was] invited to visit other towns to play. Dalgety Show Committee invited us to play at their show. We were very well treated and had all the food and drink we wanted. This was great and we enjoyed ourselves. (Gill – Sub 292)

4.105 For others, the only fun they had they made for themselves. Children, irrespective of circumstances, seem to be able to make fun of nearly any situation.

The highly shined floors were great for skidding on and we also used to drink the communion wine and play confessions. Another way of having fun was playing truth and dare with the coffins where girls would dare each other to take the cotton wool out of the dead nun's noses or take their rosaries off.

We used to have pictures shown regularly, and this was good fun. If you were naughty, you were still allowed to go but had to sit with your back to the screen. What the nuns didn't realise though was that as most of them wore glasses and used to sit behind us girls, you could watch the movie through the reflection in their glasses. (St Joseph's Subiaco – Sub 172)

Conclusion

4.106 The Forde Inquiry found that unsafe, improper or unlawful treatment of children had occurred in most of the institutions for which submissions had been made and which had been licensed or established under the relevant Queensland Acts.

Breaches of Regulations in relation to food, clothing, education and corporal punishment were commonplace in institutions.³⁸

4.107 The submissions and evidence of care leavers to this inquiry were from a wide-range of government and non-government institutions and out-of-home care across Australia and covering nearly 70 years. As with the Forde Inquiry, the stories put to the Committee indicate that unsafe, improper and unlawful treatment of children was widespread and not limited to particular States, places or periods of time – although a number of institutions in each State were more notorious and severe in their treatment of children entrusted to their care.

4.108 Procedures to protect children from emotional, physical and sexual abuse and neglect were either insufficient or non-existent, for example visits by welfare to check on children in placements did not appear to be thorough nor was the investigation of claims by children about being abused by carers.

4.109 The stories reported to the Committee contain many serious breaches of statutory obligations in relation to the provision of care and treatment that was experienced while in care. There were stories of children being systemically abused, either through omission of duty to protect children from abuse, or through direct emotional, physical and sexual abuse. The seriousness of these breaches can be established when compared with the requirements outlined in respective State Child Welfare Acts or the protocols for the conduct of particular institutions in the treatment of children placed in their care that were operating at the time, as was discussed in chapter 2. Issues relating to failure of duty of care are also discussed in chapter 7.

4.110 The questions arise as to why was such abuse able to occur and continue over lengthy periods of time and what was the life long impact for the children who suffered from such abuse while in care? These questions are addressed in the following two chapters.

38 Forde Report, pp.277-280; *Submissions* 31, p.3 (Relationships Australia Qld) and 159, pp.2-3 (Board of Advice of the Forde Foundation).

CHAPTER 5

WHY ABUSE OCCURRED AND WAS ABLE TO CONTINUE

We had no one to turn to...No one believed us, not the teachers at school, not the police, no one.¹

5.1 When faced with graphic descriptions of abuse and assault is it difficult to conceive that such actions were able to continue unchecked and unpunished. It is also apparent that abuse continued for many years: it was not an isolated, one-off occurrence, rather it was endemic in some institutions over long periods of time. The following discussion looks at the lack of public and official responses to allegations of abuse; the part played by staff employment practices in allowing abuse to continue; and reactions to disclosures of abuse.

Stories only recently coming to light

5.2 In recent years more and more care leavers have come forward and told their stories. In some cases the stories go back to the 1930s, 1940s and 50s. This is a result of a number of factors. First, the media has taken up stories of specific groups, for example, child migrants with the *Leaving of Liverpool* television documentary. Public interest was also heightened through various State inquiries such as the Forde Inquiry in Queensland. In addition, there have been a number of high profile events overseas including the establishment of an inquiry into abuse in homes in Ireland, the Canadian inquiry into residential care and the law suits brought against the Catholic Church in the United States. Care leavers have also become a more cohesive group with the establishment of various lobby and support groups.

5.3 As a result of these factors, the move to tell stories of abuse while in care and to seek redress has gained momentum. However, while at first glance, it would appear that stories of abuse have only recently come to light, this has not been the case. Reports of inquiries into care and conditions in institutions have appeared regularly over the decades. The Committee has referred to some previous inquiries in chapter 1 and the apparent lack of action taken to implement the findings of some of those inquiries. One problem was that these inquiries focused on the problems of a particular institution, for example, the inquiry into the Parramatta Girls Home after the riots of 1941 rather than institutional care in general.²

5.4 Media reports have also appeared regularly. The Committee received copies of a number of articles which exposed abuses in various homes. *The Sun* in 1957, for example, reported the escape of four girls from Lynwood Hall who detailed the harsh

1 Submission 336.

2 Committee Hansard 3.2.04, p.113 (Mr Quinn).

conditions at the home. There was also extensive coverage of the riot at Parramatta Girls' Home in 1961. However, in general there seems to have been a reluctance by the press to report abuse allegations in orphanages.

The Goulburn Penny/Evening Post's editors, reporters and staff all knew of the terrible happenings in this orphanage [Gill Memorial Home] and even though they received letters, signed and unsigned, they suppressed it all. After I left the orphanage, I wrote a letter to this paper, outlining the activities within the orphanage. I received no response apart from a reply that to publish such a letter would be bad for the Salvation Army's money appeal.³

Such inquiries seemed to localise the problem as being the behaviour at a particular institution. There did not appear to be any extrapolation nor thinking that if such problems are occurring at one place, could such problems have also been occurring elsewhere. In any event, such press stories had limited life and little follow up of stories eventuated.

Culture of the institutions, organisations, churches

5.5 Abuse seemed to be able to thrive and survive in institutions over such a long period due to a combination of reasons that centred around a culture of silence, of power and personal control.

5.6 A constantly recurring issue was that children would not be asked for their view or opinions on anything. If any complaints were made or issues of abuse raised by children with those whom they considered to be responsible adults, they were summarily dismissed. The child was not believed and usually accused of lying – often accompanied by a beating. The maxim that children should be seen and not heard reigned supreme!

...these unfortunate things occurred over a long period of time and if you said anything, you were lying and were told that if you said anything it will be worse. So what were the children to do but to take it. (Sub 324)

5.7 Children were rarely given any information about what was happening, where they were going, where their parents and siblings were and when they would next see them.

I was taken back to the homes, I was taken to Lynwood Hall at Guilford. Again it was traumatic for me. Just sleeping with bars on the windows and having to line up to go to the dining room for your meals. Just going back to an institution and being treated as a number. Living with fear and just wanting to be with my brothers, sisters and mother. I wish I would know where they were. Why? Why? Why didn't anyone in the child welfare department ever feel that it would benefit these children if they knew why they were where they were! And for what reason. The system chose the

3 Submission 282, p.26.

worst possible way to treat these children. I know it wouldn't be ideal to tell younger children too much but as teenagers I would have loved to hear anything, to know why I was where I was at that time. (Sub 271)

Bullying

5.8 Bullying seemed a prevalent part of the culture in many institutions. It was not just the behaviour of older, more experienced children, in some institutions it was seemingly sanctioned as a form of control. Often bullies had a brother or senior staff member as a patron. One care leaver stated:

Older girls who were favourites of the nuns – women entrusted to care for us – would bash the younger children when ordered by other members of the staff.⁴

5.9 Certain children would be given jurisdiction over groups of younger children for chores or other work tasks, and abuse them in a manner that replicated the abuse that had been inflicted upon them in earlier days. Stories were told of these bullies being given the run of the institution, operating in packs that singled out younger children who they would brutalise.

5.10 In some institutions there was an almost cyclical tradition whereby older children would punish and abuse younger children because that was what had happened to them and it was possibly the only way they knew how to behave.

I had a letter from the child of a girl I used to bully fearsomely—I am ashamed of it now. She said that her mother had all sorts of problems because of her upbringing in Burnside. I think that a lot of it was because we bullied her. There was never a staff member about and we could easily find a place to go and bully her. There was no staff member there to intervene and say, ‘That’s not the way you behave.’ We were only behaving in the way they behaved to us. We were always told to be grateful for the care that we were given and that we were so lucky to be there, blah, blah, blah. ‘Ungrateful wretch’ is a term that I heard regularly.⁵

5.11 There were also many stories of those who were just bullies throughout their childhood and who assaulted younger or weaker children in the institution.

5.12 Bullying also continued when children were retained or employed as handymen or to work on the property after concluding their time in care and who subsequently abused and assaulted the next generation of children placed in that institution.

5.13 Other sub-groups within institutions that were described in submissions were the 'squealers' and the 'pets'. Squealers were those who reported any misbehaviour or negative comments to the senior staff in the hope of gaining rewards of extra food or

4 Committee Hansard 12.3.04, p.4.

5 Committee Hansard 3.2.04, p.75.

favourable treatment. The pets were the favourites of a particular staff member and would be shown kindness in public and given lollies or other rewards. In many cases there was a sexual motive behind the adoption of a pet.⁶

Isolation

5.14 One particular feature of institutions was their isolation. They were isolated in the community as buildings and grounds were either hidden behind high fences and gates or placed at a distance from towns and other dwellings, for example Bindoon in Western Australia. Often the younger children were provided with schooling at the home. While older children were sent to government or religious schools there were very few instances of children joining in any out-of-school activities except those provided at the home. For example, the Committee received evidence that students were bussed to and from school and were thus prevented from having any interaction with other students.

5.15 In the church homes, the isolation was exacerbated by the employment of members of church congregations whether they were lay or religious members. Few 'outsiders' were employed or visited homes. This resulted in a very closed community with very few external influences being allowed. There was excessive trust in the 'goodness' of the religious administering homes and they were allowed to operate virtually without question.

5.16 A lack of government regulation added to the isolation of care establishments. The Committee received evidence from witnesses whose recollections of visits or inspections by welfare officers to institutions and foster homes are varied. Some care leavers do not recall welfare ever visiting; others remember being dressed up for the occasion but never spoken to; and others commented that they did speak with visiting officers but with little or no result.

Whenever VIP's would attend, Mrs Davies would have a quarter of an apple and orange handed out to the girls and we were instructed to make sure we behaved ourselves whilst they were there or we would be in trouble when they left. It was the only time we saw a piece of fruit. (Lynwood Hall – Sub 272)

when welfare came, you never told them about the beatings etc as you wouldn't be believed and would just get flogged again. When welfare did come, they used to dress us up and give us shoes to put on. They would also put dolls on the beds and cloths on the tables in the dining room. (St Joseph's Subiaco – Sub 172)

No one came out from the children Services to talk to the kids as we were all dressed up when visitors came and got back in our yard clothes again as soon as they left. (Neerkol – Sub 361)

The Child Welfare Department of the day contributed to this abuse and neglect by its own carelessness in never properly examining the moral and

6 Submission 365, pp.21-3;

psychological conditions under which its charges were incarcerated. They may have examined the physical aspects, perhaps even the health (though doubtful) aspects; never to my knowledge did they ever question any of their wards, in private, or for that matter even in the presence of the Brothers, about the moral actuality of their (for many) miserable existence.⁷

5.17 The lack of inspections allowed poor practices to continue. When inspections did occur, a lack of in depth investigation also hampered change. For example, it was quite common that those care leavers who recollect inspections, indicated that they were always in the presence of institutional representatives or a foster parent. As VANISH asked, 'How could they verbalise their concerns or discontent?' If they did they were seen to be lying, ungrateful or being troublesome and in some cases retribution was swift and brutal. Departmental officers were often younger social workers with less developed views who arguably made decisions coloured by their own value judgements rather than what may have been in the best interest of the child.⁸ The Committee makes further comments in relation to inspections in chapter 7.

Institutional staff and other carers

I can honestly say that none of the [carers] were a good role model or compassionate, they were an authority figure to be feared and obeyed at all times or you would be punished severely. (SA, Camberwell – Sub 266)

I found it very much a fact of life that people who were put in charge of the welfare of others were of two kinds – those who had problems themselves and were totally unsuited to their work or those who just wanted to vent their anger or frustration on someone else. (Sub 320)

The so-called staff carers responsible for our wellbeing as children have a lot to answer for where our care and nurturing were concerned. It is simply a joke but with a very sad and very dark punchline.⁹

5.18 Dr Joanna Penglase in her thesis on home children in NSW from 1939 to 1965¹⁰ examined staffing in homes and noted that:

the attitudes of staff to children set the tone of the environment in which they lived...the person in charge has the power of total disposition of inmates and the power to make their lives bearable or not.¹¹

While staff were the key to the treatment and care provided in a home, in many instances the staff lacked the training and vocation necessary to provide care for large numbers of children. Homes, particularly in the non-government sector, were also

7 *Submission 11, p.2.*

8 *Submission 167, p.4 (VANISH).*

9 *Committee Hansard 12.3.04, p.68.*

10 *Submission 63, Orphans of the Living, (Dr Penglase).*

11 *Submission 63, Orphans of the Living, p.185 (Dr Penglase).*

significantly under funded and offered only low pay. Thus, they could not attract or keep suitable staff or maintain an appropriate level of staffing.

5.19 The evidence presented to the Committee provided many views about those who staffed children's homes. Submissions commented that many carers were decent people who had the children's best interests at heart. Reference was made to specific people including cottage parents, religious and other staff workers whose kindness was still remembered many years later and who were very good hardworking people doing an extremely difficult job and who devoted their lives to the care of children over many years. The Committee does not wish nor intend to denigrate the work undertaken by these good people. However, more commonly staff were described as authoritarian, cold and uncaring at best, or brutal, sadistic predators at worst.

Lack of staff education and training

5.20 It is evident that many of the staff employed in homes were untrained and unsuited to the work they were undertaking. It appears that often people sought employment in homes when no other employment was available and homes would turn a blind eye in order to have a vacant position filled. Dr Penglase interviewed a number of staff for her thesis and found that there were instances where church Homes in rural areas approached locals 'not necessarily with any particular qualifications' or accepted people who approached them. None of the interviewees had received training in any branch of child care or child welfare, although some had been trained as nurses. She commented 'this is not surprising, given the period' and includes a comment from the Association of Children's Welfare Agencies:

there was no award and no training for child care workers, and agencies weren't keen on an award because costs would go up. Staff didn't organise either as there was a charitable aura about the work – you were supposed to be doing it out of love for children, as 'good work', if you were religious.¹²

5.21 The lack of appropriate qualifications or training was exemplified in comments by a person who worked as a cottage supervisor:

"Don't ever forget this is an institution." These are the first words of advice the Superintendent gives me, brandishing his keys like a sword. "Tie them to your belt and never forget this is an institution."

Reiby Training School has called me on the phone this afternoon to say I have the job as youth worker. The interview was over a week ago and I'm surprised they called me. I'd thought the interview was a disaster. 'What are your qualifications for working in a residential institution?' they asked me. I have none. My Diploma of Teaching another zero. Three years' training for nothing. I can't even get a teaching position! But surprise, surprise, here I am, being escorted around my new workplace. Not on duty yet, just checking out the scene. (Sub 389)

12 Submission 63, *Orphans of the Living*, p.182 (Dr Penglase).

5.22 Wesley Dalmar also commented that:

The necessity for detailed scrutiny and training of applicants for jobs involving the care of vulnerable children has only been recognised in recent years. Our records seem to indicate that in the 1950s and 1960s there was a belief that references from upright citizens were sufficient to ensure that suitable people were recruited to do this work.¹³

5.23 In other cases, former residents were employed in the home once they had completed their time in care:

The Orphanage staff had no training in childcare and knew little about raising children. Most of them lived in at the Orphanage full-time, and had little or no time off. Many were themselves graduates of the Orphanage or others like it doing a status U-turn in their late teens. These attendants – I struggle to find the right term: 'carers' is not right – were merely doing a job, arranging the routines to get through each long day with the least trouble to themselves. With such a large number of children, there was no sense of purpose other than to keep kids in and lock parents out...¹⁴

5.24 It appears that government also did not place too great an emphasis on the need for properly trained staff. For example, under the New South Wales *Child Welfare Act 1939*, training for children institutions' staff was not necessary:

...the Department of Child Welfare in this period required nothing other in the way of qualifications. Training of any description is not specified in either the *Child Welfare Act 1939* (NSW) or in its Regulations.¹⁵

5.25 Dr Penglase also pointed to the licensing practices in New South Wales under section 28 of the *Child Welfare Act* which related to the running of private homes. She commented that any person could apply to run a home for children, provided they met the legal requirements of the Act. The licence would specify how many children could be accommodated, according to the space available, amenities of premises and number of staff employed. Regulations stipulated the type of registers that had to be kept.

5.26 As to suitability, an application for a licence to run a private home, had to be accompanied by a certificate signed by a justice of the peace, medical practitioner, minister of religion, member of the police force or 'other responsible person'. The certificate attested to the fitness and respectability of the applicant, her husband (it was assumed that the applicant was a woman), family and home. It had nothing to do with their capability to actually manage a children's home. Dr Penglase noted that 'there is no reference in the Act or the regulations to any personal or professional qualifications required of applicants' apart from fitness and respectability both of

13 Committee Hansard 4.2.04, p.4.

14 Submission 18, p.4.

15 Submission 63, p.2.

which were 'measurable by reference to others deemed respectable because of their position in society'.¹⁶

Suitability of staff

5.27 In some homes, the staff provided a level of care and attention for the children but in others, staff were totally indifferent to the children's needs. The evidence received points to an emphasis on orderliness, respect, discipline and 'toeing the line'. Dr Barry Coldrey noted 'control was paramount; care was not and the welfare of the child as an individual was a secondary consideration'.¹⁷ The staff were for the most part unaccountable for their actions as inspections by child welfare authorities were infrequent and ineffective. When children did complain they were usually not believed, even where there was evidence of physical and sexual abuse.

5.28 The Forde Inquiry also noted that the problem of staffing was linked to funding. Many homes were run by voluntary organisations and the organisations received little funding from State governments. As a consequence, agencies were reliant on volunteers prepared to work long hours in the homes for minimal remuneration.¹⁸

5.29 Residential care held a low status and there was an inability for these institutions to recruit and hold quality staff because of poor salaries, poor accommodation, unsocial hours and the isolation of the institutions. Dr Coldrey wrote:

In the world of idealised fantasy surrounding the carers, and in view of the pervasive difficulty of recruiting staff for residential duties, it is clear that some of those hired were maladjusted, anti-social and deviant. In the isolated world of the institutions it was all too easy for the misfits, the sadists and the perverts to mistreat and exploit the children. The consequences were many and severe.¹⁹

5.30 The personality defects of those attracted to work in institutions was also commented upon in a number of submissions:

The people put in charge had controlling personalities that would not be tolerated anywhere else. They only got away with it as they were dealing with children. (Sub 344)

Although I behaved myself, some of the officers managed to find fault, because they had a sadistic streak. I'm afraid it is a fact of life, that the sort of work they were doing attracts people who want to lord it over others in a vulnerable position. (Sub 284)

16 Submission 63, *Orphans of the Living*, pp.145-46 (Dr Penglase).

17 Coldrey B, *The Devoted, the Dull, the Desperate and the Deviant – The Staff Problem of Traditional Residential Care*, Tamanaraik Press, 2003 p.8.

18 Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Report), 1999, p.92.

19 Coldrey, p.26.

5.31 Children in institutions were isolated and vulnerable. Dr Coldrey noted that 'the scene was ripe for the penetration of residential care by paedophiles or homosexuals seeking partners among the older teenagers'.²⁰

5.32 Dr Coldrey commented that many Catholic institutions were poor and relied on the religious congregations, supported by voluntary lay assistance. The church relied on the congregate care model while other agencies relied on the cottage system. Abuse still occurred 'but the risks were less' in the latter model. Brothers found themselves caring for small boys, a role for which they had neither training nor aptitude. Nuns, on the other hand, could find themselves looking after teenage boys with only the assistance of groundsmen. Both situations ran the risk of physical and sexual abuse.

5.33 Churches also had a tendency to place their least qualified members on the staff of children's homes. In the religious orders it was often the unqualified 'lay' brothers and sisters who formed the majority of the staff of institutions. In addition, Dr Coldrey noted that:

In addition before the Brotherhood established specialist aged care facilities for their own members:old, sick, odd and mentally unstable members were commonly "hidden" in institution communities, where a limited form of care could be provided by the orphanage domestic and medical staff. Brothers and sisters who worked long years "on the orphanage circuit" had low status within their Congregations.

The Brothers and Sisters had little power in their own lives and a great deal of power over the children. In this atmosphere the abusers appalling misuse of power was itself a response to the lack of freedom in the rest of their lives.²¹

5.34 One example of inappropriate staffing outlined by Dr Coldrey was the case of the chaplain (1959-63) at St Vincent's Orphanage. The chaplain was placed in the orphanage and 'it was clear that this priest was an acute embarrassment to the church authorities throughout the 1950s – if not before. He had been accused of "spiritual neglect, financial dishonesty, drug addiction, forgery and sodomy" and had been forced to leave parish work in 1954'.²² The Committee heard stories of brothers or other staff being simply moved when complaints were made about them.

5.35 In some instances, those who entered the traditional congregations of teaching Brothers did so under duress, through family pressure, an inability to find employment or the economic stress of the depression and as a consequence could take their frustrations out on the children in their care.²³

20 Coldrey, p.16.

21 Coldrey, p.31.

22 Coldrey, pp.19-20.

23 Coldrey, p.32.

5.36 A very graphic and disturbing account was provided to the Committee of life trained in an order, the influence on carers and the long term impact on their lives.

During my childhood and teenage years, I spent time in church run institutions (Catholic Nuns Novitiate and Convents).

My experience of institutional life has left me with health and wellbeing problems. I was recruited as a child straight from school into a lifestyle of harsh living conditions, sexual repression, social isolation from my family and friends and constant humiliating practices aimed at breaking my will and destroying my self esteem. This Church "sanctification" process caused me much pain and disillusionment until I left the Order penniless, homeless and disorientated.

I believe some answers to the abuse of children in Church care may come from the harsh, repressive religious formation of the nun, brother and priest carers, teachers, pastors and novice mistresses themselves – a cycle of harshness and abuse.

After much thought I submit my story as a gateway for many more children and minors in my situation to tell their stories and receive a hearing. These children including my late father – recruited among hundreds by the Brothers at 14 years of age and other colleagues who began priesthood training at 12 years of age...

I am in contact with others who were in Catholic institutions, many of whom are left scarred by this experience and are now over fifty and suffering poor mental and physical health, unemployment, insecure housing and social isolation etc. A significant number prior to leaving were treated in Catholic psychiatric hospitals with shock treatment, lobotomies and drug therapy. Others took their own lives or died younger than average from stress related disorders. Their birth families, husbands, wives and children suffered also and need to be heard.

The Catholic Church has never publicly researched the wellbeing of those it recruited, used for unpaid labour and allowed to leave without support.²⁴

5.37 Dr Coldrey observed that many nuns 'were so personally and educationally deficient that they were inadequate to care for children'. Both Dr Coldrey and the Forde Report commented on the large number of Irish nuns (for example, the Sisters of Mercy at St Vincent's, Nudgee) who were not only untrained but also came from an environment that experienced harsher living conditions than those of Australia and who were accustomed to the rigorous discipline of their Order. Most, although not all, carried this over to the duties in relation to the children in their care.²⁵

5.38 It was often raised that irrespective of these rationalisations of poor education, lack of training, and foreign and harsh conditions for carers, they nevertheless were looking after children, and especially for the religious, they should have been expected

24 Submission 383.

25 Forde, p.92; Coldrey, p.32.

to show some degree of compassion. Many care leavers commented that irrespective of these failings, they were no excuse for the humiliations, punishment and abuse they received at the hand of these carers. 'The system' itself could also exercise a form of control over even the most well-intentioned. These carers could either toe-the-line or they could leave powerless and disillusioned, as was reported in a few submissions.

...there were some kind nuns who tried to help us, but they couldn't do much to change things. (Sub 172)

A hard core of staff stayed forever but otherwise there was a high turnover and constant shortages of staff. Anyone with any humanity couldn't bear to stay after they saw what the Orphanage was like and what they were expected to do to keep the children under control. (Ballarat Orphanage – Sub 18)

5.39 Dr Coldrey also commented on the inability of those who did not take part in the abuse to curb or expose those 'who were doing the wrong thing, those whose behaviour was illegal or beyond the standards of the day'. He pointed to fear of retaliation and fear of not being believed as some of the reasons that abuse was not reported.²⁶ Many care leavers commented that they believed staff would just turn a blind eye to the treatment of children by other staff:

Some of the Brothers and Nuns were nice to the boys, but you can't honestly tell me that they wouldn't have known what these depraved cowardly adult men were doing to the most vulnerable of children, and yet they turned a blind eye to it. When there were too many complaints about a certain brother...he was just up and sent to another Boys Home to wreck a few more children's lives. (Sub 359)

I know one woman that I met up with after I got out of Parramatta. I was invited around to her place; she was lovely. She left, and the reason she left was that she could not handle seeing what was happening. But she still did not speak out. I backtracked and went to Hay about 15 years ago, or it could be longer. I saw someone there who was an officer. I got invited into his home because I was one of the girls. He was a good officer, but it was his job. What happened there happened. That was the way it was written. That was the way it was run. He was from Hay and that was his job, but he did not like what happened.²⁷

5.40 Reports of church officials at least occasionally pointed to problems with staff in homes. Dr Coldrey referred to a report from the Superior General of the Christian Brothers in 1948 about Bindoon which noted that the staff were very weak. Three years later another report on Bindoon stated 'this place has a staff of oddities and if they knew I was writing this they wouldn't much care'.²⁸

26 Coldrey, p.36.

27 *Committee Hansard 3.2.04*, pp.9-10.

28 Coldrey, p.31.

5.41 Official action against perpetrators of abuse and assault was rare to non-existent although there were some care leavers who remembered action being taken.

One carer at the Home...was often cruel to us girls. She would pick on them, especially on my sister. I remember her beating Marlene one day and she had bruises all over her. But she was sacked for doing this. (Launceston Girls Home – Sub 182)

5.42 Mr Peter Quinn, a former long-time DoCS officer, advised the Committee that in New South Wales staff accused of assault would be allowed to resign before a formal inquiry.

I think that the department followed a double standard in relation to this. Superficially, anybody who was caught assaulting a girl would be dealt with under the Public Service Act and there would be an inquiry. My view is that, unofficially, it was permitted as long as you made sure you did not do it in public. I have been unable to find a single instance of anybody being charged criminally with assaulting an inmate of an institution, even though there was provision in the legislation from 1905...Typically there would be a move towards establishing an inquiry under section 56 of the Public Service Act, but quite often the person would be allowed to resign ahead of the inquiry.²⁹

However, Mr Quinn recollected only one incident in the 1960s and one in the 1970s when this happened. A further example was also given to the Committee by a resident of Philip House, Gosford, who had been told that a former House Parent 'was given the opportunity to retire early or he would be sacked'.³⁰

5.43 The lack of training of staff not only meant that there was minimum of care and nurturing but also staff were unable to help children who were traumatised or came from an abusive family. This resulted in children being doubly harmed: not receiving care and not receiving assistance to overcome their trauma. One care leaver stated:

For me personally and also, I suspect, for a lot of other women—and, probably, men – staff were not trained to deal with disclosures of sexual abuse...I was abused by my father on a visiting day and systematically abused after that and I played out a disclosure but the staff did not know how to deal with that and did not believe that it had happened. I was labelled a filthy little wretch and no other children were allowed to play with me, because it might be contagious. Because I was four or five years old, I believed them.³¹

5.44 The Forde Inquiry noted that it was not until the mid 1960s that the need for support and attention for children who had come from dysfunctional families was

29 *Committee Hansard 3.2.04*, p.113 (Mr Peter Quinn).

30 *Submission 246*, p.14.

31 *Committee Hansard 3.2.04*, p.74.

recognised. The sisters on the staff at St Vincent's Nudgee, for example, were largely untrained in child care until the late 1960s, 'a situation common throughout the child welfare sector prior to that date'. Forde concluded:

The lack of specialist training in child care and adequate resources, as reflected in low staffing levels, militated against providing a loving and caring environment for individual children within the orphanage system.³²

5.45 While there was increased training of staff from the late 1960s, the Forde Inquiry found that problems still existed throughout the 1970s. Although there was a move to the cottage system, financial constraints and the lack of suitable houseparents were common. Excessive use of corporal punishment and high turnover of staff was noted by Forde. In addition, chronic under-funding of institutions was reflected in 'staff-child ratios that were inconsistent with proper care'.³³ The lack of staff was commented on by one care leaver who noted:

There were 500 children in Burnside at any one time but not all in one building; they were in about 12 different buildings. The little kids homes had 30 children with three staff and the older kids homes had 30 children with two staff. In each case one of the staff members was the cook and so was not actually involved much in care. There was one boys home that for some reason had 50 boys and two staff...

There was the occasional kind staff member but because the child to staff ratio was so ridiculous, kindness was spread fairly thinly.³⁴

5.46 The impact that an individual superintendent in a home could have was shown regularly in evidence to be crucial, with some witnesses noting that homes were not too bad in certain periods but at other times the regime was very strict or harsh. One witness stated of a particular superintendent 'they were petrified of the man. That period of time was like a 14-year window in Dalmar. Before and after that superintendent was there, they did not suffer to the same extent.'³⁵

Deception of parents and children

5.47 An especially telling reason why abuse was able to continue in institutions was the power they wielded in deceiving parents who knew of abuse not to take the matter further.

I showed my mother when she came for a visit, the welts and bruises, she was going to complain, but was told by another mother not to as it would make it worse for us. (St John's Goulburn – Sub 297)

32 Forde, p.92.

33 Forde, p.93.

34 *Committee Hansard 3.2.04*, pp.81, 84.

35 *Committee Hansard 3.2.04*, p.16.

My mother used to visit us when she could, sometimes with my Gran. She knew we were being beaten and saw the bruises on us but couldn't do anything. (Parkerville – Conf Sub 44)

Reaction to disclosures about institutions

5.48 The theme of the forgotten Australians comes very much to the fore in society's attitude to children raised in care over a period of many years. If these children were considered at all it was usually in a negative manner. One care leaver argued this strongly:

It was also my experience of an unfriendly callous society that looked down on Homeboys as the dregs of society, by-products of a decaying social fabric, troublesome, illegitimate, and mostly bullied at school, a class destined to the bottom of the social economic ladder. All quite logical if one accepts that history is littered with examples of the need to dominate through suppression and coercion. As such children raised as orphans, and or in institutions, don't rate high on the radar of social sympathy. (Sub 401)

5.49 When society does become aware of stories about care leavers through media stories that are becoming more prevalent, commonly encountered responses of people to the stories of abuse of children in institutions have been:

- the children were better off, lucky to be there and should not complain;
- the times were different in 'those days', standards of discipline were different then and what is now perceived as 'abuse' was then 'discipline'; and
- these people should get on with their lives.

5.50 It is argued that these responses seek to justify treating vulnerable children as second class citizens. All children are entitled to the same standard of care – that a child should be treated differently on the basis of his or her parents or socio-economic circumstances at birth is abhorrent. No child should be expected to be grateful for the opportunity to be abused.³⁶

Children were better off in care

5.51 That these children were better off in homes than they were with their own families or previous life and were lucky that well-meaning churches, charities or governments had stepped in is a common response to stories of institutional abuse and neglect. It is arguable that a majority of children placed in institutions did require care, and were catered for materially by being fed, clothed and educated, albeit to varying levels and standards. However, CLAN has asserted that:

But to use this as an argument to deny the effects of institutional care is to conflate two aspects of the story that do not go together. Children were emotionally neglected in institutional care regardless of the intentions of the

36 Submission 207, p.7 (Ms Gaffney).

organisations which set up the institutions, and the effects of that emotional neglect continue to have profound consequences for those who experienced it.³⁷

5.52 Apparently good intentions do not cancel out bad outcomes, nor can they be used to excuse blatant abuse of children. This raises the huge irony underlying the treatment and care of children in institutions. It is an unanswered and possibly unanswerable dilemma that was raised by many care leavers. For children to be taken away from parents or family because they were neglected or uncontrollable or were placed in care by a parent who had problems coping financially or socially, why did they not receive the improved life that was the intention behind their removal rather than the treatment they did in these institutions or homes? If not physically beaten and sexually assaulted, they were totally deprived and neglected emotionally. The expectation that the 'well meaning' welfare would provide appropriate care and nurturing that was not possible in the family or previous environment proved to be far from the reality.

A child who suffers at the hands of his parents, such that he has to be removed from them, is all the more entitled to a caring childhood which attempts to compensate him for that devastating loss. It does not mean that he should be grateful that he is cared for at all and should therefore put up with whatever else comes along with that care, subject to the whim of his carers.³⁸

Standards were different then

5.53 The response that times were different and that standards and people's thinking and understanding of children's needs have changed, fails to explain or recognise the severity of the documented behaviours. Corporal punishment may no longer be in vogue. But when do a few whacks with a ruler become assault? When do the oft documented beltings and floggings become criminal assault? When did the 'standards of the time' change that condoned the perpetration of neglect, cruelty, psychological abuse, sadism, rape and sodomy?

In response to the statement that standards were different "back then". The acts which it has been alleged to have occurred in institutions were the very same standard of acts which, if perpetrated by a parent or relative, would have resulted in the child being taken into state care in the first place. Parents were not allowed to deny their children education or send them to work or allow them to mix with known criminals, yet the protection system did this on a regular basis. Many institutions did not have educational facilities and therefore, a child who had been taken into care due to truancy, may well be denied an education even when taken into state care. A child taken into care because their parents kept them from school in order to work may well find themselves at the age of eleven or twelve working in an

37 *Submission 22, p.17 (CLAN).*

38 *Submission 22, p.17 (CLAN).*

industrial laundry for a religious order. Finally, a child taken into care because one of his or her parents was a convicted criminal may well be accommodated in an institution where they mixed with, indeed lived and worked with, children committed to state care as a result of criminal activity.

Many of the policies which led to children being placed in institutions were short sighted and hypocritical in effect. Hindsight will enable the current generation to understand and accept where past policies were flawed. Hopefully we can use this information to create better and more effective child protection systems which do not simply involve repeating past mistakes.³⁹

They should get on with their life

5.54 Many care leavers recounted to the Committee that they had received little sympathy for the abuses suffered while in care and that they were usually told that they should forget the past and get on with their life.

Society continually tells victims to 'get over it', or 'it's in the past'. I can assure you that the treatment of those of us who survive will not be 'in the past' as long as one of us draw breath, for we suffer the consequences every second of our existence. (Sub 20)

And for those who say it was in the past and should get on with life, should take a close look at many families who find it hard to let go of family hurts and disappointments. As a child raised in an institution, I have no sense of belonging or a family experience to share. (Sub 166)

People who haven't had this life don't understand. Your life is ruined as a child and then when you grow up it is still with you, it never leaves you. I would not like my life all over again! (Rebecca, aged 89 – Sub 367)

I thought to myself..."Shouldn't we move forward and leave that garbage behind?" Now aged seventy one I find that I have not advanced one bit away from that physically, emotionally and sexually abused little boy (Sub 320)

Some people may say others have had a harder bringing up and have gone on to achievement in life. The point is this. We are individuals and what one can endure could be the death of another because we are all different. (Sub 405)

5.55 The argument that people should get on with their lives totally fails to comprehend the severity of the impact that the childhood experiences have had in shaping the adult person. It is not just a matter of ignoring some 'events' in the distant past. These events have fundamentally shaped and are seminal to the adult person. Their whole personality, their emotional and psychological being and in some cases physical condition, are a manifestation of these past events. To move forward requires

39 Submission 207, p.8 (Ms Gaffney).

recognising, confronting and addressing the demons of the past into a manageable form.

Many boys will assert that despite what happened to us in the institution some have succeeded but we were not able to achieve our full potential. It was hard and is still hard. The nightmare is always with us and will follow us to the grave. (Sub 282)

I'm at a standstill in life now not knowing where this journey will take me. We all have to know our past before we can continue into the future. And if I can't get answers, this is where I will stay, for ever. (Sub 303)

The cumulative effect of this experience, is so pervasive, that today, I'm 52 years old, and still a state ward! (Sub 321)

CHAPTER 6

LIFE LONG IMPACT OF OUT OF HOME CARE

"It is impossible to give to someone what you have never had yourself"

Today I had a fight with my stepson and tried to throttle and head butt him as this is the only way I know how to react. He calls me a loser because I never held a job for very long or couldn't get one. I've finally realised he is right because at the age of 48 I am a reformed alcoholic and drug addict, a violent person (physically and mentally) who can't hold a job, has no friends and has already had a trial separation from his second wife because she couldn't deal with the constant arguing and agro. I lived in my 18-year-old car for three months because I had no money because I don't know how to deal with it. And have an intense hate for this society and its religions and a constant thoughts of suicide. The only reason I am still alive is because Jesus has claimed me and he won't let me have revenge on this society. I hate more than anyone could understand and the most frustrating part is that I have such a great amount of love to give away but I can't deal with the world long enough to give it.

This is my legacy from the North Coast Children's Home [Lismore]. (Sub 201)

6.1 The long-term impacts of a childhood spent in institutional care are complex and varied. In some cases, children were already suffering from life in a dysfunctional family. However the outcomes for those who have left care have, in the main, often been significantly negative and destructive. The following provides an overview of outcomes as presented to the Committee from the experiences of those who provided evidence during the inquiry.

6.2 A fundamental, ongoing issue of being raised in care that was constantly raised in evidence related to the lack of trust and security, through lack of life and interpersonal skills that are acquired through a normal family upbringing, especially social and parenting skills. Reference was constantly made to the skills required to survive in an institutional setting being quite different and inappropriate for normal social interaction in the outside world. The issue was put simply:

How do you know how to be a parent if you have never been parented?
How do you know love, if you have never been loved? How do you know how a normal family functions if you have never been in one? These handicaps have been far more pervasive and devastating to my life than the experience of being sexually abused. (Sub 214)

6.3 It is imperative to recognise and acknowledge the magnitude of contemporary social problems which are the long term effects stemming from the past experiences of fear, intimidation, humiliation and abuse endured by the care leaver as a child.

6.4 Submissions refer frequently to a range of legacies including low self-esteem, lack of confidence, depression, fear and distrust, anger, shame, guilt, obsessiveness,

social anxieties, phobias, recurring nightmares, tension, migraines and speech difficulties. Many who suffered in institutions could not cope with life in the 'real' world and have had life-long alcohol and drug problems or ended in the mental health or prison systems. Many have difficulties forming and maintaining trust in relationships, or have remained loners and never married. Some care leavers with emotional problems have contemplated or taken the ultimate step of suicide. Others have survived.

No person can come out of these experiences unscathed and many of the former 'girls' from the home have had horrible lives. I saw more than one as Street Walkers and was told about attempts at suicide and destructive relationships. Others have learned to rely on alcohol and more recently other drugs. None have had 'normal' relationships where they realised their potential both emotionally and intellectually. (Sub 311)

The consequences are not only limited to me. My wife and two daughters have to put up with my problems as well and their lives are affected by my behaviour. I am currently on an anti depressant in order to help me cope with the trauma I suffer daily as a consequence of my treatment. I suffer from post traumatic stress disorder which manifests itself in a disorder known as dissociation. I suffer depression, anxiety, antisocial attitudes, and nightmares, fear of people, lack of confidence, lack of social skills and a lack of identity. I have undergone counselling for much of my adult life just so I could cope with living day to day. I cannot hold a job for long; I cannot form friendships and have been unable to complete the several educational courses I have started over the last thirty years. I am currently in such a state that I rarely leave the house for fear of my reaction to any stimuli. (Sub 20)

Quality of life

6.5 Those who have left care point to many aspects of their lives that are the dark legacy of their time in care. Many have carried with them the stigma of having been in a home.

When I left the home I felt the stigma of being raised as a state ward, I felt lost and isolated. I didn't admit to being a state ward for many years and would avoid questions relating to my family and make up a story to appear "normal". (Sub 33)

6.6 First and foremost was the stigma of being unwanted by their parents and being seen as second rate citizens for being in a home. This was often reinforced by carers who denigrated parents and humiliated and tormented children. Children in homes were made to feel degraded and of less worth than others.

6.7 Often the denigration continued into school life. Home children were segregated at school: they often wore ill-fitting, second hand clothes, and were seen as 'being different' to their peers. They went to school together, ate together and rarely if ever had friends who weren't in the home with them. The stigma of homes has often

had an enduring impact on the life of a care leaver particularly leading to feelings of low self-esteem and self-worth.

6.8 The outcome of serious abuse, assaults and deprivation suffered by many care leavers has had a complex, serious and negative impact on their lives. At the most extreme, care leavers have lived a half life tainted by alienation, isolation and degradation.

I feel it altered my aspect on life, I know it made me more anxious, submissive and nervous and I let people intimidate me. I feel as if my spirit had been broken, and it has taken many many years to get my life into some sort of order. (Sub 236)

My life has been extremely hard, due I believe, to the treatment meted out to me whilst I was in the care of the Salvation Army. I am still trying to come to terms with it, I am now on a disability pension, my health is deteriorating, I have had bypass surgery, suffer with anxiety, depression and obsessive-compulsive disorder. I have also had ongoing counselling throughout the years and am still having counselling to this day. I have had several broken marriages and relationships, find it extremely hard to trust other people and am a loner. I believe that I am a survivor despite what happened to me as a child. (Sub 231)

The experience at Parramatta Girls' Home has caused me a lifetime of depression, low self-esteem, lack of confidence, the inability to trust people, and fear of authority, particularly the police and social services. But worse than any of this, my fear of living in Australia forced me to live apart from my mother. I have not lived in Australia since 1971. I lost my desire to live in my own country, because it let me down so badly. (Sub 284)

I struggle with the magnitude at which these institutions' aftermath has rippled through our society, presenting various consequences. It is as if our past has no bearing on our future and therefore, doesn't exist. The memories are part of our surviving; with knowledge we try and understand how to walk forward. We have survived in a world of judgment with little margin for error. (Sub 314)

As an adult I have been in psychiatric hospitals with anxiety attacks for years off and on. I had a drinking problem and I had a drug problem. I didn't know love. I wasn't able to receive love on any level. I couldn't cry. I was frightened inside all the time as someone was going to hurt me. I never knew why, I thought I was mad. I am 54 now and it was only three weeks ago that I realised it is not me. It is the consequences of childhood. (Sub 394)

There is a sense for me that I have no 'legitimacy', and where beginning life in an institution, where you are fed, watered and bathed, is the overwhelming legacy of that experience, that is what is so hard to live with. That sort of 'bedrock' is just not enough to develop that crucial sense of self we all need to carry ourselves through life with any success. (Sub 418)

Relationship problems

6.9 The most profound impact of institutional care that has flowed into adult life is the difficulty in initiating and maintaining stable, loving relationships. Without a nurturing environment, with too few, or no, adults to give love and affection, many care leavers were unable to develop the skills needed to build mature adult relationships once they had left the institution behind.

One of the things that we miss out on – we might get our daily bread – is developing relationship skills that are so necessary for building the future. We miss out on developing defence mechanisms, being strong enough as an individual to be able to cope with the knocks and bumps that you receive when you are in a relationship.¹

6.10 Many care leavers described multiple relationships and failed marriages. For some, the first relationship formed after leaving the institution was grasped at as a means of finding love, affection and support. Unfortunately, often this only resulted in a failed marriage as the partnership was entered into for the wrong reasons.

When I was released from Parramatta I did what I had been accused of doing and immediately fell pregnant, drifted into a loveless violent marriage. (Sub 263)

6.11 Relationships were often characterised as a desperate search for love – 'I had never been really loved and that was the most important thing for me'. Many reported physically and emotionally abusive relationships and marriages which were tolerated 'because it was more important for me to have someone than no one'.

6.12 In so many instances a fundamental reason behind relationship problems and family difficulties is an inability to demonstrate or express emotion physically or verbally, a direct result of the lack of love, affection and nurturing as a developing child.

I don't know how to show my family, especially my own children how I feel about them. I can't put my arms around them and tell them I love them...and most of my married life I can't stand being touched. (Sub 107)

In my relationships I struggle with trust and choosing non-abusive partners, and I still have a feeling of low self-esteem, and have struggles with depression. (Sub 8)

I am unable to maintain a relationship with a man. I could never understand why with both my marriages to good kind caring men I fell into the worst depressions and had to leave for my sanity. (Sub 351)

I have never married I would liked to have but feel embarrassed as I still blame myself with what had happened to me. I still have to leave the light on in my house every night time. I have flash backs seven days a week three hundred and sixty five days a year of the people performing sexual

1 Committee Hansard 12.3.04, p.89.

activates on me and I still blame myself for allowing this to happen. Even so I was only a child. (Sub 106)

I thank the system for denying me the feeling of love, for the inability to either give or accept it and for the hurt this has caused to anyone close to me. (Sub 320)

6.13 Those who suffered sexual assault especially struggle with relationships – 'the incident left me with a real fear of men and problems having sex, even with my husband...This barrier is still with me to this day'.

Parenting skills

6.14 One of the most disturbing aspects of this inquiry is the impact on the ability of care leavers to successfully parent and raise families. The denial of role models and the experience of a loving, nurturing family life has resulted in many care leavers being ineffective parents. Inadequate parenting skills are compounded by a lack of trust and self-worth and living with the impact of childhood experiences and this has often led to family breakdowns and alienation from children.²

The thing that really saddens me is the impact that my depression and anxiety, post traumatic stress disorder, life long inadequacy, low self esteem, and trust and fear issues, have had on my children and husband. I have learned to accept the impact this has all had on my own life, but when it starts to affect the ones I hold close to my heart, I am left to feel extreme guilt for something that is totally out of my control and most of all is not my fault. It is extremely difficult for somebody like me to trust anybody other than myself to look after my children. Hence this puts us as a family unit in isolation adding extra stresses. (Sub 98)

6.15 A commonly raised issue was the inability to get close to children and show love and affection. Some care leavers described an almost opposite situation where their children have been smothered and spoilt as a reaction to ensuring that they have everything that the parent was deprived of as a child.

I find I have immense problems today with parenting. Not only am I utterly bereft of experience from which to guide my parenting, I find it difficult to give my children affection, nurturing and positive reinforcement of the people they are becoming. (Sub 28)

I married young had 2 children. The marriage didn't last, was it because of my background? Without doubt it would have contributed to it. *I knew so little of what family life should be like*, I know I was incapable of trust I longed for love but was unable to accept it or know how to give it. I worry what insecurities I have inflicted on my kids. *Have I damaged them with my inability to reveal myself even to them? That fear of rejection never leaves*. I feel they have suffered by never knowing maternal grandparents/aunts/uncles/cousins. (Sub 258)

2 See also *Submission 67*, p.7 (AIFS).

I was unable to spend the time with my family while my children were growing up. This meant I never got very close to them, because I never received any affection while growing up in institutions, I found it hard to return affection to my family. One day they may understand what I went through. (Sub 319)

Then at the age of 36, I met my wife... We married in 1982 and had two baby girls within two years. As I was unemployed for 5 years after we married, and although it was tough, I was able to spend a lot of time with my daughters. I was determined they weren't going to miss out like I did – I spoilt them rotten... Dorothy and the girls have been the making of me. For the first time I experienced happiness. Without them I think I would be dead now, either through alcoholism or a successful suicide. (Sub 181)

In raising my kids, I made sure they got a good education. I had felt frustrated all my life about not being educated properly and I was damned if my kids were going to suffer the same way. (Conf Sub 44)

6.16 The Committee was also privileged to get a perspective of life living with a care leaver from families which reinforced the point that the issues for care leavers flow through to their partners, families, children and grandchildren.

Perspective from wives and partners

6.17 Wives and partners provided the Committee with an insight into the lives of care leavers. Often they have had to cope with a partner who lacks trust, is profoundly angry, suffers from low self-esteem and is unable to cope with many day-to-day events.

A lot of people think that because my husband has been able to sustain our relationship and have a family, that he has been able to get on with his life. The truth is that it has been a very stormy and hard relationship to maintain, and the only reason I have stayed is because I love my husband and I have seen a side of him that is not visible to other people...[my husband] is a very complex person and through helping him to write his letter, I have come to understand why he is the way he is... No one sees the emotional roller coaster my husband goes through everyday, and it tears at my heart knowing what I now know. (Sub 372)

I feel I can comment on how it is to live with someone who was in institutional care during the formative years of his childhood... He is constantly anxious about almost everything is often depressed... He has a very negative approach to life and seems to lack self-esteem, is a great worrier, and a perfectionist. He can be controlling and tends to be suspicious... He is very 'house-proud' – he has to make the bed promptly every morning... He is fanatical and obsessive about cleanliness and tidiness... He also finds it very difficult to 'reach out' to people and seems unable to show compassion for others... He is reluctant to mix and socialise generally and enjoys being at home, pottering around the house and garden and watching television... it is very difficult to speak about personal matters... He seems cold and impersonal and it is almost impossible to get close to him or to discuss personal problems with him (Sub 231, enclosure)

Its hard being the partner some wont stay in the relationship they just cant because they just don't understand, where they are coming from...I have got him off the booze and drugs, but I can never fix his broken heart and the hurt inside and I don't think any one of us can for any one of these people. We can just be there they need love support someone to care for them. Someone who will trust in them as a person and don't ever judge them. (Sub 338)

Perspective from children

6.18 Evidence from children of care leavers was particularly moving and while many older children now understand why their parents acted as they did, some experienced many difficulties growing up with a parent who had been in care.

Growing up as a child is hard enough as it is but when you have a parent that has been exposed to so much evil, torture, both physical and mental abuse your life is that much harder. My mother was more than over protective to the point it became suffocating, I wasn't allowed to play after school, and on weekends it was rare that I could socialize with my friends, there were no sleepovers or the usual things kids would do, my weekends were spent cleaning, cooking and doing household chores... I used to say to her "this is not a military camp were kids mum"...there was hardly ever any affection, any time I would go to hug her or just put my arm around her she would push me away. I think that hurt me the most cause I could never understand why she was like that (at this stage I didn't know what had happened to her). It wasn't till my mid teens that my mum started to open up and tell us the horror stories at Lynwood hall.

I started to realize that everything that she was doing was just a reflection of her childhood. She didn't know any better, she was raised in an institution where there were rules, regulations punishment and solitary confinement. Even though she had told us about Lynwood things didn't really change because it was embedded in her so deep that she is unable to change...(Sub 261)

I met the 'girls' [mum] grew up with many years later...I needed to understand mum's story more, in order for me to forgive her for the abandonment I felt. The fellow orphans had followed similar paths of abusive relationships, menial labour, alcohol and other drug abuse and mental health problems...One woman told me she had been raped and only forty years later, the child who had been adopted out made contact with.

I hadn't been there, but through my mum's blood line I felt their story in my bones. When they talked about their children, I understood what their lives must have been like, and just how difficult it is to break free of the negative impacts of being the offspring of wards of the state. (Sub 195)

At sixteen I was forced to leave home, because my mother had become an alcoholic, which I believe was her way of coping with the psychological effects of her tortuous experience at the Home. Although I loved and admired her in so many ways, especially for being a survivor of a brutal childhood, I knew if I wanted to survive emotionally, stay at school, pursue a healthy 'normal' lifestyle I had to do it on my own. This was very

traumatic for me and my two younger sisters who were later 'kicked' out on their sixteenth birthday. It was over the housework not being done properly. The last straw was forgetting to empty the bin. This was typical of the rage and frustration which mum had inflicted upon her during her childhood by the unmerciful nuns. Fortunately, she was restrained when it came to thinking up the more sadistic punishments the nuns metered out. Mum didn't have very good parenting responses to teenage girls – because she herself hadn't been allowed to develop through constant abuse by the nuns that she was the 'bastard scum of the earth' and only fit for domestic labour, so we too were discouraged from rising above our station. (Sub 195)

But when you think about it dad was brought up in a home to and terrible things must of happen to him for the things that he did to us. (Sub 315)

Generational issues

6.19 The difficulties with establishing and maintaining relationships, the inability for many to provide secure and stable family environments for raising children, feelings of shame and fear of rejection about their childhood history can become cyclical. Each new generation, lacking a sense of security and parental role models, is unable to provide these vitally necessary foundations for the next generation.

I became a state ward at the age of about seven. I never saw any workers. I was never told; I was just made a state ward. I am the third generation in care; I reared the fourth.³

The other thing I want to say is that institutionalisation has a multigenerational effect. My mother was institutionalised with the Sisters of Mercy. My father was in one of those institutions where they worked on a farm, and he was horrendously abused. My daughter is the first in three generations to stay with her mum. It has been a constant struggle for me, and she will have effects and does have effects. She is 21, and I am beginning to see the effects of having a parent like me.⁴

[My children] all have had drug problems from time to time with one son being in constant incarceration... My children would not have so many hang ups & certainly my grandson would not be living with my husband & I because of failed relationships had I had a secure & protected environment with positive people around me. (Sub 341)

We all are dealing with our own mental health problems triggered by our experiences with a mother who was emotionally distant, abusive, alcoholic and full of rage against church and the state. One sister tried to commit suicide, and got into illegal drug abuse to escape the emotional pain and the stress of surviving on her own... My other sister shows signs of repeating the same patterns as mum in the mixed messages of her parenting, and her gambling addiction which has ruined her marriage and other relationships. (Sub 195)

3 Committee Hansard 11.11.03, p.63.

4 Committee Hansard 11.11.03, p.51.

It is the consequences of failing lives that should concern everyone, taxpayers, economists, academics, the justice system, health and medical professionals, law-enforcement, politicians, because of the inter-generational nature of outcomes for many who suffer this fate. It is a problem that has impacted on my own children, an outcome already complicated by separation, and relationship breakdown. It is an outcome that left one reduced to living in an old caravan for close to 20 years, and surviving on a disability pension. A social out-cast. (Sub 401)

They stole our childhood, they stole our lives. My children are scarred through me.⁵

On-going health issues

6.20 The health status of many care leavers is especially disturbing. Evidence was received of general physical, psychological and dental health problems through to severe mental health issues of depression and post traumatic stress disorder. The consequences of lifestyle for many since leaving care such as drug and alcohol addictions, homelessness, unemployment, unsafe sex practices and other destructive behaviours have also had a damaging impact on their health. For some, they carry the legacy of injuries suffered through the abuse they received as a child.

The health care needs of those of us who remain as survivors of this infamous institution are overwhelming. The majority of our people suffer from varying degrees of mental illness...Post-Traumatic Stress Disorder appears to be one thing we all have in common. Depression and anxiety related illnesses such as panic attacks and sleep disorders are common as are some phobic disorders. Poor anger management skills and violent outbursts are a feature of the social and emotional problems experienced by our people. The men especially have largely been unable to address the issues relating to their anger and this is often displayed in their relationships. Hence a high incidence of domestic violence...

The general health status of the Wilson survivors is also frightening. We have some cases of HIV, many are Hep C positive. Those issues coupled with long-term drug and/or alcohol abuse has in some cases created irreparable damage. (Sub 58)

6.21 Many care leavers reported that they are suffering physical health problems or disabilities as a result of being assaulted in the institutions or through lack of medical attention received in their childhood. Ongoing hearing problems and hearing loss were commented upon by many care leavers who attributed their condition to being 'boxed' around the ears or having their head bashed against sinks, walls or each other.

He grabbed a huge hunk of wood, and used that hunk of wood to strike me across my back several times until he dropped the wood. He then grabbed me by the back of my pants and the scruff of my shirt, held me above his head and threw me against the brick wall of the shower block...[My

5 Committee Hansard 4.2.03, p.57.

specialist] said [the back injury] must have happened when you were young because your disc has continued to grow and a section of that disc had been severed and it's a lot smaller, (that's how he knew it was an injury done at a very young age). The injury obviously related to the flogging (Salvation Army, Box Hill – Sup Sub 296)

My Health. I have only 13 teeth in my mouth, I would like to get me teeth fixed but I can't afford them on a pension. I have a hearing problem which I believe came about due to getting a huge whack on my right ear by Brother Miller, I dropped to the floor and blood was coming out of my ear. It's very hard to hear anyone who comes on my right side. I have had trouble going to the Doctor's to get any help for myself, as I am frightened of doctor's. (Sub 283)

I never received any medical treatment all the time I was at Neerkol... I still suffer today, 40 years later, extreme pain and limitations of movement in both of my shoulders as a result of 2 separate accidents that I suffered whilst in state care and for which I received no medical attention for either. (Sub 217)

Once, because I hid my sister and refused to tell them where she was, I received 44 cuts across my legs. The pain always got worse and I have suffered ever since. We were never taken to a doctor. To date I have had four operations on my left leg and suffer pain because of these injuries. I have to live with this. (Scarpa House – Sub 95)

Post traumatic stress disorder and depression

6.22 Mental health issues, depression and post traumatic stress disorder are commonly experienced by care leavers. These issues can manifest themselves in a variety of behaviours and actions that affect their everyday life. The ultimate expression of this problem referred to in many submissions is post traumatic stress disorder. Many care leavers who have suffered PTSD have required psychiatric care.

All my life I have carried guilt and felt ashamed because of what has happened. Being told that I was ugly, black and unwanted has left me with one big hang-up. People sat on their backsides while children were being physically, sexually and emotionally abused. I still suffer with extreme anxiety and stress. The nightmares have eased now, but every now and then I have a flashback about the orphanage and a wave of nausea hits me – the feeling of wanting to vomit is really strong and usually I do. The Doctors tell me this is post-traumatic stress disorder. (Sub 172)

We lived in constant fear. To this day I still have that fear. I have had counselling over the years, I have also had many visits to a psychiatrist which has helped for the time being, but the fear and anxiety returns. I am on treatment for Post Traumatic Stress Disorder. (Sub 101)

My Mum...spent years in Psychiatric Institutions due to the atrocious physical and mental abuse that herself and sister endured for many years at the cruel hands of the "so called carers" at the Salvation Army childrens home at Camberwell. Mum told me of many cruel and inhumane things that happened to herself and her sister. (Sub 267)

Suicide

6.23 A large number of people described holding suicidal thoughts or actually attempting suicide – 'the thing that scared me the most was how unexpected it was. I just decided to do it'. The emotional situations exacerbated by feelings of social isolation and unresolved anger so tragically described in many submissions were epitomised by the following:

I had had a number of traumatic episodes where I had undergone severe bouts of depression, anxiety, loneliness, physical and mental health problems caused by feelings of not belonging and separation trauma. The stress of feeling the "aloneness" impacted upon me and the compounded feeling of anger, low self esteem and despair led to try to commit suicide on two occasions. (Sub 142)

I grew up believing that it was best to forget and to just accept that I was a bad person who was no good for anything but destroying lives that these things had happened to me as a punishment from god. Over the years I had tried to kill myself numerous times, but something deep inside me kept calling out for justice, for what I did not really understand until now...I can now understand why I have always felt this way, I am not at fault, the nuns are, I am not evil or spawn of the devil either. (Sub 5)

6.24 In addition to personally held suicidal feelings, there was anecdotal evidence provided of an abnormally large percentage of suicides among care leavers. A great many reported knowing first hand or having been told of the suicide of friends or of those who had been in the same institution.

Substance abuse – drug and alcohol addictions

6.25 As can be seen by many of the comments in this chapter, resorting to drugs, both licit and illicit, and alcohol was a common practice to obliterate the past and present pain and suffering. These destructive behaviours were often undertaken in conjunction with other negative behaviours.

I do not know where my brothers went except that it was to another home for boys. My brothers will not discuss this issue at all. One has since died as a result of a drug overdose. Each of my four brothers struggled with drug addiction...none has had a successful marital relationship. (Sub 412)

When I escaped [at 16] I was a dead set drug addict and my time at Goodna and Karrala had made me so. I did not know how to function without drugs. I really did not know how to do too much of anything as I was convinced that I was stupid, ignorant and ugly and that no one would ever want me or love me and that I would die in the gutter. These people who were suppose to care for me had done their job well and finally convinced me that I was worthless. I ended up living on the streets and was on a path of self-destruction. (Conf Sub 3)

Compulsive and other behavioural issues

6.26 A range of compulsive behaviours were described in evidence. Behaviours included compulsive cleaning, bedmaking and general tidiness and obsessive hygiene, including showering and bathing and water use.

The children at the school my children went to used to line up of a Friday night outside the house. I designed the home in Queens Park in Bondi Junction so that I could empty it out – except for the bedrooms, which were carpeted – every Saturday. I would empty out the whole house into the back patio area and soap it all up inside. I had quarry tiles wall to wall and even around the wall so that the children could come in, soap it all up and slide through my house. Then we would hose it out. It is pitiful, really, but we laugh about that now.⁶

In later years, aged 30 or so, I found I could no longer cope emotionally and psychologically. I was placed in to intensive Psychiatric Treatment...I was treated for compulsive obsessive water fetish and other obsessive behaviours and disorders...and Clinical Depression and [am] a chronic migraine sufferer, all stemmed from anger, resentment, fear, guilt, and shame. (Sub 203)

6.27 Other witnesses described their obsessions with food.

There was never enough food. I used to always offer to do the dishes so that I could scrape the pots and eat the scraps. I still scrape the pots today and it drives my wife and daughters crazy!! (Sub 181)

I was and still am a slow eater and fussy as so many things remind me of those times. (Sub 151)

6.28 Behavioural issues were raised by people that directly relate to the treatment they received while in care as a child. These include insomnia, being light sleepers, suffering nightmares involving childhood incidents and waking in cold sweats, fear of the dark, needing to leave lights on at night, not closing or locking doors, being afraid to say 'no', being compliant with anything asked, overeating, anorexia, or other bizarre patterns of eating or drinking.

Ongoing problems with anger, grief, identity and self-esteem

6.29 Deep feelings of anger are strongly held by care leavers. An underlying sense of anger was evident in the contributions of many care leavers at the public hearings, especially in Brisbane. For many this sense of anger seems to strengthen with age, as feelings of abandonment, and of being absolutely and totally alone in their life are intensified with the passing of the years.

They taught me bitterness, hatred, an abiding repugnance for their brand of religion, distrust and suspicion of most adults, contempt for authority in all its forms and intolerance of others. I gained an inheritance of moral

confusion, abiding anger, psychological scars and a determination to never again allow anyone to treat me as they had; no matter what. Hence I carried for many years a 'chip on my shoulder' of incredible proportions. It almost bore me down. (Sub 11)

While I have survived extreme deprivation I am left with deep emotional scars. I have a sense of abandonment, exploitation and not belonging. I have undergone a period of therapy to address many of the issues but feel it impossible to fully recover from my experiences. (Sub 166, p.6)

I left Hillside uneducated and illiterate. I had few social skills and felt I was a social misfit...The attitudes and lessons I learnt as a ward of the state handicapped me for life. I got into trouble with the law. I have been convicted of theft and assault. The memories of the torment and fear I experienced as a child resulted in drug abuse, depression and suicide attempts...Today I have to deal with the consequences of my upbringing as a ward of the state. I have a criminal record which cannot be undone. I have had a drug problem and have had to seek counselling and support to address this. I no longer drink or take drugs to suppress my early memories, which are all the more painful as a result. I have had to unlearn my violent and aggressive behaviour, through counselling, anger management courses and life skills training.⁷

6.30 Many people became and remain 'loners', commenting that they preferred to remain as anonymous as possible because of being so damaged during their childhood. This has had a powerful impact: from people becoming housebound who dread simply going outside to do routine activities such as shopping, to people choosing to live in small, isolated communities.

My marriage failed, I have no communication with three of my children, I live on my own and have become a real loner. I don't trust people and I don't let many people near me. I have a wall around myself. (Sub 336)

My Life has been terrible, I've been lonely all my life until I was 62 years old...I get very angry when something goes wrong in my life, I fly off the handle quickly and don't know how to handle my feelings of anger. I've never been in a relationship, cos I didn't know how to go about it. I have never married. I have trouble trusting people, I don't let people get close to me. (Sub 283)

Growing up without learning the basic life skills, love and kindness i feel breeds non functional, anti social, angry law breaking people. i feel the church should have screened these people much more carefully. i now am 47 years old and am a hermit. i find it hard to communicate and get very anxious at times or with other people. i constantly see counsellors and have learned some life skills and that i am just as important as anyone else. i still feel angry at the things i had to go through growing up in the home as a state ward. (Sub 229)

My experience in Pallister Girls Home left indelible markings on me to this very day. I am still a loner. I still feel unworthy to be anybody's friend because I still feel I am not good enough for people...To this very day, when anybody does anything kind towards me or for me, I burst into tears because I do not believe that I am a good person. (Conf Sub 143)

I also suffer from panic attacks and agoraphobia during the days. I don't go out unless I have to. I don't go to restaurants, theatres, large shopping complexes or any other places where there are large numbers or groups of people. (Sub 217)

Each Christmas, Easter and birthday, I am reminded that I am a State Ward. At Christmas, I lock myself away and cry because I have no-one to share it with, not even a family. I have been doing that as long as I can remember. (Conf Sub 58)

Yes, most of us like to be very isolated. It is something that I cannot really explain. I live in a little town which would be lucky to have 50 people, yet four of us came out of institutions.⁸

6.31 Powerful feelings of guilt and shame were regularly expressed emotions by care leavers.

It has taken me **50 years** to be able to say I am a former state ward. From age 15 I did everything in my power to hide my past. *I carried (still do) such guilt & shame I was told nearly every day of my life I was worthless unlovable, I believed it.* I suffered physical/sexual & emotional abuse. Because of this harsh early treatment I feel my life has been a huge struggle. (Sub 258)

Having a beginning such as mine also means I fear 'exposure', I guess from the sense of shame I carry...I sat in front of a woman [at a CLAN meeting] who seemed to carry the same mortal fear as me – and she put it so succinctly – "I just want to be invisible" is what she said. I owned that. It's so hard to live every day with that as an overriding principal in your life. (Sub 418)

6.32 While a feeling of guilt was regularly expressed, a particular issue was an ongoing sense of guilt over the lack of protection of younger siblings. An oldest child would see it as their responsibility to look after younger brothers and sisters after being separated from parents. Just how the deprivations and treatment experienced in many institutions could possibly be the fault or responsibility of a young child is totally unimaginable. Yet for some this issue has had a profound affect.

When Mum's sister would come to visit mum she would have "flash backs" to her time in the home thus worrying that she hadn't protected her sister enough. Each time she would have another breakdown. (Sub 267)

Eventually my mother remarried and my stepfather [paid to get us out]...After that episode my brother's attitude changed, I have no idea what

8 Committee Hansard 8.12.03, p.39.

happened to him on his side of the home which we never really talked about to this day. I use to be able to look out for him but in that home [SA Bexley] I was powerless. (Sub 382)

6.33 A related emotion was a sense of blame directed towards parents for not wanting and deserting their children and also among younger siblings for events which were totally beyond their older sibling's control.

I was about five, he was about three and I wouldn't let his hand go. One day the staff came along and said your brother has to go to the dentist and you can't come. I let go of his hand and they took him. That was the last time I saw him until he was about fourteen. I tracked him down but he hated me. He blamed me because they took him away. This is the consequence of the child welfare system. This is how they treated you in these days. My brother now a mature aged man, still hates me because I let them take him away all those years ago in Bidura. I am not able to get through to him that I was a little girl and had no control over the situation. (Sub 394)

6.34 For many people the traumas of a childhood in care did not appreciably resurface and have their fullest impact until mid-life. Experiences had been suppressed, but memories were reawakened, often triggered by related events. Flashbacks and vivid recollections of events from childhood grow stronger with age.

Until 2000 I was ok, I could hide my memories and live quite normally. Then the darkness returned, and I am now quite sick with post traumatic stress and severe social anxiety. I live on the edge of suicide and remember all the fears and shame I have accumulated over the years.

It took me 23 years to start dealing with this, the past finally reared its ugly head and tormented me to the point that I was a danger not only to myself but to society. (Sub 161)

My sister turned to abusive partners; drugs and prostitution, the same fears and darkness enveloped her. She never had the chance to find some hope; She was dying from her childhood, just waiting for the end. (Sub 278)

6.35 At least one reassuring aspect of the inquiry was the positive stories that emerged of people who with a great deal of help, assistance and understanding are now able to better come to terms with their past and live fuller and more fruitful lives. Some are blessed with the experience of happy, fulfilling marriages due in large part to the fortune of finding loving, caring, patient and understanding partners and gaining strength and support from their children. This still involves a lot of work from all parties, often with the use of much counselling.

