

Senate Community Affairs Reference Committee  
Suite S1 59  
Parliament House  
CANBERRA ACT 2600



Dear Sir/Madam,

re: Submission: Children In Institutional Care

I submit the enclosed submission to the above enquiry, for inclusion in the public listing of submissions.

This has presented a wonderful opportunity to have voice, as a senior ex-ward of the state, 1965-1971, to describe the conditions of that era and the consequences, and to relate this to current ward issues.

In particular, I would like to thank Senator Murray for his personal commitment and dedication to this inquiry.

I have spent much considered time and effort to provide constructive measures to enhance the lives of children who suffered, and are suffering.

I sincerely hope, that this inquiry is effective in deleting, the current wardship outcomes: that still:


- A. . 50% of young people leaving care are unemployed  
.75% with care backgrounds do not complete their secondary schooling
- B. .35% with care backgrounds enter juvenile justice institutions  
.50% of homeless 14-17yr. olds have been 'in care'.

I am sure <sup>there</sup> ~~there~~ is a direct correlation of A to B.

My hope is that through the provision of our testimonies as longitudinal examples of systems neglect, these figures are reformed drastically, as a test of the sincerity of government initiatives to address this alarming and shocking waste of our nations children.

With a current budget in surplus, an investment in these measures, will equate to a gross fiscal economic savings for our futures.

Yours sincerely,

  
Caron.

SUMMARY

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CHILDREN UNDER STATE CONTROL... .. AUSTRALIAS HIDDEN 'AUSWITCH'

I am a 'victim' of welfare malpractices and sometimes crimes perpetrated upon vulnerable, defenceless children and young people of the era 1960's – 1970's, via the State Wardship system, in both government and non-government institutions alike.

I am what welfare workers ie (employees of both above) call a 'survivor' of institutional abuse ie I am still alive, but this expression uses the lowest common denominator.

I am 50yrs and my 'survival' to date has been an existence only, devoid of the normal developmental stages of life: education, employment, family, children, home and I testify that my life chances were actually destroyed by my 'time' under state control. My life has been a continuance of deprivations that have mirrored my childhood deprivation, as I have not had the benefit of many of societies resources that equip a person to lead 'the good life', that we are all promised if we apply ourselves.

I, and the other testimonies evidenced here for this inquiry, all witness the human atrocities and dehumanisations that were perpetrated on children and young people in this deplorable and shameful history of our recent past.

These personal histories are graphic and disturbing in their painful and tragic reality, with repeated common themes of child cruelty, deprivation, sadism and dehumanisation, and are compelling examples of direct and circumstantial evidence. Physical assaults, sexual crimes, emotional traumas and psychological cruelties were common control means, and these children were unprotected in their incarceration because they were entombed in these institutions and were: out of sight, out of mind. They often had no family as watchdogs of the system, and there were no checks and balances, nor accountability and these organisations functioned largely autocratically, with the state reducing their involvement to funding functions only. *Terms of Ref. 1(a)(i).*

The resultant legacy of these atrocities and brutalisations form our disturbing early psychological heritage and are a disproportionate and sometimes total definition of our current identities, the CONSEQUENCES of which we now psychologically and emotionally wrestle with as 'survivors'/.victims' of our 'internship' in wardship, with all injustices and perversions.

The crippling net damage of this is endemic and all- pervasive and we assert that our lives were RUINED by these means and systems. Institutions by their very sociological nature and impersonal scale were totally inappropriate as models and means to replace the nurturing and loving care of a functional mother and father, that the state, as guardian, had a duty of care to provide, and which is a primary need for healthy adjustment and performance. *Terms of Ref 1 (b).*

We therefore, as a unique group of damaged and severely disadvantaged people, socialised in these institutions, form a classic longitudinal living example of the life-long systemic physical, psychological, emotional, intellectual, sexual and developmental brutalisation that the state failed to prevent. We bear testament to

Bowlby's (1) theoretical studies of the damage to children raised in institutions. 'State Care' was control only, persona was destroyed by sadists and bullies, and all the requirements for the development of a healthy, functioning human being were distorted and mostly absent. *Terms of Ref. 1(b).*

Instead of being a system of protection for disadvantaged children, these institutions were the equivalent of child prisons (auswitchs), and were often systemic dehumanisation chambers eg. (Parramatta Girls Training Centre), that created modern day 'Kasper Hausers'(2).

