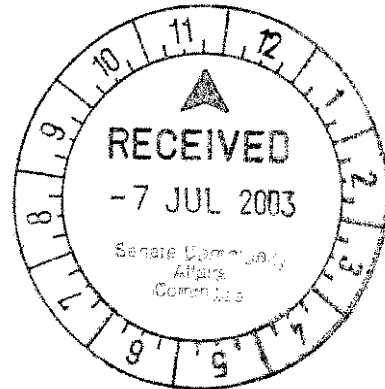


Relationships Australia

QUEENSLAND

30 June 2003



The Secretary
Senate Community Affairs References Committee
Suite S1 59
Parliament House
Canberra ACT 2600

Dear Sir/Madam

INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE

On behalf of Relationships Australia (Qld) please accept this submission to the *Inquiry into Children in Institutional Care*.

Relationships Australia (Qld), through its Aftercare Resource Centre program, has provided counselling and support services to former child residents of Queensland institutions since October 1999. The Aftercare Resource Centre is funded by the Queensland Government's Department of Families.

During this time the Aftercare Resource Centre has provided a range of services to former residents including face to face counselling, telephone counselling, and financial assistance with education, records searches and family re-unions.

Relationships Australia is aware that there are many people in Australia who were institutionalised as children and whose lives have been significantly affected as a result. We therefore endorse the inquiry and trust that comments made in our submission will taken into account when engaging in this important process.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Andrew Davis".

Andrew Davis
Executive Director

CC Ms Karen Walsh, Esther Foundation
Director-General, Department of Families

SENATE COMMUNITY AFFAIRS REFERENCES COMMITTEE INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE

RESPONSE FROM RELATIONSHIPS AUSTRALIA (QUEENSLAND)

Relationships Australia (Queensland) provides a Queensland government funded service for people who have suffered abuse earlier in their lives when they were residents of Church-based or government institutions. The service is referred to as the After-care Resource Centre. Interventions offered include specialist support and counselling (face-to-face and by telephone); the facilitation of educational opportunities; advice and assistance to access records, documents and archival papers and provision of contact with other support groups.

Since its inception in 1999 the service has seen 423 individual former residents and provided or brokered services to them on 6586 occasions. We have had the privilege of hearing, first hand, many stories, and of sharing the experiences and insights of these people. Whilst some tell encouraging stories, most are tragic; of unhappy lives frequently affected by drug and alcohol abuse and other addictive behaviours, relationship instability, criminal activity and anti-social behaviour. Their childhood neglect has often resulted in literacy and numeracy deficiencies, unemployment, poverty, poor social skills, poor relationship and parenting skills, inadequate living conditions and chronic ill health.

Many of these people have experienced physical, emotional, sexual, psychological and spiritual deprivation, abuse and neglect; not just from their carers but from the system itself. The co-signed apology from the church leaders and Queensland government acknowledges their mistreatment. Minister Bligh's tabled statement on 8 June 1999 acknowledges this "shameful episode in our history". Frequently they were placed in the wardship of the state for no obvious reason – perhaps the cause was simply that they were Indigenous or a child migrant. Whilst many have been able to get on with their lives, hundreds (and probably thousands) of others have been deeply affected. Sadly, many are now, in turn, affecting the lives of their children and loved ones.

The findings of the Commission of Inquiry into the Abuse of Children in Queensland Institutions (Forde Report) speak for themselves. There are 42 recommendations and the Queensland Government acted swiftly to address the recommendations. Amongst former residents this organisation has observed demonstrations of frustrations over the government's decision to only offer compensation through the Forde Foundation (a trust to finance the identified needs of former residents such as education, basic living, health and reunions). To avoid large compensation claims victims seeking redress from the Queensland Government were referred to the courts, however it was clear from the start that success in such actions would be unlikely. For some frustrated former residents this exacerbated their defiance. Having opened their hearts and spoken freely to the Inquiry they judged that compensation would be forthcoming. Many are now occupying the state's institutions again; be they for mental health treatment, drug and alcohol rehabilitation or part of the correctional system.

In making this submission Relationships Australia Queensland also took into account the Bringing Them Home Report into Separation of ATSI Children From Their Families. Of all the former residents, perhaps the worst affected are the original Australians. Apart from the physical, emotional, sexual and psychological deprivation, abuse and neglect that other former residents suffered these children also experienced deep spiritual and cultural deprivation and the loss of family and community has been devastating for them. Whilst we have encouraged Indigenous former residents to access Indigenous services we have found that many have chosen to seek assistance from non Indigenous services like ours.

When you meet with and hear from these people it is easy to conclude they must feel a deep sense of hopelessness. Indeed, disproportionately high numbers have suicided. However many are optimistic and committed to ensuring the sins of the past are not repeated. Many of these children have been outstanding citizens in the society that let them down. It is also easy to conclude that as adults, these people would be unforgiving of those leaders who failed them by not believing their stories of abuse. Many are, but a few accept these events as having past and have moved on.

Queensland had less direct interest in the NSW Wood Royal Commission and the Report of a UK Parliamentary Inquiry into British Child Migrants however these reports have given insight to Relationships Australia staff when looking at the needs of the some of the people with whom we have been working.