I often wonder if I hadn't married Warren, how would my life have turned out. He has encouraged me all my adult life. He has loved me through all the emotional turmoil, supported me financially and emotionally when I have wanted to find my family members. I have been truly blessed in my adult life. Warren has provided me with the love, stability and encouraged a sense of humour. (Sub 33)

6.36 Those who have triumphed see themselves as survivors. Unfortunately, not all care leavers can do so.

I could have ended up just another statistic, but I am alive, I am capable of love, friendship, a profession, I have survived. (Sub 239)

We are living proof. Some of us became survivors but it wasn't an easy road coming from hell and back (Sub 309)

These notes have only recalled a few of the abuses meted out on some unfortunate little Australian children, citizens of the future of our country. I am a survivor, but I know some are not. (Sub 409)

When I did go to school I was there in body but not in soul. My constant abuse was so severe and my trauma so great it was like I was not there at all. I spent a lot of time in my own safe little world where I did learn the most important lesson in life – survival. (Sub 94)

I have had a lot to overcome from my childhood, but have become a strong person. To survive, I had no other choice. (Sub 185)

I used to feel so alone, like I didn't belong. But I survived, but not without emotional scars (Sub 186)

Employment

6.37 Employment for many care leavers has been difficult due to lack of education and the personality traits that have been carried through life. Often care leavers are limited to seeking unskilled and low paying jobs.

Eventually I got work. And during the following 20 or so years I have held down a number of jobs ranging from storeman, console operator, and security and sales assistant. I am now working as a bus cleaner. (Sub 142)

6.38 There is often a fear of participating in the recruitment process as many remember the harsh words and attitudes of carers: 'You'll never amount to anything.'

There is also a hell of a lot of fear in the workplace that comes from childhood, when we were punished if we were not perfect. The stigma attached to being a former resident has a significant impact on securing employment. For example, you try to better yourself, so you go along and apply for a job. They give you a form to fill in. Bang! There it is. It jumps out at you and belts you between the ears. It asks: 'What is your educational standard?' You just walk away. You do not even bother applying. There never were any resources to aid job hunting. That has had a very big effect on all of our people, for which this state stands accused.⁹

6.39 Many care leavers reported a lifetime of financial hardship having low-paid and menial jobs, of an inability to hold down regular employment or being unable to secure work and being unemployable. In some instances, the institutions only thought

9 Committee Hansard 12.3.04, p.10 (HAN).

that care leavers were suitable for untrained jobs such as domestic staff or farm labourers and did not encourage children to reach their full potential.

To date I can't hold down a permanent job. I need a casual job because I have flashbacks. Some are so severe I have to go home... Some days it's one flashback of horror, others it's moment by moment of hundreds of feelings, emotions, thoughts... These days are the worst, especially because I'm working and I have to work because I can't afford to lose my job because I have to survive. (Sub 246, p.19)

Since leaving school I've had over 50 jobs, the longest lasting 2 years, this was my last position as manager of a Caravan Park. (Sub 291)

When a lot of the kids left the orphanages, especially the kids who were wards of the state, as I think they were called, they were shipped out to farms, so you never, ever saw them again. That happened to me. I ended up on a farm, living in a little tin shed and working as slave labour.¹⁰

6.40 For some, employment difficulties and financial hardship has led to struggles with social security who they consider do not understand their circumstances.

I have always had low paid jobs and have no such things as superannuation or a home. I am on a pension, a disability pension as a by-product of how I was treated as a child. Last year I had a battle with social security, they tried to take my pension off me. They told me I could go back to work. Go back to work with my anxiety attacks and everything that goes with it. Like my withdrawals and my suicidal tendencies. I have an ongoing struggle with social security. (Sub 394)

6.41 Many care leavers found reassurance by returning to an institutional life through joining the military services.

I stayed in the air force for 4 years. There were lots of good times. I took to the discipline and institutional life like a duck to water. (Sub 182)

I eventually became institutionalised as all my life I've had to be in some sort of institution, i.e. the R.A.A.F or the army. I was at a loss when on my own. (Conf Sub 6)

6.42 For many who held regular employment the effects of their childhood background was forever present.

I escaped into my nursing career. There I was a social cripple I avoided social events as much as possible. I had few if any life skills. My self esteem was low, I felt less than, inadequate, I could hardly look at people let alone communicate, I felt that people would find out how inept I was. I had a great fear of judgements and criticism. I had a fear of public places and couldn't for example go into a bank or a library. I felt comfortable with the sick however the sicker and more vulnerable they were the more comfortable I was. I have worked in oncology for many years, hidden away

10 Committee Hansard 8.12.03, p.37.

on night duty. I was so vulnerable myself and felt a connection with their vulnerability. I would do anything for them and felt my worth only when they thanked me for whatever I did, not for being me. (Sub 192)

Homelessness and other housing problems

6.43 Housing is a major concern for many care leavers whose lives have been a continual financial struggle. Many have been forced to live in public housing, subsidised rental accommodation or living on the street.

After I left the Homes, I used to drink alcohol in order to forget the Homes I was in. I was trying to block out the pain I was in. During these years I lived in boarding houses, with just a small room, I lived on my own. Today I live in a flat with the Brotherhood of St Laurence at Fitzroy. I have been there 2 years and this is the first home I have had. I don't have to share the toilet or the kitchen with anyone. (Sub 283)

In today's climate, the cost of housing is enormous. What I call normal people out there – people that can have relationships, people that can build futures—in two-income families are finding it a struggle. But for someone like me and my family—and, I am sure, for many other people that have been through the system—the impact of what that system did totally cancels out that avenue for us. I am afraid that there are people—and I am sure there are a lot of other people my age and older who are coming into the later parts of their lives—who are still no closer to having that real home they have never had.¹¹

6.44 The National Inquiry into Homeless Children (the Burdekin Inquiry) found that the 'period of time spent in a child welfare or juvenile justice institution, or otherwise detached by the welfare system from the natural family, seems to increase significantly a child's chances of becoming homeless'. In addition the Inquiry heard that many of the young prostitutes working the streets were or had been state wards. The lack of alternative after-care support following deinstitutionalisation was according to evidence presented to the Inquiry 'directly and substantially contributing to youth homelessness'.¹² The evidence to this Committee 15 years after Burdekin told very similar stories to those reported by Burdekin.

6.45 VANISH also referred to some Victorian research which 'highlighted that a significant number of homeless youth (street people) had been "in care" and were living at risk on the streets of Melbourne. They were cushioning their pain by using drugs, risk taking behaviour and suffered depression and suicide'.¹³

11 *Committee Hansard* 11.11.03, p.69.

12 Human Rights and Equal Opportunity Commission, *Our Homeless Children*, Report of the National Inquiry into Homeless Children, February 1989 (Chairman: Mr Brian Burdekin), pp.109-117.

13 *Submission 167*, p.4 (VANISH) citing 'Streets and Beyond – An Alienated Youth', Alex McDonald (1980s).

Educational attainment

6.46 For many care leavers, the lack of education has been a profound regret and a source of much bitterness. As noted in chapter 4, the causes of poor educational attainment were many. However, for whatever the reason, many care leavers left the institutions with a serious lack of literacy and numeracy skills – which have remained with them throughout life. As noted above this has had a profound affect on many in their ability to obtain and maintain employment.

...in Neerkol the nuns bashed, thrashed and humiliated me. They repeatedly told me they 'couldn't bash brains' into me...then from 13½ I was sent out to work...Because of this I still can't read or write today, I have to have my partner do all my reading, writing or filling out of forms for me Even signing my name is difficult because of the bashings I received to my left hand by the nuns to try and force me to write with my right hand...This lack of education has caused me extreme difficulty over the years and has denied me the opportunity to gain most jobs (Sub 217)

Like many of us older wards of the state, we now find ourselves in a position where many have adult literacy problems, where many of us cannot spell or add up, and some cannot read. (Sub 8)

I was never taught to spell properly. I have always been embarrassed in the fact I am not a good reader and a terrible speller...[my wife] always writes the letters and fills out any forms for me. (Sub 198)

6.47 The Committee heard stories from care leavers who have moved through life by covering, disguising or working around their literacy problems.

I got my [driving] licence by memory and by trying to remember things.

Senator KNOWLES – Can you read road signs?

No, not all. Some I do...I go by memory. If somebody tells me a street, I never forget it and I know that is the street I have to go down.¹⁴

I have failed at education. I cannot spell. I get my wife to do it. If you give me a big word, I will find 50 words to get around it. I have explained that to you. I found that hard. That is why we have always tried self-employment, so that I do not get embarrassed. I have always kept it quiet.¹⁵

I am a very strong businessman. I have been very successful in business. I am illiterate. I cannot read or write. That is a handicap. I work around that. I have good people, over 40 people, who work for me. I bury what has happened.¹⁶

6.48 Remedial and other mature education services are utilised by some care leavers, though there remains a great need. However, for many care leavers accessing

14 Committee Hansard 3.2.04, p.52.

15 Committee Hansard 13.11.03, p.22.

16 Committee Hansard 3.2.04, p.104.

mature age education can be a daunting experience, especially for those who do not have a family network to provide support and assistance. Issues about education services are discussed in chapter 10. The positive benefits flowing from undertaking mature age education were described in a number of submissions.

I am now 43 years old and I have been a mature age student for seven years. The teachers do not regard me as being retarded. I am actively involved in class discussions, which is welcomed by the teachers. This has greatly helped me to adjust and recover from my experiences at Vaughan House and with help from a number of friends I have been able to adjust and live a normal life in society. (Sub 273)

Adult anti-social or criminal activity

6.49 In addition to submissions which provided anecdotal evidence of people being unable to adjust to living 'outside' and resorting to criminal activity, the Committee received a number of first-hand accounts.

In the 'outside world' I found myself completely at a loss. I was unable to behave socially and responsibly, because the rules were different but nobody had told me what they were. Before long I was in trouble with the law and, as predicted by the staff at Westbrook, found myself doing time in adult prisons...I feel that I am entitled to blame the so-called 'care givers' who, by their own actions, had shaped the innocent boy into the troubled young man who was dumped without preparation into a society that was very different to anything he had ever known. (Westbrook – Sub 141)

After that it was institutions right through my life, including three jail sentences before I had even reached 21...Even being in Pentridge at the age of seventeen was bad but no where near as bad as Bayswater. (Sub 148)

I have now tried to come to terms with my life but still have trouble doing so. I constantly end up having instances where I suffer from flashbacks...I just can't get any real treatment in prison. (Sub 105)

6.50 One woman described leaving Parramatta at 18 and within 6-8 weeks being in Long Bay Jail on a 2-year break, enter and steal sentence. Within weeks of release she had travelled to Victoria, re-offended, and been sentenced to 3 years in Fairlea Prison. She commented that:

From the ages 13-23 I had spent only 10 months on the outside. Basically I was still 13-15 years old mentally and emotionally. I had not grown up at all. So with no life skills, no money and no hope I left Fairlea and reentered society. (Sub 304, p.4)

Prostitution

I would rather be a prostitute than be locked up at Parramatta Girls Home.

6.51 It was indicated in evidence that many people who become drug-addicted and/or sex industry workers are survivors of child abuse and neglect. The Historical Abuse Network also stated 'a lot of our people have ended up in the sex industry

because they had no other choices. They had no people skills, no life skills, no education – nothing.¹⁷

With a limited education, my chances of securing employment were low. The employment agency advised me to go back to school, despite me explaining I needed to earn an income, in order to support myself financially. I was told to go back to school anyway, and treated with contempt, as though I had a choice in the matter. Unable to find work, I quickly became desperate. I soon resorted to child street prostitution to supplement my meagre supermarket income. (Conf Sub 24)

I became promiscuous and money was an issue. So men had to pay for my company. After all, that dirt never seemed to wash off! (Conf Sub 146)

...it was the effects of what was created after that too that kept building upon what had been put there with abuse that kept me entrenched in acting out and going from one addiction to another Drugs, Alcohol and substances and then turn myself to prostitution until my body could not stand the treatment I was holding onto and all the emotion I was carrying as a direct result of those days in my childhood. (Sub 386)

Their background is why, in large part, these care leavers value themselves so little as to consider such highly exploitative, and psychologically damaging, 'work' acceptable. Others, who are vulnerable, engage in sex work as a matter of economical survival i.e. educationally disadvantaged, homeless young people. Understanding of these issues is seen as beyond the grasp of 'ordinary Australians', who have led less marginalized lives.

6.52 One care leaver commented that community education is required to raise awareness, and combat community prejudice against sex workers, and those who are drug addicted, in order to assist survivors of these experiences out of the prostitution and drug addiction cycles. Access to education, housing, and employment, is essential for all former protective care clients, if they are ever to make a successful transition from being in care to the next stage of the lifespan. Those who have a history of drug addiction and prostitution are especially needy in this regard; in recognition of the uphill battle they face in terms of community prejudice, in their efforts toward re-integration into mainstream society on all levels.¹⁸

I pretty much glided through life for the next few years drinking heavily with no support. I went from job to job, house to house and at times living on the streets. At 17 I turned to heroin. I so had to numb the pain. I couldn't afford my habit and didn't have the courage to do crime so I turned to prostitution. Please keep in mind I'm 17 still a State Ward and still supposedly under the care of DOC'S...I am now 37 years old and have suffered Post Traumatic Stress Disorder, Borderline Personality Disorder, Adjustment Disorder, Panic Attacks and Depression. I have tried many times from the age of 15 to commit suicide and by the grace of God I am

17 Committee Hansard 12.3.04, p.10 (HAN).

18 Confidential Submission 24.

still here today. Because of my drug use I now have Hep C and suffer very bad Chronic Fatigue Syndrome. I will be on medication for a long time and will be in counselling for a long time too. I am unable to work and I have no schooling. I accept my role in all this but feel very strongly that not only did my parent's fail me but DOC'S did too. (Sub 332)

Cost to individuals, families and society

Legislation and government policies, themselves born of public sentiment, empowered those whose judgements about the best interests of the children and the worthiness of the parents and family setting, were more often a product of the social climate than any insightful analysis of the potential costs and benefits to be derived from removing children from their families and placing them in alternative care.¹⁹

6.53 The cost to many individuals, families and society of the impact of time spent in institutional care is profound. As described above, the harm done to children while in care has resulted in harmed adults. As adults, care leavers face relationship problems; drug and alcohol abuse; loss of educational and work opportunities; long-term physical and mental health problems; and antisocial and criminal behaviour. This is a significant cost to the individual and a massive long-term social and economic cost for society which may be compounded when badly harmed adults in turn create another generation of harmed children.

Quantifying costs

6.54 The enormous direct social and economic costs of children who have lived in care include: medical care for injuries; medical care for long term effects; mental health care; substance abuse treatment; costs through the criminal justice system; costs of intervention services such as counselling; and social services costs for case workers and shelters.

6.55 The direct and indirect social and economic costs of the impact on children who have lived in care have not been quantified. However, some evidence is available which demonstrates the enormity of the impact. For example, Mr John Murray of the Positive Justice Centre provided an indication of the extent of care leaver involvement in welfare related fields:

...this institutional abuse does not stop when we age out of the system. Once in contact with the juvenile justice system we have a 90 per cent chance of becoming adult criminals. We have a one in three chance of leaving care at 16 as women or girls pregnant or already with a child. We have a one in two chance of being homeless within that first year. Only one in 100 of us will get to university, but one in three of us will have attempted suicide. We are also highly likely to wind up addicted to drugs, engaged in

19 Submission 347, extract from *Who Will Look After the Children?* JAS Australia's Public Intellectual Forum, UQP, No.59, p.21.

prostitution, unemployed, mentally ill or incapable of sustaining loving relationships.²⁰

6.56 In 2003 the Kids First Foundation published a study into the cost of child abuse and neglect in Australia, focussing on the more common characterisations of physical, sexual and emotional abuse and neglect as this terminology is used by the literature and by child protection services. The study characterised the costs under the headings: human cost of those abused, long-term human and social costs, cost of public intervention and cost of community contributions. Long-term human and social costs included mental disability, increased medical service usage, chronic health problems, lost productivity, juvenile delinquency, adult criminality, homelessness, substance abuse and intergenerational transmission of abuse. Public sector intervention involved child protection services including abuse prevention programs, assessment and treatment of abused children, law enforcement and victim support.

6.57 The study estimated the annual cost of child abuse and neglect to the Australian community to be \$4.92 billion. The long-term human cost and the cost of public intervention accounted for around three quarters of the total cost, with the long-term human and social cost estimated at \$1.94 billion per annum.²¹

6.58 The South Australian Department of Human Services estimated the cost of child abuse and neglect in 1995-96 to be \$354 million in that small state with a population of just over 1.5 million. That figure is more than the \$318 million South Australia earned in the same period from wine exports, or the \$239 million from the export of wool and sheepskins.²²

6.59 Care leavers also access health services for counselling, drug and alcohol services, mental health services and in some cases medical services as a result of the effects of physical or sexual abuse. CBERSS outlined research on the use of health care services:

- An American study on health care utilisation in 2000 by women found that women who had experienced childhood sexual abuse incurred an average of \$150 more in primary care charges over a two-year period, and visited primary health care clinics 1.33 times more often than women who had not been sexually abused. Another American study found that women who had been sexually abused as children had significantly higher primary health care costs and more frequent emergency department visits than women without child sexual abuse histories. Both research projects concluded that their findings represented a gross underestimation of the real financial consequences associated with child sexual abuse.

20 Committee Hansard 4.2.04, p.30 (Positive Justice Centre).

21 Kids First Foundation, *The Cost of Child Abuse and Neglect in Australia*, 2003. See also Submission 305, p.1 (Abused Child Trust).

22 McGurk H, *The Economic Cost of Child Abuse and Neglect in South Australia*, Office of Families and Children and Australian Institute of Family Studies, Adelaide, 1998.

- These findings are consistent with earlier research, which concluded that women who had been sexually abused as children were 2.5 times more likely to seek medical attention and to be hospitalised.
- Research by Moeller and Bachman in 1993 indicated that childhood abuse had adverse consequences for physical health. The greater the incidence of abuse the woman experienced as a child, the greater the likelihood of adult hospitalisations for both illnesses and surgeries.²³

6.60 Other research indicates that women who were sexually abused as children are refusing to have pap smear tests²⁴ while it is estimated that half of the women undergoing drug treatment are victims of childhood sexual assault.²⁵

6.61 Other costs to society occur because of the high numbers of care leavers who enter the justice system. It was stated in evidence that one in five adult prisoners and one in three juvenile prisoners have been in care.²⁶ Sixty-five per cent of women in Victorian prisons were themselves housed in institutions as children. The cycle is perpetuated as many children of women prisoners are made wards of the state while their mothers are imprisoned – 70 per cent of women in Victorian prisons are mothers and largely the sole-carer.²⁷ A study of risk factors for the juvenile justice system found that '91 per cent of the juveniles who had been subject to a care and protection order, as well as a supervised justice order, had progressed to the adult corrections system with 67 per cent having served at least one term of imprisonment'.²⁸

6.62 Those who have been physically or sexually assaulted are also over represented in the prison population with 80 to 85 per cent of women in Australian prisons having been the victims of incest or other forms of abuse.²⁹ Another Australian study of 27 correctional centres in New South Wales found that 65 per cent of male and female prisoners were victims of child sexual and physical assault.³⁰

23 Submission 49, p.12 (CBERSS).

24 *Sun-Herald*, 'Victims of sex abuse refusing Pap tests', 16.11.03, p.35.

25 Gil-Rivas V, Fiorentine R & Anglin MD, 'Sexual abuse, physical abuse and post-traumatic stress disorder among women participating in outpatient drug abuse treatment', *Journal of Psychoactive Drugs*, 28(1), 1996, p.95.

26 Committee Hansard 4.3.04, p.31 (Positive Justice Centre). See also Submission 68, pp. 5-6 (Association of Childrens Welfare Agencies).

27 Colvin K, *The Women and Poverty Report 'More than half - less than equal'*, Victorian Council of Social Services, October 2001, p.15.

28 Lynch L, Buckman MJ & Krenske L, 'Youth Justice: Criminal Trajectories', *Australian Institute of Criminology: trends and issues*, No 265, Sept 2003, p.2.

29 Austeal P, 'Don't talk, don't trust, don't feel', *Alternative Law Journal*, 19(2), 1994, pp.185-89.

30 Butler TB et al, 'Childhood sexual abuse among Australian prisoners', *Venereology*, 14(3), 2001, pp.109-15.

6.63 Although there has been a large volume of research work undertaken on the cost of child abuse, there is a paucity of specific research which provides an overall estimate of the actual cost to society resulting from the negative outcomes of institutional care. The following provides an overview of some of the research on the cost of child abuse:

- It was estimated that the cost in future lost productivity of severely abused children was between US\$658 million and US\$1.3 billion annually, based on the assumption that the children's impairments caused by the abuse would limit their potential earnings by just 5 to 10 per cent (United States General Accounting Office, 1992).³¹
- A study by the Michigan Children's Trust Fund compared the costs of an early intervention program which started prenatally and worked intensively with parents for the first year of a child's life, with the costs incurred when a child is abused. The study showed that, offering early intervention to every family in the state was approximately one-twentieth of the costs associated with abuse.³²
- The United Kingdom National Commission of Inquiry into the Prevention of Child Abuse (1996) estimated that the cost of child protection services and additional mental health and correctional services associated with child abuse and neglect was over 1 billion pounds per year in England and Wales. (Briggs 1995).³³
- Layton cites an American study conducted in 2001 where a conservative estimate concluded US\$94 billion was spent annually in response to child abuse, of which approximately 75% was spent on treating all the long term, indirect effects, including special education, mental and physical health care, juvenile justice, lost productivity and adult criminality. (2003)³⁴

6.64 The indirect costs to society of the harm done to children in care are as large, if not larger, than the direct costs but also unquantified: What has been the cost to the economy of care leavers not fulfilling their potential? What is the cost to the economy of lost productivity? What is the cost of human suffering of the child or of the family? These costs represent a loss to the economy and to society generally. The NSW Commissioner for Children and Young People stated:

Clearly any costs for an individual victim and their family represents an 'opportunity lost' cost for the community. People who may have been more productive in their lives and in their contribution to the community may not

31 *Submission 35, p.11.*

32 *Submission 35, p.11.*

33 *Submission 35, p.11.*

34 *Submission 35, p.11.*

contribute as they would have, because their life's energy is devoted to wrestling with the legacy of their abuse.³⁵

Benefits of providing services

6.65 An aspect of cost saving is argued in the longer term by taking a preventative approach in the present. For example, if counselling and other support services are not provided early for people abused in orphanages and homes, it will cost governments significantly more in the longer term in the way of future treatment in psychiatric institutions, drug and alcohol rehabilitation centres, prisons and other institutions – for this is where many of these untreated people end up.



The days of low self-esteem, of painful memories and nightmares are decreasing. The happy times are beginning to outweigh the sad. The experiences I had in 'care' are forever imprinted in my mind, on my body and in my heart. But I want to finish by saying some things to those who abused me. **You did not win!!!** You never touched the real me. You didn't even know the real me. You never knew that I was a strong and beautiful human being. **You did not crush my spirit and one day you WILL have to face your maker and answer for what you did to me and to too many other precious and beautiful children.**³⁶

35 Submission 35, p.11 (NSW Commission for Children and Young People).

36 Submission 412, p.7.

CHAPTER 7

RESPONSIBILITY, ACKNOWLEDGEMENT AND APOLOGY

The problem is no one is owning up to the responsibility when duty of care was broken. Not the government, not the church...ultimately they both had a duty of care when they took me from my parents and made me a ward of the state.¹

7.1 Issues related to responsibility for past abuse and neglect and the development of measures of reparations go to the heart of the concerns of victims of institutional abuse. This chapter discusses issues related to the responsibility for state wards in institutional and out-of-home care and the role of governments and non-government bodies in the care of these children. The chapter then discusses issues related to the need for an acknowledgment and/or apology by governments and the Churches and agencies for past abuse or harm experienced by children whilst in institutional and out-of-home care. The Committee was repeatedly told that for many care leavers an acknowledgment of past wrongs would facilitate a degree of emotional and psychological healing and confirm that their experiences in care are at last 'believed' and recognised.

7.2 Measures of reparation available to care leavers through the court system and alternative redress arrangements through compensation schemes, internal Church-sponsored redress arrangements and victim's compensation tribunals are discussed in the following chapter.

Role and responsibility of governments and non-government bodies

7.3 Historically, legislative responsibility for child protection in Australia has rested primarily with the States and Territories – there is no legislative power over children or child protection in the Commonwealth Constitution.

7.4 The legal status of children placed in institutional and other forms of care varied depending on whether a child was placed in care by its natural or adoptive parents acting voluntarily in a private capacity, or by the State acting in accordance with statutory provisions. In the case of voluntary admissions to care, the legal guardianship of the child remained with the natural parents. However, guardianship of a child could be transferred voluntarily from the parent or other guardian to the State as a result of an application by, or with the consent of, a child's parents or custodian. Once a declaration or court order was made in this way it could not be revoked or cancelled merely because the parents or guardians of the child wished him or her to be

1 Submission 371, p.10.

returned. For children admitted to care involuntarily, the legal guardianship of the child was generally transferred from the child's parents or guardians to the State.²

7.5 Children placed under the guardianship – custody, care and control – of the State, excluding adoption and immigration cases, had as their legal guardian the Minister, Director or other official of a State welfare department. In these cases the guardianship of the child was conferred on the Minister or his delegate under State legislation. Legislative arrangements governing the State guardianship of children varied from jurisdiction to jurisdiction as did the policies and practices followed by State welfare departments in the administration of their statutory provisions relating to guardianship. In general, the guardian of the child was granted extensive authority to make major decisions affecting the child. The transfer of the child's legal guardianship from his or her natural parents did not necessarily mean, however, that the child's guardian had the actual physical care and control of the child. This was most commonly the case for children placed under the guardianship of the State where the legal authority over the child was vested in the relevant Minister or the Minister's delegate but where the actual day-to-day care was provided by others.³

7.6 As noted above, legislative arrangements in relation to State guardianship varied between the States. Children were either placed in State-run institutions or foster care or institutions operated by the Churches or charitable groups.

7.7 In NSW, the *Public Institutions Inspection Act 1866* made all charitable institutions that received government grants subject to inspection. In the same year, the *Industrial Schools Act 1866* authorised the Colonial Secretary to remove children from private to public industrial schools or vice versa, and to substitute court-ordered care at a public industrial school with care at a private industrial school. The private institutions were subject to inspection and were eligible for public funds, and children sent there were subject to the 'custody and control' of the manager of the institution. Although any overriding state guardianship was not at first spelt out the Colonial Secretary's power to remove children from private institutions indicates continuing responsibility. Both Acts were repealed in 1901.

7.8 Under the *Child Welfare Act 1939* (NSW), which was in force until 1987, there was a similar provision to send children to private institutions, and the responsibility of the state for wards was spelt out:

9(1) Notwithstanding any other law relating to the guardianship or custody of children the Minister shall be and become the guardian of every child or young person who becomes a ward to the exclusion of the parent or other guardian and shall continue to be such guardian until the child or young person ceases to be a ward.

2 Senate Standing Committee on Social Welfare, *Children in Institutional and Other Forms of Care*, June 1985, p.8.

3 *Children in Institutional and Other Forms of Care*, p.9.

7.9 In Victoria under the *Child Welfare Act 1928*, the Secretary of the Children's Welfare Department was the guardian of any child admitted to the care of the Department until the child reached the age of 18 years of age, or in certain cases 21 years of age. The Minister was empowered to place children in approved children's homes, and these homes were subject to inspection. Compared to other States, the child welfare system in Victoria historically relied more heavily on the provision of services by charitable and church-based agencies. The *Children's Welfare Act 1954* gave the government the power to establish its own institutions for the care of children. Non-government institutions were required to be registered with the Children's Welfare Department. These 'approved children's homes' were to maintain adequate standards of care and were subject to Departmental inspection.⁴

7.10 One witness described the arrangements in Victoria in the following terms:

Relationships between the Children's Welfare Department and the voluntary organisations had grown out of events of the 19th century. Mostly the State limited its involvement in voluntary homes to that of exercising power to approve or disapprove of them and to making per capita grants for the children. Institutions were regularly inspected and reviews were made of the physical care of State wards. But the contact had been essentially administrative.⁵

7.11 In Queensland the *State Children Act 1911* provided that the Director should 'have the care, management, and control of the person of all State children, whether inmates of an institution or placed out or apprenticed, until such children attain the age of eighteen years' and that the Director should be the guardian of all State children. The *Children's Services Act 1965* gave the Director of the Department of Children's Services supervision of the staffing of licensed institutions, supervision of their standard of care and a general power of direction over them.

7.12 In Western Australia the *State Children's Act 1907* provided that the Secretary of the State Children Department should 'have the care, management, and control of the persons and property of all State children' and that children committed to the care of the Department could be 'detained in an institution', which included subsidised institutions and religious institutions. The State Children's Act and the subsequent *Child Welfare Act 1947* set out Departmental responsibilities for the care and protection of children in the state, and established that institutions providing out-of-home care be regulated and inspected.⁶ Under the Child Welfare Act the Department was responsible for 'the placing out and supervision of Wards of the Department in institutions and in private homes with foster-parents'. Younger children were to be boarded out with foster parents wherever possible, with older children usually placed in institutions 'established by the various religious bodies for the care and betterment

4 Submission 173, pp.4-7 (Victorian Government).

5 Submission 47, p.25 (Mr McIntosh).

6 Submission 55, p.14 (WA Department for Community Development).

of child life. These institutions are subsidised on a per capita basis by the Government and the Department has the right of inspection from time to time'.⁷

7.13 In South Australia the *Maintenance Act 1926* authorised the Children's Welfare and Public Relief Board to send children to private institutions, but specified that the children would remain under the 'custody and control' of the Board until they reach the age of 18 years, and that institutions were under the supervision of the Board. The *Community Welfare Act 1972* provided for licensed children's homes, and authorised the Minister to place children in those homes, but specified that the child was 'under the care and control of the Minister' until the child reached the age of 18 years.

7.14 In Tasmania, under the *Children of the State Act 1918*, the Secretary of the Children of the State Department was the guardian of such children until they reached the age of 17 years, or in some cases 21 years, but while children were in certified private institutions, the powers of the Secretary as guardian were exercisable by the managers of those institutions. Inspections of the institutions were performed under regulations. Under the *Child Welfare Act 1960*, approved children's homes were subject to inspection, and received a regular payment for each ward. Guardianship of wards of the state remained with the Director for as long as they were wards.

Duty of care

7.15 Issues relating to the responsibility for the care of children placed in institutions were discussed extensively in evidence. As noted above, legislation in the various States provided that the Minister or head of the relevant welfare department remained the guardian of state wards until they reached a certain age. However day-to-day care of children whether in State-run or Church-run institutions involved the management and staff of these institutions. One witness, who is undertaking postgraduate research into state wardship in Victoria, stated that ultimately responsibility rested with the State:

...if I were to say where responsibility for state wards lies, I would tend to say that the state holds responsibility because of the legislative definitions. It defines which children come into care and which children do not come into care, so it legislates that responsibility. It selects wards. It sets up the system which says "You will be a ward; you will not be a ward". It selects the institutional destinations of wards – it says where these children are to go. It funds institutions. It knows it is funding these institutions, so it is responsible in that respect. It is paying institutions in return for a service...it inspected the institutions, not necessarily the children in the institutions.⁸

7 Extract from the Annual Report of the Child Welfare Department 1951 in *Submission 55*, Attachment 9 (WA Department for Community Development).

8 *Committee Hansard* 12.11.03, p.19 (Ms Gaffney).

7.16 Legislative arrangements in the States often imposed statutory obligations in relation to food, clothing, education and corporal punishment of children in institutions. For example, in Queensland both the *State Children Act 1911* and the *Children's Services Act 1965* required that children should be adequately fed, clothed and cared for. Excessive physical and emotional punishment was forbidden by persons and institutions who held children in their charge.⁹ See also Appendix 4.

7.17 Submissions from several Churches also recognised that in addition to the State Governments the Churches also had a 'duty of care'. Catholic Welfare Australia stated that while the 'ultimate responsibility' for former children in institutional care lay with State Governments 'this is not overlooking the responsibilities placed on those organisations, which had a "duty of care" in the day-to-day policies and practices that affected the quality of life for the children'.¹⁰ UnitingCare Victoria and Tasmania stated that while State Governments had a responsibility 'as the legal guardian or custodian of many of the children and young people and also in their role as the regulator of substitute care facilities', the agencies also had a responsibility due to their involvement 'as either the day to day carers of the children on behalf of the State or, in other cases, as the carers of privately placed children'.¹¹

7.18 Submissions and other evidence to the inquiry indicated, as discussed in chapter 4, that in many instances there was a failure in the duty of care in providing for the basics of life, including adequate food, clothing and access to education. Living conditions in many institutions were basic and in many cases substandard. Serious breaches in the duty of care were evident in the appalling levels of emotional and physical abuse and assault that were allowed to continue unchecked over a lengthy period of time in a number of institutions.

7.19 Evidence by care leavers displayed a deep sense of disillusionment and betrayal at what they saw as the abrogation by the State authorities and/or the Churches in their duty of care obligations.

The state governments put some of the children into their own institutions and promptly wiped their hands of the children. How did the state employees act? They raped and they sodomised the girls. They sodomised the boys....The offenders had no action taken against them. These state employees, guards of these child prisoners, bashed, tormented and humiliated the little children with impunity.¹²

All state and church institutions must be held accountable for the hurt and pain. The duty of care of governments and non government agencies who ran children's homes is that they have a moral and ethical obligation to

9 Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Report), 1999 p.35. See also *Submission 31*, p.2 (Relationships Australia – Queensland).

10 *Submission 71*, p.24 (CWA).

11 *Submission 52*, p.10 (UnitingCare Victoria & Tasmania).

12 *Committee Hansard 3.2.04*, p.87.

implement support services for their past residents, who are still coming to terms with their issues. (Sub 33)

I believe there is no basis for a government and a church organisation to pass the buck between each other. The state says, "We put them into church organisations; we thought they'd be all right". And the church says, "We didn't know; we employed those people". Well, tough luck, because somebody had a duty of care and somebody ignored it.¹³

The government, and in our case Wesley, are answerable as to "Why"? There has to be some form of redress with this...The government needs to apologise for not fulfilling its duty of care in making sure about and policing these institutions, because they were not policed.¹⁴

Inspections

7.20 Provisions existed in most States for regular inspections of institutions and the monitoring of the welfare of the children in institutional care, though the periods varied between the States and over different time periods. Evidence to the inquiry indicated that the extent and effectiveness of inspections varied considerably between States.

7.21 A particularly disturbing feature in Victoria was that prior to the introduction of the *Children's Welfare Act 1954* there was no formal requirement for inspections of non-government children's institutions as these institutions were not required to be registered with the welfare department. The Victorian Government conceded that:

The system, until the 1950s, was based on the flawed assumption that state wards would be placed in foster care and that charitable children's homes would only accommodate children placed voluntarily by their parents.¹⁵

7.22 There was an informal process of, largely perfunctory, 'visits' to state wards in these institutions where some assessment was made of the physical health of the children but the management and standards of care in these institutions was not subject to inspection. Even when regular inspection of children's homes began in the late 1950s the standards of care to be maintained in these homes were not legislatively defined – the Victorian Government again conceding that this was a 'weakness' in the legislation.¹⁶

7.23 In New South Wales a similarly unsatisfactory situation existed. A former NSW government inspector noted that the licensing system for non-State homes (licensed under s.28 of the *Child Welfare Act 1939*) only required that children under the age of seven be subject to inspections. Thus older children in these homes were

13 Committee Hansard 3.2.04, p.25.

14 Committee Hansard 3.2.04, p.18.

15 Submission 173, p.5 (Victorian Government).

16 Submission 173, pp.5, 18 (Victorian Government).

exempt from this requirement. The Committee asked the witness about the inspections undertaken.

Senator HUMPHRIES – Did you interview children one on one in any of those places?

Mr Quinn – No, because that was not part of the licensing system. I certainly looked at any children under the age of seven...I would have to admit that there certainly were no one-on-one interviews alone. That was not the practice in those days.

Senator HUMPHRIES – Were you not expected to do that, or was it against departmental regulations?

Mr Quinn – It was not part of the system, as I understand it. But the older children were outside the licensing regimen.

Senator HUMPHRIES – And there was no-one who inspected in respect of them?

Mr Quinn – Not to my knowledge, no. That practice dates from the turn of the century. Licensing was brought in in relation to small children.¹⁷

7.24 Inspections by welfare officers were often superficial and more concerned with the physical structure of the buildings than the children's' welfare. One witness, who has studied state wardship in Victoria, noted that:

...on the issue of inspection reports...they are inspections of the institutions, not of the children in the institutions. The condition for approval and funding was that the institution had to be inspected, not the children in its care. The conclusion I draw from that is that there was a belief that if the institution was all right and was meeting the regulated requirements then it must be providing suitable care.¹⁸

7.25 A study of Victorian orphanages stated that even in the 1950s inspections of institutions were viewed by government authorities as a 'sop to reforming noises' and were not intended to have 'real teeth'. In the case of Victoria, which relied on voluntary institutions to house its wards, the study argued that the authorities did not 'dare to upset those institutions' with unfavourable inspection reports. The study noted the comments of a former inspector who recounted that inspections were 'left entirely up to us [as to] what we did and how we went about it'.¹⁹

7.26 In Western Australia, the Department for Community Development stated that existing records indicate that that the Child Welfare Department maintained regular inspections of institutions, and that there are examples of comprehensive inspections. Examples of inspections reports from the 1940s and 1950s are provided. The reports

17 *Committee Hansard* 3.2.04, pp.117-118 (Mr Quinn).

18 *Committee Hansard* 12.11.03, p.14 (Ms Gaffney). See also *Submission* 173, p.5 (Victorian Government).

19 *Submission* 47, pp.29-30 (Mr McIntosh).

are generally concerned with the physical conditions of the buildings and often contain only basic or superficial comments on the health and well-being of the residents. For example, an inspection report on Tardun in 1957 noted that 'during my visit I had the opportunity to speak to a number of boys, they all appeared happy in their surroundings...conditions at this College are satisfactory'.²⁰

7.27 Accounts by care leavers of inspections that were undertaken are quite varied, with a general view that such visits were carefully staged managed and the children were not allowed to talk one-on-one with visiting welfare officers.

...the standards of inspections of institutions in my time leave me gobsmacked. The inspection that we underwent once a year was perfunctory, to say the least...The kinds of things that were commonly reported – often in no more than one sentence – were "He looks after his teeth", "He needs glasses", "He wears glasses", or "He's a fine boy". There was never any opportunity to discuss with the so-called inspectors what was going on in your life and how you felt about it...In fact, one risked a box over the ears if one raised that sort of question with the wrong staff member at the wrong time. So the inspections were never concerned with the psyche, the emotions or the feelings of the child; they were about your teeth or what grade you were in. We knew what grade we were in.²¹

7.28 Even when welfare officers met with children there appeared to be little follow-up action with respect to complaints made.

...they used to have a welfare officer who would come in once a year. He always interviewed each and every one of us at the Box Hill Boys Home about how we were treated et cetera...Even then, even as a young child, I would wait and wait and wait and see if anything changed, but it didn't. They were aware of it...They were aware of what was going on – the mistreatment of kids. That was our only hope. We told them what we thought, how we felt and what was happening, but it fell on deaf ears. I used to think: why? (Sub 296)

7.29 The Committee received similar evidence regarding inspections in the child migrants inquiry. The Committee's view expressed at that time has only been reinforced by the further evidence during this inquiry:

The Committee considers that in many instances, based on the documentary evidence available to it, the level of inspections undertaken and the consideration of the welfare of the children in the institution appear to have been at best basic and often deficient.²²

7.30 A serious deficiency was the lack of complaints procedures available to children who might have wished to complain about conditions or their treatment in

20 Submission 55, Attachment 10 (WA Department for Community Development).

21 Committee Hansard 11.11.03, p.31.

22 *Lost Innocents*, p.110.

institutions.²³ The Forde Inquiry also commented that a common fault in residential institutions in Queensland prior to the 1970s was the absence of complaints mechanisms for children dissatisfied with aspects of their treatment.²⁴

There were no ways of making complaints about our poor treatment and the system often appeared to try to crush us rather than help us. (Sub 245)

State Wards suffered the most as they had no family to complain to and no one to confront the staff. I would have to write a book to even begin to detail all the injustices that were commonplace in the institutions. (Sub 344)

7.31 Evidence from care leavers indicated that the authorities in the institutions made it clear that candid reporting of the actual conditions and/or mistreatment suffered were not to be made to visiting welfare officials for fear of further punishment.

I remember going down to the shower blocks and Sangster said to each and every one of us, "If any of you kids say anything about how I'm running this organisation or how I run it, I'll know about it because the reports come back to me". So I thought to myself, well, there would be a lot of kids that would not even say anything. (Sub 296)

Ben had only been there [Tamworth Boys Home] about two months and he complained long, hard and bitterly about his treatment...The Minister [from the welfare department] opened the office door and called the guard in, telling him to escort this compulsive liar to solitary confinement and not to release him until he learned to tell the truth. Blows rained down upon Ben while the Minister stood by. As Ben was dragged by his feet from the office and down the stairs Ben yelled to the other boys waiting to be interviewed, "Don't complain, Don't complain!" This resulted in another beating.²⁵

7.32 Some care leavers claimed that they never saw a welfare officer – even former residents that spent long periods of time in particular institutions.

At no time during my period of detention [from 1963 to 1971] at St. Augustine's [Geelong] did I witness any monitoring and auditing of the conditions there by the Victorian Government. (Sub 385)

Never in all the time that I was at Dalmar – or, I believe, in the whole 14 years from 1949, when he was the superintendent – did anyone ever come from the welfare department. And we were wards of the state. Where were they?²⁶

Where were the Children's Services during my time at St. Catherines [Geelong] from 1963-1968. I never saw them, not once! I want to know

23 Submissions 68, p.8 (ACWA); 44, p.2 (Professor Goddard).

24 Forde Inquiry, p.97.

25 Submission 329, pp.5-6. The submission noted that the reference to the 'Minister' was probably a reference to a high ranking official from the welfare department.

26 Committee Hansard 3.2.04, p.25.

why. I was the States child, never in those five years did anyone representing the Government speak to me and ask how I was doing. (Sub 111)

7.33 A telling indictment of the ineffectiveness of inspections and the monitoring by the States is the lack of recorded breaches of statutory obligations. The WA Department for Community Development stated that existing records of the Child Welfare Department contain no evidence of breaches of statutory obligations.²⁷ The Committee, however, received many instances of extreme abuse and neglect in Western Australian institutions. A former employee of the NSW Department of Community Services stated that he was 'unable to find a single instance of anyone being charged criminally with assaulting an inmate of an institution [in NSW], even though there was provision in the legislation from 1905'. The same witness described the 'inhumane and illegal punishment' of children in several NSW institutions, which was confirmed in other evidence to the inquiry.²⁸

Internal processes

7.34 Internal monitoring *within* institutions was also superficial and, to a considerable extent, ineffective. Fear was a driving element for the children in many institutions. As noted above, to speak out on any issue would simply attract further retribution.

It wasn't long before the abuse started on me. I complained to the Prior in charge at [St John of God's] Cheltenham. He told me to go away. He didn't believe me. He said "stop whinging you bastard". I was only 9 years and 8 months old. The same day I was called to go to the front office. He was there. He punched me in the face and said "you asshole". (Sub 130)

7.35 In relation to Catholic institutions, Dr Coldrey stated if complaints were investigated by a Superior, denial by a Brother accused of a wrongdoing usually meant his word against that of a boy, and no action against the Brother in question – 'occasional episodes of malicious accusations and suspicion of the reliability of orphanage boys tended to count against taking a boy's word against that of a Brother when there was no further evidence'.²⁹

7.36 Similar inadequate processes were in place in other institutions. In relation to Dalmar, one care leaver recounted a visit to the institution from the committee of the Central Methodist Mission:

[We] were told only to answer "yes" or "no" to questions. The committee from Central Methodist Mission would come up at Open Day and the children would sing on the stage. Then the committee would walk around the cottage for five minutes. The children would line up in that cottage and

27 Submission 55, p.14 (WA Department for Community Development).

28 Committee Hansard 3.2.04, pp.108, 110 (Mr Quinn).

29 Submission 40, p.24 (Dr Coldrey).

the committee would pat them on the head and ask them, "Are you happy?" or "Do you know who is giving you the roof over your head?" or "Do you know who is supplying the food that you eat?" The children would say "Yes" and "Yes" – and the committee would move on.³⁰

7.37 Another care leaver recalled the lack of monitoring at the WR Black Home in Brisbane operated by the Presbyterian Church:

We were told regularly, "You are here because nobody wants you but the good Church is now looking after you". Unfortunately, "The Good Church", as far as I know, never spoke to any of us "One on One". We would have been too frightened to say anything, anyway! (Sub 409)

Conclusion

7.38 The Committee considers that duty of care was lacking in several fundamental areas in relation to children in institutional care – in respect of the adequate provision for the basic needs of children, that is, adequate food, clothing and nurture; and the horrendous levels of physical, sexual and emotional abuse that were allowed to occur while these children were in care. Equally disturbing is the fact that such abuse was able to continue unchecked over so many years.

7.39 The inspection and monitoring of institutions, that should have detected inadequate provision of basic care and other serious violations of care, was grossly inadequate. The Committee considers that in many instances, based on the documentary evidence available to it, the level of inspections undertaken and the consideration of the welfare of the children in the institutions appear to have been at best basic and in numerous cases deficient. Internal processes within institutions were also grossly inadequate. The lack of a complaints mechanism available to children within institutions also contributed to a system where adequate levels of care were often not enforced.

7.40 Evidence clearly demonstrates a failure in their duty of care by those involved at all levels of the administration of institutional care arrangements. The inadequate levels of monitoring and buck passing of responsibilities appeared endemic at all levels. The Committee believes that these failures of duty of care and the unfortunate circumstances in which many former care leavers now find themselves is a shared responsibility of governments – and the Churches, religious orders and agencies – who were negligent in their caring responsibilities. However, the individual responsibility of those who were actually in charge of the children must never be understated.

Acceptance and denial of responsibility

7.41 Evidence to the Committee indicated that while some State Governments and religious authorities and agencies have accepted responsibility for forms of neglect

30 *Committee Hansard 3.2.04, p.25.*

and abuse of children in their care in institutions – at least to some extent – others appear reluctant to accept these responsibilities. Often admissions of neglect or abuse are heavily qualified and reference is often made to prevailing conditions and standards of care at the time.

7.42 State Governments have adopted varying stances with respect to the question of responsibility for forms of neglect and abuse within institutions. Witnesses noted that it is often difficult to get State Governments to face up to their responsibilities in this regard.³¹

7.43 The Queensland Government has formally apologised for instances of past abuse and neglect in Queensland institutions. In August 1999 the Government and the responsible religious authorities in that State issued an apology that included the following statement:

We sincerely apologise to all those people who suffered in any way while resident in our facilities, and express deep sorrow and regret at the hurt and distress suffered by those who were victims of abuse.

7.44 The Victorian Government, while acknowledging that some abuse occurred in institutions in Victoria, also placed considerable weight on consideration of prevailing standards of the day and the resources available at the time.

In the past, some children were abused and neglected while in care, and a larger number of children were subjected to standards of care which would not be considered adequate by today's standards. However, it is also important to recognise that the people who cared for children in the past, either in children's homes or in their own homes, generally did so as well as they could in the circumstances of the times, and that auspice organisations for children's homes and foster care programs generally sought to provide the type of care which they believed to be best...Care provision and its quality have changed over time in response to changing attitudes and knowledge, concerns identified and resources available.³²

However, the Victorian Government submission attracted some criticism with one witness commenting that 'I have never seen such a sanitised submission as the one put in by the Victorian Government, and it obviously was sent to the Solicitor-General to work through before it was signed off by whoever the minister is'.³³

7.45 The WA Department for Community Development, while not directly addressing the issue of the State's responsibility for abuse in institutions, emphasised that regular inspections of institutions were undertaken and stated that the historical records of the Department 'contain little information on unsafe, improper or unlawful care or treatment of children in out-of-home care' adding however that the records

31 See, for example, *Committee Hansard* 12.11.03, p.38 (Broken Rites).

32 *Submission* 173, p.3 (Victorian Government).

33 *Committee Hansard* 12.11.3, p.38 (Broken Rites).

held by the Department are incomplete or in some cases non-existent.³⁴ The Department noted that a review of extant historical records of the Child Welfare Department contain no evidence of breaches of statutory obligations.³⁵ The Committee notes, however, that as the monitoring by State authorities, especially through inspections, was largely ineffective in uncovering possible breaches of statutory obligations it is not surprising that no breaches were recorded.

7.46 Similarly, the Churches, religious orders and agencies have adopted varying approaches, usually from reticence to denial, towards accepting responsibility for conditions in institutions and acknowledging past abuse.

7.47 The Salvation Army stated that instances of abuse were 'rare' in its institutions:

We acknowledge that in Salvation Army institutions established or licensed under relevant legislation as providers of care for children, sadly there have been some instances where unsafe, improper or unlawful care or treatment has occurred. The Salvation Army takes these instances very seriously. However, such occurrences have been relatively rare and not endemic to our services.³⁶

The Committee notes, however, that the overwhelming majority of submissions to this inquiry from ex-residents of Salvation Army institutions in all States reported negative experiences in these institutions, often citing cases of extreme forms of physical, sexual and emotional abuse. The Committee believes that there has been a notable reluctance by the Salvation Army to acknowledge past practices, in particular the nature and extent of abuse in its institutions.

7.48 Barnardos Australia stated that care was in accordance with prevailing standards at the time:

Whilst some of the practices of the past have not served children well, we believe that Barnardos services have acted in the best intention towards any child in institutional care. Some criminal activity did take place, but to the best of our belief that has been dealt with in the criminal justice system. However we believe that Barnardos attempted to maintain a standard of care which was in keeping with "good practice" in child rearing at the time.³⁷

7.49 Catholic Welfare Australia, the peak body representing Catholic welfare organisations and an organ of the Australian Catholic Bishops' Conference, noted that standards of care needed to be judged in the context of the times:

34 *Submission 55*, p.12 (WA Department for Community Development).

35 *Submission 55*, p.14 (WA Department for Community Development).

36 *Submission 46*, p.1 (Salvation Army).

37 *Submission 37*, p.3 (Barnardos).

In hindsight Catholic organisations did play a role in the implementation of government policies and legislation, which meant children were placed in "out of home care". These organisations, under the circumstances, provided the best they could which unfortunately caused distress for some children.³⁸

7.50 The Christian Brothers, while acknowledging that 'some horrific acts of emotional, physical and sexual abuse took place in particular institutions in particular eras', noted however that 'it is clear to the Christian Brothers that the majority of men who passed through our institutions received a quality of care appropriate to the era, obtained a good education and moved on to a good family life and good employment'.³⁹

7.51 The Committee questioned the Order as to what evidence it had to substantiate this last statement. The Provincial of the Order argued that the statement was based on 'fairly substantiated anecdotal evidence' from attending gatherings of former students and discussions with former students over many years.⁴⁰ The Committee notes, however, that many former residents of these institutions are too traumatised to have any further contact with the Christian Brothers or their former institutions thus the 'sample' of ex-residents would not be representative of all former residents. The Committee also notes that a particularly common feature of Christian Brothers' institutions was their failure to provide a proper education for many ex-residents. The Committee also received many submissions from ex-residents of these institutions, both in this inquiry and the child migrants inquiry, attesting to a life full of trauma, emotional problems and poverty.

7.52 MacKillop Family Services, commented that in respect of former Sisters of Mercy, Sisters of St Joseph and Christian Brothers institutions in Melbourne 'we acknowledge that the policies and practices in institutional care in the last century had a detrimental impact on many of those who grew up in these institutions...It is also important to record the positive contributions of the past, given the danger of broad generalizations and stereotypes'.⁴¹

7.53 UnitingCare Victoria and Tasmania stated that in relation to former Methodist and Presbyterian homes operating in Victoria, 'the balance between positive and negative perceptions of those who experienced care in the variety of settings is difficult to estimate'.⁴²

38 *Submission 71*, p.5 (Catholic Welfare Australia).

39 *Submission 65*, pp.1,6 (Christian Brothers).

40 *Committee Hansard 9.12.03*, pp.55-56 (Christian Brothers).

41 *Submission 50*, p.2 (MacKillop Family Services).

42 *Submission 52*, p.8 (UnitingCare Victoria and Tasmania). No homes operated in Tasmania under the auspices of the Church.

7.54 The Wesley Mission acknowledged that a number of former residents have alleged abuse or unduly harsh treatment during their time with Dalmar. Wesley Mission added that:

The perception of these experiences varies – some seeing it as common to parenting practices at the time, others seeing it as unacceptable and harmful to their long-term development. Positive stories are heard as often as negative ones, and often they are mixed.⁴³

7.55 Anglicare Victoria, while not directly commenting on the issue of responsibility, argued that there has been a concentration in the media and elsewhere on abuse within institutions relative to other settings and that instead of 'laying blame' the community needs to support families in the future:

I think we need to put this whole debate [on institutional abuse] into some perspective...95 per cent of abuse and neglect occurs in the family home, not in institutions. The focus has been very much on institutions because, in a sense, we can be easily targeted and examined.⁴⁴

7.56 The Committee questioned Anglicare as to whether they accepted that adults who suffered harm whilst in institutions in the past were entitled to pursue justice and seek redress. Anglicare agreed with this proposition. The Committee wishes to emphasise that Churches and agencies need to address *both* the wrongs of the past as well as the challenges of the present.

7.57 Some organisations were more transparent in recognising that abuse did occur in their institutions without seeking to minimise its impact or extent. UnitingCare Burnside stated that:

...unfortunately many instances have been shown, with the benefit of hindsight, where children who were supposed to have been provided with care outside of the family have been subjected to a range of abusive and neglectful manifestations of care.⁴⁵

7.58 The United Protestant Association of NSW noted that several instances of alleged abuse have been raised with the organisation. The UPA acknowledged that abuse occurred in its homes and stated that the Association 'unreservedly apologises to any former children in UPA care who may have suffered harm'. The Association has established a policy of direct support for any child in UPA care – 'we treat each person individually, seeking to assist and meet their needs'.⁴⁶ The Association noted that compassion is needed in response to cases of institutional abuse – 'too often there is a

43 *Submission 178, p.12 (Wesley Mission).*

44 *Committee Hansard 12.11.03, pp.62-63 (Anglicare Victoria).*

45 *Submission 59, p.7 (UnitingCare Burnside).*

46 *Submission 30, p.2 (UPA).*

defensiveness that creeps in, both at a government and at a non-government agency level. It is entirely inappropriate'.⁴⁷

7.59 One organisation stated that no instances of any improper care or instances of neglect occurred in its homes. Mofflyn, which operated a number of former Methodist homes, stated that, based on an examination of its available records, 'there has not been any unsafe, improper or unlawful care or treatment of children at Mofflyn. Further we have not identified any serious breach of any relevant statutory obligation at any time when children were in care or under the protection of Mofflyn'.⁴⁸

Conclusion

7.60 Evidence to the Committee, as described in the chapter on the treatment and care of children in institutions, demonstrates that many of these comments by Churches and care providers reveal a complete lack of understanding or acceptance of the level of neglect and abuse that occurred in their institutions, be it in some cases primarily emotional.

7.61 The evidence further indicates that the attitude of State Governments and religious authorities and agencies varies considerably in the extent to which they accept responsibility for the neglect and abuse of children under their care in the past. The Committee is disappointed that some State Governments and Churches and agencies appear unable to acknowledge past wrongs in an unequivocal way and believes that all governments and agencies need to accept responsibility for the wrongs that were done to children whilst in their care. It is only by accepting responsibility that they and the victims can move on and that practical measures of redress can be implemented to provide victims with a degree of closure.

7.62 The Committee notes that a number of Churches and others have made apologies for their role in institutional abuse of ex-residents. While these statements are of value it is essential that the attitude of governments and the Churches is consistent with these statements of regret and apology – both in acknowledging responsibility and in further positive action.

7.63 Much justification for the treatment of children in institutions in the above comments was based on an argument that the care of these children needs to be understood within the context of the prevailing norms of the day. The Committee has disputed this argument in chapter 5, considering that the many accounts it received of excessive and unwarranted assault or of sexual assault go beyond anything that could conceivably be argued as normal for the time – such actions were illegal then and they are illegal now.

47 *Committee Hansard 4.2.04, p.7 (UPA).*

48 *Submission 160, p.5 (Mofflyn).*

Acknowledgment and apology

7.64 The *Concise Oxford Dictionary* defines an apology as a 'regretful acknowledgment of fault or failure; assurance that no offence was intended; an explanation; or vindication', whereas to 'acknowledge, by contrast, is to 'agree to the truth of; own to knowing; take notice of; or recognise the authority or claims of'.

7.65 One study noted that an apology can be described as an expression of 'deep and profound regret for causing another person serious anguish and regret'. The study noted that an apology made for causing serious harm to another person is a moral or ethical act, as well as an act of good conscience and a demonstration of respect with the overall goal being to restore dignity and social harmony.⁴⁹

7.66 A Senate Committee report has defined an acknowledgment as involving a public recognition that an event happened and 'that this was the result of policy, as well as practice, and that these policies and practices created devastating consequences. In addition, acknowledgment involves an acceptance of responsibility for these policies, practices and consequences'. The report noted that an expression of acknowledgment may be seen as something less than an apology as it is only one aspect of a complete apology.⁵⁰

Apologies to ex-residents

7.67 With the exception of the Queensland Government, Australian Governments have been notoriously reluctant in issuing apologies for their role in the abuse and harm experienced by care leavers while in their care. Yet an overwhelming number of care leavers indicated in evidence the importance and power that an acknowledgement or apology would have in helping their healing process and in them moving forward.

7.68 In Queensland, the Forde Inquiry into the abuse of children in Queensland institutions recommended that the Queensland Government and the responsible religious authorities issue a formal apology to former residents of Queensland institutions 'acknowledging the significant harm done to some children in Queensland institutions'.⁵¹ In August 1999 the Government and the responsible religious authorities in that State issued the apology referred to earlier in this chapter.

7.69 The Committee understands that the Tasmanian Government is in the process of finalising the text of a formal apology in relation to abuse allegations in that State and that that apology should be released within months.

49 Alter S, *Apologising for Serious Wrongdoing: Social, Psychological and Legal Considerations*, Law Commission of Canada, 1999, p.2.

50 Senate Legal and Constitutional References Committee, *Healing: A Legacy of Generations*, November 2000, pp.111-12.

51 Queensland Government, *Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, August 1999, p.41.

7.70 In evidence to the Committee, the WA Department for Community Development supported the issuing of an apology on behalf of the Western Australian Government – 'anything that is going to help the healing process for people who have been abused in care would be appropriate'.⁵² The Department noted that in 1997 the Western Australian Government, in response to the *Bringing them home* report, apologised to Aboriginal and Torres Strait Islander people for the past policies under which indigenous children were removed from their families. In 1998 the WA Legislative Assembly passed a motion apologising to former child migrants on behalf of all Western Australians for past migration policies and the subsequent maltreatment many experienced.⁵³

7.71 The Victorian Government argued that any formal acknowledgment by State Governments of abuse and neglect of children in institutional care 'would need to be carefully considered and would ideally [need to] be acceptable to all state and territory governments'.⁵⁴

7.72 Public apologies by governments have been common in overseas countries. In Canada both the Federal Government and various provincial governments have apologised to Aboriginal children and/or other children who suffered abuse while in institutional care.⁵⁵ In May 1999, the Irish Government apologised to victims of institutional abuse in industrial schools and orphanages. The apology, delivered by the Prime Minister, was in the following terms:

The time has long since arrived when we must take up the challenge which the victims of childhood abuse have given us all. A new, comprehensive approach is required to dealing with both the effects and prevention of this abuse. The starting point for this is simple but important: to apologise. On behalf of the State and of all citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene. Abuse ruined their childhoods and has been an ever present part of their adult lives, reminding them of a time when they were helpless. I want to say to them that we believe that they were gravely wronged and that we must do all we can to overcome the lasting effects of their ordeals.⁵⁶

7.73 At the same time the Irish Government announced a package of measures aimed at addressing the issue of past institutional abuse. These measures included the establishment of the Commission to Inquire into Child Abuse (Laffoy Commission); the establishment of counselling services specifically dedicated to victims of past

52 *Committee Hansard* 9.12.03, p.13 (WA Department for Community Development).

53 *Submission* 55, p.34 (WA Department for Community Development).

54 *Submission* 173, p.22 (Victorian Government).

55 Alter, pp.8-11, 36-38.

56 'The Response of the Irish Government to Past Institutional Child Abuse' at www.publications.parliament.uk; and www.politics.ie

abuse; and changes to the Statutes of Limitations in respect of sexual abuse with a review by the Law Reform Commission of the situation with respect to physical abuse.

7.74 In the Australian context, a number of Churches and Catholic religious Orders involved in the care of children in institutions have made formal statements of apology and regret acknowledging abuse of children while under their care. Similar apologies have been made by Churches in overseas countries. In Canada, for example, the four Churches involved in the residential schooling of Aboriginal children have made public apologies.⁵⁷ In Ireland, the Sisters of Mercy issued an unreserved apology in May 2004 acknowledging abuse of children in its care. The Order had apologised previously but admitted that that apology was seen by many victims as 'conditional and less than complete'. Other Catholic religious orders have also issued apologies.⁵⁸

7.75 In Australia, the Catholic Church, as part of its *Towards Healing* process, has apologised for abuse in Catholic institutional care and other settings.

As bishops and leaders of religious institutes of the Catholic Church in Australia, we acknowledge with deep sadness and regret that a number of clergy and religious have abused children, adolescents and adults who have been in their pastoral care. To these victims we offer our sincere apology.⁵⁹

7.76 A number of Catholic religious Orders have also issued separate apologies. In July 1993, the Christian Brothers acknowledged that physical and sexual abuse took place in their institutions in Western Australia and published a statement of apology to former residents who had been in their care. The apology stated, *inter alia*, that:

...the fact that such physical and sexual abuse took place at all in some of our institutions cannot be excused and is for us a source of deep shame and regret. Such abuse violates the child's dignity and sense of self-worth...We, the Christian Brothers of today, therefore unreservedly apologise to those individuals who were victims in these institutions.

7.77 In 1997, the Sisters of Mercy in Rockhampton and the Catholic diocese of Rockhampton also issued a public apology for abuses that occurred to children under their care.

7.78 The Salvation Army has issued a number of formal apologies acknowledging abuse of children under its care. An apology was issued in August 2003 in relation to abuse allegations in the ABC's *Four Corners* program. The Salvation Army stated that:

57 Alter, pp.8, 36-37.

58 Statement of Sisters of Mercy Central Leadership Team, 5.5.04 at www.mercyworld.org. See also 'Orders testify at abuse commission', *RTE News*, 30.6.04.

59 Australian Catholic Bishops Conference, *Towards Healing*, June 2003, p.1 at www.catholic.org.au

We have apologised in the 4 Corners program to the people who have come forward and acknowledged the severe and tragic impact that this betrayal of trust has on the lives of those who have been abused by people with power over them.⁶⁰

The Salvation Army recently issued an apology to residents of its Riverview home in Queensland, the spokesman noting that there was 'inappropriate behaviour and activities and we have apologised for that'.⁶¹

7.79 A number of submissions commented on the conditional nature of Salvation Army apologies and their failure to fully acknowledge past practices.⁶² The Committee notes that in the apology given in relation to the *Four Corners* abuse allegations, the Salvation Army appeared not to fully recognise the extent of past failures of care. The statement noted that:

We believe that the great wrong that was done to children abused in our care is that they were abused while **the majority of children in our care were having life enriching experiences**, making their trauma all the more difficult to bear.⁶³

7.80 The Salvation Army has also issued personal apologies to individuals who have come forward with abuse allegations. In its submission to this inquiry the organisation stated that 'the Salvation Army itself regrets the human anguish arising from any abuse and neglect suffered by children while in its care'.⁶⁴

7.81 Barnardos stated at a Committee hearing that 'we give an unreserved apology for any abuse that took place in Barnardos care'.⁶⁵ Barnardos noted that 'we understand that an acknowledgment of suffering can be helpful in the healing process for the individual who has suffered and for those who suffered criminal abuse or did not have their developmental needs adequately met'.⁶⁶

7.82 Wesley Mission Dalmar at a Committee hearing expressed 'our deep regret and sympathy for people who were exploited and abused as part of our care system'. The Committee questioned the organisation as to whether this expression of regret constituted an apology on behalf of the organisation and Wesley indicated that it did.⁶⁷ The Wesley Mission acknowledged that 'while in our care, some children were beaten, exploited, kept apart from their siblings or from visiting parents, denied educational

60 *Submission 46, Supplementary Information, 8.6.04 (Salvation Army).*

61 'Riverview abuse: Salvos say sorry', *The Queensland Times*, 17.6.04.

62 *Submissions 286, pp.5-6; Additional Information, 13.8.04; 336, pp.3-7.*

63 *Submission 46, Supplementary Information, 8.6.04 (Salvation Army). (emphasis added).*

64 *Submission 46, p.2 (Salvation Army).*

65 *Committee Hansard 4.2.04, p.24 (Barnardos).*

66 *Submission 37, p.6 (Barnardos).*

67 *Committee Hansard 4.2.04, p.25 (Wesley Mission).*

support or raised without affection. There may have also have been instances of sexual abuse. Wesley Mission views all these acts as unsupportable'.⁶⁸

7.83 In June 2004, the Wesley Mission issued a statement to all past residents of Dalmar in response to evidence given to this inquiry by these former residents. In this statement Wesley Mission noted, *inter alia*, that:

...[it] affirms the sentiments of a statement that was read into the record on behalf of Wesley Mission at the recent hearings. We feel deep regret and sympathy for those who suffered during and from this period.⁶⁹

The statement was distributed to all past residents with whom Wesley is in contact.

7.84 The United Protestant Association of NSW made a public apology in 1997 for children abused while in its homes. In its submission the Association stated that it 'unreservedly apologises to any former children in UPA care who may have suffered harm'.⁷⁰

7.85 Some agencies of the Uniting Church have not issued formal apologies. UnitingCare Burnside indicated to the Committee that the organisation has not made a generic apology 'as in a statement to all people who may have been in out-of-home care, but we do apologise both face to face and in writing where there is a formal complaint that has gone through any sort of process, whether that be an external investigation – of which we have only ever had one – or whether it has been managed within the agency; and the person has a copy of that'.⁷¹

7.86 Likewise, UnitingCare Victoria and Tasmania has not formally apologised but indicated that it was likely to issue an official statement to coincide with the release of this Committee's report.⁷² In its submission UnitingCare stated that it was willing to assist anyone affected in its care by formally acknowledging the significant pain and suffering experienced by some former residents and 'to apologise to those adversely affected by the provision of this care in our agencies'.⁷³

Views on the need for an apology

7.87 The Committee received a wide range of views on the question of the need for an apology. Much evidence suggested the urgent need for such an apology and the impact this would have in helping victims move forward and recognise their past sufferings. Other evidence argued that for an apology to be effective, it needed to be

68 *Committee Hansard 4.2.04*, p.4 (Wesley Mission).

69 *Submission 178*, Supplementary Information, 29.6.04 (Wesley Mission).

70 *Submission 30*, p.2 (UPA).

71 *Committee Hansard 4.2.04*, pp.25-26 (Burnside).

72 *Submission 52*, Supplementary Information, 11.6.04 (UnitingCare Victoria & Tasmania).

73 *Submission 52*, p.11 (UnitingCare Victoria & Tasmania).

accompanied by practical measures of support and assistance; while other evidence questioned the value of an apology.