These children were socialised as 'rote' human beings, conditioned with cruelty and emotional deprivation and were often incarcerated from mainstream society, for up to 18yrs. of formative development.

Children of this system 'graduated' from wardship as stymied/hybrid beings, often unable to comprehend or function in society at large: some describe it as feeling like they had lived on another planet, i.e. the 'outside' world was so foreign to them, and they felt like 'outsiders'.

We had become ADAPTIONS of 'the norm', and were at a loss to cope, vulnerable and alone, without life skills, supports, family, education, employment, thrown on our own 'witsends' to 'survive'/exist, as best we could, once the biological clock struck 18, irrespective of ability to function or to be further supported or assisted. There were no after care services, intermediary services, and often no family connection. We were therefore totally vulnerable and isolated.

Many older ex-wards, gravitated to societies fringes, as shadows/distortions of their authentic selves. Some unconsciously sought refuge in further institutions like goals, being unable to cope outside an institution. Some 'graduated' to the mental health system, suffering depression and anxiety related conditions. Some found employment where they were 'hidden' from view, fearing their lack of social skills and personal feelings of inadequacy, rejection, shame. Some turned to alcohol <sup>drugs</sup> and some suicided. *Terms of Ref. 1(B).*

This LOSS is our COLLECTIVE GRIEF and social injustice that is a common issue for us all(3). We are left with a sense of BEWILDERMENT to make sense of it all, and are forced to study the history and sociology of this era to understand our context.

As we age, the realisations and ramifications of this intensify rather than reduce, as we wear significantly compounding costs of these histories with increased disproportionate financial poverty, reduced life opportunity, illnesses and the inverse relation of decreasing life opportunity and increasing years, and decreasing functioning. Many ex-wards are terrified at the prospect of institutionalised old age, as this represents loss of control again.

I personally live with a pervasive sense of torment and grief at the human damage that I witnessed and personally experienced, and the futility and needlessness of it. I vividly remember the bewildered faces of the children I lived with in a church based cottage, all knowingly conscious of an indefinable sense of terror that they couldn't verbally articulate or quantify or defend themselves against, who are now confronting and trying to process this as adults. These children were 'adultified' by the repression

of their selves, beyond their capacity or levels of maturity and they are now plagued by these traumas. Post Traumatic Stress Disorder (PTSD) is commonplace, and even psychiatrists find these traumas daunting. At best, we are called people who have had 'extraordinarily difficult backgrounds'.

I believe that we were victims of untenable child cruelty and atrocities, and are the resultant products of that abuse. With all our frailties and conditions, we present as the evidence (Terms of Ref: 1(b)), and no further evidence need be required. Many children were placed in child detention centres, such as Turana, Bidura, Winlaten, Parramatta Girls Training Centre, where conditions rivalled adult goals. There are many submissions presented to this inquiry detailing this, and my reference to Australia's Hidden Auswitch is used because these children were like a hidden exodus from society, removed and stripped of all being. Many of these older ex-wards have no records of their lives in these institutions other than three sole lines: name, date of birth and parents.

Older ex-wards grieve that society does not understand their devastating histories (even spouses and other family members), as they struggle to accept, process and understand it themselves. There is a common theme voiced to them 'to get on with life', 'to put it behind you', 'get over it' 'not to be a victim' etc. These standard cliches are borne of ignorance, as a person's sum identity is a sum total of their history and experiences, congruent with their present. For many, the details of these histories has only been disclosed to them, and they are now in the process of finding their histories and living relatives. Some have found that their siblings that were separated from them during their wardship childhoods, had died in between, or that parents that they were removed from, and were told were dead, were in fact alive, but died before they reached them. They have therefore been further traumatised, shocked and some have suffered breakdowns.