What follows is a brief overview of this organisation's observations as they relate to the terms of reference of the Senate Inquiry following our discussions with hundreds of Queensland adults, all former residents of institutions.

- 1 (a) Government and non-government institutions will include campus-style facilities, family group homes, industrial schools, nursing or infant homes, orphanages or congregate care, receiving and assessment centres, reformatories, training and farm schools, transitional hostels and juvenile detention centres.
(pp 9,354)
 - (a) (i) Through its investigations and as a result of evidence received from former children in care, the Forde Report conclusively detailed that over decades, considerable numbers of children were subjected to inexcusable personal and systems abuse whilst in the care of the above institutions. This unsafe, improper and unlawful care and treatment of some children has produced a population of adult survivors who have experienced profoundly disturbed lives as a result of that abuse.
(pp i-iii)
 - (ii) Breaches of various statutory obligations were commonplace in relation to food, clothing, education and corporal punishment. Part 8, Section 69(1) of the Children's Services Act 1965 provides that:
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.
(p302)
- Until 1999, the *State Children Act 1911*, the *Children's Services Act 1965*, the *Juvenile Justice Act 1992* and the *Infant Life Protection Act 1905* did not adequately enough cover child protection in its fullest sense. However, since that time, the introduction of the *Child Protection Act 1999* and the *Juvenile Justice Amendment Act 2003* have provided a sound basis for future services.
- (iii) There do not appear to be any statistics published or available regarding the exact numbers of children who passed through Queensland Institutions, although this would number many thousands. Whilst it cannot be said that every child who was institutionalised was abused, the impact of being taken away from family, being separated from siblings and being exposed to systemic issues relating to poor legislative protection, under-resourcing, and inadequate training are significant.

- (b) There are considerable long-term social and economic consequences of child abuse and neglect for individuals, family members and Australian society and these can be summarised as follows:

Institutions had immense potential for abuse and neglect because they were under-resourced, over-crowded, staff were inadequately trained, harsh discipline policies existed and accountability was minimal. As a result the individual might experience deprivation, poor nutrition, a lack of love, care and nurturing, poor education, harsh unfair discipline, inadequate role models and physical, sexual and emotional abuse and neglect.

This often translates into literacy and numeracy deficiencies, unemployment, poverty, poor social skills, poor relationship and parenting skills, inadequate living conditions and ill health. Coping mechanisms and survival techniques may involve substance abuse, addictive behaviours, criminal activity and anti social behaviour.

This has obvious subsequent impacts for family members and there is clear potential for repeated dysfunctional family patterns and distorted coping mechanisms for several generations. This in turn impacts upon Australian society through increased demands on the provision of services through government and non-government departments and agencies.

Existing remedies and support mechanisms include counselling and financial support, advocacy and complaints processing, peer support and a trust fund. These services are considered adequate and appear to meet the needs so far expressed by most former residents. However some are likely to carry the scars and to demonstrate their frustrations for many years.

- (c) Changes to professional practices employed in the administration and delivery of care compared with past practice include closures of various institutions, funding of support services, introduction of new legislation, encouragement of child centred practice and the introduction of the blue card for people working with children.
- (d) Formal acknowledgment by Australian governments of the human anguish resulting from the abuse and neglect of children in care is an essential part of the healing process that assists in establishing the abuse as historic fact. Additionally many former residents expressed the need for a verbal and written apology from someone representing the government and church based institutions in which individuals were placed. This has been provided in Queensland along with a series of activities that have attempted to provide reconciliation. More can be done and is planned.
- (e) Following investigations into institutional abuse amongst indigenous North Americans, the Canadian Law Commission determined that a combination of several measures were required for reparation and healing to be meaningful. These included an acknowledgment of wrong, apology, public commitment to prevention, establishment of historic record, financial compensation, access to counselling and therapy, access to education and training and punishment of perpetrators. In addition it was thought that former residents should be involved in all processes addressing past, current and future abuse issues and service provision.
- (f) Statutory and administrative limitations or barriers have significantly affected those wishing to pursue claims against perpetrators of past abuse. The statute of limitation has been a major barrier to survivors of abuse wishing to pursue legal action. Lack of substantial records from institutions and the restrictions placed upon information received via the Freedom of Information Act have also been barriers. Discussions with former residents have led this organisation to conclude that out-of-court settlements from various non-government

institutions have often been inadequate and traumatic. Many include silence clauses leaving some former residents with feelings of re-abuse.

- (g) There is clearly an ongoing need to continually review public, social and legal policy to provide an effective and responsive framework for dealing with child abuse matters. Whilst some departments within the Queensland Government have been enthusiastic and constructive in their commitment to reconcile the past, some distance has yet to be covered in ensuring all issues faced by former residents including education, housing, mental, oral and physical health, transport and retrieval of full records are addressed.

Recommendations

1. Be cautious of raising the hopes of former residents and creating expectations that cannot be met.
2. Ensure adequate support is provided through ongoing funding of support programs.
3. Consider the issue of adequate and appropriate compensation of victims.
4. Ensure apologies are real and meaningful and given from representatives of institutions in person.
5. Carefully consider how former residents are involved in the process.
6. Instigate "Across Government" policies to facilitate access to services eg health, dental, education and housing.
7. Include Health Department institutions in the Inquiry.

30 June 2003