7.88 There are two types of apologies usually offered to victims of institutional abuse – a personal, private apology or an official, public apology. A personal apology is an interpersonal, one-on-one and usually private transaction. It may be communicated face-to-face or by a personal letter. An official apology tends to be more formal and is usually formulated bearing in mind not only the sentiments of the injured parties – the direct recipients – but also the society at large. Sometimes victims want to receive both types of apology, sometimes they wish to receive only one or the other. One study noted that although an official, public apology is less capable than a personal apology of recognising the harm suffered by each individual, it can serve a unique role – 'it has the potential to set the record straight and restore dignity to the person or group harmed, under full, public scrutiny'.⁷⁴

7.89 A study prepared for the Law Commission of Canada identified the main elements of a meaningful apology. These are:

- Acknowledgment of the wrong done or naming the offence – many victims want wrongdoers to acknowledge what they did and that it was wrong. They are, in effect, asking the wrongdoers to admit to them that they know they violated moral standards. Such admissions validate the injured parties' moral sensibilities, which were violated by the wrongs done.
- Accepting responsibility for the wrong that was done – the apologist must demonstrate to the recipient that he accepts responsibility for what happened. By accepting responsibility, the apologist helps restore the confidence or trust of the injured party.
- The expression of sincere regret and profound remorse – the centrepiece of an apology is an expression of sorrow and regret. When the apologist expresses sincere remorse for the wrong committed or permitted to happen, then the person receiving the apology is reassured both that he understands the extent of the injury that was committed and therefore will not allow it to happen again.
- The assurance or promise that the wrong done will not recur – victims need to be assured that the injury they experienced will not happen to them, or anyone else, again. Where official, public apologies are made, victims also want affirmation from the officials responsible that the mistakes of the past are not repeated.
- Reparation through concrete measures – following serious wrongdoing, mere words of apology are not enough to repair damaged relationships. Verbal apologies must be accompanied by concrete measures, such as financial compensation, counselling and other measures. These measures help translate the static message of an apology into an active process of reconciliation and

74 Alter, p.7.

healing. Official apologies, in particular, need to be accompanied by direct and immediate actions.⁷⁵

Many of those who seek or have received apologies expect that they will contain the elements identified in the Law Commission's report. Many apologies, however, fall far short of this ideal and this can lead to disillusionment on behalf of the intended recipients who regard such apologies as merely expressing empty rhetoric.

7.90 Many submissions noted that a formal apology by the Commonwealth and/or State Governments is an essential part of acknowledgment of the harm and abuse inflicted on many individuals in institutional care, and of the responsibility of governments and the Churches for the devastating effect of these policies on many care leavers. Submissions also argued that an apology can promote emotional and psychological healing among those who have been most affected by the impact of institutional care.

7.91 As noted above, many care leavers indicated that a formal apology was important to them as an acknowledgment of their past treatment and recognition of their 'existence'.

I want and need a formal apology for the treatment I received...Had I received some understanding and an apology many years ago I may not be suffering as I do now. (Sub 20)

...a written apology [would] give me back my own self worth as a human being having lived that life...I need this apology today to release me from the pains of my past and to help assist me out of victimhood that I still get when having any dealings with any government official. (Sub 386)

The government, and in our case Wesley, are answerable as to "Why?" There has to be some form of redress with this. We have to get some answers and a public apology. The government needs to apologise for not fulfilling its duty of care in making sure about and policing these institutions, because they were not policed.⁷⁶

...I have no family directly because of what happened to us back then. I do not know why they were allowed to treat us like that. Why? We want recognition as human beings, and I think we should get an apology from someone.⁷⁷

I beg the Government to Compensate us for the past even if only a public apology and improve the care and needs of state wards today. (Sub 334)

7.92 Professionals working with care leavers noted the important role apologies can have in the reconciliation process. CBERSS stated that its clinical staff have found that acknowledgment and apology by the Christian Brothers is an important validation

75 Alter, pp.1-16.

76 *Committee Hansard* 3.2.04, p.18.

77 *Committee Hansard* 13.11.03, p.2.

and recognition of the experience of some of its clients – 'this acknowledgment of their suffering has provided some clients with a measure of closure'.⁷⁸ A counselling service – Broadening Horizons – noted that a priority for many victims of abuse is the provision of an apology from the perpetrator or the representative organisation (where the perpetrator may have died).⁷⁹

7.93 Submissions noted, however, that apologies can sometimes be seen as merely 'gestures' that have no real substance or impact on those who have been affected by past practices. Some care leavers disagreed with apologies in these terms arguing that such apologies are 'meaningless' and cannot undo the past:

...any measured reading of that [Salvation Army] apology, shows that it was grudgingly given because they had been caught out. To me their apology is little more than a justification for abusive practices, and an attempt to squirm out from their moral and Christian obligations and water down the enormity of their actions. (Sub 286)

I cannot forget, will not forgive and no apologies accepted. (Sub 330)

I do not know that you can apologise. A piece of paper is not going to do it. You cannot give me back my childhood and you cannot give me back my parents, and just saying sorry does not quite cut it.⁸⁰

7.94 The alternative view is that this is not an important consideration because if the apology is sincere it can have strong symbolic value – 'the recognition of suffering, that may still continue, and a determination to change practices in the present and future can afford some closure and an ability to move forward'.⁸¹

7.95 There is also a view that apologies can have a salutary effect on those making the apology because it enables them to stop denying events and to begin focussing on and dealing with the issues. The appropriateness of current governments or religious organisations accepting responsibility for the actions of previous administrations or church agencies is also sometimes questioned – as is the value of apologies issued in these contexts.⁸²

7.96 The issue of whether apologies could be taken as an admission of liability leaving an organisation open to action through the courts from a person or persons seeking compensation was also raised in evidence.⁸³ Submissions referred to the NSW Ombudsman's advice in relation to the *Civil Liability Act 2000* and the giving of

78 *Submission 49*, p.18 (CBERSS).

79 *Committee Hansard 8.12.03*, p.119 (Broadening Horizons).

80 *Committee Hansard 3.2.04*, p.68.

81 *Submission 61*, p.19 (Mercy Community Services).

82 For a discussion see *Submission 49*, p.18 (CBERSS).

83 *Committee Hansard 4.2.04*, p.25 (Wesley Mission); *Submission 59*, p.17 (UnitingCare Burnside).

apologies. The Act provides that apologies given, in certain circumstances, will not constitute an admission of liability, and will not be admissible in court. These provisions do not apply to situations involving intentional torts, such as sexual assault.

7.97 The Ombudsman's advice stated that:

The protections under the Act do not apply to all civil proceedings. The types of civil liability that are not covered by the protection for apologies (as set out in s.3B of the Act) can be briefly summarised as liabilities for: (a) an intentional violent act done with intent to cause injury or death (including sexual assault or misconduct)...[other types listed]...An apology should not be made in any matter that falls (or is thought to fall) into any of the categories listed in s.3B until legal advice has been obtained. This approach is recommended because an apology provided in such a matter may act as an admission of liability and may therefore breach a relevant contract of insurance.⁸⁴

7.98 Professor Graycar of the Law Faculty of the University of Sydney advised the Committee that the Ombudsman's advice does not purport to set out the general law regarding the relationship between apologies and legal liability; it is solely confined to the legal situation under the NSW Civil Liability Act. Professor Graycar added that apologies and statements of regret have been offered in institutional harm contexts both in Australia and overseas 'which have not resulted in mass scale litigation (on the basis of that apology)'.⁸⁵

Views on an acknowledgment

7.99 Some submissions argued that the Commonwealth and/or State Governments and the Churches and agencies should, rather than issuing formal apologies, issue an acknowledgment that past flawed institutional care policies occurred and acknowledge the consequences, including the adverse consequences, of these policies. An acknowledgment was seen as particularly important for many care leavers in that it would recognise their pain and suffering and prove to them that, at last, their stories and their past histories are 'believed'.

While there are demands for financial recompense for the suffering received at the hands of those whom the courts identified as able to provide adequate care and protection, the service users at VANISH are clear that for them, it is important that their pain and suffering is acknowledged, Child Migrants and Indigenous Children have had acknowledgment of their suffering and ill treatment. Why should the survivors of Australian Institutions and alternative care not be awarded the same consideration?⁸⁶

84 NSW Ombudsman, *Apologies and Child Protection*, Child Protection Fact Sheet No 11, April 2003.

85 Submission 51, Supplementary Information, p.3 (Professor Graycar). See also *Committee Hansard* 4.2.04, p.98 (Ms Wangmann).

86 Submission 167, p.5 (VANISH).

...there is a need to remove the "evidence burden" of having to provide evidence by people who have been in institutional care when they report that they have experienced abuse. The healing process would be aided if the agencies responsible for the care of children were to issue a broad statement that acknowledges the suffering of those who have been in institutional care. The anguish experienced through separation from their family of origin as well as their experiences of systemic abuse should be acknowledged as historic fact.⁸⁷

7.100 The National Children's and Youth Law Centre emphasised the importance of a formal acknowledgment on behalf of Australian governments in that it shows the victims of past abuse that the community and its leaders are prepared to recognise and validate the suffering they have endured; and it assists the victims to feel a sense of release and gain strength to cope better with their personal experiences.⁸⁸

7.101 One care leaver stated that:

In my heart I feel if there is to be real peace for myself and others like me, I expect some acknowledgment, some justice...from society. I would like to be treated respectfully and fairly – to be given a fair hearing, the Australian "fair go". (Sub 219)

7.102 CLAN, the support and advocacy group representing care leavers, argued that acknowledgment and recognition is a more pressing need than seeking an apology:

It is not an apology that is needed but an acknowledgment by both state and Federal governments that these events did take place, that policies were misconceived, and that the effects of this care system were pernicious and caused lasting and often irreparable damage to the children who suffered it.⁸⁹

7.103 Submissions noted that any acknowledgment needs to be accompanied by precise measures of assistance and support. Broken Rites stated that the organisation has 'observed the representatives of religious organisations make acknowledgments time and time again while at the same time refusing to consider the needs of the victim when seated in front of them at mediation'.⁹⁰

Conclusion

7.104 The Committee believes that governments and the Churches and agencies should all acknowledge their role in past institutional care policies and practices.

87 *Submission 158*, p.11 (Relationships Australia – NSW).

88 *Submission 70*, p.3 (National Children's & Youth Law Centre). See also *Submission 277*, pp.7-8 (Office of the Commissioner for Children – Tasmania).

89 *Submission 22*, p.32 (CLAN).

90 *Submission 79*, p.16 (Broken Rites).

7.105 The Committee considers that the Commonwealth Government should issue a formal statement acknowledging, on behalf of the nation, the impact that institutional care had on the lives of many care leavers. In particular, the statement should express sorrow and apologise for the harm caused to these children as a result of their lives in institutions, with a particular emphasis on those children subject to physical and sexual abuse and assault. The Committee notes that, while the Commonwealth was not directly involved in the administration of these institutions, it has a moral obligation to acknowledge the harm done to many children – and fellow Australians – in institutional care settings. An acknowledgment in these terms will be an important part of the healing and reconciliation process for many care leavers.

7.106 The Committee is of the view that the State Governments and the Churches and agencies, who were directly involved in either the administration and/or day-to-day implementation of institutional care practices in the States, should acknowledge their respective roles in these practices; and the significant harm done to many children in their care in the various institutions across the country. The Committee believes that the statements by State governments and Churches should express sorrow and apologise for the hurt and distress suffered by care leavers, especially those who were the victims of abuse and assault at the hands of those in the institutions who were in charge of them and for whom they had a duty of care.

7.107 The Committee believes that the symbolism of an acknowledgment is important in itself in recognising past wrongs and enables governments and the Churches to accept their responsibilities for past actions in relation to the treatment of care leavers.

7.108 The Committee also considers that an acknowledgment would enable closure to be achieved or at least progressed for many care leavers. It would go some way towards promoting emotional and psychological healing so desperately needed by many care leavers. An acknowledgment would at last recognise that care leavers have been 'believed' – that their experiences, their traumas, their very existence do count and they are accepted for what they are.

7.109 The Committee further is of the view that these acknowledgments must be accompanied by other positive measures that have been recommended in the report to ensure that they are not regarded as merely 'empty gestures' by care leavers and the community generally.

Recommendation 1

7.110 That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.

Recommendation 2

7.111 That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

CHAPTER 8

REPARATION AND REDRESS SCHEMES

In my heart I feel if there is to be real peace for myself and others like me, I expect some acknowledgment, some justice...from society. I would like to be treated respectfully and fairly – to be given a fair hearing, the Australian "fair go"...Lawful institutions, whether under the State or Federal Government, the Churches or different religious organisations, play a legitimate role in creating justice for victims. There is no simple way for society to shirk the responsibility of recognising the torture and pain that was inflicted upon innocent children.¹

Measures of reparation

8.1 There was much discussion in evidence during the inquiry on the means by which reparation for past wrongs experienced by care leavers could be made. A variety of mechanisms were canvassed and these included:

- legal options through the courts;
- various redress/reparations schemes, both overseas and in Australia;
- internal Church-based redress schemes;
- redress through victims compensation tribunals;
- establishing a Royal Commission; and
- significantly boosting and enhancing dedicated services for care leavers.

These options are discussed below. The provision of services for and acknowledgement of care leavers in terms of offering redress are discussed in later chapters.

Civil litigation

8.2 One option open to victims of abuse whilst in institutional care is to pursue compensation through the civil court system. Some care leavers indicated a clear desire to pursue civil actions for damages for institutional child abuse. One care leaver stated:

Why can't I have my justice? I believe that if I had my justice in a court room then maybe I could get on with my life...I want my day in court with these people, they [the church] are liars and will say anything just to shut you up. (Sub 219)

8.3 There are a number of potential advantages that the civil system offers. These include:

1 Submission 219, p.6.

- the openness of the process and the resultant 'public record' – this may also play a role in prevention and deterrence;
- the fact-finding capability of the process;
- the ability to hold defendants publicly accountable for the harms suffered;
- the larger amount of financial compensation available – generally the financial compensation available under redress schemes is much less than would be awarded if the person were successful in a civil action; and
- as the judicial system is accorded a certain legitimacy and authority, a successful outcome might be considered a greater 'victory' than through alternative means of resolving claims.²

8.4 A number of Churches and religious Orders have entered into settlements as a result of the commencement of legal action by victims. The Christian Brothers have entered into many out of court settlements with former residents of homes operated by the Order in Victoria and Western Australia.³ Settlements of this nature have been a feature in the USA, Canada and Ireland.

8.5 In August 1993, civil legal action was begun in the Supreme Court of NSW against 21 Catholic Church defendants, though proceedings were eventually discontinued against all except the Christian Brothers. The approximately 250 plaintiffs were mostly, but not exclusively, former child migrants, of Christian Brothers' homes in Western Australia. The case involved complex legal issues and included matters of jurisdiction, statutes of limitation, and lack of corroborating witnesses. Most events under consideration took place in the 1940s and 1950s.

8.6 While the Christian Brothers accepted that some individual Brothers had physically and sexually abused some of their students, they did not accept the accusation that there had been neglect or dereliction of duty at the level of the Order's administration. Consequently, an out of court settlement was reached in August 1996. The Christian Brothers provided \$5 million of which \$1.5 million was for the plaintiffs legal costs and \$3.5 million was placed in an independent trust to be distributed, against agreed criteria, to the plaintiffs who signed on.⁴

8.7 Other religious Orders have also entered into out of court settlements. In 2002 the St John of God Brothers reached an out of court settlement of \$3.64 million with 24 intellectually disabled men who had been sexually abused while in their care. Individual compensation payments ranged from \$50 000 to \$400 000. Broken Rites stated that previously, individual victims of this Order received financial settlements 'with ridiculously small amounts of money being paid, and complainants being

2 Submissions 147, pp.5-6 (Professor Cunneen); 51, pp.8-9 (Professor Graycar).

3 Submission 79, p.6 (Broken Rites).

4 Submission 65, p.5 (Christian Brothers).

required to sign secrecy agreements'.⁵ Various other religious orders have provided confidential settlement payments to ex-residents.⁶

8.8 The Salvation Army has also provided compensation payment to ex-residents. One payment to a former resident of Nedlands Boys Home in Perth was not revealed but was understood to be 'modest'. Slater and Gordon, which handled the claim, is negotiating claims on behalf of other state wards. Other settlements have included \$10 000 paid to a former resident of the Salvation Army's Toowong home in Queensland. In another case the Salvation Army provided compensation and apologies to up to ten ex-residents of its homes in Victoria.⁷

8.9 Some care leavers who have been through the court system expressed frustration and disappointment with the legal system and a sense that justice had been denied.

The following submission relates to the attempts made by myself as Guardian ad Litem for [name]...to initiate legal proceedings leading to a remedy, over a period of more than a decade. These attempts have all ended in failure. (Sub 281)

My case has been through our so called judicial system only to be let down by the legal crap that was so unbelievable that I reverted back into my world of hatred and depression. (Sub 161)

8.10 Evidence to the inquiry highlighted the specific difficulties faced by people who have suffered abuse within institutions in successfully pursuing compensation through the civil court system.⁸ The major impediments include the limitation periods, establishing liability; the adversarial nature of the system and the cost of litigation. These issues are discussed below. The Churches have also used their considerable financial resources to thwart cases going to judgement.

Limitation periods

8.11 Statutes of limitations represent the primary hurdle – and it is the one that is insurmountable for many claimants.⁹ One care leaver stated that:

5 Submission 79, p.9 (Broken Rites).

6 Submission 159, p.8 (Forde Foundation).

7 'Salvos pay for abuse to ex-ward', *The West Australian*, 5.7.04; 'Salvos sorry for abuse', *Sun Herald*, 7.6.04; 'Salvos make abuse payout' *Queensland Times*, 24.6.04.

8 Submissions 51, pp.3-8 (Professor Graycar); 300, pp.1-35 (Dr Mathews). Similar problems were cited with respect to the Stolen Generations' civil litigation claims. See Submission 147 (Professor Cunneen).

9 Submissions 51, pp.4-5 (Professor Graycar); 295, pp.1-2 (Ms Sdrinis); 159, p.8 (Board of Advice of the Forde Foundation); 35, p.17 (NSW Commission for Children & Young People). See also *Committee Hansard* 4.2.04, p.90 (Professor Graycar).

To date no-one has gotten over the Statutes of Limitations...In my case I was instructed from not seeking damages for the matters of my false arrest, imprisonment, trespass, and theft of my child because it was conveyed to me that because I took too long to bring an action and that I would be barred by the limitations argument because the State could not defend itself against the multiple heads of damage, and I would be penalised by the court by bringing such an action. In other words they could penalise me for the many crimes committed to me by the state. (Sub 221)

8.12 All Australian States have Limitations of Actions legislation which limit the time within which proceedings can be issued in relation to claims for damages for personal injuries. Limitation legislation is intended to prevent a plaintiff from taking an unreasonable length of time to commence proceedings to enforce a right or rights claimed by the plaintiff. Actions for personal injury in Queensland, Victoria, South Australia, Tasmania, the ACT and the Northern Territory must generally be commenced within three years from the date on which the cause of action arose. In NSW, in general terms if the cause of action for personal injury accrued before 6 December 2002, the limitation period is three years. After this date, two limitation periods apply, a three year post discoverability limitation period, and a 12 year long-stop limitation period. An action cannot be brought after whichever of these two periods expires first. Similar rules of discoverability and long-stop periods apply in Victoria on and after 1 October 2003. In Western Australia the limitation period for personal injury action is six years from the date on which the cause of action accrues.

8.13 One submission noted that:

These statutory time limits place adult survivors of abuse in an invidious position, because most will simply and quite normally be incapable of bringing their action within the time set.¹⁰

8.14 Provisions relating to minors vary among jurisdictions. As a general rule, a child is presumed to be under a disability. Thus, a child's right to sue endures until the child reaches their majority and then the applicable limitation period starts to run. Once the limitation period has expired it may be possible for a person to ask a court to extend the limitation period. There have been recent changes to the law regarding minors in some jurisdictions. In NSW and Victoria, where a child who is in the custody of a capable parent or guardian sustains personal injuries then they have three years in which to commence proceedings through a parent or guardian without the traditional concession of time not running until the plaintiff attains legal majority. Special rules apply if the child has been abused by close relatives or close associates.

8.15 In 2003, South Australia under the *Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Act 2003* removed a three year limitation period for the prosecution of sexual offences committed between 1952 and 1982. In the period from 1952 and 1982, prosecutions

10 Submission 300, p.5 (Dr Mathews).

for sex offences had to be commenced within three years in South Australia. The Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Act operates in that window period of 30 years to remove the immunity from prosecution.

8.16 In June 2004 nine people were arrested by the South Australian Police paedophile taskforce in relation to child sexual abuse allegations. Some of the alleged actions occurred in the 1950s and 1960s. Pending prosecutions were made possible by the recent changes to the statute of limitations legislation in South Australia.¹¹

8.17 The nature of the injuries suffered by potential claimants in cases of institutional abuse means that it is often decades after the actual abuse has occurred before individuals have the psychological fortitude to pursue these claims – the victim/survivor might experience shame and embarrassment; might blame him or herself; may not realise the connection between their injury or illness and the abuse suffered at the hands of the defendant; or may need a considerable amount of time to come to terms with the experience.¹²

8.18 The nature of the acts experienced may also mean that the trauma associated with them may not manifest itself until later in life. This inquiry and the inquiry into child migration highlighted the fact that often decades pass before victims are able, or in some cases 'forced', often through a complete mental breakdown, to deal with crimes perpetrated upon them. It is as if they leave care, 'get on' with their lives but in the end have to face their 'demons'.

It took me 23 years to start dealing with [my abuse]. The past finally reared its ugly head and tormented me to the point that I was a danger not only to myself but to society. (Sub 161)

My life of trauma is getting worse as I grow older. (Sub 20)

I'm spending the second half of my life sorting out the first half. (Sub 196)

8.19 The nature of the acts are also different from typical tort actions. Dr Mathews of the Law School at QUT noted that in relation to acts of child sexual abuse:

The acts, which also constitute criminal acts are particularly abhorrent and cause longstanding damage...The acts involve a clear abuse of power. Physical and psychological coercion is required to perpetrate the abuse...These cases usually involve a series of acts continuing over an extended period, producing immediate trauma that then intensifies.¹³

8.20 Dr Mathews added that:

The nature of the acts rebuts any claim that the time limit is a justifiable guard of repose. At a moral level, a perpetrator of child abuse does not

11 'Nine held after child-sex squad raids', *The Age*, 21.6.04.

12 *Submissions* 51, p.4 (Professor Graycar); 300, pp.3-5 (Dr Mathews).

13 *Submission* 300, p.23 (Dr Mathews).

deserve the protection of time to escape civil trial. The survivor has had to bear the consequences of the abuse since the events. The perpetrator has done nothing to deserve the freedom to carry on with his or her life without having to face consequences for their acts. For the same reasons, the public interest argument is also irrelevant. There is no public interest in permitting the evasion by child abusers of civil legal consequences.¹⁴

8.21 Similar arguments can be made in relation to acts of child physical abuse in that they are criminal acts and often cause longstanding damage. The acts involve a clear abuse of power with physical and psychological coercion used to perpetrate the abuse. Cases of physical abuse usually involve a series of acts continuing over an extended period of time with consequent long term psychological and emotional effects, as in cases of sexual assault. Studies have shown that adults who have experienced childhood physical abuse display symptoms that parallel those who experience child sexual assault.¹⁵

8.22 Submissions also considered the argument that delay in bringing proceedings may unfairly prejudice a defendant's ability to obtain a fair trial. Dr Mathews argued that the legal system possesses adequate means to deal with this possibility through the usual procedures of the civil pretrial and trial process, costs awards and suppression orders. The plaintiff retains the onus of proving on the balance of probabilities that the events occurred. Moreover, it is the courts' duty to make judgments based on the credibility of witnesses and the import of any other evidence, and courts perform these judgements on a daily basis.¹⁶

8.23 A solicitor, who is involved in pursuing claims on behalf of institutional abuse victims, suggested that a not-for-profit legal centre should be established to represent cases such as these who, although barred by State statute, should be entitled to bring or threaten action against perpetrators be they an institution or governments. Such a centre could operate along similar lines to existing legal centres – 'run in a business like fashion, seeking to be self supporting but acting without regard to profit from any one case but on the basis that but for the States Limitations Acts the child has a good and provable compensable damages and case'.¹⁷

8.24 Submissions argued that in cases of institutional abuse the better analogy is with criminal conduct, not tortious conduct. For example, the acts committed in cases of child sexual assault are criminal offences and in general, limitation statutes do not apply to criminal proceedings.

8.25 Each jurisdiction in Australia now has a provision that allows for a limited extension of time in certain circumstances for civil claims. The circumstances in

14 *Submission 300, p.23 (Dr Mathews).*

15 *Submission 49, pp.7-9 (CBERSS).*

16 *Submission 300, p.25 (Dr Mathews).*

17 *Submission 346, p.1 (Mr Owen).*

which such extensions will be granted are, however, extremely restrictive in most jurisdictions. Generally a number of factors must be considered before leave can be given to issue proceedings out of time. These include the reasons for the delay, the prejudice that the defendant has suffered by the delay and the merit of the substantive claim.

8.26 Applications for an extension of time within which to issue proceedings are costly (in the range of \$10 000 to \$15 000 for each side) and there is no guarantee that leave to issue proceedings will be granted. If the application is unsuccessful, the applicant in addition to his or her own legal costs will be liable for the other side's legal costs.

8.27 A number of overseas jurisdictions have addressed the limitation barrier by implementing legislative measures specifically designed for cases of adults abused as children.

8.28 Some overseas jurisdictions have eliminated limitation periods for all claims of child abuse. Statutes in several Canadian provinces, such as British Columbia and Saskatchewan, have abolished time limits for civil actions based on child abuse, giving adult survivors of abuse unlimited time in which to institute proceedings.

8.29 Other jurisdictions have imposed moratoria for certain types of actions. In California the limitations period for certain child sexual abuse claims was suspended for one year on 1 January 2003. The types of actions include actions against persons or entities who owed a duty of care to the plaintiff, who knew or had notice of any unlawful sexual conduct by an employee, and failed to take reasonable steps and to implement reasonable safeguards to avoid future acts of unlawful sexual conduct. This has allowed civil proceedings against the Catholic Church for sexual abuse allegedly committed by priests to be launched.¹⁸ In July 2004 pre-trial hearings commenced involving more than 150 lawsuits against Catholic dioceses in northern California.¹⁹ Professor Graycar and Ms Wangmann of the Law Faculty of the University of Sydney noted that these types of measures are important 'as they recognise the very real difficulties that people who experienced abuse as a child encounter when trying to fit within a legislative requirement that requires them to acknowledge and speak out about their abuse within a certain time period'.²⁰

18 *Submissions* 51, p.5 (Professor Graycar); 300, pp.18-19 (Dr Mathews).

19 'Church facing mega-suit', at www.sfgate.com. The Los Angeles Catholic archdiocese is seeking to join a challenge to the Californian state law on the statute of limitations arguing that it has been placed in an untenable position of having to defend itself against sexual abuse allegations now up to 70 years old. See www.signonsandiego.com

20 *Submission* 51, p.5 (Professor Graycar).

Liability

8.30 Even if proceedings are brought within time or an extension within which to issue is granted, claims for damages face significant other impediments. In order to be entitled to damages a claimant must show that he or she has suffered injuries as a result of the negligence of another party. To prove negligence, a claimant must establish that they are owed a duty of care and that there was a breach of duty of care which has resulted in injury.

Proving injury

8.31 In cases of sheer neglect, that is, a failure to adequately feed, clothe, nurture or educate it is often difficult to show 'injury' per se which involves proving physical damage or a diagnosable psychiatric illness. Where injury has occurred, defendants often argue that it is not the abuse that has occurred whilst the children were wards which has caused the injury. Defendants often argue that these children were already significantly physically or psychologically damaged and therefore it is difficult to identify the cause of any ongoing symptoms, loss or damage.²¹

Vicarious liability

8.32 Claimants often face difficulties in determining who to sue. Very occasionally the actual perpetrator of violence or abuse is sued, but even if the claim is successful it is unlikely that the individual will have the capacity to pay damages. Many victims of institutional child abuse also see the organisations, or the governments that facilitated their institutionalisation as responsible for their abuse. Proving direct or vicarious liability on the part of organisations, such as churches or the government has proved difficult in Australia. A recent case decided by the High Court in 2003, *Lepore, Rich and Samin*, left the matter open.²²

8.33 One submission noted that when cases are brought against organisations, the organisation will often argue that it did not know the conduct was occurring and will seek to blame the individual abuser. Given that many of the claims are brought years after the event, it is often difficult to show that the responsible authority either knew or should have known the abuse was occurring.

21 Submission 295, pp.2-3 (Ms Sdrinis).

22 The High Court was asked to decide whether or not the school authorities had breached their duty of care in relation to children who had been sexually assaulted in a day school or whether vicarious liability was the correct way to approach the issue. One witness noted that 'the High Court by majority decided that vicarious liability was the most appropriate way to deal with it. But when you look at the judgements...the way in which each of the judges that adopts vicarious liability approaches the issue of child sexual assault shows a number of limitations about whether or not vicarious liability would be found'. *Committee Hansard* 4.2.04, p.89 (Ms Wangmann).

8.34 Various government departments and religious institutions will also argue that the conduct must be judged according to the standards of the time. For example, that corporal punishment was more acceptable in the 1940s or the 1950s than now. Often the abuse will relate to illegal conduct, particularly with reference to sexual abuse. In these circumstances, the employing agency will argue that they cannot be held liable for the illegal conduct of their employees or agents.²³

8.35 Submissions noted problems in suing religious institutions. One submission noted that many churches and religious groupings are not legally incorporated. If this is the case, the church will have no legal personality that is distinct from its members and therefore there will be difficulties for a person who wishes to sue in contract or tort. Some Catholic religious orders have been organised in such a way that they are legally incorporated for the sole purpose of the owning and disposing of property but otherwise the Catholic church and its religious orders argue that they have no more legal standing than, for example, a social group. These arguments have met with some success in the courts and this inability to find an entity that can actually be sued further aggravates the problems faced by those seeking redress.²⁴ One possible solution to this problem would be to make the tax concessions that Churches/charities can obtain a condition of incorporation.

8.36 The Committee raised this issue with Mercy Community Services. They indicated that its corporate structure, while designed to continue the mission of the Sisters of Mercy, may as a consequence serve to limit the liability of the organisation:

It may be an offshoot of it or a consequence of it that the disadvantages you see for people who are aggrieved could occur...The corporate structure as such is like any other corporate structure. The canon law side of it was so that the assets, the capital goods of the Sisters of Mercy, could go to a group so that they remain church goods and that they are not alienated from the church. Obviously, in civil law it was so that the entity could act within Corporations Law...it is not the purpose but it may be one of consequences of the structure.²⁵

8.37 In addition, where wards of the state have been placed in institutions run by religious groups, a process of 'denial' of responsibility occurs with the State attempting to place responsibility with the church and vice versa.

The adversarial system

8.38 The adversarial nature of court proceedings creates a number of difficulties for people giving evidence. The difficulty is exacerbated for people who are

23 Submission 295, pp.3-4 (Ms Sdrinis).

24 Submission 295, p.4 (Ms Sdrinis). See also Submission 79, p.18 (Broken Rites). See also Senate Community Affairs References Committee, *Lost Innocents: Righting the Record*, August 2001, pp.311-315.

25 Committee Hansard 9.12.03, p.37 (Mercy Community Services).

recounting traumatic events from their childhood. Victims often find the process of testifying and facing cross-examination painful, as it brings back memories and opens old wounds. Victims often complain that they feel as if they are the ones on trial because they are forced to 'prove' what happened to them.

8.39 The adversarial nature of traditional civil litigation, particularly as compared to redress mechanisms, mean that they are an unlikely forum for the promotion of acknowledgement, apology and reconciliation, as it encourages defendants to deny, not acknowledge, responsibility. This lack of scope for an apology is compounded by the process of challenging evidence that often involve personal challenges by the defendant about the plaintiff, his or her lifestyle and the substance of his or her claims.²⁶

Cost of litigation

8.40 Another significant impediment faced by potential claimants is the cost of litigation. One submission noted that a claim in the district courts or various State Supreme Courts, where these proceedings are issued, can cost 'many tens of thousands of dollars'.²⁷ Submissions also pointed to the unavailability of Legal Aid for anything other than criminal law cases.²⁸

8.41 One submission noted that a religious Order offered to settle a claim for \$50 000 suggesting that 'I should accept what the Order was offering because to take legal action would mean it would cost me a great deal of money'.²⁹ Another submission noted that 'although there is overwhelming evidence and in some cases the facts speak for themselves, they [the victims] are not in a position to finance any legal action'.³⁰

8.42 Submissions commented that both governments and the religious groups defend the actions vigorously. One submission noted that where proceedings are issued both the State Governments and the Churches 'brief lawyers from the top end of town who spend a fortune in strike out applications and other devices to delay a claim and to increase costs'.³¹

8.43 Broken Rites noted that with respect to the Catholic Church:

Where a civil claim is initiated outside of the Church's own process(es), the game plan appears to be one of protecting the church's estate and assets at

26 *Submissions* 51, p.6 (Professor Graycar); 295, p.5 (Ms Sdrinis).

27 *Submission* 295, p.5 (Ms Sdrinis). See also *Submission* 164, p.4 (Whistleblowers Action Group).

28 *Submissions* 51, p.6 (Professor Graycar); 159, p.8 (Board of Advice of the Forde Foundation).

29 *Submission* 144, p.1.

30 *Submission* 116, p.1.

31 *Submission* 295, p.5 (Ms Sdrinis).

any cost. Broken Rites is aware of a number of cases where the church has been prepared to pay massive legal costs in order to prevent the case ever going to judgement, rather than meet the genuine needs of victims in a realistic way.³²

8.44 Broken Rites stated that no claimant who has sought financial compensation for psycho-social damage resulting from abuse by a member of the clergy or religious of the Catholic Church has ever had his or her case go to judgement in any court in Australia.³³

8.45 In respect of the Catholic Church in the United States a number of large settlements have been concluded with abuse victims. In 2003 the Archdiocese of Boston agreed to pay US\$85 million to settle more than 500 lawsuits from people who claimed they were sexually abused by Catholic priests in the past. The settlement was the largest publicly disclosed payout by an American diocese to settle molestation charges. A series of new claims were reported against the archdiocese in 2004. Numerous other Catholic dioceses have also concluded settlements with claimants alleging sexual abuse charges, for example, the Seattle Archdiocese agreed to pay US\$8 million to settle charges against a former priest in 2003.³⁴

8.46 The criticism of the action of the churches is not restricted to the Catholic Church. CLAN voiced a similar criticism of the Salvation Army:

We watched the *Four Corners* program "The Homies" in which the Salvation Army were terribly regretful about what happened to the children in their homes and we also know from first-hand experience through our members that they fight tooth and nail through the courts using every measure they can to deny justice to those same people that they say they have damaged and that they regret so strongly.³⁵

8.47 In addition to having to fund one's own legal case there is also the risk, if the plaintiff loses, that they may be required to pay some, or all of the defendant's costs, and this may well be an effective deterrent in pursuing a civil action. Due to the socially deprived backgrounds of most of the claimants, many are significantly disadvantaged financially and do not have the resources to fight these cases.

8.48 There are also significant 'non-monetary' costs to consider. There are often emotional costs involved in pursuing this type of litigation, even if cases are successful. The emotional costs of being unsuccessful, where this decision is likely to result from the limitation period or the effects of the passage of time on the court

32 *Submission 79*, p.17 (Broken Rites).

33 *Submission 79*, p.18 (Broken Rites).

34 'Abuse settlement reached' *ABC News*, 9.9.03; 'Seattle archdiocese to pay \$8 million', *MSNBC News Service*, 11.9.03.

35 *Committee Hansard* 4.2.04, p.41 (CLAN).

being unable to determine what took place and who is responsible, is also likely to be considerable. The experience of one care leaver graphically illustrates this point.

The lodging of claims, appeals and counter appeals in interstate jurisdictions has since appeared to have represented the focus of Owen's life ...These have intensified his sense of victimisation and caused him to assume he is either not believed or "fobbed off". In turn he has single mindedly dedicated himself to battling legal systems and proving his assertions without the assistance of clear family and Government welfare institutional records and supports...For legal officers to suggest he was not really a victim...because he asked to be assaulted, seems to be beyond Owen's comprehension and in turn makes his sense of victimisation worse. (Sub 162)

Whistleblowing

8.49 The Committee is of the view that reporting wrongdoing should be encouraged, and that highly vulnerable whistleblowers who are well-placed to expose crime, fraud, mismanagement or corruption should be protected. There is anecdotal and other evidence that persons in religious and charitable organisations are even more vulnerable than private or public sector employees when it comes to challenging authority in their organisations, because of almost absolute financial and employment dependence. Their livelihood and old age care may be entirely reliant on the organisation concerned. As it stands, the fear of intimidation and reprisals for speaking out, through for example the withdrawal of financial support in retirement, would be a strong deterrent.³⁶

8.50 The Committee considers that whistle-blower protection is required for those religious and lay people wishing to disclose crime and wrong-doing in their organisations, and especially the perpetrators of abuse and assault.

8.51 A number of commissions and committees of inquiry into whistleblowing have been held since the late 1980s.³⁷ Most of these inquiries were directed to the needs of the public sector, but apply with equal force to the profit and not-for-profit private sectors.

8.52 In the last two decades public sector whistleblowing schemes or Acts have been established by all governments in Australia. Existing informal schemes for private sector whistleblowing have recently been reinforced by statute for the private sector for the first time. In June 2004 amendments to the Corporations Act and to the Workplace Relations Act advanced whistleblowing protection in the private sector.

36 See for example *Committee Hansard* 12.11.03, pp. 9-11 (Dr Coldrey).

37 For a summary of these inquiries, and a background to the development of whistleblowing legislation in Australia, see Senate Finance and Public Administration Legislation Committee, Report on the Public Interest Disclosure Bill 2001 [2002], Appendix 5, p95, September 2002.

8.53 The new private sector whistleblowing legislation is neither ambitious nor comprehensive, and the limitations of the new legislation have been remarked upon by a parliamentary committee.³⁸ Nevertheless employees who would otherwise remain silent for fear of losing their jobs can now blow the whistle on corruption, crime and unlawful activity in the private sector. A compensation and protection regime now exists to safeguard their welfare.

8.54 The Committee strongly believes that what appears to be the embedded practice of complicity in some churches, (or more accurately, some parts of some churches), in concealing crimes against children, must be addressed through extending whistleblowing legislation to unincorporated associations and the not-for-profit sector. In this way, the religious, lay and other employees could be an invaluable tool in bringing offenders to account.

8.55 How to ‘cover the field’ is the question. Religious and charitable organisations are not necessarily homogeneous or unitary, and may be diverse in structure with many independent and autonomous units.

8.56 Churches and religious associations can become extremely complex entities with many sub-structures. Such structures were explored by the Committee.³⁹ A good example of this intricacy is perhaps the Catholic Church. In its ‘Submission to Board of Taxation on the Definition of a Charity’ the Church stated that ‘the structure of the Catholic Church is complex and comprises of many entities’ so that:

As a consequence the Church comprises a wide range of different legal entities: bodies corporate established by Act of Parliament, corporations sole, companies limited by guarantee, companies limited by shares, incorporated associations, trusts, funds, foundations, unincorporated associations, bodies of persons.⁴⁰

8.57 The complexity is similar in churches of other denominations; however, it is possible to identify three predominant corporate structures within churches and religious associations. Most of the churches and religious associations in Australia are organised as:

- unincorporated associations;
- incorporated associations;⁴¹ or

38 Parliamentary Joint Committee on Corporations and Financial Services, Report on the CLERP (Audit Reform and Corporate Disclosure) Bill 2003, Part 1 – ‘Enforcement, executive remuneration, continuous disclosure, shareholder participation and related matters’, June 2004.

39 *Committee Hansard 9.12.03*, pp. 36-7 (Mercy Community Services).

40 Catholic Church in Australia, Submission to the Board of Taxation on the Definition of a Charity, October 2003, p.5.

41 Note that some entities may choose incorporation as a company limited by guarantee in which case the Corporations Law would become applicable. They would presumably therefore be subject to the new whistleblower provisions in the Act.

- charities.⁴²

This complexity means that introducing whistleblower protection that would cover the field for the not-for-profit, religious and charitable sectors is not easy.

8.58 The main source of law governing unincorporated associations is the common law. Hence, it will be difficult to establish a whistleblower protection scheme utilising existing statutes. Whether whistleblower protection can be achieved for an individual entity will depend primarily upon the legal form the entity takes, not the question of whether the entity is a not-for-profit or a charitable entity.

8.59 On a State level, the most promising approach would seem to be targeting legislation dealing with charities, trusts and the Associations Incorporation legislation. On a Federal level, the best target seems to be taxation legislation, for example, the Income Tax legislation. It would seem that any legislation attempting to cover the field should contain a clause that puts it beyond doubt that the Commonwealth has the intention to cover the field to the exclusion of any State legislation.

8.60 The Committee considers that the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors should be examined by the Commonwealth. The intention of such legislation would not only provide protection and certainty for those wishing to disclose contemporary matters but also for those who have wanted to disclose past events and actions but have felt uncertain or threatened in coming forward.

Conclusion

8.61 Evidence to the Committee indicates that there are considerable legal and other barriers faced by people who have suffered institutional child abuse in successfully pursuing compensation claims through the civil court system, or in having criminal action taken by the DPP.

8.62 The statutes of limitations have, in particular been cited as a major obstacle to pursuing claims. Some submissions have argued that statutes of limitation legislation should be amended to allow legal proceedings at any time for victims of child sexual and/or physical abuse and neglect.⁴³

8.63 The Committee shares the concerns expressed in evidence concerning the obstacles imposed by the statutes of limitations. It firmly believes that alleged perpetrators of sexual and/or physical abuse should not continue to evade prosecution by hiding behind the limitations of actions provisions.

42 The question of whether a particular entity qualifies as a charity is a separate issue to the entity's corporate structure.

43 *Submissions* 22, p.34 (CLAN); 300, p.ii (Dr Mathews). See also *Submissions* 70, p.5 (National Children's & Youth Law Centre); 277, p. 8 (Office of the Commissioner for Children Tasmania).

8.64 The Committee commends in the strongest possible terms the South Australian Government for removing the statutory limitation period in relation to the prosecution of certain sexual offences. The Committee believes that the South Australian example is a very positive development in that it has opened the way for the possible criminal prosecution of perpetrators of sexual offences in that State. It shows that effective action can be taken to remove a major impediment to bringing perpetrators of child abuse to justice. The Committee strongly urges that all States remove statutes of limitations for not only sexual offences, but also for cases of physical abuse and neglect.

8.65 The Committee notes that the Commonwealth Government has recently urged the States to review their statutes of limitations legislation in relation to child sexual abuse offences. Senator Ellison, the Minister for Justice and Customs, stated that:

In relation to the common-law reform and the civil jurisdiction, that of course is squarely within the state jurisdiction. In relation to offences, we have made it very clear to the states and territories that we believe that nothing should act as a bar to the prosecution of anyone for a child sex offence. We will continue to maintain that position and influence the states and territories in every possible way...we will continue to impress upon them [the States] that we all have to address this in a whole-of-governments – that is, federal, state and territory – approach to the issue of child sex offenders.⁴⁴

8.66 The Committee is concerned at the difficulties that applicants have in taking civil action against unincorporated religious or charitable organisations, and that this may be a device for deliberately avoiding legal liability and accountability. The Committee considers that the possibility of making federal tax concessions dependent on or linked to incorporation is worthy of examination as a possible solution to this problem.

Recommendation 3

8.67 That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction.

Recommendation 4

8.68 That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or

44 *Senate Hansard*, 21.6.04, p.24056.

alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.

Recommendation 5

8.69 That the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

8.70 Given the difficulties associated with pursuing civil actions for damages for institutional child abuse and neglect, as described above, evidence to the Committee argued that other approaches are required. Alternative redress arrangements, through compensation schemes; internal Church and agency-sponsored redress arrangements; and victims compensation tribunals are now discussed. The Committee considers that these redress mechanisms should be used in conjunction with legal remedies already available. In addition, the need for a Royal Commission to inquire into a number of specific and disturbing aspects of institutional abuse that came to light during the inquiry is also considered.

Reparations – theory and overseas developments

8.71 There is increasing interest throughout the world on the issue of reparations for past injustices and the role that such reparations can play in reconciling particular aggrieved groups within nations with the larger society. The issue of reparations however raises a number of fundamental questions. What harms warrant reparations? How far back in history should one go? Do reparations require a known victim and perpetrator, or can the present economic and social conditions of a recognised group be causally linked to the activities of an earlier dominant group or previous government? Even where a past injustice has been recognised, how should reparations be effected? Should loss be compensated in monetary terms, or some other form of restitution?

8.72 The Law Commission of Canada proposed a number of criteria by which redress processes/packages may be assessed. These include:

- Respect, engagement and informed choice – does the process satisfy the values of respect and engagement? Does it offer the information necessary for survivors to make an informed choice about participating in the process?
- Fact-finding – can the process uncover all the important facts to validate whether abuse took place?
- Accountability – do those administering the process have the authority to hold people and organisations to account for their conduct?
- Fairness – is the process fair to all the parties affected by it?
- Acknowledgment and reconciliation – does the process promote acknowledgment, apology and reconciliation in cases where abuse has occurred?

- Compensation, counselling and education – can the process lead to outcomes that address the needs of survivors for financial compensation, counselling, therapy and education?
- Needs of families and communities – can the process meet the needs of the families of those who were abused as children as well as the needs of communities?
- Prevention and public education – does the process promote public education about institutional child abuse and contribute to prevention? ⁴⁵

8.73 While reparations schemes vary they usually contain a number of components including the provision of apologies/acknowledgment of the harm done, counselling, education programs, access to records and assistance in reunifying families. A common feature of redress schemes is also the implementation of financial compensation schemes. While the design of the schemes vary they have as a common goal the need to respond to survivors of institutional child abuse in a way that is more comprehensive, more flexible and less formal than existing legal processes.

International law and reparations

8.74 The right to reparations for wrongful acts has long been recognised as a fundamental principle of law essential to the functioning of legal systems. The obligation to provide reparations for human rights abuses, especially gross violations of human rights, has more recently been recognised under international treaty and customary law, decisions of international bodies such as the United Nations Human Rights Committee and the Inter-American Court of Human Rights, national laws and practices and municipal courts and tribunals.⁴⁶

8.75 In 1989 the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities commissioned Professor Theo van Boven to undertake a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms. A final report, including proposed basic principles and guidelines, was submitted in 1993. A revised set of basic principles and guidelines was submitted in 1996.

8.76 The Van Boven report examined relevant existing international human rights norms and decisions of international courts and other human rights organs. The report concluded that every state 'has a duty to make reparation in case of a breach of the obligation under international law to respect and to ensure respect for human rights and fundamental freedoms'. Van Boven states that:

In accordance with international law, States have the duty to adopt special measures, where necessary, to permit expeditious and fully effective

45 Cited in *Submission 51*, pp.9-10 (Professor Graycar).

46 Buti A, 'International Law Obligations to Provide Reparations for Human Rights Abuses' at www.murdoch.edu.au, pp.2-4.

reparations. Reparation shall render justice by removing or redressing the consequences of the wrongful acts and by preventing and deterring violations. Reparations shall be proportionate to the gravity of the violations and the resulting damage.⁴⁷

8.77 Van Boven synthesised the content of reparations to include restitution, compensation, rehabilitation and, satisfaction and guarantees of non-repetition. Restitution refers to measures such as restoration of liberty, family life, citizenship, return to one's place of residence and, return of property. These measures seek to re-establish the situation that existed prior to the violations of human rights and humanitarian law. Compensation relates to monetary compensation for any economically assessable damage resulting from violations of human rights and humanitarian law. Rehabilitation includes medical and psychological care as well as legal and social services. Satisfaction and guarantees of non-repetition includes an apology, including public acknowledgment of the facts and acceptance of responsibility, and measures to prevent recurrence of the violations.

8.78 A number of significant international human rights treaties create a general duty to make appropriate reparations for violations of human rights. These include the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Rights of the Child, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8.79 A number of overseas countries, such as Germany, Chile, Argentina and South Africa, have implemented reparations schemes in recognition of the rights of victims, especially in relation to gross violations of human rights.

Redress/reparations schemes in overseas countries

8.80 A number of redress or reparations schemes have been implemented in several overseas countries including Canada and Ireland and these are discussed below.

Redress packages in Canada

8.81 In Canada, several provincial governments and the federal government have established compensation schemes in response to situations where children were abused and neglected in state-funded and state-operated institutions.⁴⁸ The schemes are a mix of provincially-based arrangements, which sometimes involve the relevant Churches and federally-based schemes in the case of Indian residential schools, which also involve the Churches.

47 Cited in Buti, pp.2-3.

48 The information on Canadian redress schemes is largely drawn from *Submission 51*, pp.10-13 (Professor Graycar); and *Committee Hansard* 4.2.04, pp.88-89 (Ms Wangmann).

8.82 The schemes include the Ontario Grandview Agreement, the British Columbia Jericho Individual Compensation Program, the Ontario Helpline Reconciliation Agreement and a redress scheme established in relation to Indian children in residential schools. A number of official Canadian reports and inquiries highlighted serious physical, sexual and emotional abuse at many institutions over many decades in Canada.

8.83 The Grandview Agreement was a compensation agreement negotiated with the Province of Ontario in 1994 by a group of survivors of physical and sexual abuse in a girls' detention centre – the Grandview School for Girls. That agreement led to the creation of a process specifically designed by the victim/survivors to deal with those claims of abuse.

8.84 As part of the Grandview process, those who signed the agreement waived their right to sue at common law and were able to claim an amount of up to CAN\$60 000 depending on the types of injury they had sustained. This is significantly less than the amount they might have received had they sued successfully at common law. In addition to this limited financial compensation, the Grandview survivors were eligible for services such as counselling and other assistance such as tattoo removal (it was common in the institution for the girls to tattoo themselves and each other). The adjudication process was designed by the survivors' group, in consultation with their lawyers, and all adjudications were undertaken by women sensitive to issues related to sexual assault matters. An evaluation of the Grandview Agreement found that most women who went through the process found that it was helpful and supportive.

8.85 Another redress package – the Jericho Individual Compensation Program (JICP) – was established by the Government of British Columbia in 1995 to compensate Deaf and/or visually impaired children who attended the Jericho Hill School for the Deaf. The compensation program was established following an Ombudsman's report that detailed the abuse (including sexual abuse) experienced by children at the School. While the parameters of the program, including the levels of compensation and what harms would be compensated, were devised by the government, the terms of reference for the program were devised in consultation with the Deaf community and measures were put in place to ensure that personnel working on the program were sensitive to, and aware of, the different cultural needs and requirements of the Deaf community.

8.86 Compensation payments under the JICP ranged from CAN\$3 000 to \$60 000 (the average payment was CAN\$35 000). In determining claims the Panel had to be satisfied that there was a 'reasonable likelihood' that the claimant was sexually abused at Jericho Hill School (a lesser standard than the more common civil standard – on the balance of probabilities). The JICP received 365 claims for compensation, of which 359 claims were validated. Ninety-five per cent of the people who had their claims validated by the JICP accepted the settlement. A review of the Program noted that many of the people who went though the Program found it 'therapeutic' in that it gave them an opportunity to tell their story and have it validated. A number of the residents at Jericho Hill School opted out of this compensation program and have instead

elected to proceed through the courts. This litigation is proceeding as a class action and has not yet been finalised.

8.87 Another redress package was the Helpline Reconciliation Agreement. This Agreement was devised as a ‘reconciliation model’ to ‘heal the impact’ of the physical and sexual abuse experienced by former students at St Joseph’s Training School for Boys and St John’s Training School for Boys in Ontario. The agreement, established in 1993, was made between the Government of Ontario and the Catholic Church authorities. It included an apology; a system of submitting and validating claims; the creation of a fund to provide a variety of support, medical and educational assistance to validated claimants; a contribution to lost wages; a counselling service; a public record; and a commitment of behalf of the participants in the Agreement to prevent child abuse.

8.88 In relation to the experiences of Indian children in the Canadian residential school system, the Canadian Government is implementing an alternative dispute resolution (ADR) process. In 1998-1999 the Government, the churches and Aboriginal leaders commenced a process of investigating non-adversarial dispute resolution processes as a way of dealing with claims concerning the residential schools. As a result, a national dialogue was conducted across Canada and 10 pilot projects were established. It was intended that the ADR projects would offer victims of the residential school system a more sensitive and timely response to the claims than is afforded by litigation.

8.89 A review of the projects found some dissatisfaction by survivors involved in the pilot projects – the ‘standards of the day’ requirement which survivors found ‘difficult to understand’; objections to the application of Western, ‘white’ standards to resolving residential schools’ abuse cases; and the limitation of compensation to recognised causes of action, effectively meaning that claims for language and culture loss would not be compensated under the ADR projects.

8.90 The Canadian Government has recently introduced a two-model dispute resolution scheme for Indian residential schools. The first model deals with more serious claims of physical or sexual abuse over an extended period. Under this model, award payments are comparable to what people would receive in court settlements. The second model deals with less serious claims. The approach under this model is less formal – claimants are not required to lodge documents, and are not subject to the same sort of questioning about their claims as under the first model. The amount of compensation is also less – with the maximum amount set at CAN\$3 500.

Ireland

8.91 In response to allegations of abuse in orphanages, industrial schools and other institutions the Irish Government has introduced a number of measures to address the issue, including the establishment of the Commission to Inquire into Child Abuse (the Laffoy Commission). Approximately 150 000 children went through residential institutions in Ireland between the 1920s and the 1980s. It is estimated that as many as

100 000 of those have left Ireland, mainly for the United Kingdom, United States and Australia.⁴⁹

8.92 In 2001 the Government agreed to the introduction of a compensatory scheme for victims of institutional abuse. The *Residential Institutions Redress Act 2002* established this compensation scheme. It is a no fault scheme for compensation for people who experienced child abuse, which is very widely defined, when they were a resident in an industrial school, reformatory, children's home or similar institution. Eligible applicants must have suffered sexual, physical or emotional abuse while in an institution and have suffered physical, psychiatric or other injury consistent with that abuse.⁵⁰

8.93 The Act establishes a Residential Institutions Redress Board (RIRB) that receives and assesses claims. The Act requires that the processes adopted by the RIRB be as informal as possible. An applicant lodges a written claim which provides evidence of his/her identity; proof that he/she was a resident in a particular institution as a child; and evidence of the injury that was suffered in that institution consistent with the alleged abuse. These are the three criteria that must be met before the RIRB can make an award. To receive compensation under the scheme, the person must not have received compensation from a court or settlement. The alleged perpetrator does not have to be criminally convicted. An application form must be completed and submitted to the Board. Applications are processed within 14 weeks – this is the minimum timeframe and dependent on the Board receiving all the necessary documentation. The Board will obtain evidence from any person or institution named in an application. Applications must be made to the Board by 15 December 2005.

8.94 The scheme is primarily funded by the State, however the Catholic Church has agreed to provide €128 million [\$.218m] into the compensation fund – in return the Church received indemnity for future claims about past child abuse claims. The contribution by the Church has been criticised as being too small, since the total amount disbursed under the scheme could be close to €1 billion. The Irish Auditor-General has estimated that the amount of compensation awarded could be in the order of €864 million [\$.1475m] (based on an estimated 10 800 claims with each payment averaging €80 000 [\$.136 000]).⁵¹ The total value of awards (to December 2003) was €42.4 million.⁵²

8.95 If the Board rules that an applicant is entitled to redress, it may make an offer of settlement which the applicant can accept or reject. If accepted, no further action is necessary; but the applicant cannot seek other compensation through the courts. If

49 Submission 22, Supplementary Information, 9.7.04 (CLAN).

50 Information on the Irish scheme was drawn largely from RIRB, *Annual Report 2003*; and Submissions 51, pp.13-14 (Professor Graycar); 300, pp.42-43 (Dr Mathews).

51 Submissions 300, p.43 (Dr Mathews); 51, p.14 (Professor Graycar).

52 Residential Institutions Redress Board, *Annual Report 2003*, p.18.

rejected, the application will then be heard by the Board at a hearing. Hearings, which are informal, are closed to the public and are conducted by a panel of 2-3 Board members. Persons and institutions named in the application can participate in the hearing.

8.96 If an applicant is not satisfied with the RIRB's determination of the claim or the amount of the award, it is possible to appeal to the Residential Institutions Redress Review Committee, which can uphold, increase or decrease the Board's award.

8.97 There are four heads of compensation: severity of abuse and injury; additional redress; medical expenses; and other costs and expenses. Awards of compensation by the RIRB are determined according to two scales. The first scale, to assess the severity of the abuse, requires the RIRB to assess four 'constitutive elements of redress' – the severity of the abuse; and the three measures of injury resulting from the abuse; medically verified physical/psychiatric illness; psycho-social sequelae; and loss of opportunity. After determining the scaling for the severity of the abuse, the RIRB then turns to the second scale. This scale provides for five levels of compensation: (1) up to €50 000 [\$A85 000]; (2) €50 000 - €100 000; (3) €100 000 - €150 000; (4) €150 000 - €200 000; and (5) €200 000 - €300 000 [\$A513 000] – for the most severe cases of abuse. It is also possible for an applicant to claim aggravated damages. The RIRB has made it clear that aggravated damages will only be awarded in the most 'oppressive or outrageous' of cases. The award may be paid in either a lump sum or instalments. The payments that have been made to date have ranged from €10 000 [\$A17 000] to €270 000 [\$A461 000], with the average value of €80 000 [\$A136 000].⁵³

8.98 As noted above, an applicant who accepts the award determined by the RIRB (or Review Committee) must then waive their rights to pursue civil action against the same institutions or persons alleged to have caused the child abuse that was the subject of the redress application. Potential applicants who have already sought civil relief for the harm that they suffered in a residential institution are not permitted to make a claim under the Act – however, if the civil claim was rejected in an interlocutory proceeding or on the basis of the statute of limitation – then those people may still make an application to the RIRB.

8.99 The Board has received 3 900 applications (as at July 2004).⁵⁴ In its 2003 Annual Report the Board reported that it had received 2573 applications and 587 applications have been determined (as at December 2003). Of these 587 cases, 535 compensation payments were made (see Table 8.1) and 52 were refused because they did not fall within the framework of the Act. The Board has received

53 RIRB Annual Report, pp.10,18.

54 'Abuse claims double original estimate', *RTE News*, 8.7.04 at www.rte.ie

100 applications from victims of abuse in residential institutions in Ireland who are now resident in Australia.⁵⁵

Table 8.1: Compensation Payments

Redress Band	Total Weightings for Severity of Abuse and Injury/Effects of Abuse	Award Payable by way of Redress	Number	Percentage
V	70 or more	€ 200 000 –	6	1.12
		€ 300 000		
IV	55-69	€ 150 000 –	19	3.55
		€ 200 000		
III	40-54	€ 100 000 –	101	18.88
		€ 150 000		
II	25-39	€ 50 000 –	325	60.75
		€ 100 000		
I	Less than 25	Up to € 50 000	84	15.70
Total			535	100

Source: Residential Institutions Redress Board, *Annual Report 2003*, p.20.

8.100 Evidence to the inquiry indicated that the scheme is generally viewed favourably by victims of abuse. One submission noted that:

The experience of claimants so far has been extremely positive. Most importantly victims have been able to tell their stories in a non threatening environment. The process is quick and it is fair.⁵⁶

8.101 Criticisms have, however, been made recently by some victims in relation to the level of the awards made and the process itself – some victims felt traumatised by the process and some felt they were not 'believed' by the Board.⁵⁷ One witness to the inquiry also noted that 'there is...perceived inadequacy about the awards that are

55 Submission 22, Supplementary Information, 9.7.04 (CLAN). A local call number – 1300 308 478 – has been established in Australia for abuse survivors who wish to make claims under the scheme. People contacting the number will then be contacted by an Irish-based legal team who will provide advice in the application process.

56 Submission 295, p.7 (Ms Sdrinis).

57 'Victim protests over redress board hearing', *The Irish Times*, 16.4.04.

available under the scheme compared to some of the litigation. There have been some recent cases where some claimants have received large court amounts'.⁵⁸

Redress packages in Australia

8.102 A number of redress packages, including Government and Church-related schemes have been implemented in Australia.

Tasmania

8.103 As noted in chapter 1, in August 2003 the Tasmanian Government announced a compensation package in response to an investigation by the State Ombudsman into past abuse of children while in State care.

8.104 Under the Tasmanian scheme, claims must first be made to the Ombudsman. A review team investigates the claim, which includes record checking and interviews. Part of the interview process involves determining what the claimant wants from the process. Desired outcomes can include an apology issued on behalf of the Department of Health and Human Services (DHHS), official acknowledgment that the abuse occurred; assistance tracking lost family members; access to their departmental files; professional counselling; payment of medical expenses; or compensation. Completed files for each claimant are referred to DHHS for further action if recommended. An Independent Assessor of claims of child abuse has been appointed. The Assessor's role is to record settlements reached between DHHS and claimants against the referrals made to the Department by the Ombudsman; and to receive referrals from the Department on all matters which have not reached settlement, in which case he will undertake a review and, where appropriate, an assessment of an ex-gratia payment. While the maximum amount for individual payments is \$60 000 the Assessor can recommend that the government pay a greater sum in exceptional circumstances.⁵⁹

8.105 The DHHS has conducted some 246 interviews (as at June 2004) to determine if there is sufficient evidence to support a claim of abuse. No compensation claims/ex gratia payments have been paid to date by the Independent Assessor – the first claims are expected to be paid by the end of 2004; however 25 claims have been referred to police for investigation.⁶⁰

Queensland

8.106 In response to the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry), the Queensland Government established a package of measures to assist former residents of Queensland institutions. This

58 Committee Hansard 4.2.04, pp.88-89 (Ms Wangmann).

59 Premier of Tasmania, the Hon J Bacon MHA, Additional Information, 11.11.03; *Submission* 300, pp.43-45 (Dr Mathews).

60 Tasmanian Government, Additional Information, 29.6.04.

included the establishment of the Forde Foundation in 1999. The Foundation, which is a charitable trust, distributes monies to former residents of these institutions. The trust provides assistance for education, health, family reunions and the basic necessities of life. Funding is also provided for counselling services and a range of support services. Other measures included action to improve access to records and the issuing of a formal apology in conjunction with the responsible Churches. Further details of these measures are discussed in chapters 7, 9 and 10.

8.107 During the inquiry there was considerable criticism of the Queensland Government's reluctance to provide monetary compensation to victims of institutional abuse.⁶¹ Victims of abuse in Queensland institutions have presented the Queensland Government with a Charter for Redress calling on the government to deliver 'justice and dignity' to victims of institutional abuse, including monetary compensation and restitution.⁶² The Charter for Redress calls on the Queensland Government to:

- accept its moral and legal responsibility for the pain and suffering of people who have experienced abuse;
- acknowledge that abuse victims should be treated with compassion and dignity, and are thus entitled to prompt redress;
- explore models of redress suitable in the Queensland context, including redress models in Tasmania and overseas;
- establish guiding principles to enable abuse victims, the government and the Churches to work together;
- amend judicial and administrative arrangements to enable victims to obtain redress including financial compensation;
- acknowledge that redress includes rights to reparations, compensation and restitution; and
- respect the rights of individuals to their own pathways for healing.⁶³

8.108 The Forde Inquiry recommended that the Queensland Government and responsible religious authorities 'establish principles of compensation in dialogue with victims of institutional abuse and strike a balance between individual monetary compensation and provision of services' (recommendation 39).

8.109 The Queensland Government's position is that the establishment of the Forde Foundation and the provision of counselling and other support services provides this 'balance' in that services are provided 'to support former residents in rebuilding their

61 Submissions 219, p.6; 78, p.1. See also *Committee Hansard* 12.3.04, pp.3-29 (Historical Abuse Network/Esther Centre).

62 'Forde Inquiry victims call for compo', *AAP*, 2.6.04.

63 Historical Abuse Network, *Charter for Redress*, Additional Information, 12.3.04.

lives'. The Government argued that any claims for monetary compensation 'would need to proceed through normal legal processes'.⁶⁴

8.110 The Forde Foundation noted, however, that there is common expectation among ex-residents that compensation should be provided by the Foundation.

...in the absence of any other form of redress, there is a misperception that the Foundation offers compensation. The amounts able to be disbursed by the Foundation fall a long way short of any form of fair compensation. This is confusing and in some cases humiliating for applicants, who believe that they are receiving compensation. There is a sense of, "Is that all I get?"⁶⁵

8.111 The 2001 report of the Forde Implementation Monitoring Committee also argued the need for the government to provide compensation. The report stated that:

The existence of the Fund does not address the principle of *compensation* underlying recommendation 39. The Forde Foundation was *not* established to pay compensation to former residents. It was intended to provide support to them...In this sense the Fund's role – while valuable – is in truth more concerned with the provision of services as required in recommendation 40, than it is with the compensatory spirit of recommendation 39.⁶⁶

The Churches/agencies

8.112 A number of Churches and agencies have implemented redress packages in relation to victims of abuse in institutional care and other settings, such as parishes. These redress schemes usually involve the issuing of apologies, the provision of counselling and other support services and, in some cases, compensation payments. Further details are addressed later in this chapter.

Other packages

8.113 In 2003 the Catholic Archdiocese of Adelaide provided an unconditional \$2.1 million compensation package to 34 families of intellectually disabled boys who were sexually abused by a bus driver at a Catholic school for the intellectually disabled. The compensation package ranged from \$50 000 to \$100 000. The package does not contain confidentiality clauses and recipients do not have to waive their rights to take civil legal action against the Church for compensation. The Church's payment would, however, be offset against any damages awarded in any future successful civil action.⁶⁷

64 Queensland Government, *Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, August 1999, p.43.

65 *Committee Hansard* 12.3.04, p.90 (Board of Advice of the Forde Foundation).

66 Cited in *Submission 159*, p.6 (Board of Advice of the Forde Foundation).

67 'Catholics offer \$2.1 million over child abuse', *The Age*, 25.9.03.

Monetary compensation – the Australian context

8.114 As noted above, the Tasmanian Government has recently introduced a compensation scheme for victims of abuse while in State care. Several Churches and agencies also provide monetary compensation as part of their redress packages. In relation to the Stolen Generations, the *Bringing them home* report recommended that the Council of Australian Governments (COAG) establish a joint national compensation fund to provide monetary compensation for the victims of the removal policies involving indigenous children. The report argued that a Board should be established to administer the fund and that compensation procedures adopted should be non-confrontational and non-threatening. The report argued that the major church organisations which played a role in this process should also be 'encouraged' to contribute to the fund.⁶⁸ Monetary compensation has not, however, been provided by governments in the case of the Stolen Generations nor in the case of former child migrants.

8.115 The issue of monetary compensation remains a contentious, and possibly the most contentious issue, of all the possible reparation measures. A number of different approaches may be taken in awarding monetary compensation. Awards can either be based on an individual, needs-based approach – this may be done on a case-by-case basis, or based on various scales and categories of harms experienced – or on a predetermined award per person that offers general compensation to all members of an aggrieved group. Individually-based awards may exclude certain categories of individuals who are unable to prove or explain their situation and forces victims to endure further pain through the requirement to prove the severity of their past experiences.

8.116 An alternative approach is to establish a predetermined single amount of compensation, inclusive of all harms suffered regardless of the individual degree of harm and need. This approach acknowledges the injustices of the experiences suffered, and offers justice and relief to victims collectively. Such an approach is likely to limit the time, costs and administration involved in claims and payments and is a model likely to reach all victims, at least to some extent.

