

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 amount 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 deprivation 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).