8.117 Ideally, the funding of monetary compensation schemes should be provided by all responsible parties, including individual perpetrators if still alive. Dr Buti of the Murdoch University School of Law has noted, however, that governments and other parties 'are reticent in saying yes to reparation funding because of concern over the quantum of funding required'.⁶⁹ Dr Buti suggested, however, that this concern may be lessened if liability is spread over the various responsible parties. In the context of the Stolen Generations the responsible parties would be the State Governments and the churches, who administered most of the missions and homes and the Commonwealth Government, which had a role in the removal policies. Individual perpetrators should

68 *Bringing them home*, pp.302-313.

69 Buti A, 'Bridge Over Troubled Australian Waters' at www.murdoch.edu.au, p.13.

also contribute to the scheme. Dr Buti argued that individual, governmental and organisational liabilities should be assessed, and based on their proportionate liability, the responsible parties would incur varying costs.

In creating a comprehensive reparations scheme, party contributions must be assessed with respect to liability and responsibility; ability to pay and funding available; amounts already contributed; services provided; and whether public acknowledgment and apology has been made. Liability of parties should be negotiated and determined during establishment of a reparation scheme. All responsible parties should contribute funds to a scheme or part thereof based upon their responsibility and surrounding factors.⁷⁰

8.118 Dr Buti suggested that the advantage of including all the various parties in a comprehensive reparations scheme is that it has a greater chance of achieving a positive outcome by reducing the individual financial strain on each party. It may also have a psychological effect by spreading the 'blame' across the board rather than targeting one party. In addition, with a greater number of contributors there is a greater potential funding pool, which increases the chances of obtaining adequate funding for a comprehensive reparations scheme.⁷¹

Conclusion

8.119 The Committee believes that the Commonwealth Government should establish a national reparations fund for victims of institutional and out-of-home care abuse. The Committee believes that, while no amount of money can adequately compensate victims for the pain and suffering experienced while in institutions and other forms of care, monetary compensation can go some way towards acknowledging past abuse and affording a sense of justice and closure for many victims.

8.120 The Committee acknowledges that while monetary compensation can compensate victims to some extent it is unlikely to achieve healing for many care leavers, so other forms of redress, especially counselling is important. The Committee addresses counselling and the provision of other services in chapter 10.

8.121 The Committee does not have a definitive view as to the amount of reparations that should be payable under the scheme, but believes that the reparations should be capped at an appropriate level. As noted previously, a maximum amount of \$60 000 per claimant is payable under the Tasmanian Government's scheme, and similar amounts are payable under several schemes operating in Canada. Under the Irish Government's scheme the payments that have been made to date have ranged widely with an average value of €80 000 [\$.A136 000].

70 Buti, Bridge Over, p.13.

71 Buti, Bridge Over, p.13.

8.122 The Committee believes that the scheme should be funded by contributions by the Commonwealth and State Governments and the Churches and agencies directly involved in the implementation and administration of institutional and out-of-home care arrangements. The Committee considers that, while the Commonwealth did not have a direct role in administering institutional care arrangements, it should contribute to the scheme as an act of recompense on behalf of the nation as a whole. The Committee believes that State Governments should contribute as they were directly involved in the administration of institutional care arrangements. The Committee also firmly believes that the Churches and agencies should contribute to the scheme to share the cost burden and as a form of acknowledgment of their collective role in the failure of their duty of care.

8.123 The relative contribution of the various parties to the scheme should be based on their proportionate liability which, as discussed previously in this chapter, should take into account such factors as the relative roles of the respective groups in the provision of institutional care; their ability to pay; and the degree to which they are already providing compensation or funding services for care leavers.

8.124 The Committee believes that a board should be established to administer the scheme and that processes to establish claims should be non-adversarial and informal with the aim being to settle claims as expeditiously as possible. The Committee considers that in determining claims the board should be satisfied that there was a 'reasonable likelihood' that the claimant was abused – a lesser standard than the more common civil standard – on the balance of probabilities. The Committee considers that the introduction of this scheme should not preclude victims from pursuing civil claims through the courts as an alternative.

Recommendation 6

8.125 That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:

- **the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;**
- **the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;**
- **a board be established to administer the scheme, consider claims and award monetary compensation;**
- **the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;**
- **the board should have regard to whether legal redress has been pursued;**
- **the processes established in assessing claims be non-adversarial and informal; and**

- **compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.**

Internal Church redress processes

8.126 A number of churches have established internal redress-type mechanisms to provide assistance and support to victims of institutional abuse and other forms of abuse by church personnel. These processes provide an alternative avenue of redress to civil litigation for people alleging neglect or abuse in church-run institutions. Many former residents will not, however, use these processes because of past negative experiences as children in the institutions operated by the various Churches.

8.127 Some data on the numbers of abuse allegations – albeit incomplete in many cases – dealt with by the Churches and agencies are available. Under the Catholic Church's *Towards Healing* protocol some 1 000 cases of abuse have been received since 1996 when the scheme was introduced. This figure includes all cases of abuse, not limited to cases of abuse in institutional care.⁷² The Committee was advised by the National Committee for Professional Standards, which oversees the *Towards Healing* protocol, that overall numbers of abuse complaints from ex-residents of institutions are not available as they are not collected nationally. The Professional Standards Committee is establishing a system that would provide that data on a national basis and it is expected to be in place by the end of 2004.⁷³ The Archdiocese of Melbourne, which operates a separate scheme, has had only 'one or two' complaints relating to abuse within institutions in the archdiocese. The religious Orders that operated homes in the archdiocese deal with complaints through the *Towards Healing* protocol.⁷⁴

8.128 The Salvation Army stated that 19 former residents reported sexual abuse by three officers and four employees and a further 24 ex-residents reported physical abuse during the period 1950 to 1979.⁷⁵

8.129 UnitingCare Burnside stated that in the last 10 years it has received five formal complaints about the care experienced; 10-15 requests for counselling as a direct result of individuals' experiences of care; and one request for an investigation to be initiated in relation to allegations of harm that occurred while in care.⁷⁶ Wesley Dalmar stated in the last 18 months, 35 clients have contacted Dalmar to see their

72 'Church watchdog reviews *Towards Healing* protocol', *Catholic Weekly*, 13.7.03.

73 National Committee for Professional Standards, personal communication, 3.8.04.

74 Archdiocese of Melbourne, personal communication, 27.7.04. The Archdiocese has received a total of 115 complaints since 1996 (as at December 2001). These complaints mainly involve clergy in parish settings. See 'US campaigner calls church to account', *The Age*, 9.7.04.

75 *Submission 46*, Supplementary Information, 8.6.04 (Salvation Army).

76 *Submission 59*, p.9 (UnitingCare Burnside).

files. Of these 35 clients, 13 have alleged abuse or unduly harsh treatment during their time with Dalmar.⁷⁷

8.130 The United Protestant Association (UPA) stated that seven allegations of sexual abuse had been raised, either directly or indirectly with UPA, over the last eight years. Three of these allegations have been referred to the police; two were raised by third parties citing only general information, and two were received from people who have not provided sufficient detail which might be referred to the police.⁷⁸

8.131 Barnardos indicated that they had received about eight complaints from ex-residents – six related to the 1950s and two related to the 1960s.⁷⁹ Barnardos drew attention to a case in the 1980s when it was made aware of sexual abuse allegations by a house-father, Mr Victor Holyoake, in one of its group homes during the 1960s. Holyoake was later charged and subsequently jailed.⁸⁰ Mofflyn stated that a case was reported in 1996 where there were allegations made against a male worker in a children's residential unit. Western Australian police investigated the matter but subsequently decided not to proceed with charges of indecent dealing or sexual assault due to insufficient evidence.⁸¹

8.132 As noted above, the number of complaints received by the different Churches varies. Data indicates that the Catholic Church has received the largest number of complaints overall. Recent publicity concerning abuse allegations in the Salvation Army and Anglican Churches and indeed the number of references made in submissions suggests that these and other churches may witness increasing numbers of abuse complaints in the future. It is therefore essential that complaints handling procedures across all Churches are effective and transparent, especially in the light of criticisms of Catholic Church processes in particular (as discussed below).

The Catholic Church

8.133 The Catholic Church's *Towards Healing* protocol provides an example of that Church's attempt to address situations of abuse in Catholic institutions. The protocol operates for all Catholic dioceses, except the Archdiocese of Melbourne, which has separate procedures in place, and for all religious orders. The Jesuit Order recently adopted the *Towards Healing* protocols, replacing their existing protocols for dealing with abuse claims. The Jesuit Provincial stated that their former protocols fostered a legalistic approach to claims of sexual abuse that had the result of harassing victims

77 Submission 178, p.12 (Wesley Mission).

78 Submission 30, pp.1-2 (UPA).

79 Barnardos, personal communication, 29.7.04.

80 Submission 37, p.4 (Barnardos).

81 Submission 160, p.6 (Mofflyn).

and working against reconciliation.⁸² Since 1996 the Melbourne archdiocese has used an independent commissioner to investigate abuse complaints.

8.134 Under the *Towards Healing* protocol the bishops and leaders of religious institutes in each State appoint a Director of Professional Standards to manage the process in relation to specific complaints. The Director is responsible for appointing assessors to investigate complaints; facilitators to determine processes by which agreements can be reached to assist victims and determine what the Church authorities can do to assist victims; and reviewers who conduct reviews, as required, of the process. Reviewers are required to be independent and not have close associations with either the complainant or the church authority responsible for dealing with the complaint.

8.135 A Professional Standards Resource Group is also appointed by the bishops and leaders of religious institutes. This group acts as an advisory group on matters concerning professional standards, and its membership comprises one priest and one religious and other people (up to 10) with expertise in areas such as child protection, social sciences and civil and Church law.

8.136 *Towards Healing* provides that assessors investigate the evidence regarding a complaint and provide a written report to the church authority, such as the religious Order the subject of the complaint, and the Director of Professional Standards. The church authority then makes a determination on the facts as presented as to what further action is required. Responses may include an apology on behalf of the Church, the provision of counselling services or the payment of counselling costs. Financial assistance or reparation may also be paid to victims of a criminal offence or civil wrong. Reparation payments are not subject to a monetary ceiling. A facilitator is appointed by the church authority and the victim to moderate a settlement and determine the ongoing needs of the victim.

8.137 A review of process of the procedures is available (but not a review of outcomes) if the complainant (or the accused person or persons) is not satisfied with the response of the Church authority. The Director appoints the reviewer to conduct an independent evaluation.⁸³

8.138 Submissions to the inquiry expressed a numbers of criticisms of the *Towards Healing* process. Submissions from several complainants who have used the process provided detailed documentary accounts of alleged neglect and abuse that were provided to Church authorities during the process only to have the assessor find that – the alleged abusing nun or brother denied the allegations; was too old, senile or had died; no evidence existed of the particular form of abuse or neglect occurring; or no corroborating evidence was found for the allegations. Complainants then received virtual pro forma letters from the relevant Order stating that the matters raised had not

82 'Church watchdog reviews Towards Healing protocol', *The Catholic Weekly*, 13.7.03.

83 Australian Catholic Bishops Conference, *Towards Healing*, June 2003 at www.catholic.org.au

been substantiated and that the Order could not take the matter of the complaint further.⁸⁴ One submission stated 'I think it [the process] is rigged so the church always comes out looking good'.⁸⁵

8.139 Evidence to the inquiry also noted that the structured nature of the *Towards Healing* processes means that it is difficult to initiate more informal processes with the Church authorities that would facilitate face-to-face meetings between victims and the relevant Church authorities and/or perpetrators of past abuse. Victims often desire reconciliation and healing before other more material needs. One witness noted that:

...the churches are not being proactive enough in listening to the stories of the people who have been through the system, listening to their needs and trying to work with them to meet those needs.⁸⁶

8.140 The witnesses pointed to the South African Truth and Reconciliation Commission as a possible model.

There needs to be some type of truth and reconciliation commission – that is what I think needs to be done – where they [the Churches] come and listen...some substantial time to actually listen to the people and their needs and to work towards meeting those needs.⁸⁷

8.141 Another witness noted that their support group [Jobe's Trust] has been trying to work within the *Towards Healing* processes to make the Church accountable and to reconcile with victims but to no avail.

...we have also campaigned with the chairperson of Towards Healing to acknowledge the abuse and to reconcile and compensate these victims; and we have come up against brick walls all the way around...We have put to the church our grievances about how difficult it has been for us to get them to the table, but they just refuse to budge. I am sorry, but this is a fact: Towards Healing is a farce.⁸⁸

8.142 Complainants were previously subject to a confidentiality clause as a condition of an agreement with the Church but this is now not a requirement. One submission noted that the inclusion of a confidentiality clause left claimants 'feeling demeaned and that all they'd received was "hush money"'.⁸⁹

8.143 The *Towards Healing* protocol was also criticised by some victims as being an 'in-house' procedure not subject to effective checks and balances and one that lacked transparency and openness. One submission argued that there was a need to

⁸⁴ Submissions 216, pp.1-12; 348, pp.1-15.

⁸⁵ Submission 93, p.1. See also Submission 249, pp.1-2.

⁸⁶ Committee Hansard 12.3.04, p.47 (Fr Dethlefs).

⁸⁷ Committee Hansard 12.3.04, p.48 (Fr Dethlefs).

⁸⁸ Committee Hansard 12.3.04, p.108.

⁸⁹ Submission 295, p.5 (Ms Sdrinis).

'review this Program and report on its fairness to both sides, in particular who acts as judge'.⁹⁰

8.144 Dr Altobelli of the Law School at the University of Western Sydney, in a study of the *Towards Healing* protocol, proposed a number of changes to the procedures. He noted that as the Director, who plays a pivotal role in the whole process, is appointed by the Church, there is the risk that complainants and the public generally may perceive the appointment as lacking sufficient independence from the Church. He suggested that the Professional Standards Resource Group could appoint or have a role in the appointment of the Director. Appointment procedures to this body would, however, need to change as currently its membership is appointed by the Church. He suggested that external appointments could be made to this body through government, Non-Government Organisations or community organisations involvement. For example, the relevant Minister with responsibility for child welfare matters could nominate members of the Resource Group.

8.145 The study also argued that procedures could be made more transparent by outsourcing specific aspects of the process, for example, the investigation process – 'this simple measure has the potential to enhance transparency and improve public confidence in the system'.⁹¹ In addition, the study proposed that there should be a mechanism for implementing an independent review of decisions of the Director. This could be undertaken by the Resource Group, if independent members were appointed to that body (as discussed above) or through the establishment of an independent body (see below) which would also act as a review mechanism.

8.146 In addition, Dr Altobelli proposed the establishment of an external review mechanism, such as an independently appointed ombudsman, who would have the power to review any institutional processes. He envisaged this office operating like an industry ombudsman, for example, similar to the Private Health Insurance Ombudsman in the health area, with extensive powers of investigation and review and whose greatest regulatory power would be to publish its review findings in the public arena. It could, however, go further and facilitate community education about awareness, prevention and management of institutional abuse.⁹²

8.147 Broken Rites also argued that the issue of financial compensation in the *Towards Healing* process 'has turned out to be a lottery and persons who enter the process can encounter major problems'. Broken Rites added that:

Some Bishops and Heads of Religious Orders have refused to comply with the process; some victims have been coerced and intimidated by aggressive lawyers representing the church authority; church authorities have

90 Submission 93, p.5.

91 Altobelli T, 'Institutional processes for dealing with allegations of child sexual abuse', Paper presented at the Australian Institute of Criminology Conference, May 2003, p.11; and Supplementary Information, 4.6.04.

92 Altobelli, pp.9, 11-12; and Supplementary Information, 4.6.04.

approached it as a legal process rather than a mediation and critical information about the victim has not been shared with the victim. In case after case, victims were required to sign confidentiality agreements until this was exposed on the TV program "60 Minutes".⁹³

8.148 One submission noted that he felt pressured into accepting a payout for a claim against a religious Order – 'I found that I had niggling doubts about the offer that was made to me and the injustice of my being virtually forced to accept what the church had offered. I came to see that the payout to me was unfair'.⁹⁴

Other Churches/agencies

8.149 Other churches have also instituted similar internal complaints processes. The Salvation Army and Barnardos have uniform procedures in place. Uniting Church agencies have separate procedures, but in NSW and the ACT there are moves towards uniform processes across agencies in those jurisdictions. The Anglican Church has no national procedures but is moving towards a standardised approach across all dioceses. The complaints procedures outlined below apply to both past and current abuse allegations.

Salvation Army

8.150 Under the Salvation Army's protocol for sexual and other abuse the complainant is directed to an 'independent contact person', who is a local, impartial person experienced in handling complaints, independent of the Salvation Army. A report on the complaint is provided by the contact person to the Chief Secretary (Salvation Army's Chief Executive Officer (CEO)) and/or his delegate. On receipt of this report, the Chief Secretary or his delegate determines how the complaint is to be dealt with, including the scope of any investigation required. The way a complaint is dealt with depends on a number of factors including the nature of the alleged misconduct; the confidentiality required by the complainant; and whether the alleged offender is or is not still a Salvationist, living or working in the Salvation Army's jurisdiction. With the agreement of all parties concerned, mediation which involves the establishment of a panel of outside professionals, such as a psychologist, lawyer and/or minister from another church may be used to resolve the dispute. Both parties generally agree to abide by the decisions of the mediation panel. The panel also serves as a mechanism for review of outcomes if claimants are dissatisfied with the process. However, the Salvation Army will not automatically assume liability for the costs of the mediation unless special arrangements are made – however, the Salvation Army noted that in most cases it agrees to pay these costs.

8.151 The outcome of a complaint may include reporting the complaint to the police or other authorities; a written response to the complainant; a written apology from the

93 *Submission 79, p.17 (Broken Rites).*

94 *Submission 144, p.2.*

alleged offender; counselling for the complainant or other assistance; counselling for the alleged offender; and/or warning, suspension or termination of the alleged offender; or no further action. In cases where monetary payments are made, no confidentiality clauses are imposed on complainants.⁹⁵

8.152 Many critical comments were received during the inquiry about the lack of support offered by the Salvation Army to ex-residents. One care leaver noted that:

Over the last few years I was humiliated and offended by the Salvation Army as on many occasions I have asked for counselling for this problem and been denied access to this unless I was alcoholic or drug addicted...At another time another [Salvation Army] officer said after begging for help "yes it is awful we have to admit even through we have caused the problem we can't help you". (Sub 266)

8.153 Another care leaver argued that the Salvation Army should offer more support to ex-residents, asking rhetorically 'what can the Salvation Army and the Government do to assist me now and in the future?'.⁹⁶

Barnardos

8.154 Under Barnardos complaints policy the CEO or the Senior Manager, Youth Services and Aftercare, contacts the complainant to ascertain the facts from the ex-client's perspective. Advice is given to the complainant on referring the matter to the police, seeking legal advice, obtaining professional counselling, and/or seeking peer support, through an organisation such as CLAN. For some complainants, ongoing counselling is provided and for others, Barnardos have offered, and paid, compensation.⁹⁷

Uniting Church

8.155 Agencies of the Uniting Church, such as UnitingCare Burnside and Wesley Dalmar, have separate complaints procedures. The NSW Uniting Church is currently developing uniform procedures for dealing with complaints from ex-residents of institutional care in NSW and the ACT. The Uniting Church noted that this will provide a 'consistent response' to allegations of abuse and will include the type and amount of counselling to be provided, the circumstances under which compensation payments would be considered appropriate and the format of any agreement relating to compensation.⁹⁸

95 Salvation Army, *Procedures for Complaints of Sexual and Other Abuse Against Salvationists and Workers*, November 1996.

96 Submission 336, p.7. See also Submission 286, Additional Information, 13.8.04.

97 Submission 37, Supplementary Information, 17.6.04 (Barnardos).

98 NSW Uniting Church, Additional Information, 1.7.04.

8.156 Under the draft policy, which is yet to be implemented, formal investigation of abuse allegations will be undertaken by a person(s) independent of the agency and of the Uniting Church. The independent investigator will report to the head of the agency outlining the outcomes of the process and recommend an appropriate response. The head of the agency will take the report to the Board of Management with his/her recommendations. The Board will then determine the course of action – it may either implement, modify or reject the recommendations of the investigator. The complainant has the right to a review of process. The review will be undertaken by a person appointed by the Moderator of the NSW Synod of the Uniting Church.

8.157 Outcomes of the process may include a formal expression of regret or apology. Where a settlement or some other form of reparation is recommended and accepted by the Board, the Board will take advice from the Uniting Church as to the appropriate quantum and terms of settlement. The Board will not offer a financial settlement as compensation for past wrongs but may make an offer of contribution or settlement to assist the person in their current circumstances. An amount of \$50 000 is proposed as the upper limit for financial settlements. No complainant will be required to give an undertaking that imposes on them an obligation of silence concerning the circumstances which led them to make a complaint, as a condition of an agreement.⁹⁹

8.158 Under the current UnitingCare Burnside complaints policy all complaints are accepted without prejudice and complaints are addressed within the shortest possible time and usually completed within a 3-month period. A person, or persons independent of the agency, and of the Uniting Church, will undertake any investigation into allegations under the policy. Criminal and/or civil proceedings are sought where appropriate. Other outcomes include an apology; counselling; access to the Aftercare program, and, in extreme circumstances, financial payments. There are no undertakings imposing an obligation of silence on those bringing a complaint. There is no formal review process for complainants dissatisfied with the process, but Burnside indicated that they work towards resolution of disputes with complainants.¹⁰⁰

8.159 Wesley Dalmar complaints procedures provide for an After Care Worker or caseworker to interview the complainant and identify his/her needs. A resource kit is supplied to each client which contains information on CLAN, the Aftercare Resource Centre (a DoCS funded service) and information on other support services. Types of assistance available include access to personal files; talking about the Dalmar experience; revisiting Dalmar; and access to support, which includes counselling; access to other services provided by Dalmar such as life skills training; or referral to other outside service providers.¹⁰¹

99 NSW Uniting Church, Additional Information, 5.7.04.

100 *Submission 59*, pp.21-22 (UnitingCare Burnside).

101 *Submission 178*, Additional Information, 29.6.94 (Wesley Mission).

Anglican Church

8.160 Within the Anglican Church the nature of internal processes is currently left up to individual dioceses, with the different processes varying significantly from diocese to diocese. If a case being investigated involves more than one diocese, the process becomes difficult logically and legally.¹⁰² An Anglican Church working group found that existing protocols are deficient in many ways with victims often coming back with complaints that their original grievance was not dealt with appropriately. The working group also found that there has been a defensive and legalistic attitude to the protection of Church assets, and secrecy about the handling of issues, creating a perception of 'cover up'.¹⁰³

8.161 The Anglican Church has drafted new guidelines for handling abuse complaints across Australia. The code of conduct, 'Faithfulness in Service', is part of the Church's new approach to abuse procedures, and will be voted on at the General Synod in October 2004.¹⁰⁴ It is envisaged that each diocese would then implement these procedures in their respective jurisdictions.

Conclusion

8.162 The Committee believes that internal Church processes for dealing with allegations of abuse play an important part in the reconciliation process and demonstrate the Churches' commitment to address past grievances.

8.163 The Committee considers that the processes to investigate complaints and offer assistance need to be open, rigorous and accountable. However, the experiences of some victims raise concerns that some processes lack sufficient transparency and accountability. Victims – and the public generally – need to have confidence that complainants will receive a 'fair hearing' and that satisfactory outcomes will be achieved. One agency – UnitingCare Burnside – suggested that governments legislate to ensure that agencies and institutions that have provided institutional care have established policies to ensure responses and investigation in the event of allegations of abuse are provided 'in the most caring and respectful' manner.¹⁰⁵

8.164 The Committee believes that the procedures should provide for informal processes so that complainants can have an opportunity to meet in an informal way with Church officials to discuss grievances and resolve these grievances in a way that

102 *Submission 79*, p.18 (Broken Rites); 'Bishops to play no role in sex abuse inquiries', *Sydney Morning Herald*, 26.3.03.

103 Anglican Church of Australia, Sexual Abuse Working Group, *Work in Progress*, March 2003, p.1 at www.anglican.org.au

104 'Anglican Church drafts new guidelines for dealing with sex offenders', *AM*, 6.8.04; Anglican Church of Australia, *Benchmark Principles and Framework for an Abuse Protocol* at www.anglican.org.au

105 *Submission 59*, p.10 (UnitingCare Burnside).

will promote 'healing' for the victim. This could involve meeting with alleged perpetrators or one-on-one apologies or other forms of redress. The processes should involve *listening* to victims concerning their needs and what *they* wish to obtain from the process and responding compassionately to these concerns.

8.165 The Committee believes that reforms are needed to Church procedures in the interests of transparency and accountability, especially in the composition of personnel on complaints' bodies. In this regard the Committee notes that the Director of Professional Standards, for the Catholic Church's *Towards Healing* protocol, and the Chief Secretary, in the case of the Salvation Army process, play a pivotal role in the respective schemes and both are Church appointees. Reforms are also needed to internal review procedures, and the range of supports and other services offered to complainants.

8.166 The Committee views with dismay that two of the major Churches – the Anglican and Uniting Churches – currently do not have national, uniform complaints procedures in place. While the Catholic Church comes closest to a national approach it excludes the Archdiocese of Melbourne, the largest Catholic diocese in the country. Complainants should have access to, as far as possible, standardised procedures operating within and across the various Churches. The Committee also believes that information on complaints procedures should be more widely disseminated by the churches and agencies, including on their websites.

8.167 During the inquiry it was evident to the Committee that internal complaints review procedures, which function in some Church processes, are, by themselves, inadequate in arbitrating complaints. The Committee considers that an external review mechanism such as an independent ombudsman should be appointed to investigate complaints in relation to procedures by those using Church-sponsored procedures. The Committee envisages that the ombudsman would investigate and mediate the complaint with the relevant Church authority. After the investigation the ombudsman would recommend to the Church authority that a specific course of action be undertaken. In cases where the Church authority rejects the ombudsman's proposed course of action or the complainant remains dissatisfied, the ombudsman would have the option of publicising the complaint as part of his/her report on the overall operation of the Churches' complaints mechanisms.

8.168 The Committee considers that the Commonwealth Government should take a leadership role and establish the proposed external complaints review mechanism under Commonwealth law. It may be that such a mechanism will need to be established under a cooperative legislative scheme with the States and Territories conferring powers on the Commonwealth agency as has been the case with other Commonwealth agencies. The Committee considers that the Commonwealth should explore all legislative avenues to ensure that the proposed external complaints review mechanism is established as soon as practicable.

8.169 The Committee is also concerned at the serious lack of comprehensive and up-to-date information on the numbers of abuse allegations and the quantum of

compensation payments provided by the Churches and agencies. It believes that the Churches and agencies need to be much more transparent in providing this type of information and believes that data relating to these matters should be published annually.

Recommendation 7

8.170 That all internal Church and agency-related processes for handling abuse allegations ensure that:

- informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing;
- where possible, there be independent input into the appointment of key personnel operating the schemes;
- a full range of support and other services be offered as part of compensation/reparation packages, including monetary compensation;
- terms of settlement do not impose confidentiality clauses on complainants;
- internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and
- information on complaints procedures is widely disseminated, including on Churches' websites.

Recommendation 8

8.171 That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:

- investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;
- review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;
- report annually to the Parliament on the operation of the Churches' complaints schemes, including data on the number and nature of complaints; and
- publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.

Recommendation 9

8.172 That the Churches and agencies publish comprehensive data on all abuse complaints received to date, and then subsequently on an annual basis, and that this information include:

- **numbers of complainants and type of complaints received;**
- **numbers of Church/agency personnel involved in complaint allegations; and**
- **amounts of compensation paid to complainants.**

Recommendation 10

8.173 That information on the above matters be provided annually (including any reasons for non-compliance) to the national commissioner for publication in a consolidated form in the commissioner's annual report.

Victims compensation tribunals

8.174 All States and Territories have legislative arrangements for compensation for victims of crime. This provides another avenue for victims of institutional abuse to claim compensation for crimes committed against them whilst in institutions.¹⁰⁶

8.175 These arrangements provide an alternative to the usual adversarial type legal system which many victims find daunting and intimidating, and, as discussed previously, are often not well suited to cases involving institutional abuse. For example, under the Victorian *Victims of Crime Assistance Act 1996* the applicant must have been a primary (that is, victim of an act of violence), secondary or related victim of an 'act of violence', meaning a criminal act or series of related criminal acts that has resulted in injury or death. 'Injury' is defined to include actual physical bodily harm or mental illness or disorder.

8.176 People seeking compensation under these schemes generally need to prove that the relevant crime occurred and that the harm occasioned to them was the result of that crime. There is no prerequisite that a person has been prosecuted or convicted of the crime. The claimant does not need to establish liability. Usually the tribunal relies on police reports of the crime and expert evidence as to the psychological impact of the crime on the claimant.

8.177 Any monies received in the future from other sources in connection with victims compensation is subject to reimbursement if other legal action is successful. For example, the NSW *Victims Support and Rehabilitation Act 1996* provides that if a person receives an award of victims compensation it must be repaid if they receive money from other sources in connection with the injuries, expenses and losses taken into account in the award (section 34(1A)).

8.178 Time limitations apply in all schemes, except in the case of Tasmania where a time limit is not specified in the legislation. Applications for compensation must generally be lodged within two or three years after the date of the offence (12 months

106 Some members of the Stolen Generations in Victoria have successfully made claims under the criminal injuries compensation scheme for sexual assaults and were awarded approximately \$4 000 each. However, not all claims succeed. See *Submission 147*, p.31 (Professor Cunneen).

apply in the case of the ACT and the NT), though all jurisdictions allow for exceptions to the time limit. In the case of NSW, the victims compensation tribunal would normally grant an extension in cases of sexual assault, child abuse and domestic violence, unless there is no good reason to do so.

8.179 The maximum amount of compensation payable varies from \$10 000 in the case of Tasmania to \$75 000 in the case of Queensland. A maximum payment of \$50 000 is payable in NSW, Victoria (\$60 000 for primary victims, \$50 000 for secondary and related victims), South Australia and the ACT.¹⁰⁷

8.180 A number of care leavers have successfully pursued claims through these processes. One care leaver stated that he had received \$40 000 through the NSW Victims Compensation Tribunal.¹⁰⁸

8.181 Some concerns were expressed during the inquiry about the difficulties experienced by some victims awarded payments through victims compensation tribunals. Often people either did not realise or were not adequately informed by their legal representatives of the requirement for the repayment of monies awarded via victims compensation if receiving a settlement from other sources.¹⁰⁹ One person alleged that his legal representatives misled him and other persons about the effect of an award of victims compensation on moneys received in the settlement of civil proceedings.¹¹⁰

8.182 It is important to recognise that many care leavers are very damaged and have low self-esteem so that they will struggle to fully understand the legal and advocacy environment. It is imperative that legal representatives explain their actions and any repercussions in as clear and straightforward terms as possible to their clients to ensure they are fully aware of any obligations arising from legal action

Conclusion

8.183 The Committee believes that compensation through victims compensation tribunals may offer a useful avenue of redress for many victims of institutional abuse. The Committee notes however, that although the burden of proof is lesser than that required under other legal processes, a level of proof is still required to successfully pursue claims.

8.184 The Committee considers that the availability of this avenue of redress to victims of institutional abuse should be widely disseminated to care leavers and support and advocacy groups representing care leavers.

107 *Submission 147*, pp.31-32 (Professor Cunneen); Australian Institute of Criminology, *Victims' Needs, Victims' Rights*, 1999, pp.133-147.

108 *Submission 94*, p.19.

109 *Submission 116*, p.1.

110 *Submission 116*, Additional Information, pp.2-20.

The need for a Royal Commission

8.185 Many submissions to the inquiry from support and advocacy groups and many individual care leavers called for the establishment of a Royal Commission into institutional care practices.¹¹¹ Several care leavers noted that there have been Royal Commissions into a wide variety of issues yet governments appear reluctant to appoint one into the important issue of children and institutional abuse.¹¹²

8.186 CLAN, in calling for a Royal Commission into past institutional care and fostering practices, argued that:

The issues raised by this [Senate] Inquiry are far-reaching and involve a significant degree of criminal activity which can only be addressed by a Royal Commission. In particular, there were institutions for children across Australia whose practices...were notorious for their inhumanity and criminality and should be exposed to public scrutiny.¹¹³

8.187 Some groups argued that a Royal Commission was needed to look into the broader issue of child protection in Australia. Bravehearts argued that a Royal Commission was needed to inquire into child protection matters including the issue of the protection of children in institutional care and/or those children subject to the statutory intervention of government agencies. The organisation stated that:

It is our contention that in order to properly address any issue, to find a practical and workable solution, you must clearly and precisely understand the problem. In Australia, we can not even agree on what constitutes "child abuse" let alone effectively address the problem....A Royal Commission would clearly articulate the problem not only for our law and policy makers but for the Australian community as a whole and would set the agenda for real resolution of this most pressing and serious of threats against our young.¹¹⁴

8.188 Evidence to the inquiry favoured the establishment of a Commonwealth Royal Commission rather than State-based Royal Commissions. Broken Rites stated that:

We certainly do not need state based royal commissions; we need a national royal commission. Subpoenaing documents held by state agencies will be just as important as subpoenaing documents held by church agencies, and it will be difficult; the Forde inquiry made that clear...I do not think matters would be resolved by having a state royal commission.¹¹⁵

¹¹¹ *Submissions* 22, p.28 (CLAN); 79, p.18 (Broken Rites). See also *Submissions* 64, p.1; 145, p.3; 249, p.2; 280, p.6.

¹¹² *Submissions* 336, p.7; 385, pp.23-24.

¹¹³ *Submission* 22, p.28 (CLAN). See also *Committee Hansard* 12.11.03, p.35 (Broken Rites).

¹¹⁴ *Submission* 176, p.1 (Bravehearts). See also *Committee Hansard* 12.3.04, pp.77-82 (Bravehearts).

¹¹⁵ *Committee Hansard* 12.11.03, p.43 (Broken Rites).

8.189 Bravehearts also argued for a national inquiry and stated – 'This issue [of child abuse] is not confined to Queensland, just like it is not confined to institutions that provide homes for children'.¹¹⁶

The nature and role of Royal Commissions

8.190 Royal Commissions are part of the executive arm of government. They are appointed by governments to conduct inquiries, obtain information and report to government. They may be appointed by the Commonwealth Government or by State Governments.

8.191 Royal Commissions have extensive powers. One study has noted that:

Among inquiries, royal commissions and commissions of inquiry...stand out because of their powers. Reviews, committees, task forces and working parties share many of the characteristics of commissions; they are government established, *ad hoc*, investigatory and advisory bodies. But commissions are armed with powers which give them a capacity for coercion that other inquiries lack. These powers enable commissions to unearth evidence, but also have a significant and sometimes intrusive impact on the affairs of governments and individuals.¹¹⁷

8.192 The Commonwealth's *Royal Commissions Act 1902* includes the following coercive powers:

- power to summons witnesses and take evidence (section 2);
- power to apply to a judge for a search warrant (section 4);
- power to compel a witness to give evidence, even if that evidence is self-incriminating (section 6A);
- authority to issue a warrant for arrest of a witness failing to appear (section 6B); and
- power to protect the Commission and the Commissioner from contempt (section 6O).¹¹⁸

8.193 Royal Commissions are not bound by the rules of evidence and they may, at their discretion, adopt an inquisitorial approach. One study noted that 'commissions may adopt inquisitorial processes aimed at discovering the truth of a situation, rather than adversarial court processes designed to force the prosecution to establish its case.'

116 Committee Hansard 12.3.04, p.83 (Bravehearts).

117 Ransley J, 'The powers of royal commissions and controls over them', in Weller P, ed. *Royal Commissions and the Making of Public Policy*, CAPSM, 1994, p.22.

118 Parliamentary Library, *Examples of Public Sector Inquiries: Commonwealth Paedophile Inquiry*, Research Paper no.9, 1996-97, p.8.

It is this procedural flexibility which enables commissions to uncover and receive evidence not available in the usual court system'.¹¹⁹

8.194 These coercive powers, however, do not remove the need for a commission of inquiry to observe rules which promote procedural fairness. These rules include the rules of natural justice which require an unbiased Commission and an opportunity for any person named at an inquiry to be heard on any allegation of wrongdoing.

8.195 Royal Commissioners, in the exercise of their duty, have the same protection and immunity as a judge of the High Court. This means that the common law of contempt applies to a Royal Commission as if it were a superior court, as distinct from an inferior court such as a Magistrates Court. The common law of contempt empowers a presiding judge to control behaviour within the court. A judge may determine whether contempt has occurred and impose a penalty. A witness or a legal practitioner appearing before a Royal Commission has the same immunities and protection as if they were appearing in the High Court, for example, in that interference by way of obstruction or threat of such persons would be a contempt.

8.196 Royal Commissions do not lay charges but the recommendations or findings of the Commission may include matters leading to subsequent prosecutions. The reports of Royal Commissions are usually delivered to the Government of the day for tabling in the Parliament.¹²⁰

A Royal Commission into institutional abuse

8.197 The Committee believes that evidence to the inquiry warrants a Royal Commission into the extent of physical and/or sexual assault within institutions and the degree to which criminal practices were concealed by the relevant State and/or Church authorities.

8.198 Dr Chamley of Broken Rites has stated that a Royal Commission would be well suited to examine these matters.

A commission would be encouraged to examine in detail the repeated failure by church hierarchy and government bureaucracies to take responsive and responsible action. It would hear of internal omissions that enabled and allowed abusers to remain concealed and active in their crime. While many of the paedophiles operated individually, in some situations they have worked in groups for decades.¹²¹

8.199 Much evidence to the inquiry indicated knowledge and concealment by the State and Church authorities and by others, such as the police and health personnel, of the actual conditions in institutions including cases of criminal and sexual assault. The

119 Ransley, p.24.

120 Parliamentary Library, pp.8-9.

121 Chamley W, 'Exposing a shameful past', *Courier Mail*, May 2003.

Committee heard similar stories from witnesses outlining cases of abuse, often by the same perpetrators in the same institutions (or other institutions where the perpetrators had been 'moved on'), and were told that various authorities were informed, often over many years, of abusive practices. The Committee considers it is almost beyond belief that the relevant authorities did not know that such practices were occurring at least in several institutions where a consistent pattern of abuse should have appeared evident.

8.200 In relation to institutions operated by the Catholic Church, the example of Neerkol is illustrative of a pattern of concealment and collusion between authorities. It is evident that the Catholic Church and the State Government must have known of the various forms of abuse that occurred in the orphanage. One detailed submission from a number of ex-residents of the orphanage noted that ex-residents made complaints regarding abuse to the Mother Superior of the orphanage; the priest resident at the orphanage; child welfare officers; Rockhampton police (especially those who ran away from the orphanage); families when taken in for the holidays; families in cases where ex-residents went to live on farms; and on leaving the orphanage, the Catholic Bishop of Rockhampton. The submission noted that 'to our knowledge all reports were ignored'.¹²²

8.201 Regarding the Christian Brothers it is apparent that the Christian Brothers authorities must have known of illegal practices. Dr Coldrey refers to a letter from Brother Conlon to the Dublin headquarters of the Order that Brother Keaney had been made aware of an indecency charge against a particular Brother. Conlon writes:

I tried hard to get this Brother transferred from Clontarf during the past six months, but have failed...I know it is a delicate matter to deal with...I do not wish to be critical of the Provincial, as I know only too well his many difficulties. Still, I think he should be more prompt in dealing with offences of this kind.¹²³

8.202 A similar pattern of concealment is evident with respect to orphanages operated by the Salvation Army and the same reluctance of the hierarchy – in this case the Salvation Army – to take action against abusive officers.

Even to this day [Captain] Morton parades around in his Salvation Army uniform...The hierarchy of the Salvation Army were then and still are fully aware of his atrocities against the boys in the orphanages. Letters have been written to the headquarters complaining of his behaviour but nothing has ever been done to make him account for his behaviour...When I got out of the clutches of the Salvation Army, I complained about the orphanage and what I had suffered whilst I was in there and in particular, I complained of Morton and [Captain] Patteson...When I asked if they [Salvation Army] had ever taken action against Morton, the reply was, "You or anyone else cannot do anything; the law will not allow you".

122 *Submission 225, p.5.*

123 Cited in *Submission 40, p.28* (Dr Coldrey).

I know of one boy, and there were others, a very young boy named Norman Stenning who wrote, and bravely signed the letter, to the Salvation Army headquarters in Sydney and brought to their attention the activities of Captain Stan Morton and asking the senior officers for help. Norman Stenning's letter was returned to the orphanage and to Captain Morton and Captain Patteson. These two officers then set upon this brave young boy and I know that it is a nightmare to him even now, and he is over seventy years of age. So do not accept any denial of knowledge from this organisation. (Sub 282)

...I think that it is a disgrace that those of us who complained years ago were never taken seriously...So can I ask when is justice going to roll – could you please tell me why my complaints all those years ago were ignored?...Can I ask when is the Salvation Army going to ask those officers that it knows committed abuses to apologise? (Sub 286)

8.203 One state ward also noted that 'information has filtered down to me, as indications of a massive cover up of abuse over thirty years by the Salvation Army of knowing of high incidence of child abuse occurring in the Gill Memorial Home for Boys – Goulburn, in which they managed and failed to take appropriate action to constrain, or restrain the nature of this abuse'.¹²⁴

8.204 The familiar pattern of 'cover up' of abusive practices was evident in State-run institutions, as is illustrated below in a care leaver's experience of Parramatta Girls Home and Hay Detention Centre. Neither the staff nor inspectors took action against clearly criminal behaviour inflicted on residents.

Parramatta and Hay – where was the monitoring?

Senator MURRAY – In your written submission and in your verbal submission you have concentrated on the men and the things that were done to you. Where were the women staff in all this?

Ms Robb – The women were around, but they did not do anything. They saw a lot. There were a few nasty women there too—cruel women. I never, ever got hit by a woman. But the men had their places: they had shower blocks, they had isolation, they had their offices. They did it in front of muster. We were made examples of in front of everyone.

Senator MURRAY – In your submission you say:

'I could barely lift my head. I was so sore I was in agony—busted lips, black eyes, bruised, teeth missing'. The women staff would have seen that.

Ms Robb – But that was their job.

Senator MURRAY – What did they do about it?

Ms Robb – Nothing. The odd one felt sorry for you, but that was their job. They knew what happened, but they kept their jobs...

124 Submission 326, p.3.

Ms Robb – Yes, they did. But if you look at the photos that were taken at Parramatta, that was all glorified.

Senator MURRAY – Say somebody like you had been bashed and had black eyes and bruised lips and so on, would they hide such a person from the inspector? How was the physical treatment concealed?

Ms Robb – The only time that anyone came in there was when someone was going to Hay. I was in isolation when I got bashed, and I did not see anyone. I saw the officers that came up to me, but I never saw anyone higher than that from outside. Until I tried to abscond, I never saw anyone. I was not ready to go to Hay then. What they put me through was just torture. But they never sent me to Hay after I got my teeth busted. It was not until I tried to abscond, and then they came in. But, no, no-one saw me except the officers, female and male, and some of the girls.

Senator MURRAY – In your submission you record something which I think must come out of your file—some remarks by a consultant psychiatrist. Were you interviewed by a psychiatrist whilst you were there?

Ms Robb – Yes.

Senator MURRAY – And did you report to him or her what was happening?

Ms Robb – The psychiatrist who was there that interviewed us was the criminal who put us on Largactil.

Senator MURRAY – But you mentioned things like being assaulted. What I want to get out of you is whether anybody in authority was ever told by either the girls or the staff about these dreadful things that were happening.

Ms Robb – I could not answer that.

Senator MURRAY – But did you tell anyone?

Ms Robb – No, I did not tell anyone—because they were people who were there all the time. They had to know what was happening; they did know what was happening. Why go and say anything and get a bashing for it?

Committee Hansard 3.2.04, pp.9-10.

8.205 Other submissions from care leavers recorded a pattern of concealment and a lack of action in addressing concerns they raised. These included a failure to address serious concerns when raised with, among others, welfare officers, health personnel and teachers.

Welfare officials

One lad was belted on the bare buttocks by [Brother] Doyle with a fan belt. He absconded and on being picked up by the Welfare he showed them the black and blue state of his bottom. They enquired of Doyle what caused such damage. His reply, "the boy inflicted such on himself". The lad in question never returned to Clontarf, however the Welfare never stepped in to protect the other kids still at risk from this sadist. (Sub 25)

Health personnel

Ben also spoke of a local Tamworth doctor who visited the centre [Tamworth Boys Home]. Any complaint about mistreatment or injuries received as a result of a beating were responded to by the doctor with the query, "How did you say this happened again?" If the boy replied with the same answer then the doctor would call the guard and state that the boy was gaining too much weight and that a certain number of meals would have to be missed. (Sub 329)

Teachers

The Major...gave me another 12 "cuts" for telling lies. The next day at school the teacher asked me "what is wrong with your hands, why can't you write?" I told him why. He told me to go to the headmaster and I explained to him. All the headmaster said was "GO BACK TO CLASS". Nothing was done. We were all alone. We had no one to turn to. All we could do was suffer and bare it. (Sub 336)

The teachers at South Goulburn Primary School and the teachers at Goulburn High School all knew of the terrible happenings in the [Gill Memorial] orphanage. They saw the damaged boys; they were told of the happenings at the orphanage but they did nothing to help. (Sub 282)

8.206 Police were also informed of abuse occurring in homes yet apparently no action was taken.

...the boys used to abscond or run away from the orphanages and the police would capture them. The police would then give them a hiding and deliver them back to the home. The Salvation Army officers in the home would then give the boys a hiding. That is the way it was. The police knew what was going on up there, but they did absolutely nothing.¹²⁵

I ran away from there when I was 12 years old. I got charged with uncontrollable behaviour at Goulburn Police Station. I reported the sexual assault to the Goulburn Police. I got 6 to 8 months at Doruke Training Centre Windsor. (Sub 312)

8.207 Evidence to the Committee indicated that perpetrators of abuse and paedophiles freely operated in many homes and were often moved between institutions operated by the various Churches.

8.208 Broken Rites claimed a number of paedophiles worked in the two Christian Brothers orphanages in Victoria – St Vincent's, South Melbourne and St Augustine's, Geelong and that these Brothers 'appear to have been able to move between the two locations'.¹²⁶ A state ward resident at St Augustine's, Geelong confirmed that one Brother referred to as the 'red terror' because he carried round a red strap and a

125 Committee Hansard 3.2.04, p.91.

126 Submission 79, p.6 (Broken Rites).

number of other Brothers at the home 'were also known by the boys to be paedophiles'.¹²⁷

8.209 A similar paedophile ring operated at St Alipius School, Ballarat, which led to criminal prosecutions. The ring was said to involve three Christian Brothers, including the headmaster, and a priest. One of the Brothers died in the 1970s. The two surviving Brothers were tried and in 1996 Brother Dowlan was jailed for nine years (reduced on appeal to six years) and Brother Best received a nine months suspended sentence. The priest involved, Fr Ridsdale, is already serving an 18-years sentence for sex offences, including acts committed at St Alipius, and was not charged again.¹²⁸

8.210 The movement of known offenders did not just occur between diocese and institutions, but between countries. The Committee received evidence that when some St John of God Brothers, who operated Marylands boarding school in Christchurch, New Zealand, were accused of sexual abuse at that school no investigation was made by the Order and the Brothers were transferred back to Australia.¹²⁹

8.211 Currently some 110 men in New Zealand are taking action against the St John of God Brothers in New Zealand over physical and sexual abuse allegations at the Marylands School in Christchurch. The allegations range from 1959 to 1980.¹³⁰ One former student at the school stated that he was abused by a Brother at the school and received a \$82 500 settlement from the Order – 'I was forced to accept what was offered even though I knew it was unfair...I'd like to have the opportunity to put my case to a court with a jury so that a fair decision is made'.¹³¹

8.212 Submissions also claimed that paedophile rings operated in the Christian Brothers orphanages in Western Australia and that paedophiles were transferred between these orphanages. One care leaver noted that:

As with the three other institutions, there were paedophile Christian Brothers on the staff at Tardun from the 1930s through to the 1950s... A lot of the sexual abuse of kids at Tardun was committed by "lay brothers", they were the ones who supervised the farm work as they were not qualified to teach in the classroom. One of the worst molesters in the early 1940s after complaints from lads in Tardun was simply transferred to Castledare, a junior orphanage back in Perth where he happily resided for ten years. That left another three known molesters still on the Tardun staff. (Sub 365)

8.213 Dr Coldrey also refers to the existence of paedophile rings at Bindoon and Castledare operating over a number of years – 'it is clear abusers were known to each

127 *Submission* 385, p.1.

128 *Submission* 40, p.28 (Dr Coldrey).

129 *Submission* 355, p.1 (Male Survivors of Sexual Abuse Trust).

130 *Submission* 355, p.1 (Male Survivors of Sexual Abuse Trust).

131 *Submission* 144, p.2. See also *Submission* 288, p.1.

other, and to some extent operated as a team'. Dr Coldrey refers to 'five Brothers as multiple abusers' and that two of the Brothers 'probably molested some fifty boys each'.¹³² Dr Coldrey noted that the infiltration of the staff of orphanages by committed paedophiles would have been relatively 'easy to do' in the past – often the institutions 'were desperate for staff to fill vacancies rather than just taking applications and sifting through them'.¹³³

8.214 Broken Rites also stated that there was a ring of paedophile Brothers operating at several St John of God homes in Victoria – with the group initially establishing itself within the Cheltenham Home. When a property at Lilydale was acquired some of the paedophiles were transferred to this Home and another younger group of paedophiles was recruited.

The experiences of orphans and boys who never received any visitors at Cheltenham deserve special mention since we believe that they reveal the mindset of the paedophiles. These boys were always quartered in upstairs dormitories and away from any boys who would be visited by family or legal guardians. They speak about being given a red medicine that made them drowsy. Pack rapes took place and boys who resisted or attempted to fight off their attackers were beaten mercilessly. These were boys of 10-13 years up against adult males.¹³⁴

8.215 Dr Coldrey also noted that the Churches' placement of known child molesters as chaplains in institutions needs to be investigated. He argued that the Churches placed these individuals in homes:

...to get them out of the way, with the pious hope that the superintendent of the staff, or the brothers or the sisters, would keep an eye on them. This was explored in the Forde inquiry in Queensland...and the case of Father Stanaway, who was definitely placed in a Brisbane home by the archdiocese to get him out of the way, was documented in full. There was no doubt. I came across a case concerning the brothers' home at South Melbourne, St Vincent's, between 1948 and 1957. There was a chaplain there...about whom there is a strong odour, and there were allegations about him in the media during the 1990s. I know from [the] brothers' internal sources that he was considered extremely unsatisfactory and they could not get rid of him because the diocese would not provide anyone else as chaplain. There is evidence too...that in the 1940s at Fairbridge Pinjarra, in the west, there was a chaplain who seemingly molested boys, was involved in stealing money and committed suicide. The question is whether he was appointed by people knowing some of that in advance to get rid of

132 *Submission 40*, pp.27-28 (Dr Coldrey).

133 *Committee Hansard* 12.11.03, p.2 (Dr Coldrey). See also *Submission 40*, pp.47-50 (Dr Coldrey).

134 *Submission 79*, p.8 (Broken Rites).

him out of the mainstream. It shows an attitude to children and their welfare which was, to say the least, extremely casual at best.¹³⁵

8.216 The Committee believes that these matters, especially the alleged concealment of criminal activities and the operation of paedophile rings in institutions require a thorough investigation that only a Royal Commission would satisfactorily undertake.

8.217 The Committee notes that as discussed previously a number of State Governments have initiated inquiries into abuse in institutional care and related issues. In 1998, a Commission of Inquiry into allegations of abuse and mistreatment of children in Queensland institutions was conducted. More recently in 2003 the Tasmanian Ombudsman, in conjunction with the Department of Health and Human Services, undertook a review of claims of abuse of children in state care. In June 2004 the South Australian Government announced a judicial Commission of Inquiry into any concealment or mishandling of allegations or reports of sexual abuse involving children while under the guardianship of the State.

Conclusion

8.218 The Committee believes that this inquiry has raised a number of extremely serious issues in relation to institutional abuse in State and church-run orphanages and other institutions, especially the concealment of these actions by the relevant State and Church authorities. It became evident during the inquiry that a thorough investigation and resolution of these complex issues go far beyond the powers and scope of a Senate inquiry to inquire into and report upon.

8.219 As a consequence, and mindful of the many representations made to it, the Committee considers that the Commonwealth should establish a Royal Commission into institutional abuse in these institutions, with a specific and strictly limited focus on the nature and extent of physical abuse and/or sexual assault within these institutions, and the role of the State authorities and/or Church organisations in any concealment of past criminal practices. Such a Royal Commission would provide a means of accessing documents and other evidence in the possession of State authorities and the Churches and also provide a means by which individual perpetrators of such abuse could be identified and a process set in train to bring these individuals to justice.

8.220 The Committee is mindful of the cost of Royal Commissions and the often lengthy timeframes over which they are conducted. The Committee therefore reiterates that it is important that the proposed Royal Commission should operate within the narrow and specifically-focussed terms of reference that the Committee proposes and that it report within a reasonable timeframe. The Committee does not favour any broadening of the focus of the proposed Royal Commission on matters related to child protection generally.

135 *Committee Hansard* 12.11.03, p.3 (Dr Coldrey). See also *Submission 40*, pp.50-52 (Dr Coldrey).

8.221 However, the Committee also recognises that decisions to establish Royal Commissions involve a range of conflicting factors upon which governments must deliberate. While strong calls for a Royal Commission were received from many individuals and groups during the inquiry and the Committee's discussion reflects these calls, the Committee also acknowledges that there is a diversity of views over Royal Commissions in the community with many supportive and many opposed. The different views held within the community were reflected within the Committee.

8.222 The Committee has therefore proposed that all those institutions and out-of-home care facilities that provided care of children should demonstrate greater accountability and openness by cooperating with investigative authorities. Should such cooperation not be forthcoming, a process to establish a Royal Commission should be instigated.

Recommendation 11

8.223 That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations;

And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:

- **be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and**
- **be narrowly conceived so as to focus within these institutions, on**
 - **the nature and extent of criminal physical assault of children and young persons, including assault leading to death;**
 - **criminal sexual assault of children and young persons;**
 - **and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.**

Senator Humphries expressed reservations about this recommendation. While agreeing that full and effective cooperation by the institutions concerned is vital in addressing the actions and misdeeds of the past, he is concerned that the conducting of a Royal Commission would be a painful experience to many care-leavers and may delay the institutions concerned from fully meeting their obligations to make redress.

CHAPTER 9

IDENTITY AND RECORDS

All he wants is to know who he is. He is entitled to know his heritage. Our children and our grandchildren are missing their heritage.¹

9.1 For those people who have been state wards and home children, the outcome is often lost contact with siblings and with their family and place of origin. The Committee received many submissions from people who had recollections of two, three, four or more siblings but they had not seen or heard from them in many years. Other care leavers reported that they had found that they had siblings only when, many years later, they viewed their files. Some remembered parents, but did not know why they had been placed in care.

9.2 This is not only a heartbreakng experience but also one that has a major impact on an individual's sense of self and identity. There are no siblings to share birthdays or anniversaries. There are no photographs, no medical histories, no school reports or personal mementos. Many care leavers have been described as leading adult lives as 'parentless people', feeling that they belong nowhere, isolated and being unable to establish attachments which the majority of people take for granted.²

9.3 This chapter looks at the problem of loss of identity and the search for the past through records held by both government and non-government agencies.

Identity

People who make the decision to apply for their records are on a journey of self discovery. They are dealing with the unfinished business of their childhood. People searching want to understand more about the circumstances that led to their placement in care, who their parents were and whether or not they have brothers or sisters. In addition some people have recollections about their time in care, and are keen to see if there is any verification of the experiences they remember. We have an obligation to assist in this journey and to help these adults complete what has been unfinished for them, often for many years.³

9.4 The loss of identity and connection with family is one of the most traumatic and distressing outcomes from a life lived in institutional care.⁴ While in care, few children were told the story behind their placement or encouraged to maintain connections with their families. Siblings were often separated or not even told that

1 *Confidential Submission 32.*

2 *Submissions 33, 68, p.3 (Association of Childrens Welfare Agencies).*

3 *Submission 50, p.8 (MacKillop Family Services).*

4 See also *Lost Innocents*, p.137 and *Bringing them home*, p. 203.

they were related. Children were sometimes told that they were orphans or came to believe that they were, simply because nobody took the time to talk to them about their family backgrounds. Parents in many instances were actively discouraged from visiting children. Inclusion in family events, weddings and funerals, was virtually unheard of. One care leaver stated:

Not only did I lose my identity, but I lost my Mother, my Father, Brothers and a sister, my family home, my bedroom, my toys, my family photos, my school friends at St Kevin's at Cardiff, Aunties, Uncles, my hometown friends and connections...education...all blown away like points off the stockmarket just as though it never existed. (Sub 360)

9.5 Another care leaver commented that while he was growing up he didn't think that he had a mother or father until at the age of 12 when they visited him at the home. He lost contact with his siblings, not seeing one sister for forty years.

My Life has been terrible, I've been lonely all my life until I was 62 years old. (Sub 283)

9.6 As adults, care leavers have sought the information vital to reconnecting them to a family and to piecing together their childhood. The search can be long. One witness, whose comments typified many received, told the Committee that he had been looking for his mother and siblings for over 50 years.⁵ Care leavers are searching for answers to a varied range of questions including:

- Who placed me in care and why?
- Who were my real parents?
- Do I have any brothers and sisters?
- Did anyone visit me?
- Who arranged for my foster parents to care for me?
- Was the child welfare department involved?
- How were decisions made to keep me in care?⁶
- Why didn't other members of my family (uncles, aunts, grandparents) look out for me?

9.7 Finding answers to these questions is crucial for many care leavers in gaining a meaning to and understanding of their life.

I think the main concern that I have in telling this story is that it reflects my having lived for some 40 or 50 years with whole lots of questions nagging away at me. It was not until I was able to start getting freedom of information access in the 1990s that the story I have told you became clear to me. I have lived my whole life not knowing the answers to the questions

5 Committee Hansard 11.11.03, p.6.

6 Submission 50, p.4 (MacKillop Family Services).

that obviously occur to you about why you were in an orphanage when you were not an orphan and why your parents, who told you that they wanted to have you, were not allowed to have you. It has taken all of that time for that story to actually become clear—and it is not yet absolutely clear. I have had to sift through and try to sort the evidence from the files, and sometimes there are gaps in it.⁷

I had no idea of the actual story, and a lot of the reports I had no idea of. It also gave me a sense of where I had come from. When I read it I was crying because it felt like a story that I was reading, and I did not totally relate it to myself. It was part of my journey to search and find out if I was really the bad person that everybody said I was. It essentially confirmed that there are some people who should not be social workers or in the system...There were little bits and pieces. It was helpful to me because the only source I had had from them so that I could find out about my mother and my father was my aunt. It was a different source to go to so that I could try to put the pieces together of who I was and who my family was.⁸

9.8 A particular issue for those who did not know or have been unable to find records about who their parents were relates to possible genetic health problems. As heart or other health problems have occurred in advancing years people become apprehensive as they think of other possibly inherited health problems they could contract, or more crucially, may pass on to their children and grandchildren.

9.9 The lack of photographs and mementos is felt keenly by care leavers. The pride with which some care leavers showed the Committee at hearings photos of themselves, their siblings and peers that had been located in files or at reunions was a moving testimony of the importance of photos to care leavers. Photographs are a tangible link to the past, to their lost childhood. MacKillop Family Services commented on the reactions of care leavers to photographs displayed at reunions:

Some of the photographs on display identified the children by name but many did not. People attending the reunions were desperately looking for photos of themselves as children. Many had never seen a photo of themselves as a child and many had no idea what they might have looked like when younger. Growing up separated from parents and other family members means there are no reference points to know what to look for, no familiar facial features or expressions to guide one, no map of what constitutes a family likeness or resemblance. Whenever someone found a photo of themselves, or was directed to a photograph by a former carer, there was great excitement.⁹

7 *Committee Hansard* 11.11.03, p.31.

8 *Committee Hansard* 3.2.04, p.99.

9 *Submission* 50, p.7 (MacKillop Family Services).

Searching for records

9.10 Many care leavers provided the Committee with details of their attempts to find records about their childhoods. There may be no records left or the records are scattered amongst a number of agencies. It is often a process of perseverance and luck. One witness recounted that, because of the complete lack of records from a Salvation Army home, the only records establishing that they had actually been at the home were a junior soldier entry and the registration records at the local school.¹⁰ The tragedy for many care leavers is that they have little knowledge of the history of care or of how to find the information they are looking for.

9.11 Unfortunately, many attempts to locate personal information and records often meet with no success. Even for professional researchers, tracing families is often difficult:

Piecing together family histories from very incomplete records in multiple possible placements often from only slender leads is a challenging task, even for experienced professional researchers.¹¹

9.12 Freedom of Information legislation and the greater willingness of some organisations which cared for children to make records available to care leavers have improved access to records. However, problems still faced by care leavers searching for personal and family records include the lack of assistance to access records, destruction of records, the fragmentation of records over a number of agencies, poor record keeping, privacy restrictions, unsympathetic and unempathetic people on help desks and when records are located, ensuring the access does not result in further trauma. As one care leaver stated:

It is not just a matter of overcoming psychological barriers to telling the story. It is also about finding the raw material. In my case (and it is not unusual) I had to locate resources in up to a dozen different locations and persevere with government agencies in the face of what, to put the kindest interpretation on it, could be described as passive compliance with FOI laws. In recent years NSW, Queensland and the Catholic authorities have made significant progress in making data more accessible but other states lag well behind.¹²

9.13 Some organisations are assisting former residents to access their records. MacKillop Family Services established a Heritage and Information Service in March 1998, funded by contributions from the Sisters of Mercy, Christian Brothers and Sisters of St Joseph. The Service was set up to assist with information about time in care and to establish archives as the repository for organisational records, including

10 Committee Hansard 13.11.03, p.25.

11 Boyce J, *For the Record: Background Information on the Work of the Anglican Church with Aboriginal Children and Directory of Anglican Agencies providing residential care to children from 1830 to 1980*, Anglicare, p.12.

12 Submission 18, p.38.

client records, from the seven founding agencies of MacKillop Family Services. Over 100 000 individual records of former clients are now noted on an electronic database. In establishing the Service, MacKillop Family Services judged the following issues to be of paramount importance:

- archiving of records;
- releasing of records;
- supporting former clients; and
- searching for separated family members.¹³

9.14 Other organisations have also established services to assist care leavers. However, the Committee was disturbed to hear stories of requests to care providers for information being met with a total lack of understanding, capacity or willingness to provide assistance. In some instances no effort was made to assist the information seeker by reference to other groups that may have been able to help or provide advice.

I contacted the Salvation Army, told them my story and asked for information on [my brother]. I was told that they had no records from the Nedlands Boys Home. They didn't even refer me to Child Welfare and also owing to my own family commitments and finances I was unable to continue searching. (Sub 184)

Since I began this 'learning about our past' process in 1998, I have received grudging and minimal assistance and in some cases rejection from these three institutions [responsible for care]. At this stage I have formally received no files from these primary sources and have had to rely on sections of files from secondary sources. (Sub 73)

9.15 The same issues and reasons that constrain people from seeking counselling or other services from the providers who were responsible for abuse can also apply when seeking records. Mercy Community Services (Perth), for example, stated that:

We have heard from some past residents who come to us that they have had several aborted attempts to phone or visit before they have been successful. One woman told of driving into the main driveway over a dozen times, over several years before she had the courage to get out and ask for help. We have difficulty knowing how many other people might be in a similar situation and how we might be able to create an easier way for people to contact us.¹⁴

9.16 One suggestion provided to the Committee to improve access by care leavers was third-party intervention:

As a ward of the State I find it very degrading to be told by the Government that we have to confront the institution where I was sexually abused...to try and find out information about myself. ***I feel that there should be a***

13 *Submission 50, p.5 (MacKillop Family Services).*

14 *Submission 61, p.11 (Mercy Community Services Inc).*

Government body who would act on our behalf. This is not just for myself, but for all the boys in the same situation who have to go to different institutions where terrible memories exist, to grovel for information. (Sub 211)

9.17 In the directory of child care agencies produced for the Anglicare Church, it was noted that:

Of all the complex and difficult issues around the Stolen Generations, child migrants and former wards, this issue of developing an efficient and effective system for former residents of children's homes to access any family information is surely the most manageable. Leaving it to them, even their advocates, to contact one agency after another and search through records themselves to piece together as much of the jigsaw as possible, is both unfair to them and impractical and difficult for the agencies involved.¹⁵

Accessing records

9.18 The following discussion outlines some of the major problems faced by care leavers in accessing records of their time in care.

State ward and non-ward records

9.19 The Committee has discussed in an earlier chapter the range of reasons why children were placed in institutions in Australia, as well as the range of institutions. In a study of state wards in Victoria, Kate Gaffney has noted that in order to receive state wards and those children committed to government care, an institution needed to meet government standards and consent to annual inspections. Institutions that met these standards were 'approved' and received funding on a per capita basis for state wards in their care. However, such institutions were not restricted to accepting only state wards and thus state wards could be and were, mixed with children who had been admitted to private care perhaps by a parent who had voluntarily placed the child in return for a small fee paid to the institution. Ms Gaffney has found this to be a considerable source of confusion for people raised in institutions who mostly know only of their own experience.

9.20 In addition, many privately placed children were sent to institutions which did not receive, or did not seek, State government approval. Thus, any parent could place a child in private accommodation, usually provided by religious organisations, and in so doing, bypass the State.

9.21 Evidence was received during the inquiry that the availability of records may be dependent on the status of the child placed into care. Those children who were state wards are often more successful at obtaining records because governments established

15 *For the Record*, p. 15.

personal files for each state ward.¹⁶ However, many children who were placed in privately run institutions may not be so fortunate in tracing records.

9.22 Ms Gaffney considered that non-wards sent to non-approved institutions, may have a particularly difficult time tracing their histories and finding answers because they were largely invisible to the State authorities and thus would not appear in State records.¹⁷ It is likely that these scenarios were repeated in other States.

Because we were not legally 'Wards of the State', we have no records except for admission data. (Sub 6)

I just want to find who my mother was...I have tried everything to find her and all I know is that her name was Shirley Brown on my birth certificate... I was never a State Ward, so cannot find out anything about the circumstances of my birth. If I had been adopted, I would be able to have that information. I just want to find my mother. (Sub 153)

9.23 CLAN also noted the problems of children in non-state homes and stated that 'agencies and organisations which ran Homes in the past do not appear to have felt the same obligation as governments to retain records'. One example provided by CLAN was that of the non-state Home where one of the organisation's founders was placed. It operated from the second half of the 1940s until the late 1970s. There are no records for this Home or the hundreds of children who passed through it.¹⁸

Locating records

9.24 Records that could provide care leavers with details of their childhoods are often scattered across a number of agencies and stored in a variety of locations. These might range from State child welfare departments, courts, homes and non-government agencies. Some records have also been moved to state archives and libraries. This makes the task of accessing the relevant records especially difficult. The Australian Society of Archivists Special Interest Group on Indigenous issues noted that 'records can be everywhere and are rarely in the one place'.¹⁹ While referring to the records of indigenous children, the same applies equally to the records of all children who have been in care. For example, photographs from one home have been lodged at the Campsie Central Library.²⁰

9.25 The problem of locating records is exacerbated in cases where children were moved many times from children's homes to foster care. In addition, many homes no longer exist or the names of homes and institutions changed during their period of operation.

16 *Committee Hansard* 12.11.03, p.46 (UnitingCare).

17 *Submission 207*, p.5 (Ms Gaffney).

18 *Submission 22*, p.11 (CLAN).

19 *For the Record*, p.11.

20 Personal communication, Campsie Central Library.

9.26 Some organisations have recognised this difficulty and have produced guides to assist in locating records. One such guide, *A Piece of the Story: National Directory of Records of Catholic Organisations Caring for Children Separated from Families*, has been published by the Catholic Church. The directory was originally conceived as the Church's response to the recommendation relating to records in the *Bringing them home* report. That recommendation called on the churches that had provided institutional care to indigenous children removed from their homes, to identify all records relating to indigenous families and arrange for their preservation, indexing and access, in consultation with the relevant indigenous communities and organisations. As the project progressed, it became apparent that distinguishing Aboriginal children's records in Catholic institutions in many parts of the country was not possible. The project was widened to include all organisations of the Catholic Church that had been involved or that continue to be involved in caring for children.

9.27 The directory provides details of all Catholic Church institutions that were involved in care, the contact details and history of each organisation including the dates of operation and the type of care provided. The book contains information about the types of records that are available and provides readers with guidance about how to find out information for themselves or their family members.²¹

9.28 A guide to records of Anglican agencies providing residential care for children has been produced on behalf of Anglicare by James Boyce. *For the Record: Background Information on the Work of the Anglican Church with Aboriginal Children and Directory of Anglican Agencies providing residential care to children from 1830 to 1980* provides details of the location, access and contact details for tracing records. Again, while the guide was principally produced as the Anglican Church's response to *Bringing them home*, it also provides a guide to institutions which provided residential care for non-indigenous children.

9.29 Some State governments also provide directories or other services to assist in locating records. The NSW Government has produced a directory, *Connecting Kin*, to assist care leavers locate both government and non-government agency records. In Queensland, care leavers may consult *Missing Pieces: Information to assist former residents of children's institutions to access records* for information about the records of departmental institutions and those operated by church and voluntary groups. The Aftercare Resource Centre (ARC), established following the Forde Inquiry, provides face-to-face and toll free telephone counselling. ARC also provides advice regarding access to individual records, documents and archival papers.

9.30 The Victorian Government is currently working on a resource manual to the records of indigenous children in care: *Finding Your Story*. However, as with many homes Australia-wide, the Victorian Public Records Office has found that the records of both indigenous and non-indigenous children are kept in the same record keeping systems. As a consequence, *Finding Your Story* will contain information on all

21 Submission 71, pp.21-22 (Catholic Welfare Australia).

Victorian children's and babies homes, orphanages, foster care programs, family group homes etc that it was possible to find information on. The information includes the name of the home, the location of records and access conditions and procedures.²² The Department of Human Services also provides services for former wards. The Department's Adoption Information Services assists former wards to obtain their records and provides counselling, support, search and mediation services.

9.31 While the directories try to be comprehensive and are extremely useful, there are omissions and inaccuracies. Dr Joanna Penglase, for example, noted that *Connecting Kin*, while it lists many types of agencies in NSW, both government and non-government, does not include references to private homes (ie those homes run by individuals as a business). Dr Penglase noted that 'there is no way of knowing how many others like mine there might once have been. Homes listed here were run by recognised churches or voluntary agencies'.²³

9.32 A comprehensive service to records is provided by the Western Australian Government. Under the Managing the Past – Children in Care project, the Department for Community Development has formed a representative committee of placement agencies to help manage the provision of information relating to out-of-home care across the State. This committee is developing the Children in Care database and protocols for sharing information. This database will provide accurate information on the numbers and names of children who were placed in out-of-home care by the department. The database from 1920-2003 is complete and includes 106 000 entries with an estimate that the actual number of children is 56 000. The database contains names, alias, date of birth, placement(s) details, dates of placement(s), record location, details and comments field, including place of residence prior to care and place of residence when leaving care. However, entries relate only to children who have been placed into care with State government involvement. Children who went into some form of private placement arranged by their parents, are not included.²⁴

9.33 The Western Australian Department stated that:

[The database] will be an important tool for people who want information about their background and support to trace family members. Our hope is that, Australia wide, more resources will be put into information provision and specialist support to care leavers.²⁵

9.34 The Department for Community Development commented that it had seen a shift in attitude of those holding records since the *Bringing them home* inquiry and the child migrant inquiry. The Department stated that:

22 Public Record Office Victoria, Additional Information, 15.7.04.

23 *Submission 63, Orphans of the Living*, p.58 (Dr Penglase).

24 *Submission 55*, Additional Information 18.4.04 (WA Department for Community Development).

25 *Committee Hansard* 9.12.04, pp.2-3 (WA Department for Community Development).

...there is a real appetite and willingness of non-government organisations and within our own department of like minds to keep good information, keep client records, and I think there is a much stronger awareness than in times gone past about the need to maintain such records. A number of agencies which no longer provide institutions are in fact talking with our information and records people about how the department can manage those records for them, and passing that information back to us. So there has been a huge amount of work undertaken in the last few years in terms of improving and knowing where all the various records are.²⁶

9.35 However, despite some positive responses, problems still remain. While it is important that care leavers can identify where their records may be stored, for records to be easily accessed they must be indexed and preserved. Indexing the records of an institution can be complex. Some records are in very old registers which are difficult to read and fragile to handle while others have been stored haphazardly and must be carefully scrutinised to ensure that accurate indexes can be made.

9.36 Indexing and appropriately storing records can be labour intensive and very expensive. MacKillop Family Services indicated that it had cost almost \$200 000 to put all its records onto a computer database.²⁷ The Committee also received evidence that some agencies are digitising their records, but the process is slow. Funds for these projects may not be available and some organisations must rely on volunteer archivists. Mercy Community Services stated that it has only indexed about 40 per cent of its records. This has been done largely on a voluntary staffing basis as has the categorising of its photo collection. Mercy Community Services is also attempting to source funding for digital imaging of all its records.²⁸

9.37 The Salvation Army also has been using the services of a volunteer archives worker to work through its old files. It is estimated that there are over 30 000 different records of many different types.²⁹

Destruction of records

9.38 The Committee received much evidence about the record retention practices of different departments, agencies and individual institutions, ranging from almost total loss or destruction to well kept and fulsome records.

9.39 While former state wards may be more successful than non-wards in locating information, this is not always the case. The Committee received evidence that there has been considerable destruction of state records. For example, in Western Australia many government records have been destroyed. The Department for Community

26 *Committee Hansard* 9.12.03, pp.7-8 (WA Department for Community Development).

27 *Committee Hansard* 12.11.03, p.26 (MacKillop Family Services).

28 *Submission* 61, p.11; *Committee Hansard* 9.12.04, p.25 (Mercy Community Services).

29 *Submission* 338, Attachment 14.3.04.

Development indicated to the Committee that the first record of destruction of files dated back to July 1938 when 12 000 files were destroyed from the period 1886-1920. Files were also destroyed for the period 1921-1927. From 1951 the Department established a system of selection of files for retention. From 1960 it was agreed that adoption files would be destroyed after five years from the date of the order; migrant files would be destroyed five years after expiry of term or date of final action; and ward files would be destroyed 10 years after expiry of term or date of final action. These destruction times were amended over the years. From 1980 adoption files were transferred to the Adoptions Branch and no files were destroyed.³⁰ The Department indicated that now client files were held permanently and stated:

In the early decades a lot was destroyed, according to the policies of the time. In retrospect we can now see the wisdom of holding on to records.³¹

9.40 In South Australia it has also been reported that many government records have been destroyed and the Department of Family and Youth Services may only hold the index card of those who have been in care. The Department stated that records were destroyed in the late 1970s and early 1980s 'because of a prevailing philosophy and community concern at the time that it was inappropriate for the Government to hold files containing personal information about citizens'. However 'these days we have strong policies and practices in place to make sure that records are properly preserved and can be available to people seeking to access their personal information to put the stories of their background together'.³²

9.41 In New South Wales, CLAN stated that state ward files were randomly selected and destroyed.³³ The destruction of ward files seems to have been a widely accepted practice and the Committee suspects that similar practices have occurred in other States.

9.42 Witnesses also reported difficulties in accessing state records in Queensland where an oft cited reason for the inability to locate records was that they had been destroyed in the Brisbane floods of 1974.

9.43 In some private institutions, the retention of records has also been haphazard. As noted in *For the record*, 'even when records were maintained, there has been no requirement or expectation that they be kept indefinitely'.³⁴ CLAN for example, stated that it knows of institutions which existed for many years and housed hundreds of

30 Submission 66, Attachment 4 (WA Department for Community Development).

31 Committee Hansard 9.12.04, p.6 (WA Department for Community Development).

32 *The Advertiser*, 'Lost hopes: adoption papers destroyed', 12.7.04, Submission 22, Additional Information 13.7.04 (CLAN).

33 Committee Hansard 4.2.04, p.49 (CLAN).

34 *For the Record*, p.18.

children, for which there appear to be no records extant.³⁵ One care leaver related trying to find records of a Salvation Army home in South Australia:

The Salvation Army [home] was shut down in 1973, I think. It had been open for 30 years, but all the records they have in South Australia at Nailsworth, which I have tracked down as well, would not fill this folder. It is 30 or 40 years of a home run by the Salvation Army which filled the whole journal of what happened.³⁶

9.44 Records may have been lost because a specific event, for example, many of the records of the Tally Ho Home were lost in a fire.³⁷ In other cases, records cannot be found because they have been moved or misplaced. CLAN stated that it had received information from a Melbourne City Mission worker who reported that they had 'come across' a box of files in the archives related to state wards who had lived in a children's home. CLAN commented:

These are records that presumably nobody knew about until this moment, and we cannot know how many people had applied for access to them, only to be told they no longer existed. The worker discovered them quite by chance.³⁸

9.45 Whatever the reason for the destruction of files, the outcome is still the same: care leavers are neither able to trace families nor piece together their history. They also feel hurt and betrayed. As CLAN commented 'these are children – these are families – who were not considered interesting or important enough to even have their records kept'.³⁹ As a consequence, 'it is very difficult to establish and maintain a sense of identity in the face of such apparent indifference on the part of the authorities who were supposed to "care" for you'.⁴⁰

9.46 A further problem that has arisen relates to the preservation of records which are old and fragile. Constant handling and inadequate storage leads to further disintegration. Mercy Community Services for example, indicated that it had records dating back to 1868. It has stored all records relating to adoption using digital imaging and it has a long-term plan for the digital copying of all records.⁴¹

Quality of record keeping

9.47 Once records have been located, care leavers are often disappointed with the quantity and quality of information. Some people may be fortunate to locate records

35 *Submission 22*, p.11 (CLAN).

36 *Committee Hansard* 13.11.03, p.21.

37 *Committee Hansard* 12.11.03, p.46 (UnitingCare).

38 *Submission 22*, p.11 (CLAN).

39 *Committee Hansard* 4.2.04, p.48 (CLAN).

40 *Submission 22*, p.12 (CLAN).

41 *Submission 61*, p.11 (Mercy Community Services).

that contain much information to help them piece together family histories and their childhoods. Others are not so fortunate. The United Protestant Association, for example, stated:

UPA has records for just over 3 300 children who were in UPA care over a fifty year period. Record keeping in our early days was a mixed bag, with some files containing a reasonable amount and some scant information.⁴²

9.48 The reasons for lack of information are varied. Sometimes the records were culled or destroyed. In some instances, where there was no legal requirement, records were not kept. It was noted in *For the Record* that:

The records kept at many agencies before the 1950s were often very limited. Until the 1970s there were very few or no legislative requirements or guidelines for the types of records that should be kept. The most common and reasonably widespread form of client records is an admissions register. Punishment books are also reasonably common!...Some institutions have old photos, even old film, which can be very helpful.⁴³

9.49 It was also stated that the lack of records may have been a deliberate policy. Catholic Welfare Australia commented:

For many reasons some institutions did not keep minimal records or in some cases people have not been able to access their records and this has been a source of great pain and frustration. There appears to have been a deliberate choice in some cases not to have too many details of a child's life recorded so that the child could "start afresh" without the stigma of illegitimacy, or broken relationships. Of course, that has meant that people have often felt devastated because the records that they have been able to access are so scanty and superficial. Also the sheer pressure of the day to day work must have also contributed to not writing up records not to mention the issue, of what kind of information should have been kept which was not e.g. medical and dental records. As stated previously no uniform standards applied until recent decades.⁴⁴

9.50 Mercy Community Services also stated that sometimes only very limited written records are available. Mercy commented that 'it can be difficult to accept that several years of a life can be recorded by no more than some one-line entries in a register'. While other information was kept at the time, it may have been disposed of soon after the person left care. The significance of such records was not always appreciated at the time and 'it is also difficult to explain that there are some years where we have no records at all (most of the 1950's)'.⁴⁵

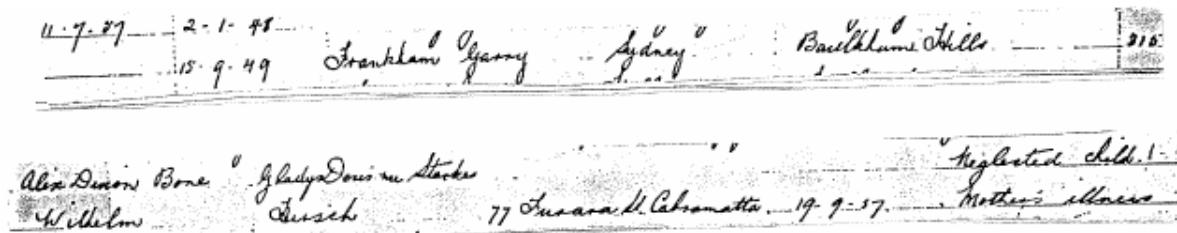
42 *Submission 30, p.1 (UPA)*.

43 *For the Record*, pp.17-18.

44 *Submission 71, p.17 (Catholic Welfare Australia)*.

45 *Submission 61, p.10 (Mercy Community Services)*.

9.51 Examples of the absolute minimum of information provided in response to requests were shown to the Committee. The following information given to one person illustrates that a period of their life consists of one line!



Other care leavers stated:

On request for information about myself while in St Brigid's [from 4 to 16 years of age] I was sent one sheet of paper giving me a date of entry. I think that sums it up correctly, these institutions hold no memory, no photos, no medical, school reports nothing, and yet somehow we are meant to become model citizens, HOW? (Sub 314)

I received in the post [from GSS Abbotsford] an A4 sheet of paper stating my mothers name, dob, place of birth, religion, parents, date of admission & date of discharge. That was it. No explanation of what she was doing there in the first place or any reports on any medical conditions she may have had or any outings or basically any information that was telling except her date of admission & discharge. As you can imagine I was more than just a little disappointed that my mother's 2 1/2 years at this institution were worthy of such minor details. (Sub 316)

9.52 Difficulties are not only encountered by care leavers with the agencies which cared for children. Other institutions also may hold records relating to care leavers. For example, one witness told of trying to access New South Wales Children's Court records:

Western Sydney Records Centre Kingswood holds the Children's court Transcripts 1900-1960. Missing is the 1939-1950. When asking the most important question is why are the war years missing? One receives all kinds of answers from being lost to being burnt to being packed away. Under the Archives Act brought in 1960 all records should have been released. Why were the 1939-1950 withheld? (Sub 24)

9.53 The impact of the paucity of information provided can be devastating.

I find it more difficult to believe that my time at 'Lynwood' cannot be found, which makes me sick to my stomach when I think about it, as I feel I grew up a no name nobody.⁴⁶

After 18 years as a 'Ward of the State' and some 32 years later, I finally get enough nerve to have the audacity to ask the system for whatever relevant

details they may or may not have on me during my childhood...I get two sheets of paper with about 9 or 12 lines on it, I look at these two sheets and I am devastated, 18 years of my life on two sheets of paper. I ponder and wonder this can't be all of my 18 years on two sheets of paper. (Sub 3)

9.54 Many care leavers cannot understand why there are no records. One witness stated:

The most you get is date of entry and date of exit. There are no records of childhood diseases, siblings or parents. Why did not the government have inspectors to see that relevant data was recorded, not just notations in an exercise book. (Sub 364)

Another care leaver noted:

No one can find any records about me...Our lives were changed forever by this action and I have never been given or it seems now that I will never have any context for this life changing action. Why is this? Why have I never been told as an adult why the government came and took us? (Sub 57)

9.55 Even after a long and complex search of records, many care leavers are disappointed with the outcome as they are unable to find answers to many questions and they feel that they have been abused a second time. One care leaver stated:

I looked forward with great anticipation to receiving those records, hoping that they would give me an insight into those four terrible years that my memory had successfully blocked out. But my hopes were in vain. My total records consisted of one line – who my parents were and the date of my admission to the orphanage.

I sat down and cried my heart out. It was as though the emotional abuse of the orphanage was still continuing. As though Frank and I never existed. I was told by MacKillop Family Services that there were ample records for all other boys who were at the orphanage, however, as Frank and I were private admissions by our father, we only rated one line each. (Sub 100)

MIM'S STORY

Being a "Home child" and not a ward of the state meant very few records were kept of my formative years by the people looking after me. At the time, with the rest of our troubles, it didn't seem to matter. But now, as a 44-year-old woman, I want them desperately, and not just for sentimental reasons. There is other documentation, medical records in particular, that I need to understand what actually happened in that lost childhood and what the consequences might be in later life. Twenty-four years ago I was diagnosed with a blood disorder, thalassemia. My doctor says I have suffered with some form of dyslexia and maybe even autism. He wants to know where I might have got it from. I had to tell him I had no way of knowing. For the last few years I have been trying to find any record of our childhood, anything at all. I went to each of the Homes but they no longer exist or have changed and say they hold no records from that time.

Mim finally discovered that the records of one of the Homes she and her sisters were in for a long period had been placed in the State Library of Victoria.

Finally, everything we imagined we needed to know - medical history, photos, school reports, holiday visits - would be there to see. I live in Far North Queensland, and it took a while to be able to get back to Melbourne. When I returned last month, I was highly excited. I dreamt about the answers I might find: why I could not read or write properly until high school; what screening process the homes had for the people who were allowed to take us out on weekends and holidays. More importantly, did they record and monitor the uncontrollable behaviour problem I'd been afflicted with, and what was that medication they forced into me on a daily basis? I got to the State Library early and paced the foyer. The head librarian led me to the desk where a large book lay all by itself. My heart was thumping as he opened it. So there was the three-page history of our childhood. Mine was a whole two lines:

M.S. Born Dec 1957. Sister of H.

"That's it?" I wailed. I burst into tears. "How can that be?" I thought. After all this time I have failed again. I have failed my sisters in finding their answers, too. But really, it is the system, the government, my parents that have failed too. Failed me, and thousands like me. That 60-year-old book contained hundreds and hundreds of lost children's names...and nothing else. I felt I was being ridiculed again. I wanted to create a scene. To yell and scream my years of frustration and wait for the police to forcibly take me away. Instead, I went to the nearest pub and got drunk. "How can that be?" I kept repeating to myself. Our whole depraved and abused childhood. Silenced. Vanished. Gone, just like that. I cried for myself and my sisters. I cried for all of the thousands and thousands of dysfunctional adults I have never met, who have experienced the same trauma as me. If we had been disabled, adopted, or if we had been imprisoned or sent to a mental asylum, would we not have had more documentation of our lives? Was that as far as the state's duty of care went?

Submission 22, p.13 (CLAN)

Information and comments contained in records

9.56 For those viewing files, the information contained in them can bring back painful memories and may include comments that are written in language that would not be acceptable today. People who have received information from their files have referred to comments which indicated that the welfare authorities were overly judgmental in relation to a family's social and economic situation. One care leaver stated:

My parents may not have been the most admirable couple, but it is evident that the authorities took action on the basis of their own value judgements and personal preferences, instead of acting in the best interests of their children. Examples litter the files. (Sub 18)

My file from DoCS contained many judgmental comments about my mother and it seemed that they had no understanding that she was being constantly bashed by stepfather. Also in my DoCS file, the district officers observed that my stepfather was aggressive and smelt of alcohol but they never looked any deeper. They never seemed to review the file to see that there was a pattern and that he had a history of assault...It seemed easier for the welfare to keep moving me from place to place rather than address the real problem which was the physical abuse from my stepfather. (Sub 318)

9.57 Other comments in files can cause pain and distress to the reader. CLAN gave the example of the use of 'high grade mental defective' as a not unusual term applied to emotionally disturbed children who appeared unresponsive to their 'carers'.⁴⁷ MacKillop Family Services also noted that other terms that were common in past psychological assessments 'cannot be read neutrally today'. MacKillop also stated that the phrase 'disposal of the child' was one that people accessing records find very offensive, 'because it reduces their life to that of a commodity that can be disposed of like something that no longer has any worth'.⁴⁸

9.58 Evidence of the lack of regard for the feelings of the child in care can also bring back traumatic experiences and feelings of inadequacy:

Finding out what went on in my life as a small child and a young teenage girl was a little bit of a surprise. Also it made me angry, frustrated and upset...As I read my file everything that was said was from the foster families, I did not have any say on the way I felt or if I was happy with my life. No case worker, no counsellor, no support person. Did I matter or did they care what I was feeling as a child? (Sub 241)

9.59 For those who were given very little information about their lives when in care, accessing files later often comes as quite a shock as they may reveal family

47 *Submission 22, p.11 (CLAN).*

48 *Submission 50, p.11 (MacKillop Family Services).*

secrets, reasons for events that were previously unknown or even information about unknown siblings.⁴⁹ One care leaver stated:

I found out a lot from that file – more than I really wanted to know. That's how I found out that I was classified as being "high grade mental defective" and sent to "homes" for mentally retarded boys. I was also able to piece together events into time frames. I had absolutely no idea about how long I was in certain homes or about time in general. I was not even able to tell the time in the homes. I also found out that the first time I was taken from my parents it was at their request. Do you know how painful that was for me? Everything I had suffered was because they didn't want me. (Sub 94)

9.60 Care leavers are often distressed that many files contain not only simple errors such as misspelled or incorrect names and incorrect dates of birth, but also fundamental misinformation. The perpetuation of incorrect or unreliable information, which appeared to have been accepted at face value with minimal or no checking of its veracity, provided the basis in some cases for significant decisions that affected the child's life. Witnesses stated:

Dad signed the forms and left. Our mother's signature was neither sought nor required. No one thought it necessary to check Dad's story...Nevertheless, without ever being verified, this 'fact' became indelible in the Department's file to be repeated in future documents. Once on the official file the 'facts' were re-cycled until they became permanent truth. (Sub 18)

These mistakes were common, the files are something to behold, they are inaccurate & sloppy, they make me think of the saying: 'Never let the truth get in the way of a good story' as some of the stuff that is in my file are just "nice" stories, it never happened. They often confused you with another child I'm sure of that. (Sub 351)

The only records I have was a slip of paper from the Sisters of Mercy that gives an incorrect date of birth and a baptism date on it, and a piece of paper with details copied from a card file. Some of the details there are incorrect as well. It has no entry after 1953 when my mother died. It stated that my brother was at college and that I was discharged. I never left that hellhole until late 1956. (Sub 330)

I received the paper from Major Sanz and to my absolute disgust and dismay I was told 'we have not found a record of you being at Goulburn Boys Home [Gill]'. Instead, I received a copy from Bexley Boys Home stating that I had been there for about 6 ½ years, my birthday 11.2.41, being sent to my mother and my mother being my future guardian. None of this is correct, I spent about 9 years at Goulburn Boys Home [I was never at Bexley], my birthdate is 11.3.41 and I was sent to my FATHER, and my FATHER was my future guardian...How could they get it all so wrong? If they couldn't get the paperwork right is there any wonder they couldn't get the "care and training" right. (Sub 336)

Support for those viewing records

9.61 As noted earlier, accessing records is often a traumatic experience for care leavers. Many who pinned their hopes on finding answers in the files to questions they have had for many years are disappointed. They may have to face the fact that the only record of their entire childhood is one or two lines in a dusty register. Others will find themselves described by language which is both confronting and distressing. Others will uncover long-buried family secrets. None of these are reasons for not facilitating access and discovery – the human need for identity should be satisfied.

9.62 There is a strong need for support and counselling for people before, during and after the file is read. The provision of such services differs markedly. MacKillop Family Services for example, stated that its service was 'personal' in recognition of the very emotional nature of accessing information for the first time:

We try to meet each person where he or she is at, to work with them at their pace and to explore areas with them as requested. Some people have a very clear expectation from the outset of the questions they hope to have answered. Some people are hoping for a lot of information. People who contact our service are usually trying to recreate their childhood memories, to search for missing pieces of the puzzle, to see if there are some facts to back up what they remember and also for some people with no memory at all, it is to use what records we may hold to create their story. Some people have their story in their heart and know it, for others, the process is one of recovering the story.⁵⁰

9.63 Other organisations holding records provide services for those viewing records. Dalmar, for example stated that it offers to fund counselling for a limited amount of time to help people cope with the reactions which occur when they see their file for the first time.⁵¹ Mercy Community Services provides support to past residents at the point of receiving records and information about themselves. They also offer counselling at this point if the process creates distress for the applicant.⁵²

9.64 However, such an approach is not universal. In respect of State records, the Committee heard evidence as to the variable manner with which people are assisted from the helpful to a total lack of compassion, empathy and understanding of the issues faced by people confronting their childhood.

I had approached DoCS to access my file, not to access their files to enable reunions. I had achieved that end ten years earlier, I was after details of my wardship ie: how was it managed? What happened?...I had phone conversation with [an officer], who told me that I would not get the information I was after. What was prophetic was not her message but the tone of voice she used, she was probably unaware of it, but her voice

50 *Submission 50, p.8 (MacKillop Family Services).*

51 *Committee Hansard 4.2.04, p.11 (Wesley Mission Dalmar).*

52 *Submission 61, p.4 (Mercy Community Services).*

carried a hard, sharp and cold tone, probably learnt controlling a large number of wards. This tone of voice usually proceeded harsh treatment...I'm amazed [the officer's] rejection had such a paralysing effect on me. I ran like a scolded cat, dropped the idea of obtaining my file, or going anywhere near DoCS. (Sub 321)

One of the most disturbing things about my life, along with thousands of others, is the offhanded way we are treated when asking for records. (Sub 364)

9.65 The Committee was particularly concerned about the different approaches taken by state organisations when providing records. CLAN commented:

The level of support given to people when receiving the file differs greatly between the states, many people are left to deal with the harmful and damaging words about their personal history alone and totally unsupported. Once again, it's a form of abuse.⁵³

9.66 In Victoria, Broken Rites related that it had approached the Department of Human Services to establish an alternative system to sending a person's records in the post. Records which contain comments such as 'this person has a mental deficiency', and 'this person's mother was a drunkard' cause great distress. Broken Rites related that it had 'had police phone on a weekend, saying that some poor person is in his car with the exhaust pipe through the back window, because he received his records on Friday night'.⁵⁴

9.67 In another case a care leaver was so disturbed by the information in their file they were hospitalised:

In 1988 I got my files from the Department for Community Services. I took those files home and read them. I did not like what I saw. A week later I woke up and I was in la la land. I could not understand what had happened. My friend took me to the Sir Charles Gairdner Hospital D20 psychiatric ward.

When the doctor called me into the room I explained that the Department for Community Services gave me my documents without any counselling whatsoever.⁵⁵

9.68 Even where there is a policy of having an employee present to provide support for someone reading their file, this often ends up as 'if you need me, call me'. One witness recalled the experience of accessing the DOCS file on her time in care:

I thought it was a similar file to the one I received from Dalmar but as I sat and read it by myself for three or more hours I soon came to realise that I

53 Submission 33, Supplementary Submission, p.3.

54 Committee Hansard 12.11.03, p.41 (Broken Rites).

55 Committee Hansard 8.12.03, p.48.

was wrong. That file was very hard to read because the contents were to me very graphic. (Sub 241)

9.69 The following cases were provided to the Committee and provide a picture of the lack of empathy provided to those seeking access to records:

Ivy was phoned and told that she could come into the office at Cessnock and read her file. Ivy was left alone in a room from 2pm to 4.30. She only managed to read through half the file in the time she was there...She was told [by the DOCS officer] 'if you need me you can call me'.

Ivy was totally unprepared for the file's contents. Inside were letters, letters that her Father had written to her and which she had never received, letters also from her siblings which she never received and letters that she had written to her Father that hadn't been posted, all those years ago. Can you imagine going to read your file and discovering this precious correspondence. She was totally unprepared and no one in DOCS warned her of the contents. This was a very emotionally draining day for an elderly woman.

At 4.30 pm, Ivy asked a DOCS employee 'Can I come back tomorrow?' the response was 'We might be busy tomorrow, there might be a Child Protection Crisis and they may need the room and you would have to move out'. Ivy said that's OK, she would do that. They went to the appointment book to make an appointment for tomorrow, Ivy was told there was no appointments and the staff made one for the following Tuesday.

How could they make a 71 year old lady wait another 5 days to read the file?⁵⁶

9.70 While resource and other staff pressures may contribute, this is a totally unsatisfactory situation for often elderly people who are undertaking an exceptionally emotional experience.

Issues with access

Government records

Freedom of Information

9.71 Freedom of Information (FoI) legislation has been passed in all Australian jurisdictions. The legislation covers personal information compiled by government agencies. The Committee heard evidence that some care leavers have experienced difficulty in accessing information under FoI procedures. There were cases where information was provided only after persistent efforts to pursue records and instances where large amounts of information were withheld. Care leavers were particularly angry that the material on files, even if years old, was still withheld. Witnesses stated:

If we do not get the finances to help people for medical reasons or psychological reasons, at least give us the complete file. At least let us read and put the jigsaw puzzle together as to why we went into these institutions and why our parents were not given permission to come back and visit us. At least let us have our information about ourselves...Each time I have applied, I get that little bit more...I am trying again to get more information. I want to know more about my parents. I have got nothing. My mother is not of the mind to be able to tell me and my father died...I think the information is there; they just do not want us to have it. But I want it.⁵⁷

Incidentally, in the freedom of information process that I started in 1994 – and I still have applications in – although I have been told on a number of occasions, 'The files have been have all been released to you,' further files have been found upon pursuing particular matters. The censorship of the files was something that had disturbed me and I appealed as vigorously as I could without getting into the legal process. I managed to retrieve whole paragraphs from my own file. It galls me, having been a child in an orphanage and never told anything about my parents, that now, when I am in my 60s, I am being told, 'You can't see what's on your file.' It really galls me that some perfect stranger, a bureaucrat, can see what is on my file but that I cannot. So I go through this process of getting a letter with a paragraph missing and having to write another letter and then six months later getting response. That has taken a long time. It is now 2003; I started in 1994. I still have live applications before government departments for information which is my information. That really sticks in my throat.⁵⁸

My endeavours to access my mother's personal records whilst at Parramatta Girls' Home have been thwarted by bureaucratic red tape [**Freedom of Information**]. A recent attempt at the State Archives in Kingswood resulted in numerous phone calls to various government departments with each department only too willing to suggest a further two phone numbers that might be helpful. All to no avail!...I am an adoptee, my birth mother is dead, my grandparents are dead and so is my natural father. Who may I ask are the bureaucracy protecting? (Sub 154)

9.72 Some care leavers find it hard not to take the view that organisations are trying to protect themselves when records are withheld or parts of records are excised. Witnesses stated:

The Department...has numerous files, reports and information but choose to release only minor non damning propaganda. (Sub 242)

I applied for my files, through freedom of information, through DOCS. When I got them, they were so small that I thought 'Wow, are these my files?' until I saw some of the other files. I applied for my real files and got them, but a lot had been taken out. Then I looked again at the first lot of

57 *Committee Hansard* 11.11.03, p.47.

58 *Committee Hansard* 11.11.03, p.33.

files I had got and they were not even in them. So they all covered their tracks. They left us so screwed up, but they covered their tracks.⁵⁹

9.73 *Bringing them home* commented on the restrictive application of FoI. In some States, there are specific procedures for indigenous families in general or specifically for children taken into care. These procedures are less formal than FoI, discretionary and designed specifically for indigenous searchers. The report noted that 'while they are often slower than an FoI application, they are usually free of charge and research assistance may be available'.⁶⁰

Assistance with records searches

9.74 During the inquiry, many witnesses commented on the lack of assistance provided by governments to care leavers seeking their files. Witnesses noted in most jurisdictions, assistance is provided to those who have been adopted to trace family, however, the same assistance is not provided to former wards of the state. One care leaver stated:

I have found out from one to two that have been adopted that they have found out all the details. They have even found out that they have brothers and sisters. It is made a lot easier if they were adopted.⁶¹

9.75 CLAN also commented that some State department websites do not contain any information for former wards attempting to access their files. On other sites, services for State wards are included with post-adoption services. As CLAN noted, State wards have not been adopted and would not, in the first instance, consider looking at adoption services to find out about former ward services.⁶²

9.76 CLAN also assists its members to obtain their ward files or information about the institution they spent time in. In Victoria, people who have been separated from their family of origin, including state wards and adoptees, can access the search and support services provided by VANISH.

Non-government records

9.77 Freedom of Information legislation does not apply to records held by non-government organisations. The non-government organisations apply their own procedure to accessing records and some agencies are more open than others.

A few months back we went and opened our files at Dalmar. Up until recently we were led to believe that they were burnt in a fire. About six years ago we got access to a few things from a file, where we saw letters—loving letters—our father had written that we never saw. We got a few

59 *Committee Hansard* 3.2.04, p.4.

60 *Bringing them home*, pp.332-33.

61 *Committee Hansard* 11.11.03, p.8.

62 *Submission 22, Additional Information* 31.7.04 (CLAN).

reports and things like that, but it was said that everything else was destroyed by a fire in the walk-in safe. It would have been hard to ignite a fire there.⁶³

9.78 MacKillop Family Services noted that 'we believe very strongly in a process of openness in terms of releasing our records. When we first set up our service it would be fair to say that we received some criticism from other providers for our willingness to be open – to release records.'⁶⁴

9.79 MacKillop went on to state that it had been given records by the founding agencies to look after and for it to provide access services to those records. Other congregations still hold their own records and provide the service. When MacKillop Family Services was formed, the board chose to fund the service. The service is consulted on a regular basis by Protestant and non-religious organisations and by other Catholic organisations about the model set up. MacKillop commented, 'it is probably true to say that for some organisations today there is a fear of engaging with people that have grown up in care in the past'. However, the board of MacKillop 'was not fearful about that and saw that to go forward we had to acknowledge the past, which was not always going to be good but was there'.⁶⁵

Family information

9.80 Once people have found their own records, many try to locate other family members. This search is often prompted by the discovery of unknown siblings or that they were not in fact orphans as they had been told and believed all their life.

9.81 However, the Committee heard evidence of the difficulties faced by care leavers in accessing records of other family members. In some cases, these records may hold information valuable to tracing family members or the person's history. However, family information is treated as information about a third party. Third-party information is treated differently under privacy legislation to the personal information of the searcher. MacKillop Family Services for example stated that 'we release records according to the privacy legislation, which would mean that we could not release information about a person to somebody else unless that person has given permission for them to receive it or unless that person was deceased'.⁶⁶

9.82 Witnesses provided examples of the impact of restrictions on accessing family information.

Now also to find that I can't gain access to files relating to my brothers from Family and Childrens Services without permission from their children who I don't know. I feel that any information that I get about myself is only half

63 *Committee Hansard* 3.2.04, pp.15-16.

64 *Committee Hansard* 12.11.03, p.29 (MacKillop Family Services).

65 *Committee Hansard* 12.11.03, p.31 (MacKillop Family Services).

66 *Committee Hansard* 12.11.03, p.29 (MacKillop Family Services).

there because they were part of my life and I have only half the story and am left with a hole in my life – part of my identity is missing.

When I started the search I thought the ache in the corner of my heart would be erased only to find that it has got larger. (Sub 184)

The Department decides I cannot have certain information about MY parents. Why should the Department staff get to read the file about my parents and then relate it to me? How dare the Department decide that I cannot read about MY parents.⁶⁷

9.83 It is very difficult for care leavers searching for their history when the privacy requirements mean that a search may only access information with the permission of next of kin. This is seen as unjust and cruel. One witness stated:

There are large blanks in my sister's story. I am not able to get access to her state ward file, because of privacy laws. These records will help me to understand her life as well as my own. Siblings in 'normal' families are able to get access to their family history through parents telling of the family information. However, state wards often only have the state ward file to go back to for family information.

Now that Pat's dead, I have to have her husband's permission to get access to her state ward file. I have to seek his permission for the release of 'our' family information. This is NOT his family information...When this information was gathered, all those years ago, he was not in anyway connected to my sister, yet the law states that this man has the right to release or not release family information which does not pertain to his history or identity. (Sub 119)

First, I wanted to get hold of his file, and then they put obstacles up: 'If he is alive we can't do it under freedom of information, but if he is dead and you can show us a death certificate we can provide you with information,' and stuff like that. To me it is just bureaucratic bungling all the time and I just get frustrated about it because, as I say, they put me in this situation. I am only asking for one thing of them: to say where Ralph is, if he is still alive. He may well be dead. I do not know.⁶⁸

9.84 Another care leaver searching for information about an adopted brother killed in Vietnam has been able to find his full name, place where killed in action, platoon and photograph on the Internet. However, the Adoption Information Service could not provide the brother's name or burial details until his other adopted brother's (deceased) wife gives her permission to disclose the information as she is the next of kin. The care leaver commented:

Blood is not thicker than ink lines on documents. Sure hope she is not dead and will agree to meet and talk to and with me. As a mature 59 Y.O. it would be my most treasured wish at this time to go to his grave and spend a

67 Submission 167, p.7 (VANISH).

68 Committee Hansard 3.2.04, p.106.

lot of time talking to him as we never met in his short 22 yrs and 2 days life.(Sub 157)

9.85 *Bringing them home* also noted the problem of accessing strictly third-party information to assist in building a picture of family history. While some agencies are flexible and searchers receive information, others 'continue to interpret third-party privacy restrictively and fail to assist searchers to meet their requirements for third-party consent. The searcher can be denied the very information needed to identify family members and re-establish community and family links'.

The responsibility of government to provide this [family] information to Indigenous people goes far beyond the standard justifications for FoI legislation, namely openness and accountability of governments and the individual's right to privacy.⁶⁹

Delays and cost of accessing records

9.86 The Committee received evidence of delays in the provision of files for access, particularly for people living in country and regional areas. One witness stated:

It is not always so easy finding out about yourself. DOCS took three months to pull my file and another two weeks to copy the information I requested. (Sub 241)

9.87 Relationships Australia commented that some people had to wait years to access their files:

This morning I had a phone call from someone who has asked for their records in southern New South Wales. It has taken two months for them to get to the office, and now they have to wait because there is no-one available to actually go through the records with them as they are too busy. This is a common story told to us.⁷⁰

9.88 Witnesses also considered that having to pay for access to their personal information was demeaning and insulting.

Even though it may be possible that the early files on us may have been destroyed, I find it very hard to believe as there are a few words about me which I acquired from FOI on request for which I was charged \$15.⁷¹

I was sent firstly to Ashfield Babies Home for approximately one year – I don't know the exact details as I resent paying \$50 for my 'records' to discover that there are no details as to who I was, only that I was there – and I know that already. (Sub 418)

It is our information. We should not be putting our hands into our pockets at all. The government should be assisting us in every possible way for

69 *Bringing them home*, p.341.

70 *Committee Hansard* 4.2.04, p.56 (Relationships Australia).

71 *Submission* 22, Additional Information 22.1.04 (CLAN).

education, for psychological reasons, for medical reasons and for finding our personal information. That is the least they could do in assisting us.⁷²

9.89 While many types of government records may be of interest to care leavers, they are expensive to access. For example, CLAN noted that many people who grew up in care went into the adult gaol system. Those wanting to access their prison records must pay \$30 (or \$15 if they are on a pension). CLAN also commented that many children became state wards because their parents failed or could not afford to pay the fees for their children in the care of the government or churches. As a consequence, many parents were sent to prison for failure to pay fees. In these cases, state wards are looking for information on their parents as well: 'if their parents were sent to prison it helps us to understand why our parents didn't visit us in the Homes for years and years'.⁷³

Overcoming problems of access

9.90 The Benevolent Society's Post Adoption Resource Centre outlined succinctly the needs of those seeking access to records:

Care leavers need to have access, free of charge, to all file information held by a service provider, that relates to themselves and the reasons for their admission to care irrespective of their legal status at the time of their placement. They should also have copies of file material and original documents. They should have detailed specific information about all members of their family.

...It is essential that a sympathetic, experienced and suitably qualified person is available at the time of reading the file. It should also be ensured that there is a limited delay in the files becoming available. In the case of non-government past providers, there should be flexibility as to when and where the file is accessed, taking into consideration the care leaver's possible strong feelings about returning to the buildings associated with their experience in care.⁷⁴

9.91 CBERSS commented on the benefits of easy access to records:

Quick and easy access to records about their own childhood is an important part of the healing process for CBERSS clients, as it would be for most people whose family ties were broken or damaged as children.⁷⁵

9.92 A number of suggestions were made in evidence to achieve better access to files and improve services for those searching for families. CLAN recommended the establishment of dedicated information and search services in all States specifically

72 Committee Hansard 11.11.03, p.41.

73 Submission 22, Additional Information 3.8.04 (CLAN).

74 Submission 53, p.6 (Post Adoption Resource Centre – The Benevolent Society).

75 Submission 49, p.19 (CBERSS).

targeted to state wards and Home children to help locate family members and their own history. These services should include:

- Assistance with accessing their file(s), i.e. dealing with government or agency authorities. This is often a very daunting task for a Care Leaver: it is the first step to acknowledging what happened to them and there is often also apprehension about what the file will contain.
- Mediation with the agency which raised them as many people are reluctant to approach the agency, where in their opinion it failed in its duty of care, or allowed abuse to occur.
- Support in reading the file from somebody familiar with the attitudes and practices of the past care system.
- Meetings and/or mediation with persons identified from the file, for example a sibling or ex-carer. Support and facilitation services may be essential for people who wish to meet with and challenge ex-carers about issues still affecting them today. This is an option that should be available for Care Leavers who wish to have some closure with their past.⁷⁶

9.93 CLAN also recommended that research be carried out to search for and locate records, collate histories of care locations, and perhaps establish a centralised records service for care leavers. CLAN stated that this is a fragmented history whose pieces must be pulled together as an important part of Australia's social history. In addition, all States should follow the lead of New South Wales and publish directories similar to *Connecting Kin: A Guide to Records*. This was also supported by other witnesses.⁷⁷

9.94 CLAN recommended that funds should be allocated to advertising nationally for records since in some cases records have simply ended up in agency basements or in an individual's spare room. CLAN noted that poor record-keeping combined with the incomplete retention of records by many organisations means that resources need to be allocated for proactive record searching to help fill in the gaps. Proactive searching may well turn up many more 'lost' or forgotten records than those currently available.⁷⁸

9.95 Other organisations also recommended that each State government appoint officers in the relevant agencies to have the sole responsibility for the needs of care leavers.⁷⁹

76 *Submission 22*, p.27 (CLAN).

77 *Submissions 68*, p.12 (Association of Child Welfare Agencies); 52, p.13 (UnitingCare Victoria and Tasmania).

78 *Submission 22*, p.28 (CLAN).

79 *Submissions 68*, p.12 (Association of Child Welfare Agencies); 52, p.13 (UnitingCare Victoria and Tasmania).

9.96 As noted earlier, a major concern for both agencies and those seeking to access records is the preservation of records as many are old and in poor condition. Preserving, indexing and ensuring easy access to records is expensive and time consuming. Mercy Community Services recommended that the Commonwealth Government provide funding to allow past providers of institutional care to preserve, index and image their remaining records, as a service for past residents.⁸⁰

9.97 The Committee, in its report on child migrants, found that access to records was of fundamental importance to those who were searching for their families. The Committee made recommendations to improve access to records held by agencies in Australia and to assist those seeking family reunions. The recommendations included:

- the establishment of comprehensive signposting indexes to assist former child migrants to locate information about receiving and sending agencies;
- the establishment of a national index of former child migrants;
- the publication of directories to assist all former residents of children's institutions to access records;
- the establishment of a national group of all receiving agencies, other relevant bodies and Commonwealth and State governments to develop uniform protocols for accessing records and sharing information relevant to former child migrants, their families and descendants and to coordinate services for former child migrants;
- that all organisations holding records pertaining to former child migrants held make those records available immediately and unconditionally;
- where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation; and
- all sending and receiving agencies be required to extend access to their records to descendants of former child migrants.⁸¹

9.98 The *Bringing them home* inquiry also made extensive recommendations for enhancing access to the records of indigenous children who had been in care. These recommendations included the establishment and funding of a Records Taskforce by the Commonwealth and each State and Territory with both representatives of government and non-government agencies and indigenous user services. The Taskforce's aims would be to develop common access guidelines and advise government and churches generally on policy relating to access to and uses of indigenous personal, family and community information. It was also recommended that all common access guidelines incorporate the following standards:

80 Submission 61, p.1 (Mercy Community Services).

81 *Lost innocents*, pp.170-72.

- the right of every person, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
- no application fee, copying fee or other charge of any kind to be imposed;
- a maximum application processing period to be agreed by the Records Taskforce and any failure to comply to be amenable to review and appeal;
- a person denied the right of access or having any other grievance concerning his or her information to be entitled to seek a review and, if still dissatisfied, to appeal the decision or the matter free of charge;
- the right of every person to receive advice, both orally and in writing, at the time of application about indigenous support and assistance services available in his or her State or Territory of residence;
- the form of advice provided to applicants to be drafted in consultation with local indigenous family tracing and reunion services and to contain information about the nature and form of the information to be disclosed and the possibility of distress;
- the right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth); and
- the right of every person who is subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.

It was also recommended that the Commonwealth and each State and Territory establish an Indigenous Family Information Service as a 'one stop shop' service and that to support the Service, each government and church record agency nominate a designated contact officer.⁸²

Conclusion

9.99 The search for identity is crucial for care leavers. For many, being in care has meant the loss of family and connection with their place of origin. Care leavers do not have the mementos of childhood that are taken for granted by most Australians: school reports; photographs; and happy memories of birthdays.

9.100 The task faced by many care leavers to access records and recover their lost past is immense. Records may be scattered across a number of agencies, they may be in a poor state, lack indexes and directories and agencies do not have the resources to adequately assist care leavers. Unfortunately, in many instances it is too late: the records have already been destroyed or lost. While there was no legal or statutory requirement for non-government agencies to retain records, the Committee was

82 *Bringing them home*, pp.351-52.

dismayed at the lack of care taken by many non-government agencies to retain and preserve the childhood history of those in their care. However, many records in the hands of government agencies have also been destroyed. The Committee considers that the destruction of ward records in South Australia stands out as being a particularly disgraceful event and reflects a lack of understanding of the importance of identity and the duty of care that governments have to care leavers.

9.101 The Committee considers it imperative that the remaining records of children who have been in care are found, identified and preserved. The Committee is concerned that there are many instances where records of great value to care leavers are still being found in out of the way places, in cupboards and basements. Some agencies have attempted to centralise records but others still appear to have a somewhat cavalier attitude to these important documents.

9.102 All agencies, both government and non-government, have a duty to ensure that every effort is made to search for care leavers' records that have survived. Once records have been located, they need to be accurately identified, indexed and preserved. The size of this task varies from agency to agency, with some records being no more than boxes of loose papers and some being very old and fragile which require specialist preservation. The use of digital imaging and other new technology is required to allow greater access to records. There appears to be very few instances of agencies implementing a specific program to retrieve and preserve records and in some cases major agencies are relying on volunteer archivists to undertake this work. However, the Committee considers that the task is too important and care leavers have waited too long to access records for agencies to rely an ad hoc approach based on volunteer archivists. All agencies need to make a commitment of time and funds to improve identification and preservation of records.

9.103 The Committee also considers that greater effort is needed to identify photographs, films and other memorabilia that is of importance to care leavers in piecing together their childhood histories.

9.104 The Committee considers that access to records must also be improved. A first step taken by some State government and non-government agencies has been to provide directories to assist care leavers to locate records and to make contact with those holding the records. While this is an improvement, it does not go far enough. The task of piecing together family history can be extremely difficult and a directory is only the first signpost on a long journey. The Committee was impressed with the work undertaken by the Western Australian Department for Community Development in developing the Children in Care database and protocols for sharing information between government and non-government agencies.

9.105 The Committee considers that an adequate response to those pursuing their history must include the following. First, all records relating to care leavers need to be indexed and cross-referenced. This would enable relevant records to be quickly accessed and all material held to be made available to the care leaver, including any photographs or other memorabilia. This is an expensive and time-consuming task, but

the Committee considers that there is a moral obligation to ensure that all surviving information is made available. It is part of the continuing duty of care.

9.106 Secondly, there is an urgent need to improve access to records. The report on child migrants and *Bringing them home* examined the problems of access to records of former child migrants and indigenous people and how this might be improved. The Committee has found that similar problems exist in accessing the records of non-indigenous children removed from families.

9.107 The Committee has noted the comments and recommendations contained in *Bringing them home* relating to the Records Taskforce for indigenous records. The Committee considers that there is a need to establish a dedicated service for care leavers to support the search for their history. Such a service would ensure that complete and centralised registers of all records held by government and non-government agencies are established so that care leavers do not have to consult many agencies to locate records. The service would act as a vital first port of call for care leavers and provide information on procedures to access records. More importantly, the service would provide an advocacy and mediation role for care leavers who have had difficulties in gaining access to records or for example, have had information withheld under Freedom of Information legislation. Finally, such a service would ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

9.108 The Committee also considers that the principles and guidelines established by the Taskforce for access to government and non-government indigenous records should also apply to records of non-indigenous children. The minimum standards of access recommended in *Bringing them home*, also provide a valuable guide to what is required for all those seeking personal information about their time in care.

9.109 The Committee is particularly concerned that many government agencies do not provide dedicated services for state wards. In many instances state wards must use adoption services if they require assistance. As strongly emphasised in evidence, state wards were not adopted. To improve access, the Committee considers that all agencies, both government and non-government, which hold care leavers' records must provide a dedicated point of contact. In addition, agencies holding records and those receiving funding to provide assistance to care leavers, for example Relationships Australia, must ensure that their websites make specific reference to care leavers and wards to ensure that services can be accessed easily.

9.110 Evidence received by the Committee indicates that Freedom of Information requests often succeed only as a result of continued persistence on the part of the care leaver. Difficulties are also faced when third party information is contained in records. The Committee considers that while privacy principles are important, some agencies appear to interpret the principles more strictly than others even if the information is about parents and siblings or worse, use them as an excuse to deny access to information.

9.111 Care leavers should be extended the most flexible interpretation of both Freedom of Information legislation and privacy principles in order to access all personal information and to facilitate reconnection with family. Care leavers should not have to pursue information time after time with the same agency. In some cases, care leavers have had to wait years for information. Care leavers are entitled to the fullest amount of information being made available at the time of initial request. Fees are also attached to requests which care leavers on low income find difficult to meet. The Committee considers that no agency should charge fees for the provision of personal and family information provided to care leavers.

9.112 The provision of counselling services varies greatly amongst record holding agencies. The Committee heard of some agencies which provide extensive assistance to those viewing their files, while others leave care leavers to 'fend for themselves' after viewing what can often be very distressing and disturbing information, or indeed finding that there is no information at all. The Committee is concerned that generally, support and counselling services for those accessing records are inadequate, particularly where care leavers are elderly or have suffered extensive abuse and require intensive and ongoing support.

Recommendation 12

9.113 That government and non-government agencies holding records relating to care leavers, implement and fund, as a matter of priority, programs to find, identify and preserve records including photographs and other memorabilia.

Recommendation 13

9.114 That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

Recommendation 14

9.115 That all State Governments and non-government agencies, which have not already done so

- **provide dedicated services and officers to assist care leavers in locating and accessing records, both government and non-government; and**
- **compile directories to assist in the locating and accessing of records relating to care leavers and the institutions into which they had been placed.**

Recommendation 15

9.116 That a dedicated information and search service be established in each State and Territory to:

- **develop a complete register of all records held by government and non-government agencies;**
- **provide assistance to care leavers to locate and access records;**

- provide advocacy and mediation services to care leavers accessing records; and
- ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

Recommendation 16

9.117 That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:

- the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
- the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;
- the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and
- the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.

Recommendation 17

9.118 That all agencies, both government and non-government, which provide access to records for care leavers, ensure adequate support and counselling services are provided at the time of viewing records, and if required, subsequent to the viewing of records; and that funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency.

Recommendation 18

9.119 That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families.

CHAPTER 10

PROVISION OF SERVICES

Always, I have to pay for the right to access the services and support I am told I need because of my childhood in these institutions, and my wife and her son pay also, both financially and emotionally.¹

10.1 Evidence to the inquiry indicated that the provision of services is vital in addressing the needs of care leavers. While a variety of views and opinions are held by care leavers, the need for services was fundamental.

This is not about persecuting those that were in command of these institutions; it is about healing those that have been persecuted because of the situations. It is having access to persons or places that can assist in sorting out the pain we don't understand. (Sub 314)

10.2 This chapter provides a discussion of the effectiveness of the services currently provided by governments and the Churches and agencies to address the needs of care leavers. In addition to access to records discussed previously, a number of other services required by care leavers were highlighted during the inquiry. These include the need for support and advocacy services; counselling services; health and aged care services; services for the homeless; and adult literacy and numeracy and other education services.

10.3 Assistance and services are required not just for the care leavers but also for their families if the generational effects referred to earlier in the report are to be addressed.

We must continue to be vigilant with our care and attention with all our children, wherever they may be, because they will be bearing the next generation. My mother had no suitable role-models or education to help her in her parenting role. I believe that wards of the state from the vicious earlier years, their children and their children's children should now be helped by the Churches and States who helped to create the traumatized families. (Sub 195)

Services currently provided

10.4 A range of government and non-government services are currently provided for care leavers. The nature and extent of the services varies widely between States, as do the services provided by the Churches and Church-related agencies.

1 Submission 260, p.6.

State Governments

10.5 A number of services are funded in several of the States. In Queensland, the State Government contributes to the funding of four entities which provide specific services for former residents – the Forde Foundation, the Aftercare Resource Centre (ARC), the Esther Centre and the Historical Abuse Network (HAN).²

10.6 The Forde Foundation is a charitable trust established in 1999 by the Queensland Government in response to the Report of the Commission of Inquiry into the Abuse of Children in Queensland Institutions (Forde Inquiry). The Foundation distributes monies to former residents of Queensland institutions and children formerly in foster care in the State. It generally conducts a grants program twice a year and invites former residents to apply for assistance for education, health, family reunion and basic necessities of life. The Foundation was not established to pay compensation to former residents and the grants paid are generally quite low.

10.7 Table 10.1 shows that to date, six grant rounds have been held and approximately \$594 347 has been distributed. Some 945 former residents have been assisted with the average grant being \$692. In Round 5 (2003) there were 94 new applicants to the Foundation and in Round 6 (2004) there were 84 new applicants. The number of applicants for assistance has increased markedly as more former residents find out about the scheme – although the average grant has fallen considerably from \$926 in 2001 to \$556 in 2004.

Table 10.1: Forde Foundation – Applicants and Funding

	Number of applicants	Number assisted	Funds distributed	Average grant
Round 1 (2001)	85	56 (65.8%)	\$51 852	\$926
Round 2 (2001)	185	88 (47.6%)	\$55 880	\$635
Round 3 (2002)	221	185 (83.7%)	\$145 184	\$761
Round 4 (2003)	262	178 (67.8%)	\$99 846	\$560
Round 5 (2003)	315	199 (63.1%)	\$108 558	\$545
Round 6 (2004)	372	239 (64.2%)	\$133 026	\$556
Total	1 440	945 (65.6%)	\$594 347	\$692

Source: Submission 159, Supplementary Information, 5.7.04 (Forde Foundation).

10.8 The Foundation is funded by contributions from the Queensland Government and donations from the Churches and from individuals. In 1999 the Queensland Government provided the Foundation with a seeding fund of \$1 million. In 2001, a

2 Submission 159, pp.1-5 (Board of Advice of the Forde Foundation).

further \$1 million was made available to the Foundation by the Government. The \$2 million is invested by the Trust and the *income* from that investment is distributed each year. The Government intended the original money to remain as an investment so that it, and any donations, could continue earning income to assist former residents for many years to come.

10.9 Donations of \$135 000 have also been made to the Trust fund – this includes \$117 000 from the major churches and their agencies (which comprises \$75 000 from central Church bodies and the balance from a special appeal to congregations) and about \$18 000 from individuals.³ The Foundation advised the Committee that although it has received no formal written advice, it was communicated to the Board that the Churches considered this to be a one-off grant, particularly in relation to the Catholic and Anglican Churches.⁴ The Committee believes that, compared with the contribution from the State Government of \$2 million, the contributions from the Churches and agencies have been woefully inadequate and the Committee urges the Churches and agencies to provide substantial additional funding to the Foundation so that it can continue its work.

10.10 The Foundation noted that poor returns on the funds invested in recent years has affected the amount of money that it is able to distribute each year to recipients. The average grant in 2004 was \$556.⁵

10.11 Services are also provided by other agencies. The Aftercare Resource Centre is responsible for provision of direct and brokered counselling services in Queensland and interstate, assistance with educational opportunities, record searches, family reunions and advice on support groups. Relationships Australia (Queensland) provides this service which is funded by the Queensland Department of Families. Since its inception in 1999, the service has seen 423 former residents of institutions and provided brokered services on 6586 occasions.⁶

10.12 The Esther Centre (Centre for Addressing Abuse in Human Services and Faith Communities) provides support for people who have experienced physical, sexual, emotional and spiritual abuse in church institutions, faith communities and human services. The Historical Abuse Network is an informal network of former residents of church and government institutions that was established to support people who had experienced abuse within those institutions. It meets regularly, holds forums and provides resources to support people.

10.13 The Queensland Department of Families employs a Forde Contact Officer who provides a central liaison point of contact for former residents. The Department

3 *Committee Hansard* 12.3.04, pp.99-100 (Forde Foundation).

4 *Submission* 159, Supplementary Information, 10.6.04 (Board of Advice of the Forde Foundation).

5 *Committee Hansard* 12.3.04, p.90; *Submission* 159, Appendix 3 (Forde Foundation).

6 *Submission* 31, p.1 (Relationships Australia – Queensland).

also has a freedom of information service which ex residents and the Foundation can use for the purpose of accessing family links and historical information.

10.14 In Victoria, the Department of Human Services provides funding for services to support former wards. In 1997, VANISH, which is funded by the Department and provides support services to care leavers and other groups such as adoptees, received ongoing funding of \$47 000 to provide search assistance and support services for former wards, regardless of where they live now. A position was also established in the Department's Adoption Information Service to assist former wards to obtain information from their files and to provide counselling, support, search and mediation services. More recently, \$10 000 has been allocated to CLAN – this funding is to be used to provide information, advice and support to Victorian wards living interstate. An additional \$76 660 has recently been made available to VANISH specifically for the purposes of providing individual counselling for former wards and to establish support networks in rural Victoria.⁷

10.15 In NSW, the Department of Community Services (DoCS) funds a telephone Helpline which is operated by Relationships Australia (NSW). In 2003 the Helpline received additional funding to employ an experienced counsellor for two days per week to provide support and telephone or face-to-face counselling, assist care leavers to access information about their care history, and to provide referral to support services. A small amount of brokerage funds is also available to assist clients access specialist counselling. Some 100 former care leavers have been assisted by Relationships Australia Helpline to date.⁸

10.16 In Western Australia, the Department for Community Development provides counselling and personal and family history information. Counselling is provided by department psychologists. In exceptional circumstances the Department may purchase counselling from private providers. Non-government agencies are not funded by the Department to provide services specifically for ex-residents.⁹

Non-government agencies

10.17 Non-government agencies also provide a number of services for ex residents of institutions. While a number of services are available, evidence to the Committee indicated that the nature and extent of services provided is often felt by care leavers to be inadequate; are difficult to access in many instances; or there is a reluctance to provide services by some providers.

7 *Submission 173, p.20 (Victorian Government).*

8 *Submission 158, p.3; Committee Hansard 4.2.04, pp.54-55 (Relationships Australia – NSW).*

9 *Submission 55, Additional Information, 13.8.04. See also Submission 55, p.35 (WA Department for Community Development).*

10.18 The Catholic Church and individual religious orders provide a range of services.¹⁰ The Christian Brothers in Western Australia funds CBERSS which offers a number of services for ex residents. While the Service is funded by the Congregation it operates independently of the Christian Brothers. CBERSS counselling services are available to all men and their families. Counselling is offered by CBERSS clinical staff but, if the men prefer external counselling, it is funded by CBERSS. Financial assistance is offered via a 'no interest' loan scheme to assist men and their families with specific needs, and men are referred to financial counselling if this is appropriate. A literacy program is also available – CBERSS runs an adult education course to improve literacy skills with the course contracted to a literacy educator.¹¹

10.19 Other Churches and agencies operate a range of aftercare programs. The Wesley Dalmar After Care Program for former residents provides services that include counselling with a counsellor of choice. The counselling provided is, however, time limited – with up to 20 therapy sessions available. Extensions to this are considered on the advice of the treating professional. Other services include the provision of advice regarding solicitors for those seeking compensation; referral to the Aftercare Resource Centre – a DoCS funded service; provision of initial membership of CLAN; and support of the Old Boys and Old Girls network.¹²

10.20 UnitingCare Burnside also operates an aftercare service which provides counselling and other services.¹³ Burnside stated that 'we employ an after-care worker that we fund ourselves. We also have a couple of DOCS funded after-care services. ... We provide counselling, but we also financially support people who choose to have counselling externally and we provide for other costs for people, such as medication and so on, if that is appropriate'.¹⁴

10.21 Barnardos provides aftercare services including counselling with a counsellor of choice; referral to peer support groups, such as CLAN; and reunions and functions of Old Boys and Old Girls.¹⁵

10.22 Services provided by the Salvation Army include the provision of external counselling services; and where appropriate, the reimbursement of past counselling services; the provision of pastoral care; reimbursement of medical expenses and

10 For example, the Catholic Church has initiated the *Towards Healing* protocol to deal with abuse complaints in institutional care and other settings and has published *A Piece of the Story*, which is a national directory of records of Catholic organisations caring for children in out-of-home care situations.

11 *Submission 49*, pp.19-20 (CBERSS).

12 *Submission 178*, p.12; *Committee Hansard 4.2.04*, p.4 (Wesley Mission-Dalmar);

13 *Submission 59*, p.9 (UnitingCare Burnside).

14 *Committee Hansard 4.2.04*, p.10 (UnitingCare Burnside).

15 *Submission 37*, p.4; Additional Information 17.6.04 (Barnardos).

financial provision of ongoing medical assistance; and contributions to legal costs.¹⁶ Evidence suggested, however, that some ex-residents experience difficulties in accessing these services.

10.23 The United Protestant Association of NSW provides file reviews combined with ongoing counselling, reimbursement of expenses for family reunions or to enable individuals to travel from their home to the former place where they were in care.¹⁷

Support groups

10.24 A number of support and advocacy services also exist and provide a range of services for care leavers. CLAN is a national support and advocacy group, however, a number of other groups also operate in various States.

Support and advocacy services

10.25 Evidence to the Committee pointed to the valuable support and advocacy work provided by CLAN and the other support groups around the country.

Care Leavers of Australia Network (CLAN)

I am very grateful to CLAN as it has helped me to start to speak out without rage about my past...and I am slowly ever so slowly starting to feel as if I am a worthwhile human being. (Sub 352)

In recent years I was introduced to CLAN and Leonie, a tireless worker for our cause with her association...Without their help and encouragement I may not have told my story. Prior to their existence there was nobody to tell and I'd have to take all of that to my grave. (Sub 360)

10.26 CLAN, which was established in 2000, is a national self-help support and advocacy group for people aged over 25 years who grew up or spent time during their childhood in orphanages, children's homes and other institutions, whether as state wards, home children or as foster children.¹⁸ CLAN has approximately 520 members across Australia (it began with only 38 members in 2000). The objectives of the organisation are:

- to provide a national network through which care leavers can communicate with each other and share their experiences;
- to raise public consciousness of past institutional care practices and the effects of institutional care;

16 *Submission 46, p.1 (Salvation Army).*

17 *Submission 30, p.2 (UPA).*

18 The age restriction of 25 years was adopted as in most States there are services for care leavers up to the age of 25 years and an organisation – the CREATE Foundation – has been established as a support group for younger care leavers.

- to lobby governments to provide acknowledgment and support for former state wards and home children; and
- to provide advocacy for care leavers wherever possible.¹⁹

10.27 CLAN was established to fill a 'service gap' in relation to care leavers.

There has been an increasing awareness, over the past two to three decades, of groups of people who as children underwent experiences which have caused ongoing trauma and suffering...Although state wards and children who grew up in Homes and institutions have had childhood experiences which are similar, and in many cases identical, to those suffered by these groups [Stolen Generations/child migrants], they are not recognised or acknowledged as Australian citizens entitled to similar recognition, support and assistance. CLAN was established to change this, and to lobby for support services for older Care Leavers. Much of the effort and work of CLAN over the past three years has been spent in raising awareness of Care Leaver issues, as well as providing what services have been possible, operating as an unresourced, and under-funded body.²⁰

10.28 CLAN assists members to obtain their ward files or information about the institution where they spent their childhood (members can advertise in the CLAN newsletter to locate lost family members or former care residents); publishes a bi-monthly newsletter; holds social gatherings; and is building up an extensive library of books and videos on issues related to institutional care and its effects, and personal histories of the care experience; and engages in lobbying activities to promote greater awareness of care leaver issues.²¹

10.29 CLAN is operated primarily by the two women who established it, Ms Leonie Sheedy and Dr Joanna Penglase. Ms Sheedy is the first point of contact for people contacting CLAN – she listens to people's stories, and advises on possible avenues of help, and contacts agencies and government departments on behalf of members; and engages in lobbying activities. Dr Penglase prepares the CLAN newsletter, writes submissions and articles and deals with financial matters.

10.30 CLAN was asked by the Committee about the relationships it has established with government agencies and with care providers with which it works. Dr Penglase indicated that it has established a good working relationship with these groups:

I think we are generally well regarded...The current [NSW] minister is supportive. It was with a change of minister that we got our funding. CLAN actually has an advisory committee with a few members from agencies. These are the agencies who helped us get the funding – who supported us through ACWA originally...So we are well perceived and we have our

19 *Submission 22, p.6 (CLAN).*

20 *Submission 22, p.4 (CLAN).*

21 *Submission 22, pp.2-8 (CLAN).*

advisory committee. I think there is a willingness to meet with us and to work with us. But of course it varies across agencies.²²

Funding

10.31 In 2002 several member organisations of the Association of Childrens Welfare Agencies, the peak child welfare organisation in NSW, contributed a small seed grant to assist CLAN to operate as it attempted to obtain ongoing funding from government.

10.32 Table 10.2 indicates that total funding currently amounts to approximately \$108 000, which is derived from donations from agencies, members' subscriptions and some funding from the States. CLAN receives no funding from the Commonwealth Government. It has received non-recurrent grants from the NSW, Victorian, ACT and South Australian Governments, except in the case of the ACT Government where the grant of \$9 000 is spread over three years. The other State Governments have not provided funding to CLAN. The WA Department for Community Development indicated that it will provide a small one-off grant to CLAN so that it may provide information and support services for ex-residents in Western Australia.²³

10.33 The Table shows that donations were received from the major agencies that operated homes in NSW, except the Salvation Army. CLAN stated that they approached the Salvation Army in 2002 and again in 2004 but on both occasions they refused their request for donations. As evident in the Table, there are also some agencies in Victoria along with Anglicare in South Australia that have provided donations. CLAN sent approximately 40 letters to past providers in all States other than NSW in March 2004 requesting donations but most did not reply.

10.34 CLAN uses this funding to employ Leonie Sheedy as a full-time worker (since April 2004), and has set up a professional website. Some funds were also earmarked to set up a small office (the rental office space is shared with another national support group), which was recently opened in Bankstown. Other expenses include general running costs such as general administration, printing of newsletters and maintaining a library of over 300 books. Funds were also used to advertise this Inquiry in the media in an effort to reach care leavers who might not otherwise have been aware of the Inquiry.²⁴

22 Committee Hansard 4.2.04, p.49 (CLAN).

23 Submission 55, Additional Information, 13.8.04 (WA Department for Community Development).

24 Submission 22, pp.3-4 (CLAN); Additional Information, 8.7.04 & 9.7.04. See also Committee Hansard 4.2.04, p.43 (CLAN).

Table 10.2: CLAN: Sources of Funding 2002-2004

Funding from State Governments	
New South Wales	\$20 000 (\$10 000 in 2002, \$10 000 in 2004)
Victoria	\$10 000 (2003)
Australian Capital Territory	\$9 000 (over 3 years, \$3 000 in 2003)
South Australia	\$5 000 (2003)
Agencies¹	
<i>New South Wales</i>	
Barnardos Australia	\$10 000
Benevolent Society	\$10 000
Burnside	\$10 000
United Protestant Association	\$10 000
Wesley Dalmar	\$10 000
Anglicare NSW	\$5 000
Centacare	\$5 000
Baptist Community Services	\$500
Boys' Town Engadine	\$400
<i>Victoria</i>	
MacKillop Family Services	\$5 000
Berry Street Victoria	\$2 000
Ballarat Child & Family Services	\$1 000
Menzies Services	\$100
<i>South Australia</i>	
Anglicare SA	\$1 000
Total²	\$108 000

¹ based on two funding drives in 2002 and 2004.² includes only funding received to date.

Source: Submission 22, Additional Information, 9.7.04 (CLAN).

10.35 CLAN argued that they could provide more services with additional funding and reach more of their client base. The membership of the organisation has shown an exponential growth over recent years and now numbers over 500 members.

If we spent every dollar we received taking out full-page ads all over Australia we would probably get a lot more members. What could we do for them? We would not have a penny left to do anything at all. As it is, what can we do? Leonie is on the phone day and night – and I mean that: day and night...What can we offer people? We write the newsletter and

send it out. We cannot offer therapy or link-up services for searching. We are two people with a small committee.²⁵

10.36 CLAN argued that the organisation should be funded as a 'national service' for older care leavers. A national service would consist of a small national secretariat, based in Sydney, of which CLAN would provide the nucleus; and a co-ordinator in each State, employed by CLAN. Offices in the States would act as a point of contact for care leavers.

10.37 The services that such an organisation would provide would include:

- information and search services in all States to help locate family members and their personal histories. This would include assistance with accessing files; mediation with the agency where they were raised; support in reading personal files;
- the provision of, or brokerage of, therapeutic services, including counselling services;
- establishment of peer support groups;
- the provision of education services, such as literacy programs;
- outreach work to provide counselling and support services to regional clients; and
- the provision of a 1800 number.²⁶

10.38 Other organisations supported additional funding for CLAN to enable it to expand its advocacy and support role. The United Protestant Association of NSW stated that CLAN was 'well placed', with Commonwealth and the community sector's assistance, to establish an independent advocacy and support organisation for care leavers.²⁷

They are an excellent group. They have a great track record...They, I think are well positioned to take a lead. It is in my view entirely inappropriate...for past providers to be taking on any formal advocacy type role...adequate resources should be made available to CLAN. They are a national group. They are really a fledging group in many ways at this stage but, with the resources behind them, I think they are a group that will do an enormous power of good.²⁸

10.39 Relationships Australia (NSW) also argued that CLAN's advocacy role should be further supported and that they should receive resources to continue raising

25 *Committee Hansard 4.2.04*, p.45 (CLAN).

26 *Submission 22*, pp.29-30; *Committee Hansard 4.2.04*, p.46 (CLAN).

27 *Submission 30*, p.2 (UPA).

28 *Committee Hansard 4.2.04*, p.7 (UPA).

community awareness concerning the difficulties experienced by adults raised in institutional care.²⁹

Other support groups

10.40 While CLAN is the principal support and advocacy group for older care leavers, other support groups also provide a valuable service to care leavers and victims of institutional abuse.³⁰ Their important role was acknowledged and supported during the inquiry.

10.41 A number of groups exist throughout Australia and while the following list is not exhaustive it serves to illustrate the range of groups in existence and the services they provide.

10.42 As noted previously, in Queensland the Esther Centre and Historical Abuse Network operates in that State and provides a number of services for care leavers. The Esther Centre provides support for people who have experienced physical, sexual, emotional and spiritual abuse in church institutions, faith communities and human services. The Historical Abuse Network is an informal network of former residents of church and government institutions that was established to support people who had experienced abuse within those institutions.

10.43 In Victoria, VANISH (Victorian Adoption Network for Information and Self Help) provides search and support services for people who have been separated from their family of origin, including wards of the state and adoptees. It is funded by the Victorian Department of Human Services. It commenced operations in 1989 with the specific focus on adoptees but five years ago the Department provided funding for VANISH to expand its role to provide search and support for former wards of the state. In 2002-03 the organisation was provided with further funds for brokerage counselling for care leavers. VANISH has provided a number of services for care leavers including conducting searches, providing one on one support, facilitating regular support groups. Recently the organisation conducted regional information and discussion groups for care leavers.³¹

10.44 In Western Australia, WINGS, which is a self-funded support group, has been operating for five years. Its aim is to support children and adults who have been sexually, physically and/or emotionally abused whilst in institutional or non-institutional care. It also networks with a number of other local support groups.³²

29 Submission 158, pp.11-12 (Relationships Australia – NSW).

30 The Child Migrants Trust is an example of a specialist social work agency that provides professional services for its unique client group and has developed considerable knowledge, skill and expertise in the areas of childhood abuse and its impact on adult life and relationships. See *Lost Innocents*, pp.129-32 and Submission 252 (Child Migrants Trust).

31 Submission 167, p.3; Committee Hansard 11.11.03, pp.48-49 (VANISH).

32 Submission 259, p.1; Committee Hansard 8.12.03, pp.60-100 (WINGS).

10.45 A number of Catholic religious Orders either provide services to ex-residents or fund those services. MacKillop Family Services was established in 1997 and is managed by its three founding religious congregations – the Sisters of Mercy, the Sisters of St Joseph and the Christian Brothers. It provides a number of support services for adults who grew up in institutional care. Its Heritage and Information Service, which is funded internally through donations and contributions from the founding religious orders, was set up to help former residents, and/or families of former residents to access information from their time in care. The Service provides records to former residents and assists in searching for separated family members. Over 100 000 individual records are now recorded on an electronic data base. In recent years the Service has supported former residents through an oral history project, social history project and reunions.³³

10.46 CBERSS was established in Western Australia in 1995 by the Christian Brothers as an independent organisation to provide for the needs of ex-residents of Christian Brothers institutions. It is funded by the Christian Brothers but the Service operates independently of the Order. The management committee is responsible for the development and monitoring of services, and provides the mechanism for financial accountability to the Christian Brothers. CBERSS provides counselling services, financial advice, literacy services, travel assistance, re-unification support and post reunification services and referral services.³⁴

10.47 Mercy Community Services, which is a non-profit association, provides information and support to past residents of Sisters of Mercy orphanages in Western Australia. The Service provides access to records and has a Heritage Trail and Heritage Centre to assist former residents better remember their former orphanage life. The Service also offers basic counselling for ex residents in accessing their files and returning to the former orphanage sites.³⁵

10.48 A number of organisations serve a more general advocacy role for victims of institutional and other forms of abuse. Broken Rites, which is a national organisation based in Melbourne, is a voluntary organisation that plays an advocacy and advisory role for persons who have experienced physical, psychological or sexual abuse by clergy, religious or church employees. It receives no financial support from any government and relies on voluntary donations to fund its activities. During the past 10 years more than 2 500 people have contacted the organisation, about 1 500 living in Victoria alone.³⁶

10.49 Bravehearts, which is a child protection advocacy group, was founded in 1996 in Queensland by Ms Hetty Johnson. It aims to promote the rights and needs of child

33 *Submission 50, pp.2-9 (MacKillop Family Services).*

34 *Submission 49, pp.4-6 (CBERSS).*

35 *Submission 61, pp.10-12 (Mercy Community Services).*

36 *Submission 79, pp.1-2, 6 (Broken Rites).*

and adult survivors of child sexual assault; provide support services to survivors; and increase public awareness and understanding of child sexual assault on the individual, family unit and society generally. Its work in the community includes promoting self-help groups and personal counselling. Bravehearts is also involved in education, prevention, early intervention and research.³⁷

10.50 The Abused Child Trust also provides an advocacy role for child protection issues. The Trust, which was formed in 1988 by a group of service professionals in Queensland, is an independent community based agency not affiliated with any Church or community group and is based in Brisbane. It also provides specialised services for abused children and their families through individualised therapy programs. The Trust has a governing Board comprising representatives from the corporate, community and medical sectors. Its operating costs amount to approximately \$1 million. Approximately half of this amount is provided by the State Government and the remaining half is sourced from public and corporate donations and sponsorship.³⁸

10.51 The CREATE Foundation is a national advocacy organisation for children and young people in care and for younger care leavers (up to the age of 25 years). CREATE operates programs and services to connect children and young people in care to each other and their communities; and to build skills and resources for children and young people in care.³⁹

Conclusion

10.52 The Committee considers that all advocacy and support groups play an important role in providing assistance to care leavers and others who have suffered various forms of abuse and that they should be supported by additional resources by the Commonwealth and State Governments and the Churches and agencies.

10.53 The Committee considers that CLAN is providing an extremely valuable support and advocacy role for older care leavers. This is despite the very limited funding that is available to the organisation at present. The Committee also notes the very widespread and genuine support expressed for CLAN from many care leavers and organisations during the inquiry.

10.54 The Committee believes that considerable additional resources should also be made available to CLAN and all service providers on a recurrent basis. This would support CLAN and the others providing advocacy and support functions, so that the organisations may continue and extend their important work for care leavers across Australia. The Committee notes that to date CLAN has received only limited funding from the States. In addition, the Commonwealth Government has not provided any

37 *Committee Hansard* 12.3.04, pp.77-78 (Bravehearts); www.bravehearts.org.au

38 *Submission* 305, p.1 (Abused Child Trust); www.abusedchildtrust.com.au

39 *Submission* 69, p.8; *Committee Hansard* 4.2.04, pp.57-58 (CREATE); www.create.org.au

funding for CLAN. The Committee notes that some Churches and agencies in several States have provided funds to CLAN. The Committee believes that all Churches and agencies that operated institutions should provide on-going funding for CLAN.

10.55 The Committee notes that CLAN wishes to extend its role and functions to include the provision of services, such as counselling and other services as well as further develop its role nationally for care leavers. The Committee believes that CLAN could develop along these lines and supports further Commonwealth and State Government and Church and agency assistance for the organisation to broaden its role in the future.

10.56 The Committee notes that while other support and advocacy groups operating primarily on a State basis receive some funding from State Governments, others do not. The Committee believes that State Government funding should be maintained and extended to those groups that do not currently receive recurring funding.

10.57 The Committee believes that there is an urgent need to establish a professional advocacy and support group that will operate nationally and considers that the Commonwealth should fund a national conference of service providers and advocacy and support groups to establish such a body. The Committee envisages that this national body should be funded by the Commonwealth and State Governments and the Churches and agencies.

Recommendation 19

10.58 That the Commonwealth fund a national conference of service providers and advocacy and support groups with the aim being to establish a professional national support and advocacy body for care leavers; and that this body be funded by the Commonwealth and State Governments and the Churches and agencies.

Recommendation 20

10.59 That the Commonwealth and State Governments and Churches and agencies provide on-going funding to CLAN and all advocacy and support groups to enable these groups to maintain and extend their services to victims of institutional abuse, and that the government and non-government sectors widely publicise the availability of services offered by these advocacy and support groups.

Inadequate level of services

10.60 Evidence to the inquiry commented on the lack of services – both government and non-government – available to care leavers. CLAN noted that service provision for care leavers was essentially a 'piecemeal system' – 'where in each instance the services are extremely limited and poorly publicised'.⁴⁰ Evidence from care leavers

40 Submission 22, p.5 (CLAN).

indicated that while service providers may in theory say that they provide a range of services, in reality, significant barriers are often placed in their way in accessing these services.

10.61 Evidence also indicated that many social services and programs fail to recognise the particular needs and requirements of care leavers.

...you would expect to see us overrepresented in many of the social services that are supposed to overcome these problems, but we are not; we are apparently invisible...social services refuse to admit that we exist. We make up an overwhelming proportion of the clients across their services, but there has never been an admission that care leavers make up a distinct group within those services requiring special forms of redress.⁴¹

10.62 The Positive Justice Centre even suggested that services should be established by care leavers themselves to ensure that their needs are met.

...we have been further abused by having to access services that refuse to recognise our plight...these services should have no role in continuing to administer us...we should no longer have to suffer at the hands of rank amateurs. There is absolutely no reason why care leavers could not be assisted to set up services to help themselves.⁴²

10.63 The level of assistance provided by State Governments and the Churches was criticised during the inquiry. In relation to the State-funded services, Catholic Welfare Australia argued that State Governments need to provide more adequate funding so that the present needs of care leavers can be addressed – 'we may ask what are the State and Territory Governments doing to address the trauma and hurt experienced by adults who were former children in institutional care given that this care was the ultimate responsibility of these governments'.⁴³

10.64 In Queensland a number of criticisms of the Forde Foundation were made during the inquiry, including:

- Concerns about the small amounts of funds available for dispersal – '...if the Beattie Government was genuine they would have put in at least \$10 million into the Foundation. This would have been then able to be of real assistance to the victims'. (Sub 78)
- The process of making applications which reinforces the feelings of powerless and dependency of their childhood – 'I don't feel it is worth losing my mental health any further since the process of applying, waiting etc. is disempowering and soul destroying'. (Sub 242)

41 Committee Hansard 4.2.04, p.30 (Positive Justice Centre).

42 Committee Hansard 4.2.04, p.31 (Positive Justice Centre).

43 Submission 71, p.24 (CWA).

- In the absence of any other form of redress there is a perception that the Foundation is providing a form of compensation, and consequently, a very inadequate amount of compensation – 'The Queensland Government has let us (the victims) and society down in the past. During the Forde Enquiry, they promised the earth and said they would deliver justice, but there was no justice awarded and our pain did not subside or simply go away'. (Sub 219)

10.65 The Forde Foundation, while noting that the Queensland Government has gone much further than other State Governments in redressing the harm done to former residents in institutions, conceded that 'significant gaps' in services persist for former children in care. A principal limitation is that the agencies providing services are all Brisbane-based while many former residents are located throughout the State and live interstate – 'the agencies are insufficiently funded to overcome the inequities in access that result'.⁴⁴ A report by the Forde Implementation Monitoring Committee in 2001 stated that the Forde Foundation is 'insufficiently funded' to meet the enormous level of need experienced by ex residents.⁴⁵

10.66 Services provided by the Aftercare Resource Centre are only available to former care leavers of Queensland institutions, so that care leavers living in that State but raised elsewhere are ineligible. People raised in care in Queensland but living elsewhere are unlikely to access its services, since the services are located in Queensland.⁴⁶ The Forde Foundation indicated, however, that grants are available to ex-residents living interstate which they can use to access services in their state of residence.

10.67 This is also a problem in other States that fund services for care leavers, namely NSW and Victoria. Services provided in those States are limited to care leavers who were ex-residents of the particular institutions in those States. Many care leavers have moved interstate because of the very negative associations that a particular institution in a particular State has for them. When this occurs they find themselves ineligible for services in their current state of residence (if services are provided).

10.68 Submissions noted that there is a need for the Commonwealth to be involved in funding services to address the gaps in service provision in the States. The Esther Centre stated that:

People who have experienced abuse in church, state and foster care do not necessarily live as adults in the state which they resided as a child...The Commonwealth has responsibility for Australian citizens and as such

44 Submission 159, p.5 (Board of Advice of the Forde Foundation). See also *Committee Hansard* 12.3.04, pp.88-91 (Forde Foundation).

45 Cited in *Submission 159*, p.6 (Board of Advice of the Forde Foundation).

46 *Submission 22*, p.5 (CLAN).

should contribute to developing a National Service System, which will respond to adults today regardless of the state in which they were in care.⁴⁷

10.69 CLAN also considered that services in NSW and Victoria are inadequate. With regard to NSW, CLAN noted that care leavers who contact the telephone Helpline 'if they are able to demonstrate that they feel they were abused by their care experiences in the past, may eventually get a few counselling sessions, paid for by DOCS. This has to be negotiated with DOCS by Helpline staff, hence the delay. This service is staffed for two days a week only, and is tacked on to the existing service for younger state wards'. CLAN noted that in Victoria, VANISH 'has only recently begun to provide a limited service' to care leavers. CLAN stated that it was not aware of State-funded services in States other than Queensland, NSW and Victoria.⁴⁸

10.70 In relation to the situation in Western Australia, the Christian Brothers voiced their concerns that the State Government has, over the last 10 years, offered only a 'minimal level of support' to former residents of institutions.⁴⁹

10.71 The nature and extent of services provided by Churches and church-run agencies also varies. As illustrated above, while some Churches and agencies offer a fairly comprehensive range of services to former residents, others provide fairly minimal assistance. Assistance offered by Churches is also *necessarily limited* to those former residents that were in particular institutions operated by the particular Church or religious order. While the Churches may indeed offer services, many former residents may not know that the services exist or will not use the services because of past negative experiences as children in the various institutions. CLAN stated that:

Non-government agencies who were past providers (i.e. ran the Homes) when appealed to will in some cases provide assistance to former inmates in obtaining their records and paying for some counselling. However this is dependant on the goodwill, and the resources of the agency involved. Many Care Leavers would, in any case, never turn for help to the agency which ran the institution, just as many would not attempt to deal with the government department which took them from their parents initially and through which they have often had abusive experiences.⁵⁰

10.72 Evidence indicated that there is significant unmet need for services for care leavers. VANISH noted that in the last financial year that organisation had a 650 per cent increase in the number of contacts with care leavers – 'the demand continues to grow. We know we are only scratching the surface and our limited resources cannot provide the services that are required'.⁵¹ CLAN also stated that the

47 Esther Centre, Supplementary Information, 12.3.04.

48 *Submission 22*, p.5 (CLAN).

49 *Submission 65*, p.6 (Christian Brothers).

50 *Submission 22*, p.5 (CLAN).

51 *Committee Hansard* 11.11.03, p.49 (VANISH).

needs of care leavers are less recognised than other groups because care leavers as a group lack a high public profile and many individual care leavers lack the necessary skills required to advance their profile in the community.

A lot of us [care leavers] are dead, in jail, alcoholics or having difficulty just getting through life. There is stigma, shame, and lack of education...When you talk about other groups who jump up and down and have high visibility, they are educated people and they have people to speak on their behalf.⁵²

10.73 Evidence to the inquiry also suggested that there is a need for assistance and services for the families of care leavers in a range of areas including counselling, support services, financial assistance and assistance with legal costs.

The Government also needs to recognise that this assistance should be made available to the children and grandchildren of Wards. I know my daughters have suffered as a result of my lack of nurturing, in that I am incapable of affording to them what I have little or no experience of. It is also possible that their children will also suffer as a result of the deficient parenting that I have taught to my children. (Sub 28)

To say that this trauma has severely affected each and every sibling in my family is an under-statement. (Sub 203)

Conclusion

10.74 Evidence to the inquiry indicates that there is a serious lack of services available to address the needs of care leavers. Governments at all levels – and the non-government sector – need to address this matter urgently. To date only four States – Queensland, NSW, Victoria and Western Australia – provide services for care leavers and these services are limited. In the States that fund services for care leavers – namely Queensland, NSW and Victoria – services provided are limited to those who were ex-residents of the particular institutions in those States. This poses problems for many care leavers who have moved interstate and are therefore not eligible for services in their present state of residence. The Committee believes that State Government funded services should be provided to care leavers in the particular State irrespective of where the care leaver was institutionalised. The Committee believes that the funding arrangements for this could be arranged through the Community and Disability Services Ministerial Council with a form of reciprocal agreement between the States.

10.75 Services provided by the Churches and agencies vary widely with some providing a more comprehensive range of services than others. While the States provide information on the amount of funding for various services the funding allocated by the Churches and agencies to services is more difficult to establish. Access to these services is also limited to ex-residents of the particular institutions operated by the Churches and many care leavers are reluctant to utilise these services

52 *Committee Hansard 4.2.04, p.44 (CLAN).*

even where they are available because of past negative experiences in these institutions.

10.76 The Committee believes that the Churches need to provide a comprehensive range of services to care leavers. It should not be left up to the States to provide services that the Churches and agencies could fund from their own resources. The Committee also considers that the services provided to ex-residents need to be available throughout Australia. The Committee notes that CBERSS provides services to ex-residents irrespective of where they now reside in Australia. In addition, the Committee believes that services and assistance should not only be provided to care leavers, but also should be extended to their families.

Recommendation 21

10.77 That all State Governments, Churches and agencies provide a comprehensive range of support services and assistance to care leavers and their families.

Recommendation 22

10.78 That all State Government funded services for care leavers be available to all care leavers in the respective State, irrespective of where the care leaver was institutionalised; and that funding provisions for this arrangement be arranged through the Community and Disability Services Ministerial Council.

10.79 During the inquiry the need for improvements in the provision of a number of services, including counselling, health and aged care; services for the homeless; and adult literacy and numeracy and further education were highlighted. These issues are discussed below.

Counselling

10.80 The need for counselling and other therapeutic services for care leavers was emphasised during the inquiry. In particular, a need was identified for specialist counselling to deal with the trauma of past institutional care experiences; to deal with the acute difficulties in forming and maintaining relationships; difficulties associated with the process of information disclosure when personal records are released; and pre and post family reunion.

10.81 The benefits of counselling are wide-ranging. Counselling promotes good physical and mental health; offers a supportive relationship in times of crisis; provides a safe place to express suppressed emotions; helps build self esteem; aids the development of a positive outlook; helps overcome depression; offers a more effective way to handle stressful situations; and assists in developing meaningful relationships.

10.82 Demand for counselling services is increasing. Relationships Australia (NSW) reported that nine new clients contacted the Aftercare Helpline in August 2003,

compared to an average of 2 or 3 per month over 2003. In 2003-04, 50 new clients contacted the service.⁵³

10.83 As noted previously, counselling services are currently provided to care leavers from a number of sources, both government and non-government. A number of State Governments – Queensland, NSW and Victoria – fund counselling services. Counselling services are also provided by non-government agencies. The Catholic Church offers counselling and other services through functionally independent agencies, such as CBERSS, through the Church's Centacare network or via referral to other counsellors acceptable to the care leaver. Other groups, such as the Salvation Army, Barnardos, UnitingCare Burnside, Wesley Dalmar and the United Protestant Association provide counselling as part of their aftercare services. Most provide counselling on an ongoing basis, however, Wesley Dalmar does not provide counselling on a long term basis. Eight to twenty sessions of therapy are available with additional sessions only provided on the advice of the treating professional.⁵⁴ In the case of Barnardos, while counselling provided by the organisation is available on an ongoing basis, external counselling is usually limited to up to 10 sessions, although this may be extended in certain circumstances.⁵⁵ A number of organisations provide for external counselling if clients prefer this, including the Salvation Army, Barnardos, CBERSS, UnitingCare Burnside and Wesley Dalmar.⁵⁶ Evidence to the Committee from care leavers indicated a great deal of frustration when attempting to access counselling services supposedly available from past providers. These barriers constitute a form of secondary abuse.

10.84 Many submissions from care leavers commented on the personal benefits of counselling in improving their lives and addressing issues arising from their experiences in care.

Having counselling was a blessing for me and so was my counsellor, Cathy. She helped me to realise that the feelings I was having were normal responses to the abuse I endured. Through her I realised that I have nothing to feel ashamed or guilty about. (Sub 94)

I have attended life enrichment classes and a decade of counselling to improve my life. I made some interesting discoveries about myself and became more assertive so I would thoroughly recommend that to anyone. (Sub 360)

I feel I have emerged from a fog. I do feel a different person now with a truer sense of myself. I now have a voice. I now know I have a choice. I have found my own inner support...What I have gained through my courage to seek some meaning has been so liberating. It's what we all, from

53 Submission 158, p.9; Additional Information, 22.7.04 (Relationships Australia – NSW).

54 Submission 178, Additional Information, 5.8.04 (Wesley Mission-Dalmar). See also *Committee Hansard* 4.2.04, pp.11-12 (Wesley Mission-Dalmar).

55 Barnardos, personal communication, 29.7.04.

56 *Committee Hansard* 4.2.04, pp.10-12.

damage institutional care need, KNOWLEDGE with UNDERSTANDING and SUPPORT to find our true self. (Sub 192)

10.85 For some care leavers, however, counselling has not assisted in improving their lives or ability to cope. One submission noted that 'counselling has never really helped. Since I left the orphanage, I have been in and out of psychiatric wards as I had no family, no one to turn to for help'.⁵⁷ One submission also noted that the offer of counselling can be used by the Churches to 'blame the victim' and deflect responsibility from the need to provide other forms of redress, particularly monetary compensation. Counselling in these instances can be 'simply used by these organisations to minimise their liability and an endeavour to persuade the victim that it was really he/she who was at fault, and not the organisation and the offender'.⁵⁸

10.86 As noted above, counselling is often needed during the process of the release of personal records so as to help ex-residents come to term with this information. One submission noted that 'a person may seek counselling initially on reading the file, then at different times throughout the process of discovery. It can be time consuming and long term'.⁵⁹ MacKillop Family Services noted that in interpreting the records, it is also important to be able to place a person's time in care in an historical context. People searching for their records usually have many questions that need to be answered. They need to understand and clarify why some children were adopted, some placed in institutional care and others placed in foster care. They will also need help with the language they encounter in the records, as many of the client records are written in a manner which may appear harsh or judgmental by today's standards. Former residents are also often keen to try and reconstruct the daily routines of their life in care, to match their memories with recorded information, and to question particular procedures and practices.⁶⁰

10.87 Counselling is also needed to deal with the complex psychological and psychiatric problems facing many care leavers. CBERSS, drawing on their experience, noted that 'the long term consequences of the early separation of these men from their families...are very evident. Very often they have failed to create satisfactory relationships later in life. Many experience ongoing trauma and significant psychological difficulties'.⁶¹

10.88 While some care leavers use Church agencies, evidence indicated that independent agencies also need to be funded to provide, or to broker, counselling services, including specialist counselling services.⁶² Some submissions argued that

57 *Submission 172, p.6.*

58 *Submission 282, p.26.*

59 *Submission 68, p.12 (ACWA).*

60 *Submission 50, pp.10-11 (MacKillop Family Services).*

61 *Submission 49, p.20 (CBERSS).*

62 *Submissions 22, p.30 (CLAN); 167, p.5 (VANISH).*

many care leavers will not use the current services offered by Churches or Church-related agencies because of past negative experiences whilst in institutions operated by these groups. One former care leaver from a Catholic institution emphasised the importance of allowing 'choice' of counselling practitioners:

I believe survivors of sexual abuse should be given a choice as to who they see for ongoing treatment. In my case the real healing began when I saw an independent psychiatrist completely outside of the Catholic Institution. If you put survivors with psychiatrists and psychologists of the Catholic Church, as Towards Healing recommends, you are putting clients into the hands of people representing an institution that has gravely violated their trust. It would be far healthier and quite within their rights to allow survivors to choose practitioners of their own choice. This would need be subsidized by the church or the government as many independent practitioners are in private practice. (Sub 114)

Specialist counselling services

10.89 Evidence from organisations and individual care leavers argued that specialist counselling services are required to address the particular needs of care leavers.⁶³

Many care leavers would benefit from counselling – but the counsellors need to have an understanding of what our lives were like – not just an "intellectual" model of how we should be "treated". (Sub 258)

Counsellors [need] to have child development knowledge with particular understanding of ward needs and issues, as distinct from government workers within agencies, who do not have this professional training, as in support workers who are often utilised in these roles without any training or much awareness. These people can often create more problems due to their lack of ability. (Sub 369)

10.90 Relationships Australia (NSW) also noted that many care leavers express dissatisfaction with generalist services where there is a lack of understanding of the circumstances of being in care – 'they have expressed a need for specialist services that have an understanding of issues specific to this group'.⁶⁴ The organisation noted that clients expressed the need for professionals who can work across a range of issues including separation, grief and loss, relationships, depression and sexual assault rather than have to attend discrete services where they have to retell their life story to a variety of professionals.⁶⁵ Many care leavers assert that retelling their story is particularly distressing and counter productive to the healing process.

10.91 Submissions noted that the Vietnam Veterans Counselling Service (VVCS) provides an excellent model of how such a specialist counselling service could

63 *Committee Hansard 4.2.04*, pp.56-57 (Relationships Australia – NSW); *Submission 22*, p.30 (CLAN).

64 *Submission 158*, p.9 (Relationships Australia – NSW).

65 *Submission 158*, p.9 (Relationships Australia – NSW).

operate.⁶⁶ Many of the health problems of veterans, such as anxiety disorders and depression are similar to those experienced by care leavers. The services provided under the VVCS, which are free, include counselling; therapeutic and educational group programs; community development and health promotion. There are also specialist projects such as one that is directed at sons and daughters of veterans to combat suicide. Services are available to partners of Vietnam veterans and the children of veterans. CLAN noted that, as recognised by the VVCS, it is important to provide services to the families, including the children, of care leavers.⁶⁷

10.92 Some organisations are building up expertise in the area of specialist counselling. Centacare noted that many staff have been with that organisation for over 20 years and 'have developed quite extensive experience in certain areas. There is a high focus given to a supervision model that supports both the worker and their professional development. It is my experience that there is a suite of staff within the organisation who have select skills that are drawn upon for special occurrences within each of the branches. There is a collective wisdom that seems to have evolved from the work that is done'.⁶⁸ Again however, the Committee received evidence of care leavers seeking specialist counselling but barriers being put in their way in accessing these services.

10.93 Submissions also argued that funding should be allocated to a wide range of professionals and not limited to a particular specialty, so that recovering survivors can have access to a range of 'healing modalities' – 'every individual needs the recovery plan to follow their personal requirements and must not be expected to somehow make themself fit one model designed to "fit all"'.⁶⁹

10.94 Evidence also pointed to the benefits of counsellors coming from an institutional care background. The Committee received evidence from a person who had experienced institutional care and had become a professionally trained counsellor. He indicated that he felt he was able to do far more for victims of institutional abuse than counsellors without this background because he had been through the system himself and had a deeper understanding of the issues involved and his clients' needs. One submission also noted that specially trained counsellors may indeed need to come from a consumer based environment where ex-care people operate their own service.⁷⁰

10.95 Evidence indicated that there was a need for specialist university training for health care professionals so that they can address the multifaceted and complex

66 *Submission 395*, p.7.

67 AIHW, *Australia's Health 2004*, p.312. See also *Submission 22*, Supplementary Information, 24.5.04 (CLAN).

68 *Committee Hansard* 12.11.03, p.59 (Centacare). See also *Submission 158*, p.9 (Relationships Australia – NSW).

69 *Submission 118*, p.2 (Broadening Horizons).

70 *Submission 68*, p.12 (ACWA).

psychological and emotional needs of victims of institutional abuse.⁷¹ One care leaver noted current inadequacies in this area:

I met with three psychiatrists as a double-check. You go to one and they say, "I think I will refer you to somebody else", who then asks you to go and check with someone else, just to make sure they are going down the right track. I have gone to three of those. They all come up with, "This is new". A visiting Sydney psychiatrist came up and had a chat with me for two hours and thought: "Okay. I have not heard any of this before. This is new".⁷²

10.96 Broken Rites believes that the training of psychologists and counsellors in this area needs to encompass a high degree of clinical training.

It should not just be the barefoot psychologist who comes out with a three-year degree. These are highly traumatised people with major psychiatric disabilities and major psychological problems. The best outcome, I believe, will be where these two types of professionals are treating in tandem.⁷³

Accessibility of counselling services

10.97 Evidence indicated that access to counselling services is limited by lack of funding. CLAN cited as an example the funding (of \$77 000) provided by the Victorian Government for counselling services for wards in that State. The services, provided by VANISH, are limited to \$450 per client – 'a lousy \$450...will only get you five sessions of psychotherapy'.⁷⁴

10.98 Relationships Australia (NSW) stated that clients of their service report that community health and sexual assault counselling services have policies that limit the number of sessions offered to clients. This often works against the best interests of clients who need to have the opportunity, often over an extended period of time, to examine and deal with many issues that they have been carrying for many years.⁷⁵ Some particular client groups are denied access to services. In Queensland, the Aftercare Resource Centre is unable to guarantee counselling to former residents who are in prison due to inadequacy of funding and difficulty of access. Many prisoners have specific counselling needs that cannot be met within the prison system.⁷⁶

10.99 Evidence highlighted the problem of providing services to care leavers in regional areas. One submission noted that many former ex-residents who have been in care in NSW do not live in the Sydney metropolitan area where they can access

71 Committee Hansard 12.3.04, pp.95-96 (Forde Foundation).

72 Committee Hansard 12.3.04, p.96 (Forde Foundation).

73 Committee Hansard 12.11.03, p.41 (Broken Rites).

74 Committee Hansard 4.2.04, p.50 (CLAN).

75 Submission 158, p.9 (Relationships Australia – NSW).

76 Submission 159, p.5; Committee Hansard 12.3.04, pp.97-98 (Forde Foundation).

services – some live in regional areas and others have moved interstate.⁷⁷ A similar situation exists in other States. One care leaver who lives in regional Victoria noted '...I'm required to travel 2 hrs each way to Melbourne to access the services and support I require. I receive no financial support to do this, and my family and I go without'.⁷⁸ Submissions emphasised the need for outreach services to offer counselling and support services to clients living in regional areas.⁷⁹

Peer support groups

10.100 Submissions argued that self-help and peer support groups should be supported and encouraged. Care leavers indicated that they receive great benefit from these groups, especially from the support and encouragement of other ex-residents.

I have started attending a peer support group where other care leavers are sharing their experience. We need this. This is our history – I don't have a family history of parents and siblings – and this group of people have an understanding of my life. We can talk, we can share and I know there is little judgement – not like the shame and embarrassment I feel if I talk with others who do not have this life experience. (Sub 258)

10.101 Evidence indicates that people from abusive backgrounds benefit from peer support. CLAN suggested that drop-in centres should be established in every State. These centres would be useful for care leavers as they would then have access to a network of fellow ex-residents that could support each other. Informal forums on a range of matters, such as anger management, could also be held in these centres – '...you could help in these more informal ways people who do not want intensive therapy or any sort of therapy or counselling. It is offering a range of services like that that will draw people in, and peer support. Meeting other homies and wardies is the best thing of all'.⁸⁰ CLAN suggested that self-help groups could be facilitated by specially trained therapists.

Conclusion

10.102 The Committee believes that there is a significant need for on-going counselling services to be provided for care leavers. The Committee considers that the services currently provided by the States and non-government sector need to be maintained and extended where possible. The Committee believes that all States should fund services and that non-government agencies should extend their services, wherever possible, and publicise the availability of these services. In addition, all counselling services should be provided on a long-term basis to clients and external counselling should be funded if ex-residents prefer this option. Services should also be

77 Submission 158, p.9 (Relationships Australia – NSW). See also *Committee Hansard* 12.3.04, p.97 (Forde Foundation).

78 Submission 260, p.5.

79 Submission 22, p.30 (CLAN).

80 *Committee Hansard* 4.2.04, p.52; Submission 22, p.30 (CLAN).

provided in regional areas to meet the needs of care leavers living outside metropolitan areas.

10.103 The Committee believes that it is vitally important to allow care leavers choice in the selection of counsellors. The Committee understands that for many care leavers the provision of counselling services through Church-related auspices are unacceptable because they are perceived to lack sufficient independence from the institution that has gravely violated their trust in the past.

10.104 The inquiry highlighted the importance of specialist counselling services. The traumas suffered by care leavers are often complex and multifaceted and, as a consequence, need to be delivered by specialist providers with an in-depth knowledge of care leaver issues. The Committee strongly supports the provision of specialist services, noting that a number of agencies, such as CBERSS, Centacare and Relationships Australia have built up an extensive knowledge and expertise of issues facing care leavers and that this knowledge base should be utilised wherever possible.

10.105 The Committee believes that specialist training of counsellors is required. Specialist higher education courses should be available for the training of health professionals in areas related to the psychological and psychiatric effects of institutional abuse. The Committee notes the recent initiative to establish a new Chair in Child Protection at the University of South Australia which will provide a special interdisciplinary focus on child protection issues. This issue is discussed further in chapter 11. The Committee also considers that former care leavers should be encouraged to undertake training to become professional counsellors to support their fellow care leavers.

Recommendation 23

10.106 That all State Governments, Churches and agencies fund counselling services for care leavers and their families, and that those currently providing counselling services maintain and, where possible, expand their services including to regional areas. The counselling services should include:

- **the extension of specialist counselling services that address the particular needs of care leavers;**
- **their provision to clients on a long-term or as required basis; and**
- **the provision of external counselling as an option.**

Recommendation 24

10.107 That specialist higher education courses be available for the training of health professionals in areas related to the particular psychological and psychiatric effects of institutional abuse.

Health and aged care

10.108 The health and aged care needs of care leavers were raised during the inquiry. One care leaver noted that:

Health care is inadequate for those abused in the past who because of abuses have poor health and health needs that are not being met. Many of those abused in the past die early...As well as early deaths there are suicides. These factors indicate that existing remedies and support mechanisms are not meeting all needs. (Sub 87)

10.109 Submissions also commented on the lack of research into the health needs of care leavers in Australia.⁸¹

10.110 As discussed earlier in the report care leavers were not only subjected to emotional, physical and sexual abuse as children within institutions but their basic health needs were neglected. Care leavers suggested that many of their subsequent health problems were directly related to past neglect and/or abuse. The major health problems they report include depression, anxiety, post-traumatic stress disorders, drug and alcohol problems; and poor physical, dental and mental health.

My life has been extremely hard, due I believe, to the treatment meted out to me whilst I was in the care of the Salvation Army. I am still trying to come to terms with it. I am now on a disability pension, my health is deteriorating, I have had bypass surgery, suffer with anxiety, depression and obsessive-compulsive disorder. (Sub 231)

I am in contact with others who were in Catholic institutions...[many] are now over fifty and suffering poor mental and physical health, unemployment, insecure housing and social isolation etc. (Sub 383)

10.111 The fact that many care leavers come from socioeconomic disadvantaged backgrounds (lack of educational opportunities often meant that job prospects were poor for many ex-residents) has further health implications. Studies have shown that socioeconomic disadvantage as a risk factor for ill health interacts with other risk factors that affect health outcomes.⁸²

10.112 Many care leavers suffer from forms of 'multiple disadvantage'. This was graphically illustrated in the experiences care leavers related to the inquiry. One carer leaver stated that he lives in public housing in a regional area of Victoria because it's the only way he can 'afford a decent standard of living' but has to travel long distances to Melbourne to access a range of services that he requires because they are not available in regional centres. This puts further strain on family finances often leading to a reliance on charities for basic living expenses.⁸³ Evidence to the Committee indicated that instances such as these are not uncommon.

81 Submission 122, p.40 (Positive Justice Centre).

82 AIHW, *Australia's Health 2002*, pp.212-13. See also Submission 159, pp.3-4 (Board of Advice of the Forde Foundation).

83 Submission 260, pp.1-6.

Mental health

10.113 Child abuse and maltreatment potentially has long term impacts on a victim's mental health. The Committee received many distressing examples of mental health problems experienced by care leavers which are described in more detail in chapter 6.

I'm stressed out totally all of the time, I have over-anxiety, scared of people; don't trust any people any of the time...I don't fit in anywhere in life. (Sub 290)

I am forty-four years of age and I pray to God I could just bury my past but no matter how hard I try it just comes back to me and I feel a deep depression and great sadness for my family. (Sub 271)

10.114 For some care leavers their lifelong experiences have resulted in a loss of trust in health providers.

Right throughout my life I've been on and off medication and each time I become suicidal...For me, it seems as if every-time I go to a doctor or psychiatrist to try and work out what is going on with me, they just want to put you on medication. If you don't have the dollars, they don't have the time and medication is a quick fix to get rid of you. This also applies to psychologists and counsellors. I trust none of these so called professionals any more, I haven't really for many years. (Sub 291)

10.115 Studies have shown that the emotional, mental health and behavioural problems that may result from child maltreatment include, among other things, an increased risk of becoming involved in violent relationships with peers as an adult. The intergenerational transmission of violent behaviour is a disturbing potential consequence of child maltreatment. While the phenomenon is complex and not completely understood, it appears that the majority of maltreated children will not perpetrate violence as adults. One study has produced a 'best estimate' rate of 30 per cent. Further, intergenerational transmission of violence can occur when the perpetrator has only witnessed (as a child) violence directed towards others. It is also apparent that adults, particularly males, who have suffered physical violence during adolescence, or who have witnessed domestic violence, are more likely to be involved in marital aggression themselves.⁸⁴

10.116 Studies have also shown that other mental health and behavioural problems that may result from child maltreatment include an increased risk of a range of serious emotional and behavioural problems, including depression, anxiety disorders, psychophysiological (somatic) complaints, peer conflicts, social isolation; and conflicts with adults and other forms of authority.⁸⁵ Evidence received by the Committee support these findings.

84 Submission 67, pp.7-8 (AIFS). See also *Committee Hansard* 12.3.04, pp.89-90, 100-01.

85 Submission 67, p.7 (AIFS). See also *Submission* 68, pp.6-7 (ACWA).

10.117 The emotional and psychological cost to the individual who has been abused is significant. They are less likely to fulfil their full potential to become productive citizens. For many, the nature of their mental ill-health means that they are unlikely to hold down fulltime employment. This leads to long term dependency on welfare. For others there a descent into homelessness. Anecdotal evidence received by the Committee also indicates a high incidence of suicide among care leavers. For society, the monetary costs in a range of areas are also significant. These costs include frequent hospitalisations; use of psychiatrists and other health professionals; frequent, and often protracted incarceration; reliance on government income support such as the Disability Support Pension or other payments; and the cost of pharmaceutical benefits.⁸⁶

10.118 Mental health issues are addressed in the National Mental Health Strategy, which is an agreement between the Commonwealth and State Governments. The strategy provides an overarching policy framework, while the States deliver mental health services. This strategy recognises that all Australian governments need to improve services and mental health policy to ensure those with a mental illness, wherever possible, enjoy the same opportunities as other Australians. The Strategy recognises that for community-based treatment to be effective people with an ongoing illness may need access to a range of different services such as specialised mental health services; general medical services, accommodation support, community and domiciliary care; and income support, employment and training services.⁸⁷ While, as noted above, former residents who were in institutional care settings often have severe mental health problems they are not identified as a specific sub-group under the strategy.

10.119 There has been a general trend towards providing mental health services in community settings and the Committee supports these moves as they may better address the particular needs of care leavers who are invariably suspicious of 'institutional-type' settings. Public community mental health services include community based services such as mobile treatment teams and community residential services staffed either on a full-time or part time basis.⁸⁸

10.120 Depression and suicide were also identified as key problems facing many care leavers. Some government initiatives have been implemented in this area. Under the National Mental Health Strategy a National Action Plan for Depression has been developed jointly between the Commonwealth and State Governments and community representatives. The Plan provides a framework to address depression across the health care continuum and covers a number of interventions including

⁸⁶ Submission 62, p.1 (Child Abuse & Adult Mental Health Action Group). See also *Submission 122*, pp.42-48 (Positive Justice Centre).

⁸⁷ www.mentalhealth.gov.au

⁸⁸ AIHW, pp.298-99.

prevention and early intervention; assessment and treatment of depressive disorders; and research needs.

10.121 In 2000 the Commonwealth Government launched the National Depression Initiative, which is being implemented through *beyondblue*, an independent public company. *Beyondblue*, which is funded by the Commonwealth and most States, launched the *maturityblues* initiative in June 2004, which will address depression in the elderly and those in aged care. *Maturityblues* aims to raise awareness of depression in older people and its impact on family members and carers; inform policies regarding depression in the areas of aged, health and community care; primary care; acute care and residential care; and improve diagnosis and treatment.⁸⁹

10.122 The Commonwealth also has in place a National Suicide Prevention Strategy. The Strategy aims to support national suicide prevention strategies across the life span; and implement a strategic framework for a whole of government and whole of community approach to suicide prevention. The Strategy, while it has a particular focus on youth suicide, also focuses on groups identified as being at high risk, including the elderly, people with mental illnesses, people with substance abuse problems, rural residents and prisoners.⁹⁰ Many of these high risk groups would include care leavers although ex-residents of institutions are not a specific target group under the strategy.

10.123 The Committee considers it beneficial that these initiatives focus on a whole of government and whole of community approach. However, the Committee believes that it is important that these various initiatives recognise the particular needs of care leavers. As many individual care leavers are most unlikely to know that these programs are in operation, the Committee also considers that information about these programs should be widely disseminated to care leaver support and advocacy groups.

Aged care

10.124 Evidence to the Committee emphasised that it was important to recognise the aged care needs of care leavers, especially as they represent an ageing group in the population. CLAN indicated that most of its membership is in the 40 to 60 years old age ranges – thus for older care leavers aged care issues are important.⁹¹

10.125 An academic researcher in the area of ageing reinforced this point noting that many care leavers who are now in their middle and older years:

...will have particular issues as they age and service providers are currently unaware of these issues...Additionally the broader population needs to be

89 *Beyondblue*, Supplementary Information, 21.6.04.

90 www.mentalhealth.gov.au

91 *Submission 22*, p.7.

aware of these issues so that services now and into the future can be better able to respond to this group in our community.⁹²

10.126 Concerns were raised during the inquiry especially in relation to the appropriateness of current residential care arrangements. Evidence to the inquiry indicates that there needs to be a careful assessment of the type of residential aged care facility provided as many former care leavers are suspicious of 'institutional-type' facilities. Ms Sheedy of CLAN noted:

I personally have told my kids, "You're not putting me in a home when I get old; I've already been in one and I'm not going back to one"...The people who make their living from looking after the aged need to be aware of our category of people because some of us are going to end up in nursing homes...How are the staff going to be able to meet our needs if they are not aware of us? ⁹³

10.127 The Department of Health and Ageing (DoHA) is currently undertaking a number of trials focusing on innovative residential care models. The Aged Care Innovative Pool tests innovative models of aged care services for specific target groups. The projects to date have included the acute care/aged care interface – these projects combine rehabilitation services with aged care support for older people after a hospital stay; the disability/aged care interface – projects combine aged care with disability support to enable people with a disability who are ageing to remain in their current living environment; and new service models for people with dementia.⁹⁴ The Committee believes that models such as these could be trialled addressing the particular needs of care leavers. The Committee notes that the Commonwealth currently funds programs for special needs groups. For example, funding is provided to improve access by culturally and linguistically diverse communities to culturally appropriate aged care services and for flexible aged care services for the indigenous aged.

10.128 As noted above, older care leavers – along with most older people needing care – would prefer to receive this care in their own homes whenever possible. The Committee notes that a number of programs are in place to assist people live independently in their own homes, and in their own communities, with access to community care when needed. The Home and Community Care (HACC) program provides care, including assistance with daily living activities, in people's homes. HACC services include nursing, personal care, domestic assistance, delivered meals, day care, transport and home modification and maintenance. This care helps delay or prevent the need for residential care. The HACC program provided care services to 700 000 clients in 2002-03. Community Aged Care Packages support frail aged older people with complex conditions in their own homes and give increased choice to

92 Submission 403, p.1 (Ms Heycox).

93 Committee Hansard 4.2.04, p.53 (CLAN).

94 DoHA, *Annual Report 2002-03*, p.118.

remain at home rather than use residential care. The Extended Aged Care at Home program also provides high-level aged care to people in their own homes.⁹⁵

10.129 The Committee supports these programs and believes that they should be promoted and extended where possible as a means of assisting care leavers – and older people generally – to remain in their own homes. Information about the programs should also be widely disseminated to care leaver support and advocacy groups.

Conclusion

10.130 The Committee believes that the health care and aged care needs of care leavers need to be addressed urgently. Many care leavers are highly traumatised people with major psychiatric disabilities and major psychological problems. The Committee notes that there are a number of initiatives at the Commonwealth and State level that address issues related to mental health, depression and suicide prevention. The Committee is pleased that many of these approaches take a whole of government approach recognising the complex needs of people facing these problems and the need for an integrated approach in addressing these problems. The Committee also believes that all these programs should focus on the particular needs of care leavers.

10.131 The Committee also considers that the aged care needs of care leavers need to be addressed and supports the trialling, under the Aged Care Innovative Pool funding, of innovative models of aged care for this target group. The Committee also believes that programs to assist people remain in their own homes, with access to community care when needed, should be promoted and adequately funded.

10.132 The Committee further considers that because so many care leavers who could benefit from these programs are marginalised in society and would be unaware of these services and how to access them, it is imperative that the government is proactive in disseminating information about them. Information about the programs should be widely available to care leaver support and advocacy groups.

Recommendation 25

10.133 That the Commonwealth and State Governments in providing funding for health care and in the development of health prevention programs, especially mental health, depression, suicide prevention and drug and alcohol prevention programs, recognise and cater for the health needs and requirements of care leavers.

Recommendation 26

10.134 That the Department of Health and Ageing fund a pilot program under the Aged Care Innovative Pool to test innovative models of aged care services focussing on the specific needs of care leavers.

95 DoHA, *Annual Report 2002-03*, pp.115-16.

Recommendation 27

10.135 That the Home and Community Care program recognise the particular needs of care leavers; and that information about the program be widely disseminated to care leaver support and advocacy groups in all States.

Housing and homelessness

10.136 Evidence to the inquiry indicated that care leavers often experience problems in accessing affordable housing. Many are in low paying jobs that means that public housing or rental accommodation is often the only housing option. The Committee also received evidence that many care leavers are homeless or at risk of homelessness.⁹⁶ One witness commented that:

I was involved in the Burdekin inquiry into homeless children and young people in the late 1980s...One of the conclusions that we came to there, which I could back up from my own anecdotal experience, was that one of the best ways of becoming homeless was to be placed in the care of the state'.⁹⁷

10.137 The Positive Justice Centre noted that care leavers make up a high proportion of the users of the Supported Accommodation Assistance Program (SAAP) services but 'there has never been an admission that care leavers make up a distinct group within those services requiring special forms of redress'.⁹⁸ SAAP, which is jointly funded by the Commonwealth and the States, provides transitional supported accommodation and other services to people who are homeless or at risk of homelessness.

10.138 One witness pointed to the lack of specific data and information on homeless care leavers in the SAAP program. The witness, referring to the Burdekin report into homelessness, stated that:

...[the report] found that 50 per cent of homeless children had been in the care of the state but, barring some miraculous transformation for care leavers, you would not know this from the homelessness and SAAP services. Apart from a few inquiries, you will find absolutely no reference to care leavers in the literature generated by the service providers.⁹⁹

10.139 The Committee believes that the needs of homeless care leavers should be addressed and that the SAAP program needs to recognise and respond to their particular needs and the requirements of this particularly vulnerable group. Information about the program also should be made widely available to care leaver support groups.

96 *Submission 167, p.4 (VANISH).*

97 *Committee Hansard 12.3.04, pp.45-46 (Fr Dethlefs).*

98 *Committee Hansard 4.2.04, p.30 (Positive Justice Centre).*

99 *Committee Hansard 4.2.04, p.30 (Positive Justice Centre).*

Recommendation 28

10.140 That the Supported Accommodation Assistance Program recognise the particular needs of care leavers; and that:

- **data on the usage of the Program by care leavers be collected; and**
- **information about the Program be widely disseminated to care leaver support and advocacy groups in all States.**

Adult literacy and numeracy and other education services

10.141 As noted in earlier chapters, due to the lack of education received in many institutions, many care leavers left the institutions with a serious lack of literacy and numeracy skills – which have remained with them throughout life. There remains a substantial need for adult literacy and numeracy and other education services to be provided to care leavers.

10.142 A range of services are currently provided. The States fund courses in adult literacy and numeracy through TAFE institutions – most of these courses are free or a small fee is charged. The Commonwealth, under the Language, Literacy and Numeracy Programme, provides literacy and numeracy training to eligible job seekers whose skills are below the level considered necessary to secure sustainable employment or pursue further education and training. These courses are provided free of charge. Private training providers also offer courses on a fee for service basis. Community-based groups also provide literacy programs. In Western Australia *Read Write Now!*, a community-based volunteer group that has provided adult literacy tutoring since 1977, offers professional one-on-one assistance to adults wanting to improve their literacy skills.¹⁰⁰

10.143 In Queensland assistance for educational expenses is one of a number of items provided through the Forde Foundation for ex-residents. CBERSS runs an adult education course to improve the literacy skills of ex-residents of Christian Brothers institutions in Western Australia.

10.144 During the inquiry some care leavers also indicated that they would have liked to further their education in later life – some have succeeded in pursuing further studies, although others indicated that they found further education too difficult for a variety of reasons. Some care leavers indicated a degree of embarrassment in adult education classes – which emphasises the importance for many of one-on-one tutoring assistance.

It was not until my late forties that I obtained an education, even though I made many attempts prior to this. I paid a friend to teach me how to write...I'm currently attending Melbourne University and am halfway through a Bachelor of Arts degree, receiving very high marks for my work in all subjects so far. (Sub 166)

100 www.detya.gov.au

The Committee was heartened to hear stories such as these from care leavers who have pursued further education often under difficult circumstances.

10.145 Submissions argued that educational opportunities should be extended for care leavers. One submission argued that state wards should have access to HECS-exempt tertiary courses as the cost of courses provides a disincentive for many care leavers who would like to undertake these courses.¹⁰¹

10.146 The Committee notes that the Queensland University of Technology (QUT) in Brisbane has an initiative that assists ex residents of State or Church institutions, and those whose parents were in these institutions, to access courses at the University. The proposal entails an alternative entry pathway involving lower entry scores to courses for ex residents and includes an orientation program to help with transition into university. The proposal is part of the QUT's Q-Step program – an alternative entry program targeting students from low income backgrounds.¹⁰²

Conclusion

10.147 The Committee believes that literacy and numeracy courses and associated adult education courses should be made available to care leavers where they feel that they would benefit from such courses. The Committee notes that the States currently provide such courses through TAFE institutions and the Commonwealth also provides some assistance in this area.

10.148 The Committee believes that Church groups and agencies should provide information on adult literacy and numeracy courses to ex residents and fund these courses as part of the package of measures offered to former residents where care leavers indicate a preference for one-on-one private tutoring. The Committee further considers that the Commonwealth and the States should widely publicise the availability of adult literacy and numeracy education courses to care leavers and care leaver support groups.

10.149 The Committee also believes that opportunities for further education for care leavers should be encouraged. It notes the initiative of the Queensland University of Technology in developing alternative entry pathways for ex-residents and their children to access its courses and encourages other States to initiate similar developments.

Recommendation 29

10.150 That the Commonwealth and State Governments widely publicise the availability of adult literacy and numeracy services and associated adult education courses to care leavers and care leaver support groups.

101 *Submission 138, p.7.*

102 www.qstep.qut.edu.au and *Submission 22, Additional information 21.6.04, 29.7.04 (CLAN)*

Recommendation 30

10.151 That State Governments investigate options for alternative entry pathways to higher education courses for ex-residents of institutions and their children.

Data collection

10.152 Evidence pointed to the need for data to be collected on the particular needs of care leavers, especially the need for services and other supports. Despite the fact that care leavers feature prominently in prison populations, have high unemployment levels, and have high rates of suicide, drug and alcohol addiction and mental health problems, policy makers or governments do not seem to be making the link between being in care and later problems in life:

...while one in five adult prisoners and one in three juvenile prisoners have been in care, no acknowledgement of this exists in the criminal justice system. The failure of organisations such as the courts...and all the various schools of criminology in universities across this country to even recognise that this representation exists shows how effective the total exclusion of care leavers is. It also represents a major missed opportunity to develop crime prevention policies and programs that actually work. What is needed is an acknowledgement that care leavers exist in disproportionate numbers across myriad social services.¹⁰³

10.153 A care leaver suggested that state child protection departments examine child registers to track people through the services:

...you can run it through a survey...and then look at the outcomes. You can look at mental health, imprisonment, court records and drug and alcohol issues. You can look at coronial records and see how many people died at young ages, and at Centrelink records – all those sorts of things.¹⁰⁴

10.154 Some care leavers consider that agencies such as Centrelink do not know how to deal with people who have been in institutions.¹⁰⁵ '*Have you been in care*' type questions on such forms would inform staff of a care leaver's background – and the likelihood of a traumatic childhood:

Yes, so it is: "That is who I am; that is where I belong." If only the day could come when we could say, "I grew up in care", and people would say: "That would have been terrible".¹⁰⁶

...when I look at intake forms for penitentiaries, there is nothing there about what your background is, whether you were brought up in care, whether you were an adopted person or whether you were a foster care

103 Committee Hansard 4.2.04, p.31 (Positive Justice Centre).

104 Committee Hansard 4.2.04, p.34 (Positive Justice Centre).

105 Committee Hansard 8.12.03, p.30.

106 Committee Hansard 4.2.04, p.47 (CLAN).

person. There is no reason why these simple, basic questions cannot be put into admittance forms in a whole range of places, including mental health organisations.¹⁰⁷

10.155 Broken Rites also argued that data needs to be collected about care leavers:

Perhaps we can start to capture data from simple questions on Centrelink forms, Medicare, court and prison documents, such as: were you raised in institutional care? Tick. Over time, you will download a huge amount of information that can then be interrelated to the use of health services, housing services et cetera...they are very simple things.¹⁰⁸

10.156 A view was strongly put that if people are identified as care leavers this could 'stigmatise them'. Many care leavers expressed the view that they already feel stigmatised.¹⁰⁹ However, Broken Rites made the point that such an initiative would have to be done on a voluntary basis.¹¹⁰

10.157 The collection of data across a range of areas has obvious worth in assisting policymakers develop an understanding as to what services and assistance are required for care leavers and the Commonwealth is well placed to take a lead in collecting such data.

10.158 Evidence also suggested that the Commonwealth and the States, in preparing publications and other material on services and programs need to include reference to specific initiatives for care leavers. Evidence suggests that care leavers are disproportionately high users of a range of social services but little reference is ever made to them in the literature about these programs and services.¹¹¹

Recommendation 31

10.159 That the Commonwealth, in conjunction with the States, develop procedures for the collection of data on people who have been in care on forms that are already used to elicit client information such as Medicare and Centrelink forms and admission forms to prisons, mental health care facilities and aged care facilities.

Recommendation 32

10.160 That Commonwealth and State programs across a range of social policy areas, including health and aged care and social welfare services generally, explicitly recognise care leavers as a sub-group with specific requirements in the publications and other material disseminated about programs.

107 *Committee Hansard* 11.11.03, p.69 (VANISH).

108 *Committee Hansard* 12.11.03, p.36 (Broken Rites).

109 *Committee Hansard* 4.2.04, p.68 (Relationships Australia (NSW)).

110 *Committee Hansard* 12.11.03, p.40 (Broken Rites).

111 *Committee Hansard* 4.2.04, pp.30-31 (Positive Justice Centre).

Conclusion – improving service provision

10.161 Evidence to the Committee indicates that the level and range of services provided by State Governments and the Churches and agencies for care leavers is inadequate. The services that are available vary between States and between agencies and services that are available are generally limited and poorly coordinated. Available services are largely a 'lottery' dependent on the State in which the care leaver resides or the type and range of services provided by the Church or agency. Use of these services is further dependent on whether or not the care leaver feels able to access the particular service given the past negative experiences many have had whilst in institutions operated by these agencies.

10.162 Evidence called for more services to be provided and that there be greater coordination in the delivery of services between State funded services and those provided by the Churches and agencies. CBERSS commented that:

...[a problem] is the number of organizations now providing assistance in diverse ways and to different groups of children formerly in institutional care. Different funding sources and organizational mandates have meant that it is often confusing for people to know how to access services. Lengthy and unresolved legal issues, limited channels for support and assistance; fragmentation of services and hostility between some services have added to their distress.¹¹²

10.163 As the needs of care leavers encompass a broad range of areas including health, housing, education, advocacy and support services and welfare services, evidence called for a greater whole of government approach in the delivery of these services, recognising that care leavers have particular needs and requirements.¹¹³ The Committee believes that a national strategy needs to be developed involving all levels of government – and involving the Churches and agencies – to ensure that programs and services are delivered to care leavers in a coordinated and systematic manner. Such an approach would provide for the development of a set of integrated policies covering a range of areas including income support, health, housing, aged care services and support services. As these policy areas cross a number of jurisdictional responsibilities the Committee considers that the Council of Australian Governments is the appropriate forum to advance these strategies.

Recommendation 33

10.164 That the Commonwealth and the States commit, through the Council of Australian Governments, to implementing a whole of government approach to the provision of programs and services for care leavers across policy areas such as health, housing and welfare and community services and other relevant policy areas.

112 *Submission 49, p.19 (CBERSS).*

113 *Submissions 175, pp.3-5 (Families Australia); 31, p.4 (Relationships Australia – Queensland).*

CHAPTER 11

RECOGNITION OF CARE LEAVERS

The Government needs to take responsibility for what happened to me so I can have closure to a part of my life I wish I never had...I need the Government to help validate and acknowledge me.¹

11.1 This chapter discusses the need to recognise the role of care leavers and the part they have played in Australia's history and to ensure that their experiences are recorded for future generations.

11.2 In addition to the need for a formal acknowledgment of care leavers, evidence to the inquiry emphasised the need for other tangible forms of recognition whether they be in the form of memorials; the holding of reunions; and the recording of their history – both personal histories and the history of the institutions – and the proper recording of the place of institutional care in Australia's social history.

11.3 Evidence indicated that these measures of acknowledgment and recognition would provide testimony to the part care leavers have played in Australia's history and ensure that the experiences of care leavers are recorded for future generations. This is especially important given the estimates that upwards of 500 000 Australians experienced childhood care in institutions and that consequently millions of Australians now have links to these adults who were in care as children.

Memorials

11.4 Some submissions suggested that a suitable memorial or memorials should be erected to the memory of care leaves. CLAN argued that there should be a tangible acknowledgment of the history of care leavers in every State capital city with the construction of a memorial to all children who grew up in care – 'here is an opportunity to acknowledge the alternative history of care – as seen through the eyes of the children who suffered it'. CLAN noted that memorials are important as many of the homes and institutions have disappeared or have been demolished, along with the histories of their inmates.²

11.5 Other memorials suggested included plaques on the sites of former institutions or the construction of memorial gardens in each State.³ Many Homes that remain standing today have changed purposes over the years and it is important that their heritage is recorded in a visible way. MacKillop Family Services have had plaques placed at the site of former homes run by several religious Orders. The wording on

1 Submission 246, p.21.

2 Submission 22, p.32 (CLAN). See also Committee Hansard 4.2.04, p.48 (CLAN).

3 Submissions 18, p.37; 359, p.13.

each plaque briefly describes the history of each site and records the number of former residents at each site. MacKillop stated that many former residents attending reunions commented on the significance of the wording on the plaques and the positive effect this has had on them – 'they feel that they are now remembered and acknowledged'.⁴ As many care leavers believe they were wrongly incarcerated such an acknowledgment can reflect a sense of righting the wrong.

11.6 One ex-resident from Goodwood Orphanage suggested the construction of a public art mural, possibly in the grounds of the former orphanage, as a form of memorial to former ex residents. The care leaver expressed the hope that this artistic expression 'will provide hope and inspirational tools to alleviate human suffering to those seeking reconciliation, recognition and transformation'.⁵ Others have suggested that medals of recognition be awarded to care leavers for having survived their tragic childhoods.

11.7 Other submissions argued that memorial gardens should be constructed. One submission noted that these gardens could contain the names of care leavers on a memorial plaque and could be a place 'where all "homies" and their families could meet for friendly picnics'.⁶ Other submissions suggested a series of television documentaries or films as a form of commemoration.⁷ The co-producer of *Unholy Orders*, a documentary film about life in orphanages in Scotland, told the Committee of the positive experiences that the contributors to that film experienced – the feeling that at last they were being heard and acknowledged – '[it] is not just being listened to, it is about being believed...and then it is being put on the public record that this occurred'.⁸

11.8 Submissions also suggested that there should be permanent or special exhibits relating to the history of care leavers in museums. CLAN argued that as a contribution to placing this history on the public record, the Museum of Australia in Canberra should have a permanent exhibition dedicated to the history of care leavers so as to document the experiences of so many thousands of Australian citizens over a century:

Get the dinosaurs out of the Australian museum, for once, and dedicate it to orphanages and children. Let our histories be visible. I want my children to be as conversant with this story as they are with the stolen generations and the child migrants.⁹

11.9 The Committee notes that CLAN is organising an art exhibition to be held in Parliament House, Sydney in April 2005 as a means of highlighting the history of care

4 Submission 50, p.6 (MacKillop Family Services).

5 Submission 89, Additional Information, 22.7.04.

6 Submission 359, p.13.

7 Submission 18, p.37.

8 Committee Hansard 11.11.03, p.12 (Ms Gandolfo).

9 Committee Hansard 4.2.04, p.49; and Submission 22, p.31 (CLAN).

leavers. One care leaver noted that 'we do have a culture, we do have a past, the art exhibition is about ex residents of institutions. We have been silent for too long and now have an opportunity to tell our stories through the art exhibition'.¹⁰

Reunions

11.10 Evidence to the Committee commented on the importance of holding reunions of ex-residents. A number of reunions in several States have been organised gathering together former residents of both State and Church-run orphanages. These reunions provide another form of acknowledging care leavers' past and aiding in the 'healing process'.

11.11 A number of reunions have been organised under the various Churches' auspices.¹¹ MacKillop Family Services has organised a number of gatherings of former residents of institutions. Barnardos noted that one of the ways they maintain contact with former residents is through reunions and functions.¹² UnitingCare Burnside also arranges annual reunions so that ex residents can come back 'should they wish to do that in some sort of formal and somewhat celebratory sense'.¹³

11.12 Some care leavers stated that reunions were of great value in meeting up with past residents and as a way of acknowledging, and in some cases confronting, their past.

My daughter never wanted to acknowledge it [my past] over the years, and I never pushed it in her face, but she came to the [Parramatta] reunion and it was the best thing for her to see.¹⁴

Last year when I went to the reunion at Lynwood Hall – that was the first one I had attended – I was hoping and praying that Mrs Davies would be there because I wanted to confront her. Maybe momentarily I would have felt good if I could have placed her in isolation.¹⁵

I have recently been to the reunion of the Parramatta Girls Home and Lynwood Hall and just watching these women tell their stories of abuse is heart wrenching and it makes me so sad that anyone could live with such shocking memories. Someone must be made accountable. It must be recorded and known that nobody needs to be treated in such a dreadful manner. I believe your childhood is what makes the adult and I know that life is harder for me with my memories. (Sub 271)

10 *Submission 89, Additional Information, 22.7.04.*

11 *Submission 71, p.22 (Catholic Welfare Australia).*

12 *Submission 37, p.4 (Barnardos).*

13 *Committee Hansard 4.2.04, p.10 (UnitingCare Burnside).*

14 *Committee Hansard 3.2.04, p.13.*

15 *Committee Hansard 3.2.04, p.44.*

About 4 years ago a reunion was held...for those who were the children of the Presbyterian Home, Byford...Because it was such an enjoyable reunion it was decided that we should try and organise a reunion...in twelve months time...in excess of about 50 people attended the reunion. Some people bought their children and even their grandchildren. This was 57 years since I had left the home...There were 8 women and 4 men who were children at the home during my period – it was as though we had never been apart. (Sub 319)

I read about...the reunion at Goulburn. I met 2 old boys there walking through St John's and that bought back some bad memories. My wife was with me, she asked me how I could remember where everything was, very easy I said "The memory of this bloody place will always be imbedded in my head". (Sub 297)

11.13 MacKillop Family Services commented on the very positive feedback received from ex-residents who attended gatherings that they had organised. The participants expressed the view that the reunions had 'acknowledged their past' and contributed to the 'healing process'.¹⁶

11.14 The Committee was told that some institutions have not organised reunions of former residents.¹⁷ Some care leavers expressed the view that there would be value in organising such gatherings, especially as they provided an opportunity to meet up with former residents. One care leaver noted that:

At least you could find out how they are they getting on. Maybe it would be a help for all of us.¹⁸

11.15 Some care leavers, however, report that reunions are of little benefit. One care leaver, who was placed in several institutions, noted 'I do not go back to reunions of any of the Homes, because it brings back bad memories to me'.¹⁹ Another stated that:

Whenever I am asked to go up to a reunion, they can go to hell. I will not go. Why would I go up for a reunion?...you can still hear the kids screaming in your mind from what went on there.²⁰

16 *Submission 50, pp.5-7 (MacKillop Family Services).*

17 See, for example, *Committee Hansard 8.12.03, p.23.*

18 *Committee Hansard 8.12.03, p.23.*

19 *Submission 283, p.3.*

20 *Committee Hansard 8.12.03, p.58.*

Reunions and open days bring back a flood of memories. The following is a vivid description of returning to Lynwood Hall.

The add in the paper – it asked anyone connected with Lynwood Hall to contact the person printed in the add. It could be either staff or girls who had been sent to this girl's home in Guildford. Memories came flooding back;...Last Sunday was open day and my granddaughter volunteered to drive me down. We were asked to take a plate, so off we went with 2 plates of sandwiches and a map book to find our way to Byron Street Guildford. The house had been a beautiful very big home, built in 1891. It was huge with lots of separate additions, a long drive led back on the block, the gardens had been neglected but the remains of a pond and fountain sat in the front of the house, and a rotunda of sorts over to the left. All I could remember was the long drive.

Why was I left here, in a home for girls, knowing no one and not one word said to me about where I was being dumped? My granddaughter asked how I felt at the age of 13 yrs - numb was all I could think of, I must have been terrified, I remember meeting the boss of the establishment and remember the bed I slept in with a row of similar beds on both sides of this large dormitory I can still hear the crying of most of the girls, including me at night.

...as I walked around the rooms, I recognised the kitchen, one of quite a few, this brought back memories of picking out the weevils from the custard. We walked around the huge hall, which had been the dining room, silence was the order of the day, and if you talked at the table punishment would follow. This could be scrubbing or polishing the floor of this huge hall. I must have done something because I can remember lining up with about 4 other girls and scrubbing that floor...

We found the solitary cells, outside the main building near the laundry, the window was larger than I remember, but it had wire on the outside...later I managed to get a peek into the cell. A room about 10 ft x 5ft, a mattress on the floor. I took a photo of this room, but had been told to close the door and check the back of it. The door had been lined with some metal and bruising of this metal showed up the dints inflicted by the girls in their terror of being locked up, on their own, away from the rest of us. Can you imagine the affect it would have on young girls?

I met some of these girls, not from the 1943 time, they were mainly those who had been there in the 1960's, they were hoping to have met the "boss" of their days but she had died a few months ago. How they would have liked to take her down to the cells and give her a piece of her own treatment. They were laughing about the times of punishment after running away, it is funny looking back, but behind the laughter was a terrible sadness. Their childhood had been stolen from them, the girls had spirit, which still showed, they had been state wards, nothing really bad, but treating people as numbers without feelings just is not the way to go.

(Submission 270)

Other forms of recognition

11.16 A number of Churches and religious Orders have also established or are in the process of establishing heritage centres on the sites of former institutions to preserve the memories of the past and inform visitors about that past. Displays usually record the history of the institution and experiences of individual past residents.²¹ UnitingCare Burnside stated that it has an established heritage program including a museum that records the experience of ex residents, and includes historical displays and historical archives.²²

Oral histories

11.17 Another area of activity commented on during the inquiry was the importance of collecting oral histories. Oral histories are important in ensuring that the experiences of care leavers are not lost to the current, and, to future generations. CLAN noted that:

People start to even doubt their own experience...when no-one wants to know their stories. Sometimes their family does not want to know because it is too confronting. That is the great benefit of telling your story – putting it out there, making it visible. Then other people hear it and believe it.²³

11.18 Some oral history projects have been undertaken. MacKillop Family Services has completed two oral history projects – one focused on capturing the stories of elderly religious and the other on recording the experiences of former residents of former Sisters of Mercy, Sisters of St Joseph and Christian Brothers-run orphanages in Melbourne. Over 80 former residents and staff were interviewed as part of these projects.²⁴

11.19 A study by Mr McIntosh into Catholic orphanages used the oral history approach to describe, from personal experiences of recollected childhood, what it was like to live in orphanages in the 1950s and 1960s in Victoria. He noted that this approach is important because there is very little available in the literature in this area of social history and policy.

There is certainly nothing which illuminates the personal response to institutional life in Victoria as seen by the adult, looking back. The personal experiences are engrossing and worth telling in their own right. They give insights into a nexus between educational life chances and home

21 Submissions 61, p.12 (Mercy Community Services); 50, p.7 (MacKillop Family Services).

22 Submission 59, p.9; Committee Hansard 4.2.04, pp.10-11 (UnitingCare Burnside).

23 Committee Hansard 4.2.04, pp.52-53 (CLAN).

24 Submission 50, p.5 (MacKillop Family Services).

background. Such an approach can inform policy made today in relation to children in need.²⁵

11.20 Mr McIntosh noted that the participants in his project felt that their experiences should not be allowed to 'dissipate through time' and all expressed a strong need to 'set down on record their childhood experiences'. Some also expressed a hope that the project would go some way towards 'providing some enlightenment on the issues and perspectives to which were subjected without any choice'.²⁶ These sentiments were also expressed by many care leavers in evidence to this inquiry.

11.21 A number of care leavers have written books outlining their childhood experiences in various institutions. These recollections are particularly valuable not only in a therapeutic sense for the writers themselves but they also add considerable insights into an aspect of Australian social history that has been sadly neglected over the years.

11.22 While these individual projects are of value, the Committee believes that there is a need for the National Library of Australia to collect oral histories in a systematic and more wide-ranging manner from former children in institutions and from around Australia so that their experiences are not lost to history and the histories are readily accessible.

11.23 The National Library currently records and collects a diverse range of oral history interviews. In the context of modern library collections, the National Library noted that oral history is understood to mean the use of sound recording technology to record interviews and, where resources permit, preparing transcripts of the interviews in print or electronic form. In recent years the Library's collection has become more diverse – in addition to biographical interviews with Australians of national standing, oral history projects have been initiated which aim to record particular aspects of Australian social history or the experiences of particular groups. These projects are undertaken to ensure that recordings are made with individuals and groups who are not likely to leave written records and who may therefore be marginalised in Australian history.²⁷

11.24 The National Library has no dedicated project in place to collect oral histories of former children in institutions. It has however collected the oral histories of indigenous people arising out of the *Bringing them home* report and also has a small project to collect the oral histories of former child migrants. The Committee believes that in relation to the recording of oral histories, the written submissions and transcripts of evidence to this inquiry will prove invaluable as future source material.

25 Submission 47, p.9 (Mr McIntosh). The study interviewed former residents of three orphanages in Melbourne. The former residents were aged in their middle thirties and were asked to remember their lives as children in these institutions.

26 Submission 47, p.15 (Mr McIntosh).

27 www.nla.gov.au

11.25 The establishment of oral history projects and their collection could also be facilitated by the Oral History Association of Australia, which promotes the practice and methods of oral history, educates in the use of oral history methods and fosters the preservation of oral history records.

Research into institutional care and its consequences

11.26 The inquiry highlighted the paucity of historical research into institutional care and the lack of substantial research into the broader question of the social and economic consequences of that form of care in the Australian context.

11.27 Evidence pointed to the fact that care leavers and their experiences in care have been largely 'written out' of the historical records. CLAN noted that:

There is a book called *Australian Childhood* – it is a history of Australian childhood. We are not in there; we are not in there at all. It is a recent book – it came out a couple of years ago. There is a book called the *Country of Lost Children* by Pierce; we are not in there either. If ever there were lost children, it is us. We are not in histories; we are not in accounts of childhood.²⁸

11.28 CLAN noted that 'there is a lot of isolated research that is not collected [together]...Most of the records of the child welfare department, apart from the state ward files, have gone – the records of the homes have gone'.²⁹ Where academic studies have been published there is no central point where the publications are listed and where they can be easily accessed.

11.29 Evidence also pointed to the paucity of research within universities into matters related to child protection and related issues. One academic noted that 'I am the lone voice banging on about child protection issues and legal responsibility...from an academic point of view, I am on my own in the department of criminology. There is no-one else'.³⁰

11.30 Evidence indicates that even when research is conducted it is not used to inform policy in the area. One witness, who conducted a study into Catholic orphanages in Victoria, told the Committee that he was never contacted by the relevant State authorities over any follow-up in relation to his research – 'It just disappeared until this hearing. There may be a copy somewhere in the education faculty at Monash...Apart from that, I think it has been a lost document until now'.³¹

28 *Committee Hansard* 4.2.04, p.48 (CLAN).

29 *Committee Hansard* 4.2.04, p.48 (CLAN). See also *Committee Hansard* 12.11.03 (Broken Rites).

30 *Committee Hansard* 12.11.03, pp.22-23 (Ms Gaffney).

31 *Committee Hansard* 12.11.03, p.24 (Mr McIntosh).

11.31 Comprehensive social research and analysis is needed into the complex subject of child welfare/child protection and its interaction with other areas such as welfare dependency, social problems such as drug and alcohol abuse, family relationship breakdowns, and criminology. Broken Rights suggested that a research body such as the Australian Institute of Family Studies (AIFS) could undertake this type of research.³²

11.32 The AIFS presently conducts and coordinates research into factors that affect the well being of Australian families. It operates a number of research programs on issues related to 'children and parenting' and 'family and society' as well as specialist units such as the National Child Protection Clearinghouse. The Clearinghouse, which is funded by the Department of Family and Community Services, has provided analyses of trends in out of home care provision for a range of government and non-government organisations, including the Forde Commission. The Clearinghouse has produced a number of papers designed to inform the development of child abuse prevention and child protection policies. These have included analyses of the extent and impact of child abuse, the changing nature of child protection practice over time, and the adequacy of current approaches to protecting children and/or preventing child abuse and neglect. In 1998, the Institute undertook a joint project with the South Australian Office of Families and Children assessing the fiscal and economic costs of child maltreatment in that State.

11.33 The Clearinghouse also compiles a comprehensive collection of the latest research and practice resources concerned with child protection and child abuse prevention – currently it holds over 6000 records in its catalogue database related to child abuse/neglect, including both Australian and international material. However, its holdings of historical material relating to institutional care are limited.³³

11.34 Witnesses commented on attempts to encourage more research in the area of child welfare and related areas. One witness noted that the Child and Family Welfare Association of Australia has been attempting to proactively engage researchers and 'we have a linkage that is bearing fruit in trying to come up with a collective way of doing research on child welfare issues, trying to engage a number of academics across a number of universities who have an interest in this area, working with agencies and trying to encourage departments to become involved in that too'.³⁴

11.35 The Association of Childrens Welfare Agencies (ACWA) stated that obtaining government funding for research into out of home care was difficult – many welfare organisations fund their own research or engage in partnerships with universities in an attempt to get ARC grants – 'but that is a complex process and the money does not flow terribly readily'. The ACWA has recently received a grant from

32 Submission 79, p.19; Committee Hansard 12.11.03, p.36 (Broken Rites).

33 Submission 67, pp.2-4; Supplementary Information, 2.6.04 (AIFS); AIFS, *Annual Report 2002-2003*, pp.45-49.

34 Committee Hansard 9.12.03, p.34 (CBERSS).

the Ian Potter Foundation to undertake an audit of currently available research in out-of-home care. The ACWA stated 'we are getting to the point where we should have a comprehensive audit and listing of all available research in Australia on out-of-home care. That would show us what was not being researched and we hope that would give us ammunition to support research projects where we could demonstrate that those areas were not being adequately researched'.³⁵

11.36 The Committee notes the recent Commonwealth Government initiative to establish a new Chair in Child Protection based at the University of South Australia with the aim to provide a special focus on research into child protection issues. It is envisaged that the position will focus national research on the origins, impacts and prevention of child abuse and assist researchers working to combat child abuse across the disciplines of early childhood and family studies, psychology, education and literacy, conflict management, service delivery and social policy.³⁶ The Committee welcomes the establishment of this important new Chair and encourages further initiatives in this area.

11.37 Another pressing area requiring research is the long term social and economic impact of institutional care and its intergenerational consequences. CBERSS commented that:

There is very little [research] in those terms...Economic and some of the social costs of those experiences are often simply not addressed at all, and there is a great paucity of literature in that area unfortunately.³⁷

11.38 The AIFS also commented on the lack of research in this area:

Most of the "evidence" on the effects of maltreatment in general does not come from carefully conducted studies that can conclusively demonstrate causal links. Little longitudinal data exists on the outcomes for Australian children looked after away from home in Australia and none that tries to separate the effects of abuse before and during out-of-home care, and none that specifically focuses on institutional out-of-home care.³⁸

11.39 Dr McCluskey focussed her comments on the need for research into the intergenerational issues:

The particular issues raised by the 'Australian experience' [of institutional care and its effects on children] needs addressing through properly funded research that can set the issue within the political and cultural agenda of the time as well as taking account of what we now know about the effect of emotional trauma not just on the individual but on those with whom that

35 *Committee Hansard 4.2.04*, p.29 (ACWA).

36 Minister for Education, Science & Training, '\$10 million for new university chair boosts national focus on child protection issues', *Media Release*, 11.5.04.

37 *Committee Hansard 9.12.03*, p.44 (CBERSS).

38 *Submission 67*, p.4 (AIFS).

individual proceeds to form a relationship. The consequences of abuse, through unprocessed grief (eg. for how one's life might have been under different circumstances) may well be generational...I hope that...funds are made available for detailed research that addresses not just the social and political consequences but also the intergenerational consequences of abuse and neglect, so that we all learn from past policy and practice.³⁹

11.40 CLAN, in arguing for research into the economic and social costs of institutional care, argued the costs will most probably be high in terms of the use of services such as health, including mental health, housing and family services, drug and alcohol services and income support. CLAN argued that:

...research which points up the link between childhood neglect and abuse and the cost to government through services to the adults produced through such childhoods, is essential if we are to learn from the past, and put in place in the present, interventions which will reduce the social and economic cost of family disruption and care experiences.⁴⁰

Conclusion

11.41 The Committee strongly believes that Australia must recognise the existence and positive contributions that care leavers have made to the nation. The Committee believes that as part of this recognition process, governments and the Churches and agencies should fund a set of memorials to care leavers. These could take several forms including memorial gardens, which could be constructed in conjunction with local councils; the placement of plaques at the site of former institutions; and the construction of heritage centres. The Committee notes that a number of Churches and agencies have placed plaques and have established heritage centres and it believes that other Churches and agencies should also undertake such projects.

11.42 The Committee considers that reunions of former residents should be encouraged and facilitated by governments and the Churches and agencies. The Committee notes that many successful reunions have already been held.

11.43 The Committee believes that such measures would be part of a tangible acknowledgment by governments and the Churches and agencies of their roles in the placing of care leavers in institutions and the consequences of these policies.

11.44 The Committee is of the view that funding should be provided to facilitate the recording of the history of care leavers both in a personal sense, through written or oral histories, and also in the larger sense of recording their place in Australia's social history. As part of this heritage recognition the Committee, while recognising that it is not Parliament's role to make curatorial decisions for our cultural bodies, is also of the view that the National Museum of Australia should consider establishing an exhibition

39 *Submission 66, p.1 (Dr Una McCluskey).*

40 *Submission 22, p.31 (CLAN). See also Submission 167, p.5 (VANISH).*

related to the history and experiences of children in institutional care. The Committee envisages that such an exhibition could be permanent and have the capacity to be taken around Australia as a travelling exhibition.

11.45 The Committee also considers that research is urgently needed to identify the historical, social and economic impact of institutional care with a view to identifying positive interventions which will reduce the social and economic cost of present day family breakdown and out-of-home care experiences. In addition, the Committee believes that courses of study should be established at selected universities around Australia that focus on the institutional history of care, child protection and related issues, and in particular psychology, childhood and family studies, conflict management, the impact of institutional care and social policy to address these issues. The Committee notes the recent establishment of the Chair in Child Protection at the University of South Australia and welcomes this initiative.

Recommendation 34

11.46 That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable memorials commemorating care leavers. Where possible, memorials could take the form of:

- **memorial gardens constructed in conjunction with local councils;**
- **the placement of plaques at the site of former institutions; and/or**
- **the construction of heritage centres on the site of former institutions.**

The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.

Recommendation 35

11.47 That the National Museum of Australia be urged to consider establishing an exhibition, preferably permanent, related to the history and experiences of children in institutional care, and that such an exhibition have the capacity to tour as a travelling exhibition.

Recommendation 36

11.48 That the Commonwealth Government provide funding for the National Library of Australia to undertake an oral history project to collect the life-stories of former residents in institutional and out-of-home care.

Recommendation 37

11.49 That the Commonwealth Government fund research either though the Australian Institute of Family Studies or other relevant research body or university into the following areas:

- **historical research into institutional care, including the role of institutional care in Australia's social history; the history of institutions and the commissioning of personal histories of former residents;**

- the social and economic impact and cost of institutional care; and
- inter-disciplinary research into the relationship between child welfare/child protection and areas such as welfare dependency, social problems such as drug and alcohol abuse and family relationship breakdowns.

Recommendation 38

11.50 That the Australian Institute of Family Studies National Child Protection Clearinghouse be funded by the Commonwealth Government to collect publications related to historical studies of institutional and other forms of out-of-home care and that this information be widely disseminated.

Recommendation 39

11.51 That the Commonwealth, in co-operation with State Governments, establish courses of study at selected tertiary institutions that focus on child protection and related issues, especially early childhood and family studies, psychology, conflict management, the impact of institutional care and social policy to address issues in these areas.

Senator Jan McLucas
Chair

ADDITIONAL REMARKS BY SENATOR STEVE HUTCHINS

The following remarks are made in addition to the report, not in opposition to it. Throughout the Committee hearings, I have been deeply moved by the stories of many witnesses. The following remarks propose what I believe are more effective means of achieving the same objectives as the recommendations which are included within the body of the report.

In my opinion, the objective of any report such as this should be to achieve the best possible outcome for the aggrieved group concerned.

As such, I believe that addressing the issues of reviewing governments' procedures, the actions of individuals over time, the culpability of individuals and organisations and reforms to be undertaken to prevent further abuse are best dealt with through a protocol developed by the Council of Australian Governments.

A Royal Commission could be counter-productive in terms of the allocation of resources and the outcomes it would achieve. Addressing these issues through COAG would provide governments with the opportunity to work with each other and develop appropriate methods of addressing the concerns of former children in institutional care.

Royal Commissions are exceptionally expensive exercises in the context of the fact that that money could be better spent assisting victims themselves. Also, the objective of establishing a Royal Commission is to encourage State and Territory governments to comply with the Committee's recommendations. Yet it is doubtful that a proposed Royal Commission, without the support of any government, which is recommended by a Senate committee would have any impact at all upon the actions of the State and Territory governments.

The work of the Senate Community Affairs References Committee has been significant, in depth and wide-ranging. We have held eight days of hearings, received 440 submissions and produced a detailed report with a long series of recommendations which reflect the evidence we received. Establishing a Royal Commission would duplicate the Committee's work (and also the work of judicial inquiries in some states). For some people, providing evidence to the Committee was a draining and emotional experience. To ask them to do so again would, in many ways, indicate that what they have already put on the public record is not enough. Resolution is required, and a Royal Commission would simply serve to prolong a period of uncertainty which has already continued for decades.

On the other hand, a protocol established through the Council of Australian Governments would be an effective means of developing cross-government methods of achieving the desired objectives of the Committee. As such, I would suggest that the following procedure be followed:

That the Council of Australian Governments develop a protocol which outlines steps and target dates to achieve the following objectives:

- to review comprehensively the child protection policies of the relevant government, from the starting point of those policies' implementation until the present;
- to consider individual cases and complaints which are currently outside the statute of limitations. The objective would be to determine whether abuse has occurred, and if so, how compensation can be provided through the compensation fund established and managed by the Australian Government;
- to examine the responsibility of all institutions which have operated in the past, with a view to urging them to contribute to the national fund; and
- to develop and implement a series of reforms to ensure that abuse does not occur in the future.

In addition, I am concerned by the recommendation that State and Territory governments should review the applicable statutes of limitation in their respective jurisdictions. Firstly, any Federal body has a limited right to intervene in the work of a State or Territory. Secondly, reflecting my point regarding the Royal Commission, COAG is in a unique position to develop a co-ordinated approach to the Committee's concerns regarding statutes of limitation. As such, I would suggest that a review of the effect of these matters be discussed and acted upon by the next Council of Australian Governments.

Senator Steve Hutchins
Australian Labor Party, New South Wales

APPENDIX 1

LIST OF PUBLIC SUBMISSIONS, TABLED DOCUMENTS AND OTHER ADDITIONAL INFORMATION AUTHORISED FOR PUBLICATION BY THE COMMITTEE

- 1 Pascoe, Ms Patricia (QLD)
- 2 Mendes, Dr Philip (VIC)
- 3 Harrison, Mr Garry (VIC)
- 4 Eaton, Ms Martina
- 5 Stevans, Ms Leesa (WA)
- 6 McKew, Ms Mim (QLD)
- 7 Guy, Pastor Graham
- 8 Fraser, Ms Georgina (NSW) [also see 232]
- 9 No Submission
- 10 Millar, Ms Lee (SA)
- 11 Knight, Mr Ivor Alan (WA)
- 12 Ziino, Mrs Clare (VIC)
- 13 NSW Ombudsman (NSW)

Supplementary information

 - Supplementary submission dated 15.12.03
- 14 Brown, Ms Catherine (SA)
- 15 Miller, Mr Wayne (QLD)
- 16 No Submission
- 17 Keys, Ms Suzette (QLD)
- 18 Golding, Mr Frank (VIC)
- 19 Centre for Adolescent Health (VIC)
- 20 Flett, Mr Ray (ACT)
- 21 No Submission
- 22 Care Leavers of Australia Network (CLAN) (NSW)

A detailed listing of additional information provided by CLAN including personal stories, historical information about and photos of institutions and homes across Australia, and CLAN Newsletters is provided at the end of this Appendix.
- 23 Seery, Mr Patrick (QLD)
- 24 Devereaux-Dingwall, Ms Mavis (NSW)
- 25 Pinnell, Mr Barry George (WA)
- 26 Krol, Ms Teresa

- 27 Name withheld
Supplementary information
 - Supplementary submission received 15.12.03
- 28 Kelly, Ms Cheryl (NSW)
- 29 ChilOut – Children Out of Detention (NSW)
- 30 United Protestant Association of NSW Limited (NSW)
- 31 Relationships Australia (Qld) (QLD)
- 32 Helem, Mr Bill (VIC)
- 33 Sheedy, Ms Leonie (NSW)
Supplementary information
 - Supplementary submission received 20.1.04
- 34 McGregor, Mr James Albert (TAS)
- 35 NSW Commission for Children and Young People (NSW)
- 36 King, Ms Catherine (VIC)
- 37 Barnardos Australia (NSW)
Supplementary information
 - Additional information received 17.6.04
- 38 Cade, Mr Mark (NSW)
- 39 McGuire, Ms Janette (NSW)
- 40 Coldrey, Dr Barry (VIC)
Supplementary information
 - 11.5.03: ‘Catholic Orphanages in the 1950s and 1960s: An oral history’, Neil McIntosh, Monash Uni, June 1985
 - 19.5.03: St Augustine’s [Geelong] and the Christian Brothers, An archival history by Peter Chapman, May 1993
 - 7.7.03: ‘The special dimension of horror’: ‘Corporal punishment, severity, criminal assault and sexualised violence in traditional residential care’, Barry M Coldrey, July 2003
 - 1.10.03: Papers: ‘Institutional processes for dealing with allegations of child sexual abuse’, Dr Tom Altobelli, UWS, May 2003; ‘Apocalypse now’: The English speaking church and the sexual abuse crisis at the commencement of the third millennium, B M Coldrey, Independent Papers 3
 - 2.11.03: Information on St Joseph’s industrial school, ‘Letterfrack’, Ireland
 - 7.11.03: Preliminary comments and issues to be discussed at hearing on 12.11.03
 - 28.11.03: Further information on ‘Letterfrack’ and Ireland
- 41 Walsh, Mr John (QLD)
- 42 Name withheld (ACT)
- 43 Name withheld (NSW)
- 44 Goddard, Professor Chris
- 45 NSW Committee on Adoption and Permanent Care Inc (NSW)

- 46 The Salvation Army – Australia Southern Territorial Headquarters (VIC)
Supplementary information
 - Additional information received 8.6.04; 9.6.04; 27.6.04; 1.7.04 and 26.7.04
- 47 McIntosh, Mr Neil (VIC)
- 48 Dethlefs, Reverend W A (QLD)
- 49 Christian Brother Ex-Residents and Students Services (CBERSS) (WA)
- 50 MacKillop Family Services (VIC)
Supplementary information
 - Supplementary submission following hearing 12.11.03
 - Additional information received 22.6.04
- 51 Graycar, Professor Reg and Wangmann, Ms Jane (NSW)
Supplementary information
 - Supplementary submission received 19.2.04
- 52 UnitingCare Victoria and Tasmania (VIC)
Supplementary information
 - Additional information received 5.12.03 and 11.6.04
- 53 Post Adoption Resource Centre – The Benevolent Society (NSW)
- 54 Australian Council for Children and Youth Organisations Inc (VIC)
- 55 Department for Community Development (WA) (WA)
Supplementary information
 - Copy of Children and Community Development Bill 2003 provided at public hearing 9.12.03
 - Response to questions following hearing 9.12.03 dated 13.4.04
 - Additional information received 22.6.04
 - Additional information received 13.8.04
- 56 Centacare Catholic Family Services (VIC)
- 57 Brownlee, Mrs Mary (NSW)
Supplementary information
 - Addition information received 14.8.03; 20.10.03; 24.10.03; 24.11.03; 28.1.04; 3.2.04
- 58 Wilson-Szoredi, Ms Beth (QLD)
- 59 UnitingCare Burnside (NSW)
Supplementary information
 - Additional information received 3.6.04
- 60 Family Advocacy (NSW)
Supplementary information
 - Additional information dated 1.7.04
- 61 Mercy Community Services Inc (WA)
- 62 Child Abuse and Adult Mental Health Action Group (WA)

- 63 Penglase, Dr Joanna (NSW)
Supplementary information
 - ‘*Orphans of the Living’: The Home Children NSW 1939-1965*, Ph.D thesis, Macquarie University, 1999
 - Article: *Victimization, Care and Justice: Reflections on the Experiences of Victims/Survivors Involved in Large-scale Historical Investigations of Child Sexual Abuse in Residential Institutions*, British Journal of Social Work (2002) 32, 541-551
- 64 Van Dyke, Ms Lauren (NSW)
- 65 The Congregation of Christian Brothers (WA/SA) ()
- 66 McCluskey, Dr Una (USA)
- 67 Australian Institute of Family Studies (VIC)
Supplementary information
 - Additional information received 2.6.04
- 68 Association of Childrens Welfare Agencies (NSW)
- 69 CREATE Foundation (NSW)
Supplementary information
 - Information sheets provided at hearing 4.2.04
- 70 National Children’s and Youth Law Centre (NSW)
- 71 Catholic Welfare Australia (ACT) (Related submission No.82)
- 72 QLD Commission for Children and Young People (QLD)
- 73 Brady, Mr Bernard (QLD)
- 74 Western Young People’s Independent Network and Catholic Commission for Justice Development and Peace (VIC)
- 75 Maslen, Mr Barry (QLD)
- 76 Bowman, Ms Avis (NSW)
- 77 Disability Council of NSW (NSW)
- 78 Allaway, Mr Allan (QLD)
- 79 Broken Rites (Australia) Collective Inc (VIC)
Supplementary information
 - Supplementary submission provided at public hearing 12.11.03
- 80 Corrections Health Service (NSW)
- 81 Youth Off The Streets (NSW)
- 82 Centacare – Sydney (NSW)
- 83 Turner, Mr Ray and Turner, Mr Joe (VIC)
- 84 Disability Services Commission (WA) (WA)
- 85 Bradshaw, Mr Paul (WA)
- 86 Abraham, Ms Sandra (NSW)

- 87 Dekker, Ms Muriel Valmai (QLD)
Supplementary information
 - Additional information received 5.11.03 and 5.3.04
 - Additional information provided at hearing 12.3.04
- 88 Bateman, Ms Rosemary Irene (QLD) [also see sub242]
Supplementary information
 - Additional information consisting of articles on the longterm effect of childhood abuse, received 10.6.04 and 11.6.04
- 89 Brooks, Ms Denise (QLD)
Supplementary information
 - Supplementary submission dated 29.1.04
 - Copy of Queensland Health – *Policy Statement and Guidelines on the treatment and Management of Abuse and Neglect of Children and Young People (0-18 years)*
 - Conclusion and copy of overheads from presentation at hearing 12.3.04
 - Paper on history of Goodwood dated 18.7.04
- 90 McLeod, Mr Wallace Douglas (QLD)
- 91 Pryor, Mr John (NSW)
Supplementary information
 - Additional information received 25.7.03; 8.8.03 and 14.8.03
- 92 No submission
- 93 Pendergast, Ms Sandra (TAS)
- 94 Forbes, Mr David (NSW)
- 95 Corbett, Ms Pippa (NSW)
- 96 Muller, Ms Samilya (QLD)
Supplementary information
 - Additional information received 11.3.04
- 97 Maison, Ms Barbara (VIC)
- 98 McMellon, Ms Melissa (NSW)
- 99 Carroll, Ms Ilana (NSW)
- 100 Morwood, Mr Ian (NSW)
- 101 Gesch, Ms Mary (QLD)
- 102 William, Ms Katrina
- 103 Rodgers, Ms Lorraine (QLD)
- 104 Smith, Ms June (VIC)
- 105 Copeland, Mr Peter (SA)
- 106 Pritchard, Mr Ronald (NSW)
- 107 Evans, Ms Pauline (QLD)
- 108 Bissett, Ms Margaret (VIC)
- 109 Stuart, Ms Ann (VIC)
- 110 Francica, Ms Jane Veroncia (NSW)

- 111 Turnbull, Ms Margaret (VIC)
112 Snell, Ms Kerry
113 Jones, Ms Rosanna (NSW)
114 Hyde, Miss Lynette (NSW)
115 Children's Welfare Association of Victoria (VIC)
116 Green, Mr R W (NSW)
Supplementary information
 - Additional information dated 25.10.03; 13.1.04 and 15.6.04

117 Allen, Mr William (QLD) [also see sub219]
118 Broadening Horizons (WA)
119 Sheedy, Ms Pat (NSW)
120 Girle, Ms V D (QLD)
121 Shortkids Downunder (VIC)
122 Positive Justice Centre (NSW)
Supplementary information
 - Additional information and copy of opening statement provided at hearing 4.2.04

123 Cope, Ms Miriam (QLD)
124 Shardlow, Ms Kim (WA)
125 Queensland Government (QLD)
Supplementary information
 - Supplementary submission dated 12.3.04

126 Klohs, Mrs Rosemary (ACT)
Supplementary information
 - Additional information 3.3.04, 30.3.04 and 18.6.04

127 West Heidelberg Community Legal Service (VIC)
128 Hoyle, Mr Bob (NSW)
129 Glanville, Mr Bryan Robert (QLD)
130 Name withheld
131 O'Kelly, Ms Irene; Micallef, Ms Margaret and Biggar, Ms Maureen
132 Lane, Mr Anthony
133 Davis, Mr Hector (VIC)
134 Blayse, Mr Lewis (QLD)
135 Millar, Mr Graham (NSW)
136 Formosa, Ms Bette (NSW)
137 Hewat, Mr Daniel (VIC)
138 Wilson, Ms Jacqueline (VIC)
139 Jarvis, Mr Gleann (NSW)
140 Wittmann, Ms Monica (SA)
141 Greenhalgh, Mr Mark (VIC)

- 142 Grills, Mr Kevin (NSW)
143 McLeary, Mr William (NSW)
144 Uttinger, Mr Brian (NSW)
145 Van Dyke, Ms Janice (NSW)
146 Hogan, Ms Valda (VIC)
147 Cunneen, Professor Chris and Grix, Ms Julia (NSW)
148 Mason, Mr Lindsay (VIC)
149 Millington, Ms Valadia (QLD)
150 Walker, Mr Warren (NSW)
151 Isaacs, Ms Pamela (NSW)
152 Snell, Mr Michael (NSW)
153 Brown, Mr John (VIC)
154 McGee-Sippel, Ms Lorraine (NSW)
155 No Submission
156 Cook, Mr Barry (QLD)
157 Cook, Mr David (VIC)
158 Relationships Australia – New South Wales (NSW)
159 Board of Advice of the Forde Foundation (QLD)
Supplementary information
 - Additional information received 10.6.04 and 5.7.04

160 Mofflyn (WA)
161 Rotim, Mr Wal (NSW)
162 Hancock, Mr Owen (TAS)
Supplementary information
 - Additional information received 9.10.03; 19.11.03; 24.11.03; 27.11.03; 28.11.03; 1.12.03; 5.12.03; 15.12.03; 27.1.04, 26.2.04; 16.3.04; 17.3.04; 18.3.04, 7.4.04; 27.4.04; 6.5.04 and 7.5.04

163 Save Our Souls (TAS)
164 Whistleblowers Action Group (QLD)
165 People with Disability Australia Incorporated (NSW)
166 Name withheld
167 VANISH (VIC)
168 Berry Street Victoria (VIC)
169 Taylor, Mrs Anne (QLD)
170 Whitfield, Ms Theresa (QLD)
171 Bradley, Mr Kenneth (NSW)
172 Peterson, Ms Margaret (WA)
173 Victorian Government (VIC)
174 Grundy, Mr Bruce (QLD)

- 175 Families Australia (ACT)
- 176 Bravehearts Inc (QLD)
- 177 Western Australian Department of Justice (WA)
Supplementary information
 - Additional information following public hearing 9.12.03 dated 19.12.03
- 178 Wesley Mission - Dalmar Child and Family Care (NSW)
Supplementary information
 - Additional information received 29.6.04; 1.7.04; 28.7.04 and 5.8.04
- 179 Glase, Mrs Ruby (NSW)
- 180 Cook, Mrs Thelma (WA)
- 181 Mann, Mr Douglas Ross (WA)
Supplementary information
 - Extract on Parkerville Children's Home provided at public hearing 8.12.03
- 182 Davis, Ms Lorraine (WA)
- 183 Foster, Ms Jean (VIC)
- 184 Manning, Ms Lorna (VIC)
- 185 Hunter, Mrs Joyce (NSW)
- 186 Nilsen, Mrs Delma (WA)
- 187 Lohse, Ms Verneta (NSW)
- 188 Shingles, Mr Stephen (VIC)
- 189 Smith, Ms Marlene (VIC)
- 190 Lovely, Ms Gloria (QLD)
- 191 Graham, Ms Marie Renee (NSW)
- 192 Neeson, Ms Karla
- 193 Witchard, Ms Diana (NSW)
- 194 Moffatt, Mr Michael (NSW)
- 195 McNeill, Ms Julie (QLD)
- 196 Tanner, Ms Terri (QLD)
- 197 Worrall, Ms Hannelore Anna (QLD)
- 198 Woods, Mr Brian Alfred (SA)
Supplementary information
 - Additional information dated 17.11.03
- 199 Douglas, Mr Stephen (NSW)
- 200 Collingburn, Mr Brian (VIC)
Supplementary information
 - Addition information dated 12.10.03
- 201 Name withheld
- 202 Beggs, Ms Rosemary (NSW)
- 203 Vernon, Ms Pamella (NSW)
- 204 Casement, Ms Jessie (VIC)

- 205 Langham, Mr Terry (SA)
Supplementary information
 - Notes for presentation provided at public hearing 13.11.03
- 206 Smith, Ms Debra Margaret (VIC)
- 207 Gaffney, Ms Kate (VIC)
- 208 Boulter, Ms Patricia (TAS)
- 209 Simmons, Mr Hilton (QLD)
- 210 Lloyd, Mr John (VIC)
- 211 Mead, Mr David John (NSW)
- 212 Coppleman, Mr Frederick (TAS)
- 213 Harris, Mr Robert (QLD)
- 214 Name withheld
- 215 McMillan, Mr Don (NSW)
- 216 Clough, Ms Juliet (NSW)
Supplementary information
 - Additional information dated 21.4.04
- 217 Hartas, Mr Bryan (QLD)
- 218 Carter, Ms Helen (QLD)
- 219 Allen, Mr William (QLD) [also see sub117]
- 220 Cowell, Ms Barbara; Blackley, Ms Mona; Rollins, Ms Peggy (SA)
- 221 Arthur, Ms Lily (NSW)
- 222 Gordon, Ms Pamela (QLD)
- 223 Lowe, Ms Janet (WA)
- 224 Origins (VIC)
- 225 Adams, Ms Mary (QLD)
Supplementary information
 - Supplementary submission received at hearing 12.3.04
- 226 Anglicare Australia (VIC)
- 227 Davis, Mr William (VIC)
- 228 Treweek, Ms Sue (QLD)
Supplementary information
 - Supplementary submission received 5.3.04
- 229 May, Ms Heather (NT)
- 230 Ashdown, Ms Betsey (QLD)
- 231 Hart, Mr Brian M (WA)
- 232 Fraser, Ms Georgina (NSW) [also see sub8]
- 233 Howes, Mr William (NSW)
- 234 Herman, Ms Elaine (NSW)
- 235 Name withheld (NSW)

- 236 Pollard, Ms Teresa (NSW)
- 237 Dam, Ms Helen Mary (VIC)
- 238 O'Brien, Ms Sharyn (NSW)
- 239 Behrendorff, Ms Elizabeth
- 240 Bamfield, Mr Michael (NSW)
- 241 Matterson, Ms Melissa (NSW)
- 242 Bateman, Ms Rosemary Irene (QLD) [also see sub88]
- 243 Turnbull, Mr W F (QLD)
- Supplementary information*
- Additional information received 9.12.03
- 244 McLauchlan, Ms Vicki
- 245 Nicholls, Mr Shane (NSW)
- 246 Vicha, Ms Elizabeth (NSW)
- 247 Edwards, Ms Elizabeth (VIC)
- 248 Walshe, Mr David
- Supplementary information*
- Additional information received 9.2.04 and 1.4.04
- 249 Murphy, Ms Vicki (NSW)
- 250 Wilson, Ms Marlene (NSW)
- 251 Haenow, Mr Ted (WA)
- Supplementary information*
- Additional information received 9.5.03; 15.8.03; 21.11.03
- 252 Child Migrants Trust (UK)
- 253 The Law Society of New South Wales (NSW)
- 254 The International Association of Former Child Migrants and Their Families (VIC)
- 255 Health Consumers' Council WA Inc (WA)
- 256 Aftercare Resource Centre (ARC) (NSW)
- 257 Wilder, Ms Chris
- 258 Carroll, Ms Caroline (VIC)
- 259 WINGS Inc (WA)
- Supplementary information*
- Additional information dated 5.12.03
- 260 Guthrie, Mr David
- 261 Hughes, Ms Sophie
- 262 Ashby, Ms Dorothy
- 263 Hill, Ms Joy (TAS)
- 264 Donnelly, Ms Joan (VIC)
- 265 Klimo, Ms Lynn (VIC)
- 266 McIntyre, Ms Joan Berenice (VIC)

- 267 Cartledge, Mrs Julie (VIC)
- 268 Horne, Mr John (QLD)
- 269 Green, Mrs Beverley (NSW)
- 270 Gouldthorp, Ms Gladys (NSW)
- 271 Lin
- 272 Hughes, Ms Dianne (NSW)
- 273 King, Ms Michelle (SA)
- 274 Anson, Mr William (NSW)
- 275 Mandeno, Ms Melody (NSW)
- Supplementary information*
- Additional information received 29.1.04 and 9.2.04
- 276 Cave, Ms Jan (NSW)
- Supplementary information*
- *The Long Way Home – The Story of a Homes Kid*, Kate Shayler, 1999 (received 23.3.03)
- 277 Office of the Commissioner for Children (TAS)
- 278 Name withheld
- 279 Name withheld
- 280 Robb, Ms Wilma
- Supplementary information*
- Additional information received 23.8.04
 - Video – interview on ABC Stateline on 1.7.04
- 281 Blayse, Ms Sylvia (QLD)
- Supplementary information*
- Additional information received 2.2.04; 29.2.04 and 23.6.04
- 282 Doughty, Mr Ralph (NSW)
- Supplementary information*
- Additional information received 30.1.04 and 17.8.04
 - Supplementary submission received 30.7.04
- 283 Sheedy, Mr Anthony (VIC)
- 284 Giles, Ms Maree (ENGLAND)
- 285 Ottavi, Mr Dino (TAS)
- 286 Luthy, Mr James (QLD)
- Supplementary information*
- Additional information received 10.5.04, 13.8.04, 15.8.04
- 287 Carruthers, Mr Geoffrey (WA)
- 288 Hudson, Ms Anne (NZ)
- 289 Close, Mr Ian (VIC)
- 290 Cronin, Mr Bryan (SA)
- Supplementary information*
- Additional information dated 9.8.04

- 291 Hill, Mr Christopher (SA)
292 Freer, Mr Ken (NSW)
293 Smith, Ms Rachel Anne (NSW)
294 Mulholland, Mr David (NSW)
295 Sdrinis, Ms Angela (VIC)
296 Carter, Mr Ken (VIC)
- Supplementary information*
- Additional information provided at hearing 3.2.04
 - Supplementary submission received 2.3.04
- 297 Cremen, Mr Bill (NSW)
298 Dravine, Ms Denise (NSW)
299 Snell, Ms Gayle (NSW)
300 Mathews, Dr Ben (QLD)
301 Hegarty, Mr David (NSW)
302 Foran, Mr George (NSW)
- Supplementary information*
- Additional information dated 26.3.04 and 9.6.04
- 303 Mick (NSW)
304 Name withheld
305 Abused Child Trust (QLD)
306 Randall, Mr Murray (NSW)
307 Kemp, Ms Donna (NSW)
308 Cameron, Mr Leslie (NSW)
309 Campbell, Ms Margaret (QLD)
310 Banks, Ms Shirley (NSW)
311 Geldard, Ms Kerry
312 Sanderson, Mr John (ACT)
313 Liddell, Dr Max (VIC)
- Supplementary information*
- Additional information received 11.8.04
- 314 Stratti, Ms Regina (NSW)
315 Clissold, Ms Colleen (NSW)
316 Goodall, Ms Gaye
317 Walshe, Ms Thelma (NSW)
318 Isles, Mr Wayne (NSW)
319 Name withheld
320 Hampton, Mr G (NSW)
321 Brownbill, Mr Peter Walter ()
322 Goldsworthy, Ms Elaine (QLD)

-
- 323 Cox, Miss Sheila (NSW)
324 Haley, Ms Pauline (NSW)
325 Capes, Ms Carol
326 Walshe, Mr Frederick James (NSW)
327 Jarman, Mr Jim (QLD)
328 McIlraith, Mrs Enid (NSW)
329 Rees, Ms Kerry (QLD)
330 Name withheld
331 Horin, Ms Leonie (VIC)
332 Read, Mrs Trish (QLD)
333 Warren, Mr Randolph (NSW)
334 Meekings, Mr Barry Stanley (NSW)
335 Quinn, Mr Peter (NSW)
Supplementary information
 - Bibliography and State Archival Resources provided at hearing 12.3.04

336 Hepton, Mr John (NSW)
337 Ambery, Dr Deborah (NSW)
338 Shew, Ms Margaret
339 Shew, Mr Nigel
340 Bennett, Mr Matthew (NSW)
341 Burton, Ms Joan (NSW)
342 Rowlands, Mr Tom (VIC)
343 Name withheld (NSW)
344 Adams, Ms Carol (NSW)
345 Crawford, Ms Beryle (ACT)
346 Owen, Mr Gibson McM (NSW)
347 Foster, Mr Darren (WA)
348 Green, Ms Maureen (NSW)
349 Spencer, Ms Geraldine (ACT)
350 Pimm, Mr Patrick John (NSW)
351 Bridgland, Ms Rosalie (NSW)
352 Pearce, Ms Gwen (NSW)
353 Anonymous
354 Anonymous
355 Male Survivors of Sexual Abuse Trust (NZ)
356 Donnelly, K G (NSW)
357 McCrae, Mr David (VIC)
358 Pisani, Mr John (NSW)
359 Name withheld

- 360 Sheridan, Mr Alan Vincent (NSW)
361 Richards, Ms Colleen (QLD)
362 Trafford, Mr Geoff (NSW)
363 Name withheld
Supplementary information
 - Additional information received 26.5.04

364 Johnson, Mr Les (NSW)
365 Bent, Mr Peter (WA)
366 Robinson, Mr Denis (NSW)
367 Rebecca
368 Edwards, Mr and Mrs Donald (NSW)
369 Caron (NSW)
370 Symes, Ms Margaret (VIC)
371 Dromi, Mr Vincent (VIC)
372 Dromi, Ms Katherine (VIC)
373 Henderson, Ms Robin Ruth (QLD)
374 St Claire, Miss Sonia (QLD)
375 Tombleson, Mr MacAllister John (SOUTH AFRICA)
376 Smith, Mrs Hazel (VIC)
Supplementary information
 - Additional information dated 5.8.04

377 Getchell, Ms Ivy May (NSW)
Supplementary information
 - Additional information received 4.6.04

378 Kerry (NSW)
379 Cook, Mr Barry (QLD)
380 Hayes, Ms Faye (VIC)
381 McCabe, Mr Brendan (VIC)
382 Allison, Mr John (NSW)
383 Name withheld (VIC)
384 Anonymous
385 Hardy, Mr Doug (VIC)
386 Ewens, Ms Alison (NSW)
387 Kinghorn, Ms Lyn (VIC)
388 Elise
389 Bates, Ms Dianne (NSW)
390 Kemsley, Mr Robert
391 Williams, Mr Max (NSW)
392 San Remo Neighbourhood Centre (NSW)

-
- 393 Heather (VIC)
394 Name withheld
395 Michell, Ms Deidre (SA)
396 Van Boeyen, Ms Ananda (NSW)
397 Graham, Ms Dianne Joan (SA)
398 Burgess, Mr Denzil (VIC)
399 Hale, Mr Jim (VIC)
400 Bellwood, Mr James
401 Harrison, Mr Stephen (NSW)
402 Norris, Ms Elizabeth (NSW)
403 Heycox, Ms Karen (NSW)
404 Lackey, Ms Lois
405 Canden, Mr Charles (QLD)
406 Bray, Ms Maggie (SA)
407 McDonald, Ms Carol (NSW)
408 Stevenson, Ms Pauline (VIC)
409 Name withheld (QLD)
410 Thompson, Ms Ann
411 Healy, Mr Jack (NSW)
412 Mary T
413 Price, Ms Sylvia (VIC)
414 Davis, Mr Syd (NSW)
415 Doe, Ms Jane
416 Bryne, Ms Irene (NZ)
417 Carmine-White, Mr Peter (NZ)
418 Blake, Ms Kerry (NSW)
419 Davidson, Ms Margaret (QLD)
420 O'Rourke, Ms Maris and Holton, Ms Evelyn (NZ)
421 Evelyn
422 Johnny
423 Campbell, Ms Sandra
424 Hart, Mr Norman John (WA)
425 Findlay, Ms Phyllis (NSW)
426 Anthes, Mr David William (NSW)
427 Irving, Ms Sonya
428 Fisher, Ms Lorraine (NSW)
429 Pearce, Ms Esther (VIC)
430 Links, Ms Liz (QLD)

- 431 Dunne, Mr J T (NSW)
- 432 Dean, Mr R M (QLD)
- 433 Fischer, Mr Steve (SA)
- 434 Gascoyne, Mr Geoff (QLD)
- 435 Wardman, Ms Rhonda (NSW)
- 436 Armstrong, Mrs Gwen
- 437 Bate, Mrs Terrenia Darlene (QLD)
- 438 Rowe, Mr William (WA)
- 439 Green, Mr Dave
- 440 Name withheld

Additional Information

Ms Marjorie Woodrow

Long Time Coming Home, Marjorie Woodrow, 2001 and information on stolen generation and recovering wages through access to Aboriginal Trust Funds, 2.9.03

Ms Geraldine Gandolfo

Background and synopsis to documentary film *Unholy Orders*

Mr Mal Brough MP, Federal Member for Longman

Copy of letter to Crime and Misconduct Commission Qld dated 15.12.03

Mr Jim Bacon MHA, Premier of Tasmania

Correspondence relating to the Tasmanian Government's review into the abuse of children in care dated 11.11.03

Tasmanian Department of Justice

Statistics on Tasmanian redress scheme received 30.6.04

Mr Peter Bayman

Information received following the Perth hearing 8.12.03

Esther Centre

General information on Centre received at Brisbane hearing 12.3.04

Historical Abuse Network

Copy of presentation at Brisbane hearing 12.3.04

Mr Darren Foster

Neglected Children in Western Australia – Case Study 1897-1908 – John George Foster by Darren J Foster 1997

Who Will Look After the Children?

Mr Peter Quinn

Summary of evidence at hearing 3.2.04 and unpublished article on NSW juvenile correction system

Department of Veterans' Affairs

Response to questions concerning the Commonwealth running orphanages for the orphans of deceased members of the Australian Defence Forces dated 13 July 2004

New South Wales Uniting Church

Draft policy on complaints handling received 5.7.04

Anglican Church of Australia

Information on complaints handling received 6.5.04

Anglican Diocese of Tasmania

Information on pastoral support and assistance scheme received 28.6.04

Dr Tom Altobelli

Comments on *Towards Healing* protocol received 4.6.04

Beyondblue – the national depression initiative

Information on *Maturityblues* program

Proforma letter

The Committee received a proforma letter from 13 individuals who had spent time as children in different institutions. The text read:

'My experience of this institutional life was terrible and I was subjected to extreme cruelty, deprivation and abuse. Also I was not provided with the appropriate care, protection and education that I should have been entitled to.'

Letters were received from:

Mr Adrian Karl Asher

Mr Victor Camenzuli

Mr Edward P Delaney

Mr Mark Fabbro

Mr Geoff Fitzpatrick

Mr Sean Anthony Flynn

Ms Marie Therese Gould

Ms Aileen Margaret Murray

Mr David Randell

Mr Frank Reddington

Ms Victoria Alice Schultz

Mr Noel Tweedie

Mr Walter M Wojcik

Ms Susan Richmiller

Details of CLAN Submission no.22

- 22 Care Leavers of Australia Network (CLAN) (NSW)
Submission dated 8 August 2003
Additional information received (em means received by Email):
- 21.3.03 em** – Article on the Sisters of Nazareth from *The Guardian* 10.4.03
- 28.4.03 em** - Extract from letter by ex-pupil of the Masonic School Baulkham Hills ‘Reform or Repression? Industrial and Reformatory Schools for Girls in New South Wales, 1866 to 1910’, Noeline Williamson, unpublished thesis, November 1979
- 1.6.03** – *The Unbroken Spirit* Margaret Shields; extract *Like Mother, Like Daughter* Vicki Griffin; articles *The Hidden Parent* Jolowicz AR et al and *We ask for bread and are given stone: The Girls Industrial School, Parramatta, 1941-1961* Quinn P; brochures on aftercare services; and assorted news clippings and articles
- 20.6.03** - Owen's story; Newspaper articles and other CLAN member stories
- 27.6.03 em** - Adrian Thatcher's story
- 7.7.03** - Personal stories which have appeared in CLAN newsletters
- 10.7.03** – Ron and Nancy Casey's story
- 14.7.03** - Submissions from Carolann Higley and Wayne Findlay – CLAN members
- 11.7.03** - Copies of letters to CLAN from 103 people telling their stories
- 11.8.03 em** – Notes from phone responses to newspaper ad
- 13.8.03 em** – Info on Camp Pell, Vic
- 14.8.03** – Personal stories from Michael Hughes and Des Donley; newspaper articles; and info on aftercare services
- 5.9.03** – Copy of submission to NSW inquiry from Venetta (O’Hehir) Lohse (see also sub 187) and newspaper reports and channel 9 video of the O’Hehir sisters
- 2.10.03** – Copy of NSW Legislative Assembly 1904 Report on Roman Catholic Orphanage Manly, and news items
- 5.11.03** – CLAN Newsletter No.17, October 2003
- 27.11.03 em** – Speech by Dr Penglase at opening of Child Protection Unit, Sydney Children's Hospital, 19.11.03
- 22.12.03 em** – Extract from a Board minute from the Perth Children’s Hospital May 1932 concerning tonsillectomies performed on Parkerville Home children
- 11.1.04 em** –Paper by Rosemary Kerr ‘*Potential inefficients at best, criminal at worst*’: *The girl problem and juvenile delinquency in Western Australia 1907-1933* and article ‘Silky Oaks:another Neerkol?’
- 16.1.04** – Copy of correspondence to Human Rights and Equal Opportunity Commission dated 12.1.04, 30.1.04 and response from HREOC dated 22.1.04
- 21.1.04 em** – Photographs – Parramatta Girls Home and Wesley Dalmar Home; Article: *Limitation periods and child sexual abuse cases: law psychology, time and justice* by Dr Ben Mathews (see also sub 300)
- 28.1.04** – Background material and historical information on Burnside, Dalmar, Dalwood, Winlaton, Albury Homes, Parramatta Homes, St Vincent's Westmead and Melbourne Orphange Asylum
- 2.2.04 em** – Fred Seer's story
- 2.2.04 em** - Background information relating to Aboriginal Children's Home Singleton, Randwick Asylum for Destitute People and Ormond House
- 4.2.04** –List of books/reports found in the State Library of Victoria; Letter relating to access to personal records; Advertisments of people in search of relatives; KRT article – *Trauma victims ‘need different treatment for depression than others’*

4.2.04 – CLAN website development 2004 (provided at Sydney hearing 4.2.04)

12.2.04 em – Maggie's personal story

20.2.04 em – Robert's personal story

22.2.04 em – Tina Rickard personal story

23.2.04 em – Debra Harris personal story

23.2.04 - Historical information and newspaper articles relating to orphanages in:

Goulburn; Winlaton; Geelong - St Augustine's, Ryrie Street Orphanage, Bethany Babies' Home and Geelong Protestant Orphan Asylum; St Catherine's Orphanage and Dalwood Home.

Copy of correspondence relating to a complaint about the care received while living in an orphanage and foster care managed by the Catholic Church

Copy of Melbourne Orphanage Act 1940

Extract from *Social Evils The Army Has Challenged* by S. Carvosso Gauntlett

Copy of the list of papers by J H Litten held in National Library of Australia

2.3.04 em – Personal story 'Scars that never heal'

3.3.04 em – Personal story Jim - 'Nobody's Child'

3.3.04 & 16.3.04 em – Glastonbury Orphanage, Article in Geelong Advertiser; and letters to the editor - Robert Moore and Mavis Kosseck and comments by Dr J Penglase

12.3.04 – Qld institutions: historical info and photos; Anderson Dawson; State Library of NSW holdings; Bidura, Glebe; St Josephs and St Johns, Goulburn; Children's homes in the Blue Mountains (provided at Brisbane hearing)

22.3.04 em – Info on Dr Dill Macky Homes; Info on Randwick Destitute Children's Asylum; Photo of football team from St John's Orphanage; Personal story from Carol

24.3.04 – Historical information relating to various Sydney orphanages, including Dill Macky, SA Arncliffe, Bexley, Dee Why, Ardill House, St Anne's, Dalwood

1.4.04 – CLAN correspondence with Qld government and DOCS re records; and info and 1963-64 annual reports from St Catherine's Childrens Home Geelong

2.4.04 em – Sisters of Nazareth and Nazareth Houses

6.4.04 – CLAN Newsletter No.20, March 2004

9.4.04 em – List of Institutions and Homes in which CLAN members grew up

14.4.04 – Information and articles on orphanages, including Society for Providing Homes for Neglected Children, Melbourne Orphanage Asylum, Orphanage Education; Cervini E *Alice Henry investigates* (Brookside, Vic 1899); *Origin and Identity*, Report on the provision of search services for people separated by adoption and other circumstances (NSW 1996); correspondence relating to services and records; copies of MacKillop News; press clippings; State Library of NSW holdings

16.4.04 em – Personal stories – anonymous and seeking information on Burnside; accessing DOCS records

16.4.04 em – Armidale/New England Orphanages

28.4.04 – *For Their Own Good*, A history of the Children's Court and Boys' Shelter at Albion St, Surry Hills, C Ludlow; *Set Free*, Jan Jones; Our Boys, St Vincents – Westmead; State Wards and Children in Care Support Services; extract from 1962 NSW Parl Debates re Hay; info on institutions including Ormond, Havilah House, St Vincents westmead, Homes in Newcastle and Geelong districts; press articles

4.5.04 em – Access to family information (2)

7.5.04 & 10.5.05 em Photos of Homes in Qld and SA

9.5.04 em – Apology by Irish Sisters of Mercy

10.5.04 em – Children in institutional care and Hay – corres with Channel 9;

- 11.5.04 em** – ADHD and behavioural problems relating to children in care; Photos of homes in SA
- 12.5.04 em** – Photo Victoria Street Orphanage Ballarat
- 13.5.04 em** – Photos and info on Good Samaritan Homes in NSW
- 14.5.04 em** – Info held at Dept of Human Services Library, Vic
- 16.5.04 em** – Info on Burwood Children's Home, NSW; Clarendon Children and Family Services, Tas; Article on St Agnes, Glenroy; extract from diary James Goold February 1866; ABC PM story 3.2.04
- 17.5.04** – Info and background history on Various Homes: St Aidan's, Bendigo; Ballarat Homes; Methodist Home, Cheltenham; Yarra Bay House; Brougham; Ashfield Infants Home; St Brigid's, Ryde and St Michael's, Baulkham Hills, Armidale; Parramatta; Melbourne Orphanage, Brighton; *The Graduate of Nudgee Orphanage Fred Newton*, Bruce MacGregor; St Vincent's Westmead AR 1968; Towards Healing; personal stories in letters
- 20.5.04 em** – Records available from the State Library of SA relating to SA orphanages
- 20.5.04 em** – Photos of Dalmar, NSW
- 23.5.04 em** – Photos of Dalwood, NSW
- 24.5.04 em** – Vietnam Veterans' Counselling Service: sessions for veterans' children
- 3.6.04 em** – Provision of legal advice by WA Dept; SA parliamentary debate and media articles
- 8.6.04 em** – South Australian orphanage records: State holdings
- 9.6.04 & 19.6.04 em** – Project to improve support and information for children in care who have parents living with a dual diagnosis (NIDS MISA Project)
- 11.6.04 em** – State care of children in Tasmania and Mercury articles
- 13.6.04 em** – Article: *The Limits of Talk* Mary Sykes Wylie, Psychotherapy Networker 2003, Issue No.13; various media articles
- 19.6.04 em** – South Australian gov support for State wards
- 20.6.04** – Background and history of Homes: Church of England Homes in NSW; Mittagong Homes; Historic Hopewood; Menzies, Vic; Goodwood oral histories; *Improving outcomes for young people leaving care in Victoria*, Sue Green and Amanda Jones, 1999; *Your guide for kids in care*, YACS, 1984; The Wards Project Draft Implementation Plan, DoCS and DJJ, March 1999; extracts from *The Boy Adeodatus*, Bernard Smith; assorted articles.
- 21.6.04 em** – Former residents access to study at QUT – alternative entry pathway
- 22.6.04** – *Stale bread and stiff cheese*, Reg Mounsey; *Reflections of My Youth*: My time at Dill Mackie 1940-47, Barry Jacka; *Children in Need*: Child Welfare in NSW, Donald McLean, 1955; Info on Homes: Milleewa, Wilson, Margate and Sandgate, St Canice Sandy Bay, memories of methodist homes Cheltenham, St Vincent's Westmead AR 1969; SMH Article on 1960 drowning .
- 23.6.04 em** – CLAN and the Salvation Army
- 24.6.04 em** – DOCS files and personal access
- 25.6.04 em** – Copy of letter to Today show re Salvation Army
- 1.7.04 em** – Info on Rupertswood, Providence and Lutheran homes in Vic
- 1.7.04 em** – List of books on orphanages in Australian libraries
- 2.7.04 em** – finding family file in Tas
- 4.7.04 em** – Tasmania and research work; Margaret's story
- 5.7.04 em** – Limitations of SA inquiry leading to class action and 5AA transcripts of abuse and death in orphanages
- 8 & 9.7.04 em** – CLAN funding and operation

- 9.7.04 em** – Info on Irish Residential Institutions Redress Board
- 9.7.04 em** – Info on Legacy wards
- 13.7.04 em** - Destruction of South Australian wards files
- 19.7.04 em** – State wards and access to files by siblings and direct family
- 20.7.04 em** – Info on Sandgate Home, Brisbane
- 21.7.04** – Current and historical info on different Homes: Rupertswood, Sunbury Industrial School, Petersham Girls Industrial, Silky Oaks, Menzies Homes, St Joseph's Lane Cove, Pallister Girls Homes, Ballarat Orphanage, Melbourne Orphanage, Lutheran Homes Surrey Hills and Kew; *Growing Up in Richmond*, Morag Loh; extracts from *A History of Australian Childhood*; Childrens Registers 1864-1965, DHS Vic
- 23.7.04 em** – Numbers of children in care
- 29.7.04 em** – QUT: former residents access to study – Q-Step Program
- 31.7.04 em** – Correspondence with State departments
- 1.8.04 em** – Info on WR Black Home
- 5.8.04 em** – Personal comments on Salvation Army's conduct of Homes
- 6.8.04 em** – Info on Ballarat Orphanage; Families Australia Child Abuse and Neglect Summit – Update
- 9.8.04** – Info on St Vincent's, Nudgee, including Centenary; Monte Pio, Maitland; assorted articles.
- 11.8.04** – Info on Yawarra Boys Training School, Kurri Kurri
- 15.8.04 em** – Update on Australian based applicants for Irish RIRB compensation
- 17.8.04 em** – Responses received by CLAN to article in Herald Sun on 15.8.04
- 17.8.04 em** – Photo of Murray Dwyer Home, Mayfield

APPENDIX 2

WITNESSES WHO APPEARED BEFORE THE COMMITTEE AT PUBLIC HEARINGS

Tuesday, 11 November 2003

St James Court Conference and Function Centre, West Melbourne

Mr John Brown and Mrs Delyse Brown

Ms Geraldine Gandolfo

Mr Robert Golding

Mr Frank Golding

Ms Margaret Turnbull

VANISH

Ms Wendy Gale, Coordinator

Ms Caroline Carroll

Mr Hector Davis

Mrs Elizabeth Doherty

Ms Joan Donnelly

Ms Tara Donnelly

Mr David Guthrie

Ms Jenny Kendall

Mr Frank Londrigan

Ms Kerrie Lowdon

Mrs Kathleen McInnes

Mr Ray Shingles

Terri

Mrs Clare Ziino

Wednesday, 12 November 2003

CMA Centre, Melbourne

Dr Barry Coldrey

Ms Kate Gaffney, University of Melbourne

Mr Neil McIntosh

MacKillop Family Services

Dr John Honner, Director, Policy & Practice

Ms Jenny Glare, Manager, Heritage & Information Services

Broken Rites (Australia) Collective Inc

Dr Wayne Chamley, Treasurer

UnitingCare Vic & Tas

Mr Charles Gibson, Social Policy Adviser

Australian Council for Children & Youth Organisations

Mr Anton Hermann, Chief Executive

Centacare Catholic Family Services

Mr Kevin Larkins, Chief Executive Officer

Ms Mary Rose Yuncken, Director, Counselling & Family Services

Ms Chris Kealy, Manager, Dandenong Centacare

Anglicare

Dr Ray Cleary, Chief Executive Officer

Mr Russell Rollason, Executive Officer

Children's Welfare Association of Victoria

Ms Coleen Clare, Chief Executive Officer

Ms Sunitha Raman, Policy Research Manager

Berry Street Victoria

Ms Jenny Cummings, Director, Gippsland and Southern Region

Ms Katrina Gorjanicyn, Manager, Social Policy

Mr David Guthrie

Thursday, 13 November 2003

Price Alfred Room, Adelaide Town Hall, Adelaide

Ms Pippa Corbett

Mr Terry Langham

Mr Brian Woods and Mrs Helen Woods

Ms Monica Whitman

Mr Mark Brindal, MLA

Monday, 8 December 2003

Hotel Grand Chancellor, Perth

Ms Lorraine Davis

Ms Delma Nilsen

Mr Brian Hart

Mr Doug Mann

Mr Barry Mann

Ms Margaret Peterson**WINGS**

Ms Mary Pritchett
Ms Julia Clarke
Ms Elizabeth Gill
Mr Steve Box
Mr Trevor Hooper
Mrs Janet Lowe
Ms Sue McGree
Ms Paula Noteboom
Phillip
Ms Marie Stephen
Mrs Jenny Van Aalst
Mr Theo Van Aalst

Ms Janet Lowe**Mrs Pat Ryan****Ms Frances Day**

*Tuesday, 9 December 2003
Hotel Grand Chancellor, Perth*

Department for Community Development

Ms Pauline Bagdonavicious, Executive Director, Program and Sector Development
Mr Lex McCulloch, Executive Director, Community Development and Statewide Services
Mr Roley Bayman, Manager
Ms Judi Anderson, Researcher

Mercy Community Services Inc

Mr Francis Lynch, General Manager, Family Support Services

Christian Brothers Ex-Residents and Students Services (CBERSS)

Dr Maria Harries, Chair
Dr Mark Sachmann, Clinical supervisor

The Congregation of Christian Brothers

Brother Kevin Ryan, Province Leader

Child Abuse and Adult Mental Health Action Group

Miss Denise Bayliss, Convenor
Ms Rose Parker, Member
Pauline, Member

Department of Justice WA

Mr Ross Priestman, Superintendent, Rangeview Remand Centre

Mr Ennio Cicchini, Manager, Juvenile Justice Teams, Community Justice Services

Tuesday, 3 February 2004

Pacific International Hotel, Parramatta NSW

Ms Wilma Robb

Ms Pamella Vernon

Ms Yvonne Vernon

Mr Lindsay Vernon

Ms Bette Formosa

Mr Stephen Douglas

Ms Diane Hughes

Ms Verneta Lohse

Ms Diana Witchard

Ms Georgina Fraser

Ms Cheryl Kelly

Ms Jan Cave

Mr William McLeary

Mr Ralph Doughty

Ms Elizabeth Vicha

Mr Ken Carter

Mr Peter Quinn

Ms Leonie Sheedy (on behalf of Mr Ron Pritchard)

Wednesday, 4 February 2004

Pacific International Hotel, Parramatta NSW

Association of Children's Welfare Agencies

Mr Eric Scott, Manager, Policy and Membership

Barnardos

Mr Bill Hoyles, Senior Manager, Youth Services and Aftercare

Ms Shirley Ronge, Member Barnardos Board of Directors

UnitingCare Burnside

Ms Jane Woodruff, Chief Executive Officer

Centacare Sydney

Ms Maureen Eagles, Director, Children and Youth Services

Youth Off The Streets

Ms Jayne Power, Senior Services Manager

United Protestant Association of NSW

Mr Steve Walkerden, General Manager

Wesley Mission/Dalmar

Ms Sue Sarlos, State Manager, Out-of-Home Care Services

Positive Justice Centre

Mr John Murray

CLAN – Care Leavers of Australia Network

Ms Leonie Sheedy, Secretary

Dr Joanna Penglase, President

CREATE Foundation

Ms Michelle Townsend, National Coordinator

Phillip

Corey

Kristy

Relationships Australia

Ms Pam Lewis, Manager, Youth Services

Ms Vanessa Harnischmacher, Project Coordinator, Aftercare Resource Centre

People with Disability Australia

Mr Phillip French, Executive Director

Ms Therese Sands, Senior Policy Officer

Institute for Family Advocacy and Leadership Development

Ms Belinda Epstein-Frisch

University of Sydney, Faculty of Law

Professor Reg Graycar

Ms Jane Wangmann

Friday, 12 March 2004

Mercure/Ibis Hotel, Brisbane

Esther Centre and Historical Abuse Network and individual members

Ms Karyn Walsh, Coordinator, Esther Centre

Mr Wayne Bradwell, Esther Centre

Mr Leslie Von Senden, Esther Centre
Mr Allan Allaway, Committee Member, HAN
Mr David Bull, Member, HAN
Ms Muriel Dekker, Committee Member, HAN
Mrs Gloria Lovely, Member, HAN
Mrs Colleen Stevenson, Committee Member, HAN
Mrs Lana Syed-Waasdorp, HAN
Ms Diane Tronc, Member, HAN
Ms Beth Wilson-Szoredi, Peer Worker, HAN
Ms Mary Adams, Member, Jobe's Trust
Ms Jacinta Burr
Ms Denise Brooks
Mrs Mim McKew
Mr Louis Munt
Ms Hanna Worrell
Ms Denise Brooks
Ms Sue Treweek
Fr Wally Dethlefs
Mr Garnett Williams
Mrs Mim McKew
Mr Bernard Brady
Mr William Allen
Ms Rosemary Bateman
Bravehearts
Ms Hetty Johnston
Forde Foundation
Ms Shirley Glennon, Executive Officer
Mr Mick Mallan, Board Member
Community Forum
Ms Mary Adams, Member, Jobe's Trust
Ms Diane Carpenter
Mrs Suzette Keys
Ms Sarah Lindenmayer
Dr Ben Matthews, Lecturer, Faculty of Law, QUT
Mrs Lana Syed-Waasdorp, HAN
Ms Diane Tronc, HAN

Ms Karyn Walsh, Coordinator, Esther Centre

Mr Barry Walton, Relationships Australia, Queensland

Mr Graham Wilson

APPENDIX 3

BIBLIOGRAPHY

Reports

Board of Inquiry into past handling complaints of sexual abuse in the Anglican Church Diocese of Brisbane, Report, May 2003 (Chair: Peter O'Callaghan QC)

Hanson D, 'Why are they in Children's Homes? Report of the ACOSS Children's Home Intake Study', Department of Social Security, AGPS 1979

Independent Review on Child Protection in the Catholic Church in England and Wales, *A Program for Action*, Final report September 2001 (Chair: Lord Nolan)

New South Wales Legislative Council, Standing Committee on Social Issues, *Care and Support*, Final report on Child Protection Services, Report 29 – December 2002

New South Wales Parliament, Committee on Children and Young People, *Voices: The education experience of children and young people in out-of-home care*, Report 15/52, September 2002

O'Grady J (Tasmanian Ombudsman), *Interim report on abuse of children in State care*, 7.1.04. <http://www.justice.tas.gov.au/ombudsman/CART.html>

Owen L et al, 'Pathways to Interdependence and Independence: The Leaving Care Initiative', prepared for the Department of Human Services Victoria, School of Public Health, La Trobe University, May 2000

Parliamentary Library, *Social Security payments 3: Sole parents and widowed people, 1942 to 1995*

Victorian Legislative Assembly, *Report of the committee of enquiry into child care services in Victoria* (Norgard Report), Government Printer, Melbourne, 1976

Articles and Papers

Alter S, *Apologising for Serious Wrongdoing: Social, Psychological and Legal Considerations*, Law Commission of Canada, 1999

Altobelli T, 'Institutional processes for dealing with allegations of child sexual abuse', paper presented at Child Sexual Abuse: Justice Response or Alternative Resolution Conference, Australian Institute of Criminology, Adelaide, May 2003

Australian Catholic Bishops Conference, *Towards Healing*, June 2003 at www.catholic.org.au

Australian Institute of Health & Welfare, *Child protection Australia 2002-03*, AIHW, Child Welfare Series no.34, 2004

Australian Institute of Health and Welfare, 'Deinstitutionalisation: the move towards community-based care', *Australia's Welfare 2001*, pp.98-139.

Bath H, 'Out-of-home care in Australia: A State by State comparison', *Children Australia*, vol 19 (4), 1994, pp.4-10

Buti A, 'Bridge Over Troubled Australian Waters' at www.murdoch.edu.au

Buti A, 'International Law Obligations to Provide Reparations for Human Rights Abuses' at www.murdoch.edu.au

Buti, Antonio, *Unfinished Business: The Australian Stolen Generations*, Vol. 7(4), December 2000 [E Law]

http://www.murdoch.edu.au/elaw/issues/v7n4/buti74_text.html

Cashmore J and Paxman M, 'Longitudinal Study of Wards Leaving Care... Executive Summary', Social Policy Research Centre UNSW, January 1996

Coldrey B, *The Devoted, the Dull, the Desperate and the Deviant – The Staff Problem of Traditional Residential Care*, Tamanaraik Press, 2003

Coldrey BM, '"The devoted, the dull, the desperate and the deviant": The staff problem in traditional residential care', May 2003

Coldrey BM, '"The special dimension of horror": Corporal punishment, severity, criminal assault and sexualised violence in traditional residential care', July 2003

Cunneen, C & White, R, *Juvenile justice: an Australian perspective*, Oxford University Press, South Melbourne, 1996

Department of Human Services Victoria, 'Leaving Care: Options and Recommendations Paper for Consultation', September 2000

Eastwood C, 'The Experiences of Child Complainants of Sexual Abuse in the Criminal Justice System', *Trends and Issues in Crime and Criminal Justice*, No.250 May 2003, Australian Institute of Criminology

Garton S, *Out of luck: poor Australians and social welfare*, Allen & Unwin, Sydney, 1990

Kids First Foundation, *The Cost of Child Abuse and Neglect in Australia*, 2003

Liddell, MJ, 'Child welfare and care in Australia: understanding the past to influence the future', in CR Goddard and R Carew, *Responding to children: child welfare practice*, Longman Cheshire, Melbourne, 1993

McIntosh J, 'The inside journey through care: A phenomenology of attachment and its loss in fostered children', *Children Australia*, vol 28 (3), 2003, pp.11-16

Mellor EJ, *Stepping stones: the development of early childhood services in Australia*, Harcourt Brace Jovanovich, London, 1990

Mendes P, 'Leaving Care and Homelessness', *Parity*, vol 15 (1), January 2002, pp.4-5

NSW Ombudsman, *Apologies and Child Protection*, Child Protection Fact Sheet No 11, April 2003

Queensland Government, *Queensland Government Response to Recommendations of the Commission of Inquiry into Abuse of Children in Queensland Institutions*, August 1999

Ransley J, 'The powers of royal commissions and controls over them', in Weller P, ed. *Royal Commissions and the Making of Public Policy*, CAPSM, 1994

Salter D et al, 'Development of sexually abusive behaviour in sexually victimised males: a longitudinal study', *The Lancet*, vol 361, February 8, 2003, pp.471-476

Salvation Army, *Procedures for Complaints of Sexual and Other Abuse Against Salvationists and Workers*, November 1996

Senate Legal and Constitutional References Committee, *Healing: A Legacy of Generations*, November 2000

Senate Community Affairs References Committee, *A hand up not a hand out: renewing the fight against poverty*, Report on poverty and financial hardship, March 2004

Stewart A, Dennison S and Waterson E, 'Pathways from Child Maltreatment to Juvenile Offending', *Trends and Issues in Crime and Criminal Justice*, No.241 October 2002, Australian Institute of Criminology

Swain S, 'Derivative and indigenous in the history and historiography of child welfare in Australia – part one', *Children Australia*, vol 26, (4), 2001.

Tierney L, *Children who need help*, Melbourne University Press, 1963

Tomison, A, 'A history of child protection: back to the future', *Family Matters*, No 60 Spring-Summer 2001, Australian Institute of Family Studies

Van Krieken, 1991, *Children and the state*, Unwin & Allen, North Sydney

Historical articles and histories of Institutions

Ambery D, 'A Design for Better Living: The Bio-Politics of Eugenics, Diet and Childhood in the Hopewood Experiment of L.O. Bailey', unpublished thesis, University of Western Sydney, October 2000

Chapman P, 'St Augustine's and the Christian Brothers: An Archival History", July 1993

Child Welfare Advisory Council NSW, Delinquency Committee, 'A Report on the Girls' Industrial School Parramatta, NSW: A Study in the Principles and Practices of Child Welfare Administration', MUP 1945

Community Services Commission, *The Ormond Centre – a complaint investigation into institutional care of children*, April 1999

Dickey B & Suthern K, 'Social Welfare', in Vamplew, W (ed) *Australians: Historical Statistics*, Fairfax, Syme & Weldon, 1987

Kerr R, '"Potential inefficients at best, criminal at worst": The girl problem and juvenile delinquency in Western Australia 1907-1933', proceedings Western Australian Institute for Educational Research Forum 1998

Kyle N, 'Agnes King Inter Alios: Reformatory School Administrators in New South Wales, 1869 to 1904', *Journal of Australian Studies*, November 1984, pp.58-69

McGrath MS, 'Catholic orphanages 1890s-1950s: two case studies – St Brigid's Ryde and St Michael's Baulkham Hills', *Journal of the Royal Australian Historical Society*, vol 77 (2), October 1991

McIntosh N, 'Catholic Orphanages in the 1950s and 1960s: An oral history', project submitted in partial fulfilment of the requirements for the Degree of Master of Educational Studies, Monash University, June 1985

McLean D, *Children in Need: An account of the administration and functions of the Child Welfare Department, New South Wales, Australia: with an examination of the principles involved in helping deprived and wayward children*, 1956

Murray A & Rock M, 'The hidden history of child migration', *Australian Journal of Social Issues*, vol 38 (2), May 2003

Penglase J, *Orphans of the living: the home children NSW 1939-1965*, Doctor of Philosophy thesis, Department of Sociology, Macquarie University, 1999

Quinn P, '"We ask for bread and are given stone": The Girls Industrial School, Parramatta, 1941-1961', *Journal of the Royal Australian Historical Society*, vol 75 (2), October 1989, pp.158-172

Quinn P, 'The "Penal Reformatory" that never was: Proposals to establish Borstal training in New South Wales, 1900-1948', *Journal of the Royal Australian Historical Society*, vol 88 (2), December 2002, pp.115-136

Ramsland J, 'An anatomy of a nineteenth century child-saving institution', *Journal of the Royal Australian Historical Society*, vol 70 (3), 1984

Tenison-Woods, M (Chair) Delinquency Committee of the Child Welfare Advisory Council, *Report on the Girls' Industrial School, Parramatta*, Melbourne University Press, 1945

Williamson N, "'Hymns, Songs and Blackguard Verses': Life in the Industrial and Reformatory School for Girls in NSW, Part I, 1867 to 1887', Journal of the Royal Australian Historical Society, vol 67 (4), March 1982, pp.375-387

Williamson N, 'Factory to Reformatory: The Founding and the Failure of Industrial and Reform Schools for Girls in Nineteenth Century New South Wales', Australian and New Zealand History of Education Society Journal, vol 9 (1), 1980, pp.32-41

Williamson N, 'Laundry Maids or Ladies? Life in the Industrial and Reformatory School for Girls in NSW, Part II, 1887 to 1910', Journal of the Royal Australian Historical Society, vol 68 (4), March 1983, pp.312-324

Williamson N, 'Reform or Repression? Industrial and Reformatory Schools for Girls in New South Wales, 1866-1910', unpublished thesis, University of Newcastle, November 1979

APPENDIX 4

LEGISLATIVE PROVISIONS GOVERNING CHILDREN IN INSTITUTIONS

The following legislative provisions from a number of Australian jurisdictions relate to the treatment of children in institutions. Comparisons of what was legislatively permitted regarding punishment of children, with examples of actual abuses as outlined in the report, demonstrate that laws were broken and actions were illegal at various times in many institutions across Australia. An examination of what was specified under statutes regarding inspections of institutions and punishment books, by government welfare agencies, against claims made to the Committee that such inspections were not undertaken, also shows that laws were not always adhered to. Similarly legislative provisions that children in institutions receive an education were often ignored.

This list is not exhaustive in terms of legislation that has governed the care and protection of children in Australia.

Jurisdiction – New South Wales
Legislation – <i>Child Welfare Act 1923</i>
PART IV – INSTITUTIONS
s.17 Every institution shall be controlled and administered under the direction of the Minister, and shall once at least in every three months, be visited and inspected by a person appointed by the Minister.
s.27 Any person who—
(a) ill-treats, terrorises, overworks, or injures any child committed to or an inmate of an institution;
(d) having the charge of any such child—
(i) illegally discharges or dismisses or attempts to discharge or dismiss him from an institution;
(ii) neglects such child;
(iii) does not well and truly observe, perform, and keep all the covenants, conditions and agreements contained in any indenture or agreement entered into by him respecting any child and which by such indenture or agreement he has bound himself or agreed to observe, perform or keep,
shall be liable to a penalty not exceeding one hundred pounds or to be imprisoned for a period not exceeding six months or both.

Legislation – *Child Welfare Act 1939*

Part XI –

Corporal punishment must not exceed a maximum of three strokes on each hand

- (4) Every effort should be made to enforce discipline without the use of corporal punishment.
- (5) Punishment by way of isolated detention shall be used only in exceptional cases, and subject to the following conditions:
 - (a) no inmate under fourteen years of age shall be placed in isolated detention;
 - (b) the room used for the purpose shall be light and airy and kept dimly lighted after nightfall;
 - (c) some form of useful occupation shall be provided;
 - (d) some means of communication with a member of the staff shall be provided;
 - (e) if the isolated detention is to be continued for more than twenty-four hours the circumstances shall immediately be reported to the Director;
 - (f) no inmate shall be placed in isolated detention for two or more consecutive periods in any one fortnight.
- (6) Corporal punishment shall be subject to the following conditions:—
 - (a) it shall be inflicted only with a cane of a form and kind approved by the Minister;
 - (b) it shall be inflicted by an officer or instructor appointed by the superintendent and in his presence;
 - (c) it shall not be inflicted in the presence of other inmates;
- (9) Striking, cuffing, shaking, or any other form of physical violence, other than that permitted by this Act, or under the general rules of law, is prohibited
No inmate shall be punished by being dosed with medicine or any other substance
No inmate shall be allowed to administer any form of punishment to any other inmate.

Jurisdiction – Victoria

Legislation – *Children's Welfare Act 1954*

Regulations

PART V – ESTABLISHED RECEPTION CENTRES CHILDREN'S HOMES AND JUVENILE SCHOOLS

46. Corporal punishment shall not be imposed on any inmate of reception centre children's home or juvenile school. Correction for acts of misbehaviour shall be determined by the Officer in Charge and shall be restricted to fatigue duties, deprivation of privileges, variation of diet, or temporary isolation. Any variation of diet or temporary isolation for a period of more than 24 hours shall be subject to the approval of the medical officer of the centre home or school.

PART VI – APPROVED CHILDREN'S HOMES JUVENILE SCHOOLS AND JUVENILE HOSTELS

51. At any time after the declaration by the Minister of any place as an approved children's home juvenile school or juvenile hostel, the Director may cause an examination to be made for the purpose of determining –
- (a) the nature and suitability of the sleeping dining recreational educational and other facilities provided for the inmates;

- (b) the adequacy or otherwise of the bathroom kitchen laundry and other domestic provisions;
 - (d) the method in operation for the provision of medical attention;
 - (e) the procedure adopted for the correction of misbehaviour on the part of the inmates;
 - (f) in respect to a children's home, the extent to which inmates are required to perform day to day duties in the establishment as distinct from any temporary tasks which could be regarded as of a training or disciplinary nature;
 - (g) in respect to a juvenile school, the methods of training, education and general rehabilitation employed;
 - (h) generally, the methods of organization and management operating in any approved children's home juvenile school or juvenile hostel and the adequacy or otherwise of the provisions existing for the care and welfare of the inmates;
55. Corporal punishment shall not be imposed on any ward placed in an approved children's home or juvenile school. Correction for acts of misbehaviour shall be at the direction of the person in charge and shall be restricted to fatigue duties, deprivation of privileges, variation of diet or temporary isolation provided that any variation in diet or temporary isolation shall not exceed a period of 24 hours.

[Note: 46 and 55 were amended in November 1955 to exclude the variation of diet as a correction for acts of misbehaviour].

Thirteenth Schedule

BOARDING-OUT CONDITIONS

1. The Foster Mother shall at all times provide the child with adequate and proper food clothing and sleeping accommodation and, generally, shall treat the child as an integral member of the family.
3. When necessary, medical attention for the child must be promptly obtained by the Foster Mother and the instructions of the Medical Practitioner must be strictly complied with by her.
5. The Foster Mother shall exercise the utmost care and understanding in training the child in good habits and, generally, shall at all times have due regard for the development of the child's personality and physical and moral welfare.

Legislation – Social Welfare Act 1960

REGULATIONS

PART IV – ESTABLISHED RECEPTION CENTRES CHILDREN'S HOMES SCHOOLS AND HOSTELS

- 36 (a) For the purpose of maintaining discipline, officers of established children's homes, reception centres, schools or hostels shall exercise the utmost restraint, patience and understanding in the control and supervision of children and young persons under their care.
- (b) Initially, correction shall be by way of explanation and encouragement.
- (c) The Director-General may authorize the Superintendent or Matron of an established children's home, reception centre, school or hostel (and upon application, pursuant to Regulation 48, the Superintendent or Matron of an approved children's home, approved school or approved hostel) to use such of the following disciplinary measures as he determines, within the meaning of this Regulation, for the preservation of discipline:-

- (i) fatigue duties;
- (ii) deprivation of privileges;
- (iii) subject to the provisions of Regulation 38 hereafter, corporal punishment.
- (d) Temporary isolation shall not be imposed upon any inmate of an established children's home, reception centre, school or hostel, provided that sending an inmate to his or her own room under supervision for a period not exceeding two hours shall not be regarded as temporary isolation for the purpose of this sub-section.
- 37 Corporal punishment as a corrective measure shall be authorized only to meet major acts of misconduct or repeated insubordination. Every instance of behaviour considered to require such correction shall be reported by the officer or officers observing same to the Superintendent or Matron who, after interviewing the inmate concerned and being satisfied that medical, psychological or psychiatric advice would not be more appropriate and that in the interests of discipline generally immediate action is necessary, shall order the nature and extent of the corrective measures to be adopted.
- 38 (a) Corporal punishment shall not be imposed on girls, or on boys under the age of ten years.
- (b) Corporal punishment shall not exceed six strokes on the hand or breech with a leather strap of a length, width and texture approved by the Director-General, and shall only be administered in private by an officer detailed by the Superintendent or Matron, and in the presence of another officer acting as witness.
- (c) Smacking with the open hand the hand or breech of a child shall not be regarded as corporal punishment within the meaning of this Regulation.
- (d) Boxing of the ears and other forms of physical punishment other than those provided under this Act and the general rules of law are prohibited.
- 39 (a) A Correction Book shall be maintained by the Superintendent or Matron of each established children's home, reception centre or school, and in every case where corporal punishment is ordered pursuant to this Regulation the name of the inmate concerned shall be entered therein, together with the particulars of the behaviour, the nature and extent of the corrective measures ordered, the signature of the Superintendent or Matron, as the case may be, the signature of the officer administering same and the witnessing officer. This book shall be examined and noted by the Director-General or other Senior Officer deputed by him at intervals not exceeding six months.

Jurisdiction – Queensland

Legislation – *State Children Acts 1911-1928*

Regulations

II – INSTITUTIONS

2. The Director or inspector may at any time inspect any institution and any part of any institution established or licensed under the Act. Such inspection may be made as often as occasion may require, and at least once every month. All officers of each institution shall afford every assistance to such person in the proper performance of his duties, which are to see that the Regulations are carefully observed; that all matters connected with the industrial training of the inmates are properly carried out; and to report any defects or improvements he may deem necessary for the comfort or benefit of the inmates.
23. The superintendent of any institution may punish any State child guilty of misconduct. All complaints and punishments whatever shall be carefully recorded and entered in the

punishment-book provided for that purpose, and such book shall be produced to the Director or inspector whenever he visits the institution.

- 24 Corporal punishment shall be administered as seldom as possible, and shall be only resorted to when absolutely necessary for discipline, and not for first offences unless of a grave nature. No corporal punishment shall be inflicted except by direction and in the presence of the superintendent.

IV – CHILDREN BOARDED-OUT WITH FOSTER-MOTHERS

- 43 Children boarded-out must be allowed to play at reasonable times when not attending school, and, if employed in any way, must only be placed at such work as will afford them easy healthful exercise. It must be distinctly understood that the children are not to be made the drudges of the households in which they are placed.

V – CHILDREN APPRENTICED OR PLACED OUT FOR HIRE

- 73 Every child apprenticed or placed out for hire shall have the right to a private interview with the inspector or visitor, and any foster-parent who prevents or attempts to influence the child from making a correct statement shall be guilty of an offence under these Regulations.

IX – GENERAL

- 102 It shall be the duty of every person with or to whom a State child is placed out or apprenticed to report at once to the Director or district officer any interference with the child under his charge by relatives or friends.

Legislation – *Children's Services Act 1965*

DUTIES OF THOSE IN CHARGE OF INSTITUTIONS

Health and welfare of children:

s.69(1): A person having a child in his or her charge shall not ill-treat, neglect, abandon or expose the child in a manner likely to cause the child unnecessary suffering or to injure the child's physical or mental health nor suffer the child to be so ill-treated, neglected, abandoned or exposed.

Education and employment:

Reg. 16. The governing authority of a licensed or established institution must ensure that all children attend school as required by law and the Director must ensure that the child is provided with necessary textbooks.

Publishment of children in institutions:

Reg. 23.

- (5). Corporal punishment shall be subject to the following conditions:
- (a) It shall not be inflicted on any female child;
 - (b) It shall be inflicted not otherwise than with a leather strap of a type approved by a director or an Officer of the Department so authorised by him and shall be applied over the child's ordinary trousers;
 - (d) It shall be administered as little as possible and only when absolutely necessary for discipline;
 - (e) It shall not be inflicted in the presence of other children in the institution;
- (6). A child shall not be punished by:
- (a) Being dosed with medicine or any other substance; or
 - (b) Being compelled to hold himself in a constrained or fatiguing position.

Jurisdiction – South Australia
Legislation – <i>Maintenance Act 1926</i>
Regulations
<p>State children's homes and institutions</p> <p>INSPECTORS & INQUIRING OFFICERS</p> <p>19. The Inspectors and Inquiring Officers shall visit, as directed by the Chairman, all State Children, shall see that the regulations are fully complied with, that the homes are satisfactory as regards cleanliness, accommodation, and moral surroundings, and that children are kindly treated and well fed and clothed by the foster parents, employers, or other persons having the care of them.</p>
<p>PUNISHMENT OF STATE CHILDREN (BOYS)</p> <p>103. When an inmate of any institution has been guilty of any grave moral or other offence which in the opinion of the Superintendent or officer in charge, renders necessary or expedient the isolation and separation of such inmate from all other inmates, a detention room may be used for the purpose, and the Superintendent or officer in charge may, if he should deem it necessary or expedient, order such inmate to be detained for a period not exceeding 48 hours.</p> <p>104. In all cases in which corporal punishment is directed to be inflicted under these regulations care must be taken that the health of the boy to be so punished will not suffer by its infliction.</p>
<p>PUNISHMENT OF STATE CHILDREN (GIRLS)</p> <p>106. No person shall administer corporal punishment to any girl in any institution under the control of the Board.</p> <p>107. Any girl guilty of violent conduct may, with the approval of the Matron, be detained in a detention room for a period of 48 hours. Should any further detention be necessary, it shall not exceed an additional 24 hours, and then only on the consent of the Chairman.</p>
<p>Legislation – <i>Community Welfare Act 1972</i></p> <p>Regulations</p> <p>Part IX – HOMES AND CENTRES</p> <p>40. ...Punishment of a child shall be normally by deprivation of a privilege or privileges. No child shall be deprived of food or clothing as a punishment. No child shall receive corporal punishment.</p> <p>41 Detention rooms shall be used only in accordance with the following conditions:</p> <p>(a) a resident of a home under the control of the Minister who is under the age of 12 years shall not be placed in a detention room for any period.</p>
Jurisdiction – Western Australia
Legislation – <i>Child Welfare Act 1907-1927</i>
Regulations at 1934
<p>Institutions:</p> <p>6. Subject to the control and direction of the Secretary, the Officer-in-charge of a Government institution shall be responsible for the custody of all children admitted therein, and shall see that all the officers carry out their duties in a proper manner.</p> <p>7. The manager of a subsidised institution shall be responsible for the custody of all children admitted therein, and shall see that all officers carry out their duties in a proper</p>

- manner.
- 8 The manager of an institution shall promptly report to the Secretary the serious illness or death of a child, and any other special event which may occur.
 - 9 The inmates shall be supplied with ample plain, wholesome food.
 - 12 All inmates of school age must attend an efficient school.
 - 13 An inspector of the Education Department shall at least once yearly test the attainments of all inmates who are wards of the Department, and submit a report to the Secretary.
 - 19 The discipline enforced shall be mild and firm. All degrading and injurious punishments shall be avoided. The 'boxing' of children's ears is strictly forbidden, as is also the corporal punishment of girls of twelve years old and over. Corporal punishment shall not be inflicted upon girls below the age of twelve years, except under very extreme circumstances.
 - 20 (a) Corporal punishment may, as a last resort, be inflicted in the presence of a witness by the manager or by the schoolmaster, under the direction and on the responsibility of the manager.
 - 20 (b) Corporal punishment may be administered for offences against morality, gross impertinence, or for persistent disobedience, but not for trivial breaches of discipline or dullness in learning.
 - 20 (c) For the purpose of this Regulation 'corporal punishment' means punishment by means of strokes with a cane inflicted on the hands.
 - 21 Every case of corporal punishment must be recorded in the punishment book immediately after the infliction thereof, giving date, details of the offence, number of strokes administered, and signature of witness.
 - 22 (a) Discipline may be generally maintained by the granting of privileges and the following of light punishments:
 - (1) forfeiture of privileges; (2) extra school tasks or drill; (3) confinement in a room with reasonable access of light and air.

As to (3), no inmate of any subsidised institution shall be confined for a longer period than four hours.
 - 30 (2) The dormitories and dining-rooms shall be made as bright and homelike as possible by the provision of pictures, flowers, small furnishings, etc.
 - 31 The Secretary, or an officer of the Department authorised by him, may inspect any institution established or subsidised under the Act as often as occasion may require, and shall do so at least once in every six months. All matters connected with the industrial training of the inmates, the general management, discipline, admissions, discharges, etc, shall be dealt with by him; and all books and journals shall be open for his inspection.
- Wards Apprenticed or placed out at Service**
- 42 (1) Every ward placed out or apprenticed shall be visited once at least in every six months by a visitor or some person authorised in that behalf by the Secretary, and such visitor or person shall be allowed every facility for an inspection of the home and conditions of the ward's employment.
 - 43 Every child placed out for service or apprenticed shall have the right to a private interview with the Inspector or other visitor, and any employer who prevents or attempts to influence a child from making a correct statement shall be guilty of an offence under these Regulations.

Wards Boarded-out with Foster-parents

- 78 A ward boarded-out with a foster-parent shall be fed, lodged, and clothed to the satisfaction of the Secretary... A ward shall be allowed to play at reasonable times when not attending school, and, if employed in any way, must only be placed at such work as will afford easy healthful exercise. It must be distinctly understood that the ward is not to be made a drudge of the household.
- 79 (1) Every ward boarded-out with a foster-parent shall, if possible, be visited at least once in every three months by an officer of the Department or a visitor.
- 80 (1) Every ward over the age of six years boarded-out with a foster-parent shall be sent regularly to school until fourteen years old, or until he has passed the compulsory standard required by the Education Act for the time being in force.
- 80 (2) School teachers are required to furnish a report every three months, on Form No. 11, as to such ward's attendance, progress, behaviour, and appearance.
- 81 The Secretary, or any person authorised in writing by him, may visit and converse with wards of the Department wherever they may be, and, if necessary, question them as to whether they are properly treated, fed, and clothed.

Jurisdiction – Tasmania

Legislation – *Child Welfare Act 1960*

Part IV – Wards of the State:

Section 47: No person shall wilfully ill-treat or neglect a ward of the State placed out with him under this Act or cause such a ward of the State to be ill-treated or neglected. Penalty: One hundred pounds or 12 months imprisonment.

Part VI – Children's Boarding Homes and Day Nurseries

S.54: Licences to be issued for children's boarding homes and day nurseries.

S.60: Inspections to be carried out every 3 months.

Part VII – Protection, and Regulation of Employment, of Children

Section 66: No person, who has attained the age of sixteen years and has the custody, care or control of a child who has not attained that age shall wilfully ill-treat, neglect, abandon, or expose that child, or cause that child to be ill-treated, neglected, abandoned or exposed.

APPENDIX 5

STATISTICS ON CHILDREN IN INSTITUTIONAL CARE

5.1 It is difficult to establish with any degree of accuracy the total numbers of children who have been placed in institutional care in Australia in the 19th and 20th centuries. Figures indicate that there have been very substantial numbers during that time. The Committee considers that by extrapolating from available figures the numbers could be up to 500 000 and possibly more.

State wards

5.2 Information on state ward numbers varies among the States. Often the available data is not comprehensive, covers different time periods and has gaps and inconsistencies. Accurate figures are not available because often the data is not split into categories such as numbers already in care, new admissions, departures from care, or other variations. The Victorian Government noted difficulties in establishing accurate numbers due to different practices regarding counting and reporting at different periods in time. Not all children in institutions were state wards, many had been privately admitted and often they were not included in statistics on children in institutions.

5.3 The available information on the numbers of state wards is presented below.

New South Wales

5.4 CLAN provided the figure of 135 000 state wards in NSW between 1883–2001 comprising:

- 1883 – 1936 60 000
- 1936 – 2001 75 000

and approximately 100 000 from the beginning of the 20th century to 1975.¹

5.5 Table 5.1 shows that there were 133 375 children in institutions in NSW from only 1900 to 1940, although this would involve a degree of double counting. Numbers from 1940-2000 could easily be double this number.

1 Submission 22, p.20 (CLAN).

Table 5.1: New South Wales – children in institutional care^(a)

Time Period	Numbers
1857 – 1899	54 795
1900 – 1909	16 354
1910 – 1919	22 749
1920 – 1929	41 654
1930 – 1940	52 618
<i>Sub Total</i>	133 375
Total	188 170

^(a) Includes orphan schools, government industrial schools and reformatories and a variety of religious and secular orphanages and rescue homes.

Source: Dickey B & Suthern K, 'Social Welfare', in Vamplew, W (ed) *Australians: Historical Statistics*, Fairfax, Syme & Weldon, 1987, p.364.

Victoria

5.6 The Victorian Government stated that the total number of children who became state wards in 1928-2003 was approximately 59 000 (the total number of children who became state wards between 1949 and 2003 was estimated at 48 000).

5.7 Combining the number of state wards (59 000) with those voluntarily placed children who were never made wards, estimated conservatively at 17 000 between 1928 and 1970 (ie an average of 400 new voluntary placements per year) plus detained young people, estimated at 15 000, totals 91 000 children in institutional care in Victoria from 1928-2003. In addition, some children were placed in short-term care by the child protection system who never became wards, and some young offenders were remanded in detention, many of whom would only have been in institutional care for a few days or weeks. Including these children and young people brings the total to over 100 000.²

5.8 CLAN provided the following on the number of state wards in Victoria:³

- 1891–1950 69 118
- 1950–1990 39 194
- 1891–1990 108 312

2 The submission noted that the figure of 48 000 is not exact because data for the years 1993-96 are incomplete. Some children may also have been double counted, by being received into care more than once. However, the Department noted that, with these reservations, the figure of 48 000 is probably 'fairly accurate'. *Submission 173*, pp.11-13 (Victorian Government).

3 *Submission 22*, p.20 (CLAN).

Based on these figures CLAN argued that there was likely to have been approximately 95 000 state wards in 1891 to 1975. The Norgard Report stated that there were 95 000 children in State care over the period from 1864 to the 1970s.⁴

Table 5.2: Victoria – Numbers of state wards: selected years, 1944-1980

Year	Number of state wards
1944	4 760
1946	4 019
1948	3 485
1950	3 246
1954	3 121
1956	3 304
1958	3 951
1960	4 775
1962	4 542
1964	5 756
1966	6 415
1968	6 696
1970	7 045
1972	7 236
1974	6 677
1976	6 601
1978	4 611
1980	4 158

Source: Markiewicz A, 'The child welfare system in Victoria', *Children Australia*, vol.21, No.3, 1996, p.33.

Western Australia

5.9 The Western Australian Department for Community Development stated that in 1920-2003 there were 56 000 children in out-of-home care. This figure only relates to children who have been placed into care with state government involvement and does not include children who went into privately arranged placements.⁵

4 Victorian Legislative Assembly, *Report of the committee of enquiry into child care services in Victoria* (Norgard Report), Melbourne, 1976.

5 Submission 55, Supplementary Information, 13.4.04, 18.6.04 (WA Department for Community Development).

5.10 This data is now contained in a Children in Care Database for Western Australia from 1920-2003. Currently there are 106,000 entries in the database, with 56 000 being an estimate of the actual number of children. This figure has been reached by cleansing the data of old records and is as accurate as possible given the lack of clarity around some entries. Many names appear similar but there is insufficient source material to confirm the full identity of the person.

5.11 As more of the agencies involved in child placement have their old records indexed, the number in the database will change, however it is believed that a great number of their placements are already included in the above figure.

Queensland

5.12 CLAN provided figures based on State Government data though it is not possible to estimate the numbers of state wards. The data shows that from the beginning of the 20th century to the 1970s, 72 000 children were admitted to institutions. If a child was admitted to more than one institution they would have been counted more than once. The figure probably includes state wards and children who were voluntarily placed. The figures broken down by decades are:⁶

1900s	4 766	1940s	9 265
1910s	7 620	1950s	10 210
1920s	8 740	1960s	12 540
1930s	7 286	1970s	11 196

5.13 Table 5.3 shows other data on numbers of children in institutions which may also involve double counting as it relates to numbers for each year.

Table 5.3: Queensland – children in institutional care

Time Period	Numbers
1900 – 1909	8 653
1910 – 1919	10 094
1920 – 1929	9 292
1930 – 1940	6 234
Total	34 273

Source: Dickey & Suthern, p.368.

5.14 The above figure of 34 000 is broadly comparable to the CLAN data which estimates 28 400 admissions from the 1900s to 1930s.

6 Submission 22, p.20 (CLAN).

South Australia

5.15 Table 5.4 indicates that some 23 000 children were in institutional care from the 1900s to the 1980s, and a further 128 000 were in other forms of care. This data would involve double counting as it relates to numbers for each year.

Table 5.4: South Australia – children in state care

Time Period	In institutions	Others
1900-1909	2 115	10 953
1910-1919	2 120	14 603
1920-1929	2 679	15 180
1930-1939	2 307	8 945
1940-1949	2 176	9 599
1950-1959	2 766	8 923
1960-1969	5 206	28 038
1970-1979	3 584	31 760
Total	22 953	128 001

'Others' = not defined in source document.

Source: Dickey B & Suthern K, 'Social Welfare', in Vamplew W, (ed) *Australians: Historical Statistics*, Fairfax, Syme & Weldon, 1987, p.367.

5.16 CLAN provided limited data for selected years, based on State Government data, on the number of children placed under guardianship, or as state wards during 1925-1975. The annual figures over that period vary from 1 007 in 1950 to 3 330 in 1970. The data does not provide a complete picture of the number of state wards due to the non recording of figures and varying practices regarding children's placements at different times.⁷

7 Submission 22, pp.20-21 (CLAN).

Tasmania

5.17 Table 5.5 indicates that there were some 1 500 children in institutional care from the 1900s to the 1960s and some 14 600 in other forms of care, including foster care, in the same period. This data would involve double counting as it relates to numbers for each year.

Table 5.5: Tasmania – children in state care

Time Period	In institutions	Others ^(a)
1900-1909	201	1 684
1910-1919	314	2 161
1920-1929	242	3 435
1930-1939	292	3 798
1940-1949	294	2 616
1950-	161 (to 1956)	928 (to 1957)
Total	1 504	14 622

^(a) includes children boarded out to foster parents.

Source: Dickey & Suthern, p.370.

Numbers of state wards

5.18 Based on the above discussion the 'best estimates' of the numbers of state wards are presented in Table 5.6.

Table 5.6: Estimated numbers of state wards^(a)

State	Time Period	No. of state wards
New South Wales	1900-1975	100 000
Victoria	1928-2003	59 000
Western Australia	1920-2003	56 000

^(a) Other states = no reliable data

5.19 In NSW, Victoria, and Western Australia alone there were probably over 215 000 state wards during the course of the 20th century. Other States' data also indicates significant numbers of wards in these States.

Children who were not state wards

5.20 As discussed, not all children in institutional care were state wards. CLAN described the children who were not state wards, probably at least half of all children in care in the 20th century, as inhabiting 'a statistical limbo'.

5.21 In addition to state wards, children were placed in institutional care voluntarily by parents who felt unable to care for them, some children had disabilities which led to them being placed in care and some young people in care were offenders who were detained in institutions. These children only became state wards in certain circumstances. The proportion of children who became wards changed along with policy and legislative changes.

5.22 In NSW, in 1961 the number of children in non-government homes, most of whom were not state wards, was 3 890, comparable to the 3 893 in that year in government-run homes. CLAN estimates that in NSW there were 100 000 state wards and possibly a similar number of non-wards from 1900 to 1975 and based on these estimates could – 'arrive at a figure of 200 000 children growing up in care in NSW in the 20th century'.⁸

5.23 The Victorian Government stated that in 1928-1970s there were large numbers of children placed in care voluntarily by their parents, who did not become state wards in that State.

In the period 1949 to 1954 there were at least 1,900 children in children's homes who were not wards at any one time, compared to 1,100 state wards in the same children's homes. It is not known how many of these 1,900 children went on to become state wards, and it is not known whether periods of time in care were similar for both groups.⁹

5.24 These figures clearly show that at least for certain periods of time it is known that there were about the same number of children who were not state wards as there were state wards in care.

5.25 CLAN argued that if NSW and Victoria between them account for around 300 000 children, both state wards and others, then 'we could perhaps assume that the number of children we are talking about...is at least 400 000 and perhaps close to half a million' nationally.

8 *Submission 22, Additional Information, 23.7.04 (CLAN).*

9 *Submission 173, p.11 (Victorian Government).*

Total numbers in care

Table 5.7: Estimated numbers in care¹⁰

State	Time Period	Nos. in care
New South Wales	1900-1975	200 000
Victoria	1928-2003	100 000
Queensland	1900s-1970s	72 000
Western Australia	1920-2003	56 000 ¹¹
South Australia	1900s-1980s	150 000
Tasmania	1900s-1960s	16 000

Numbers of children in care by church/agency

5.26 Limited data on numbers of children in institutions operated by churches and agencies is available from which it appears that the Catholic Church, the Salvation Army and Barnardos were the major churches/agencies providing institutional care.

5.27 Catholic religious orders had very substantial numbers of children in their care. MacKillop Family Services' database covers approximately 115 000 individual client records relating to more than 12 500 mothers and 63 159 children who were in Catholic orphanages and homes operated in Victoria by the Christian Brothers, Sisters of Mercy and Sisters of St Joseph from 1857 until the 1990s. An additional number of children were placed with foster care services, family group homes and smaller residential care units which operated from the closure of the original homes until the formation of MacKillops.¹² These large numbers do not represent the total number of children in the many other Catholic orphanages in Victoria.¹³

5.28 Catholic religious orders in other States had large numbers of children in their care. Some data on Catholic orphanages in NSW and Western Australia shows that large numbers of children were in Catholic orphanages in the 19th and 20th centuries.

10 Figures include any combination of state ward and non-ward children in institutions and may include various types of out-of-home care. There would also be a degree of double counting.

11 Does not include children who went into privately arranged placements.

12 *Submission 50, Supplementary Information, 22.6.04* (MacKillop Family Services). See also *Committee Hansard 12.11.03*, pp.26-29 (MacKillop Family Services). The figure of 63 157 includes 20 000 babies. Some of these babies were adopted out while others went into institutions. There is also some double counting among the babies who later went directly from foundling homes into orphanages.

13 *Committee Hansard 12.11.03*, pp.30-31 (MacKillop Family Services).

Table 5.8: Numbers of children in care

Church/Agency	Time Period	Numbers
Catholic Church ¹⁴		
Salvation Army	1950-1979	30 000 ²
Barnardos	1920s-	30 000 ³
Burnside	1911-	11 000 ⁴
Wesley Mission	1893-	8-10 000 ⁵
United Protestant Association	1938-1980s	3 300 ⁶
UnitingCare Victoria & Tasmania (Methodist/Presbyterian)		n.a. ⁷
Anglican Church		n.a.

n.a. = numbers not available

¹ CWA, personal communication, 2.8.04

⁵ Submission 178, p.ii.

² Submission 46, Supp. Info, 8.6.04

⁶ Submission 30, p.1.

³ Submission 37, p.2.

⁷ Submission 52, p.4.

⁴ Submission 59, p.5.

5.29 Compared with some of the other Churches, the Methodist and Presbyterian Churches had less involvement in institutional care, although data is very limited. For example Mofflyn (WA) provided a figure of 250 children, based on selected years.¹⁵

5.30 The Committee is concerned that the Catholic Church has no overall estimates of numbers of children under its care and the Salvation Army's figures relate only to the second half of the 20th century. The Committee, while recognising resource constraints in these periods, also believes that some of the smaller care providers should have better data if only because the smaller numbers in care would have entailed less onerous record keeping.

5.31 Information in Table 5.9 shows that while Australian State legislation to deal with out-of-home care children had a similar intent, that is, to allow government intervention in placing children in some type of care, its actual effects varied from one State to another and the types of care utilised for children varied significantly among the States.

Although the legislation was remarkably similar in its intention, the system which established it varied, as did the proportion of children swept into the net.¹⁶

14 Overall numbers of children in institutions operated by the Catholic Church are not available as institutions were run by many different Catholic orders. As well, no centralised record keeping of such numbers exists – Catholic Welfare Australia, personal communication, 2.8.04. Numbers of children from various Catholic children's institutions are included in Tables 5.9 & 5.11.

15 *Submission 160 (Mofflyn).*

5.32 The Committee was able to locate information from a range of sources regarding particular institutions and orphanages and has consolidated this into Tables 5.10 and 5.11.

Numbers of orphanages

5.33 It is also difficult to determine the number of orphanages that operated nationally. CLAN estimated that in NSW there were approximately 300 homes in 1956, though this figure only includes homes that took children under the age of 7 years because they had to be licensed.¹⁷

5.34 In Queensland, the Forde Inquiry stated that 150 orphanages and detention centres operated from the early 1900s to the 1990s.¹⁸ In Victoria there were 63 non-government and several government children's homes in operation in 1962-64.¹⁹

Conclusion

5.35 The Committee believes that possibly upwards of 500 000 children have been placed in institutional care in the last century. Data for Victoria and Western Australia – which is the most comprehensive of the various States' data – indicates that there were some 100 000 children in institutional care in Victoria in the 20th century (including state wards and non-wards) and over 56 000 in Western Australia (including wards and some non-wards). Large numbers of children were also placed in institutional care in NSW (possibly 100 000 state wards and a similar number of non-wards), 72 000 children in Queensland up to the 1970s with lesser numbers in South Australia and Tasmania. Because of data limitations it is more difficult to establish numbers of children in care in States other than Victoria, NSW and Western Australia.

5.36 The Committee considers that much more work is needed to establish more precise information on the numbers of children placed in institutional care during the 20th century in all States, especially in States where the data are most deficient.

16 Swain S, 'Derivative and indigenous in the history and historiography of child welfare in Australia – part one', *Children Australia*, vol 26, (4), 2001, p.6.

17 *Submission 22*, p.22 (CLAN).

18 Forde Report, 1999, p.i.

19 *Submission 173*, pp.14-15 (Victorian Government).

Table 5.9: Children in institutional and other forms of care

	New South Wales			Victoria			Queensland			South Australia			Western Australia			Tasmania		
	Inst care	Other care	% pop <15	Inst care	Other care	% pop <15	Inst care	Other care	% pop <15	Inst care	Other care	% pop <15	Inst care	Other care	% pop <15	Inst care	Other care	% pop <15
1900	1410	3844	1.1	1762	4893	1.6	783	0.4		182	1066	0.9				23	220	0.4
1905	1719	3800		2120	4762		925			212	1091					21	152	
1910	1699	4390	1.2	2450	6414	2.2	886	0.4		198	1281	1.2	147	83	0.3	26	142	0.2
1915	2076	4880		2635	9685		1084			247	1487		177	151		32	220	
1920	3238	4979	1.2	2332	12189	3.2	1113	0.4		229	1614	1.2				30	295	0.4
1925	4552	5577		2229	13590		1020			263	1510					352		
1930	5092	5516		2617	17136		998			330	1024					24	366	
1935	4941	4292	1.3	4584	11510	3.4	908	0.3		191	851	0.7				31	388	0.6
1940	4222	3877		5248	11592		155			208	874					30	379	
1945		2772	0.4	4297		0.8				199	1060	0.8				31	226	0.3
1950		2604		3080						251	770					22	141	
1955		2674	0.3							242	797	0.4				31	109	0.1

Source: Swain S, 'Derivative and indigenous in the history and historiography of child welfare in Australia', *Children Australia*, vol.26, No.4 2001, p.6.

Table 5.10: Victoria – Non-government children's homes and number of children 1962-64

Type and name of home	No. of children	Type and name of home	No. of children
Babies Homes		Girls' Homes	
Alexandra	27	C. of E. Girls	39
Bethany	31	Abbotsford Convent	90
C. of E., Darling	31	Villa Maretta, Oakleigh	24
Berry St Foundling	40	Marillac House	89
Hartnett House	67	Nazareth House	110
Methodist Babies	32	St Agnes	28
Presbyterian Babies	42	Stanhope Legacy	27
St Gabriel's	27	S.A. Catherine Booth	60
St Joseph's, Broadmeadows	91	S.A. William Booth	51
St Joseph's, Kew	9	Pirra	27
The Haven	24		
St Luke's	49		
<i>Total</i>	470	<i>Total</i>	545
Boys' Homes		Mixed Homes	
Blamey House	20	Andrew Kerr	37
Burwood Boys'	52	Antonian Institute	21
Gordon Boys'	46	Ballarat Orphanage	153
Hurlingham Carry On	18	Glastonbury	84
Kilmany Park	27	Harelands	27
Menzies Home	47	Kildonan	72
St Augustine's	126	Lutheran Children's	37
St Cuthbert's	24	Melbourne Orphanage	129
St John of God, Cheltenham	97	Orana	79
St John of God, Yarra View	54	Nazareth Boys	175
St Joseph's, Surrey Hills	71	Northcote School	64
St Paul's	38	Providence	26
St Vincent de Paul	144	Resurrection House	80
S.A. Bayswater, No.2	55	St Aidan's	115
S.A. Box Hill	120	St Anthony's	92
Tally Ho Boys' Village	89	St Catherine's	100
Hillside	38	St John's	82
		St Vincent's	121
		Salem	6
		S.A. Kardinia	42
		Sutherland Homes	63
		Victorian C.A.S.	39
		Sutton Grange	30
		Family Group Homes (all)	96
<i>Total</i>	1 066	<i>Total</i>	1 770
<i>Total of All Homes</i>			3 851

Source: Submission 173, p.15 (Victorian Government).

Table 5.11: Numbers of children in orphanages

Orphanage	Religious Order/Church	Time Period	Nos of Children
<i>Victoria</i>			
St Augustine's, Newtown	Christian Brothers	1857-1939	4 825 ¹
St Augustine's, Highton	Christian Brothers	1939-1987	3 555 ¹
St Vincent de Paul's, South Melbourne	Christian Brothers	1857-1997	6 120 ¹
St Catherine's, Newtown	Sisters of Mercy	1862-1928	1 746 ¹
St Catherine's, Highton	Sisters of Mercy	1928-1975	1 786 ¹
St Vincent de Paul's, South Melbourne	Sisters of Mercy	1864-1966	5 317 ¹
St Vincent de Paul's, Black Rock	Sisters of Mercy	1966-1997	540 ¹
St Joseph's Foundling Home, Broadmeadows	Sisters of St Joseph	1901-1975	20 000 ¹ (mainly babies/toddlers)
St Joseph's Receiving Home, Carlton	Sisters of St Joseph	1906-1985	10 500 ¹ (mainly babies/toddlers)
St Anthony's, Kew	Sisters of St Joseph	1922-1975	3 240 ¹
St Joseph's, Surrey Hills	Sisters of St Joseph	1890-1980	5 530 ¹
Ballarat	Sisters of Nazareth	1889-1976	2 217 ²
Sebastopol	Sisters of Nazareth	1906-1980	2 538 ²
Camberwell	Sisters of Nazareth	1953-1975	420 ²
Surrey Hills and Kew	Lutheran	1950-1972	600 ³
<i>New South Wales</i>			
St Magdalens Retreat, Tempe	Good Samaritan Sisters	1877-1983	5 126 ⁴ (women & children)
Manly Industrial School	Good Samaritan Sisters	1886-1910	1 469 ⁴
Balmain Industrial/Vocational School	Good Samaritan Sisters	1910-1914	316 ⁴
Mater Dei, Narellan	Good Samaritan Sisters	1910-1957	1 869 ⁴
St Brigid's, Ryde	Sisters of Mercy	1902-1923	703 ⁵

Western Australia

St Joseph's, Wembley	Sisters of Mercy	1957-1968	Average of 87 children each year ⁶
St Vincent's Foundling Home, Wembley	Sisters of Mercy	1957-1968	Average of 95 children each year ⁶
Geraldton	Sisters of Nazareth	1942-1977	1 152 ⁶
Clontarf, Castledare, Tardun, Bindoon	Christian Brothers	1901-1983	4 000 ⁷

Queensland

Nazareth House, Wynnum	Sisters of Nazareth	1926-1982	1 714 ²
St Vincent's, Nudgee	Sisters of Mercy	1867-1970	10 500 ⁸
St Joseph's, Neerkol	Sisters of Mercy	1880-1978	4 000 ⁹

- Sources:*
- ¹ Submission 50, Additional Information, 22.6.04 (MacKillop Family Services).
 - ² Submission 22, Additional Information, 2.4.04 (CLAN).
 - ³ Submission 22, Additional Information, 21.7.04 (CLAN).
 - ⁴ Submission 22, Additional Information, 13.5.04 (CLAN).
 - ⁵ McGrath M, 'Catholic Orphanages 1890s-1950s', *Journal of the Royal Australian Historical Society*, vol.77, October 1991, p.26.
 - ⁶ Submission 61, pp.5-6 (Mercy Community Services).
 - ⁷ Submission 65, Appendix 1 (Christian Brothers).
 - ⁸ Submission 22, Additional Information, 9.8.04 (CLAN).
 - ⁹ Committee Hansard 12.3.04, pp.107-8.

APPENDIX 6

LIST OF HOMES AND OTHER INSTITUTIONS REFERRED TO BY CARE LEAVERS IN SUBMISSIONS

The following is a listing of all the orphanages, children's homes and other institutions referred to by care leavers in all the submissions, both public and confidential. The figure after the name indicates the number of references made to the particular Home (which equates to the number of people providing submissions who were at that home). As can be seen, the Committee received submissions from care leavers who were able to provide information about a very large number of the Homes across all States that received children.

Children often had multiple placements so that in many submissions care leavers were able to describe their experiences at 3, 4 or more Homes. The majority of Homes mentioned in submissions have been able to be identified in the list; however, some references were generic (eg Catholic nuns or Salvation Army) and others were difficult to identify so have been listed as recorded in the submission.

A comprehensive listing of Homes across Australia may be accessed from the CLAN website at: www.clan.org.au

Albion Street Shelter
Alexandra Home, Highgate
Alkira (see Salvation Army)
Allambie - 7
Andrew Kerr Home, Mornington
Anglicare, Coburg
Armidale Demonstration School
Ashfield Babies Home - 3
Ashley Boys Home
Aspley Methodist Family Group Home - 4
Ballarat Orphanage - 8
Baltara Boys Home - 3
Bayswater (see Salvation Army)
Bencubbin; Merredin
Bendigo Training Centre
Berry Street Babies Home
Berry Training Farm - 5
Bethany Babies' Home, Geelong
Bexley Boys Home Sydney - 3

Bexley Ladies College
Bexley Special School
Bidura Girls Home, Glebe – 52
Bimbadeen Girls Home, Cootamundra
Bindari Lodge - 2
Bindoon - 2
Black Rock
Blackwood, Burnside
Bloomfields
Boggo Road Jail, Brisbane
Bondi Junction Home
Box Hill (see Salvation Army)
Boys Depot, Melbourne
Boys' Home, Western Sydney
Boys Town, Beaudesert - 2
Boys Town, Engadine
Broadmeadows - 2
Brookway Park Reform School
Brougham, Woollahra - 2
Buena Vista Boys Home (United Protestant Association), Orange
Burnside, North Parramatta - 7
Burwood Boys' Home
Burwood Boys' Home, Burwood
Callan Park
Care Independent Living Assoc, Bribie Island
Carlton Home - 2
Carramar Hostel Turramurra
Carramar, Townsville
Castle Hill Boys Home - 2
Castledare Boys' Home - 5
Chatswood Community Hostel
Cheltenham Boys/Girls Home
Chermside Psychiatric Hospital
Christian Brothers Homes – 2 (see also Bindoon, Castledare, Clontarf, Tardun)
Church of England Boys' Home, Armidale
Church of England Boys' Home, Carlingford - 3
Church of England Boys' Home, Enoggera - 2
Church of England Children's Home, Burwood - 6
Church of England Children's Home, Croydon
Church of England Girls' Home, Brighton - 2
Church of England Girls' Home, Carlingford - 5

Church of England Girls' Home, Perth
Church of England Home, Carlingford (Havilah) - 3
Churinga, Diamond Creek
Clontarf Boys Town - 5
Convent, Warwick
Dalmar Children's Home, Carlingford - 15
Dalwood Children's Home, Seaforth - 3
Dandenong Mental Health Service
Darly Baby Home
Daruk Training School for Boys', Windsor - 3
Dill Macky's Children's Home, Sydney
Dr Barnardo's Home Keiraville Wollongong
Eden Park, SA - 2
Fairbridge
Fairbridge (Tresca), Exeter
Fairfield Hospital
Fairlea Women's Prison
Fauld's House, Guildford
Foster care - 115
Frankston
Geelong Orphanage, Geelong
Gill Memorial Boys' Home (see Salvation Army), Goulburn - 13
Gladesville Psychiatric Hospitals
Glandore Boys' Home, Mt Gambier - 3
Glastonbury, Geelong - 3
Glebe Girls Shelter (see Bidura)
Glebe Orphanage
Good Samaritan Training Centre, Tempe
Good Shepherd Convent - 4
Good Shepherd Convent, Abbotsford - 4
Good Shepherd Convent, Oakleigh - 3
Good Shepherd Home, Mitchelton - 2
Goodwood Orphanage (St Vincent de Paul), SA - 9
Gordon Boys Home, Hightett - 3
Gosford (see Mt Penang)
Goulburn Orphanage
Greenough Convent, Geraldton
Guildford
Havilah (see Church of England)
Hay Girls' Home – 7
Heighway House, Thornleigh

Hillside Boys Home
Holy Cross, Wooloowin - 4
Hopewood - 2
Jack & Jill's Children's Home, Melbourne
John Oxley Youth Detention Centre, Wacol
Kalimna (see Salvation Army)
Kardinia House Geelong - 2
Karrala House, Ipswich - 3
Katoomba
Kellyville
Kew
Kildonnen Girls Home' Burwood – 2
Kilmany Park, Sale
King Edward Girls Home, Newcastle - 5
Lachlan Park Asylum, Hobart
Launceston Girls Home – 2
Lillimur Home for Boys (UPA), Dubbo
Long Bay Jail, Sydney
Lotus Glen Correctional Ctr, Nth Qld
Lowson House
Lynwood Hall, Guildford - 24
Magdalene (Good Shepherd) Hobart
Magdalene Home
Malvern
Manly Home
Marcellin College
Margaret Marr Memorial Boys Home, Wynnum - 2
Marillac House, Brighton - 4
Marist Bros, Kogarah
Marsden Boys' Home, Booval - 5
Marsden Hospital Parramatta
Mary McKillop
Mater Dei Orphanage, Narellan - 3
Mater Dei, Maitland
Melbourne Orphanage Brighton Sands - 5
Melrose Boys' Home, Pendle Hill - 2
Methodist Babies' Home
Methodist Babies' Home, South Yarra
Methodist Family Homes (Harrison & Nicklin)
Methodist Orphanages
Metropolitan Boys' Shelter

Metropolitan Girls' Shelter, Glebe - 2
Middle Brighton
Minali Receiving Home, Lidcome - 3
Minda Remand Centre, Lidcome - 8
Mittagong Farm Home for Boys - 3
Mittagong Girls' Home
Mittagong Linden Cottage
Mittagong, Garren Cottage
Mittagong, Suter Cottage - 4
Mittagong, Turner/Suter Cottage
Montrose
Morialta Children's Home, Adelaide
Morning Star Boys' Home
Mt Lawley Child Receiving Home - 2
Mt Maria Centre (Good Shepherd), Mitchelton
Mt Penang Training School for Boys, Gosford - 5
Mt St Canice (Good Shepherd), Hobart
Mullewa
Mungindi, Northern NSW
Murray Dwyer Orphanage, Newcastle - 5
Myee Hostel
Narellan Girls Home (Mater Dei?) - 2
Narellan Home
Narrabeen institution
Nazareth House - 2
Nazareth House, Ballarat - 6
Nazareth House, Brisbane
Nazareth House, Camberwell - 2
Nazareth House, Kilmarnock, Scotland
Nazareth House, NZ
Nazareth House, Subiaco
Nazareth House, Wynnum - 7
Neerkol (St Joseph's), Rockhampton - 12
Newhaven Boys' Home, Phillip Island
North Coast Children's Home, Lismore
North Ryde Psychiatric Centre
Nudgee Orphanage - 4
Orana Home, Burwood - 2
Ormond Girls' Training School, Thornleigh - 11
Pallister Girl's Home, Greenwich - 3
Parkerville Children's Home, Perth - 6

Parkville, Children's home, Mornington - 2
Parramatta Girls Training School - 33
Paton Home, Castle Hill
Phillip House, Gosford
Pirra
Presbyterian Children's Home, Byford
Princess Alexandria Orphanage - 2
Protestant Federation Childrens Home
Protestant Federation Children's Home, Dulwich Hill - 2
Protestant Federation Girls' Home, NSW
Protestant Girls Home, Grafton
Raelene Hostel, Mentone
Red Cross Home, Cronulla - 2
Reiby Training School, Campbelltown
Remand centre
Renwick Boys Home, Mittagong - 3
Royal Children's Hospital
Royal Park Boys' Home (Turana) - 11
Royal Park Children's Home - 6
Royal Park Girls' Depot
Royal Women's Hospital
Royal Women's Hospital, Carlton
Royal Women's Hospital, Paddington
Royleston Boys' Depot, Glebe - 19
Rydalmere Hospital
Ryde Psychiatric Hospital
Salvation Army Boys' Home, Bexley - 5
Salvation Army Boys' Home, Box Hill - 9
Salvation Army Boys' Home, Goulburn (Gill) - 19
Salvation Army Boys' Home, Indooroopilly (Alkira) - 7
Salvation Army Boys' Home, Kent Town - 3
Salvation Army Boys' Home, Mt Barker
Salvation Army Boys' Home, Nedlands - 2
Salvation Army Boys' Home, Riverview - 6
Salvation Army Children's Home, Stanmore
Salvation Army Children's/Girls' Homes - 2
Salvation Army Creche, Nth Carlton
Salvation Army Girls' Home, Camberwell - 3
Salvation Army Girls' Home, Cottesloe
Salvation Army Girls' Home, Hobart
Salvation Army Girls' Home, Kew

Salvation Army Girls Home, Toowong (Kalimna) - 2
Salvation Army Home (for unmarried girls)
Salvation Army Home, Bayswater - 5
Salvation Army Home, Elim, Tas
Salvation Army Home, Fullarton - 2
Salvation Army Homes - 6
Salvation Army Youth Hostel, Auburn (Lyndon Lodge)
Sandgate Maternal and Child Health Home, Q
Save our Souls, Burnie
Scarpa Home for Children, Bondi - 3
Silky Oaks Children's Haven, Manly, Q - 5
Sisters of Good Shepherd
Sisters of Mercy
Sisters of St Joseph
St Aidan's Convent (Good Shepherd), Bendigo - 2
St Anne's Orphanage, Liverpool - 5
St Anthony's
St Anthony's Children Home, Croydon - 5
St Anthony's Home, Kew - 3
St Augustine's Orphanage, Highton, Geelong - 9
St Brigid's Girl's Home, Ryde - 2
St Catherine's Girl's Home, Geelong - 4
St Catherine's Girls Orphanage
St Catherine's Orphanage, Brooklyn - 5
St Cuthbert's, Colac
St Elizabeth's, Singleton
St George's Home, Rockhampton
St Heliers, Muswellbrook
St John of God (Kendall Grange), Morisset
St John of God (Marylands), Christchurch - 4
St John of God Home for Boys
St John of God Home, Cheltenham - 2
St John of God, Abbotsford
St John of God, Burwood
St John's Boys' Home, Goulburn - 3
St John's College, Campbelltown
St John's Orphanage, Thургона (Albury)
St Joseph's
St Joseph's Baby Home, Melbourne
St Josephs Children's Home Croydon
St Joseph's Foundling Home - 3

St Joseph's Foundling Home, Broadmeadows - 2
St Joseph's Foundling Home, Carlton - 2
St Joseph's Girls Home, Bathurst - 2
St Joseph's Girl's Home, Lane Cove - 4
St Joseph's Home, Ballarat - 2
St Joseph's Home, Croydon - 7
St Joseph's Home, Kincumber - 5
St Joseph's Home, Surrey Hills, Melbourne - 5
St Joseph's Orphanage, Bathurst
St Joseph's Orphanage, Christchurch
St Joseph's Orphanage, Largs Bay, SA - 2
St Joseph's Orphanage, Rockhampton (see Neerkol)
St Joseph's Orphanage, Subiaco
St Joseph's Orphanages - 2
St Joseph's Waitara & Baulkham Hills
St Josephs, Cowper, Grafton
St Joseph's, Hunters Hill
St Joseph's, NSW
St Joseph's, Nudgee
St Luke's Family Care, Bendigo - 2
St Martha's Girl's Home Leichhardt - 4
St Mary's Home, Brisbane
St Michael's Girls' Home, Bathurst
St Michael's Home, Bathurst
St Michael's Home, Baulkham Hills - 2
St Stanislaus, Royal Park
St Thomas
St Vincent de Paul Boys' Home, South Melbourne - 4
St Vincent's Boys Home
St Vincent's Boys Home, Westmead
St Vincent's Orphanage, Nudgee - 4
St Vincent's Orphanages - 2
Sunshine Home, Sth Yarra
Suter Cottage (see Mittagong)
Sutherland Homes for Children
Sutton Grange
Swan Boys' Orphanage, Middle Swan - 2
Sydney City Mission Home
Tally Ho Boys' Home - 2
Tamworth Boys' Home
Tardun - 2

The Laurels Girls Home, Carlton
Thornborough College, Charters Towers
Thornbury Lodge, Baulkham Hills - 2
Tudor Lodge
Tufnell House, Nundah - 5
Turana (see Royal Park)
Vaughan House
Victorian Children's Aid Society, Parkville - 2
Villa Maria, Maitland
Warilda Children's Home, Wooloowin - 3
Warrawee Reception Centre
Werrington Park (Frogmore House), St Marys - 3
Westbrook Farm Home/Training Centre for Boys, Toowoomba - 3
Westmead (St Vincent's?) - 2
William Thompson Masonic School, Baulkham Hills - 2
Wilson Youth Hospital/Detention Centre - 10
Winberra, Vic
Windana Home, SA
Windarma Remand Home
Winlaton Remand Centre - 6
Wolston Park (Goodna Mental Hospital), Ipswich - 2
Woodland Training Farm, Lilydale
Woonona, Katoomba
Worimi? Boys' Home, Broadmeadow
WR Black Children's Home, Chelmer - 6
Wynnum (Nazareth House/Margaret Marr?)
Yarra Bay House, La Perouse
Yasmar Boys' Shelter, Haberfield – 3

APPENDIX 7

DATE IN CARE AND FORMS OF ABUSE DESCRIBED BY CARE LEAVERS IN SUBMISSIONS

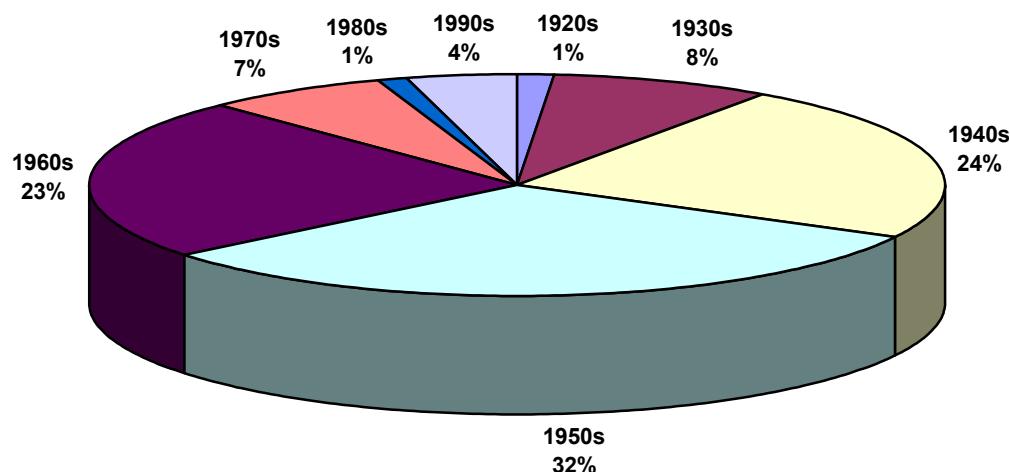
The information provided in this Appendix has been extracted from the submissions, both public and confidential, and like the listing of Homes is intended to give an understanding of the variety of care leavers and the scope of the evidence received by the Committee.

The figures in Table 7A give an indication of the period when the care leavers who provided submissions were in care. The date used is when the care leaver was first placed in care as many were in Homes for a span covering more than one decade. It should be noted that the dates in care were not provided in a number of submissions.

Table 7A: Care leavers by date placed in care

Time Period	Numbers in Care	Percentage
1920s	4	1.3
1930s	25	8.4
1940s	69	23.2
1950s	94	31.4
1960s	70	23.4
1970s	21	7
1980s	3	1
1990s- present	13	4.3
Total	299	100

Figure 7A: Care leavers by date placed in care (percentages)



Types of Abuse

The forms of abuse experienced by care leavers as described in submissions have been categorised under broad headings and reflect the discussion in chapter 4.

Table 7B: Forms of abuse experienced by care leavers

Forms of Abuse	Number	Percentage
Emotional	289	32.7
Physical	315	35.5
Sexual	186	20.9
Child Labour Exploitation	66	7.6
Neglect	33	3.3
Total	889	100

Emotional – includes psychological, verbal and mental abuse, humiliation and isolation.

Physical – ranges from physical cruelty, brutality, severe punishments, bashings and assault.

Sexual – ranges from molestation to sexual assault.

Child labour exploitation – ranges from complaints as to the workload of chores, to daily work related to the running of the Home, to physically demanding work in laundries and on farms, to work of any nature that many described as slave labour.

Neglect – includes various deprivations such as food and clothing, lack of education and healthcare.

Figure 7B: Forms of abuse experienced by care leavers (percentages)