PTSD is a common response to these circumstances and reasons for people experiencing shock, trauma and further damage and 'not getting on with life'. For an older ex-ward this is the unfortunate legacy of 'getting on with it' instead.

This system of institutional wardship was unequivocally therefore A SYSTEMIC FAILURE. It was destructive, dysfunctional, negligent and ruined people's mental and emotional development and was often criminal.

In this era CARNAL KNOWLEDGE WAS A CRIME and correspondingly, sex with minors was criminal. The law was unequivocal. (Terms of Ref 1(a)(i)-(ii))

Wardship destroyed people's resilience and rendered them perpetually vulnerable in life(®). It was a system of learned helplessness and hopelessness, where children had no rights, and was possibly worse than a holocaust, because the nett fallout of damage can LAST A LIFETIME, and is perpetually re-experienced with recurring trauma for 'victims'./survivors' often on a daily basis and in perpetuity with ripple effect rough ex-wards own families, that 'limp' along and struggle to survive. (Terms of Ref 1(b)).

Some people chose to remain childless, feeling inadequate, overwhelmed and at a loss of experience with the role of parent, and without any models or semblance of what it meant and felt like to experience family life, and were often primarily

4.

Struggling just to 'get over wardship' and begin to look after themselves and to make sense of their own lives. This is a double 'whammy' effect. Others rushed idealistically into parenthood, desperate for love, and craving affection, only to tragically find that their own reservoirs of loving were depleted, and in some cases, barren.

When I left wardship, I felt like a soldier, still marching to orders, as though I lived in an emotional refrigerator. It took me 20yrs. to resocialise and feel human again.

Therefore, how does one 'get over' that loss and grief, and now collective grief. And without any quality, experienced, appropriate, and readily available professional counselling services provided. Psychologists are unaffordable to us, and psychiatrists have a medical model focus. We need access to high grade, specialist and very experienced psychotherapists for these endemic legacies of systems abuse. Anything less would add further injury. *Terms of Ref. 1(e).*

Most older ex-wards of this era of state 'care'/control are still shell shocked and suffer PTSD, crippling fears and anxieties, depression and despair, as though they had emerged from a battle-ground or war zone. 'Post Wardship' is a psychological phenomena of its own, and I believe, requires specialist highly experienced professional psychological services as a beginning of life resurrection. Inferior, cheap service substitutes are inappropriate, and would be a further disservice and are totally unacceptable, and do not have the training required to offer effective psychotherapy. Church based counselling and 'in-house' counselling offered by the organisations that perpetrated these atrocities, is untenable to many ex-wards, and is not of a suitable professional calibre, and it often has moral and religious overtones.

Like Prisoners of War (POW's), we have emerged dazed and bewildered trying to comprehend the incredulity of our ward experience. As we grow older, the sickening ramifications intensify rather than reduce, almost like a phenomena in itself. *Terms of Ref 1(d).*

It was a unique and exclusive experience for wards, the same as War was for each group of people who experienced their particular wars. Like the Vietnam Vets, their distress was intensified by societies dismissal of their particular issues. I.e. the 'get over' in response which is really a non-response. Recognition of this distress and appropriate and substantial redress is similarly needed for us as a specialist group.

The Statute of Limitations needs to be removed to allow perpetrators to carry the burden of compensation for these crimes. People need money to restore their lives to acceptable levels that they would have achieved without the devastation from welfare crime and time. We need parity with general society. *(Terms of Ref 1(g)).*

Sufficient evidence for the failure of this institutional system has been the withdrawal and closure of these, in recognition of their past malpractices and dysfunction, and to recognise that they were totally unsuitable as a system of substitute care. The buildings, still operative in the '70's remain as bleak testimonies of estrangement, and are the frozen mausoleums of child cruelty. Some have been razed. Just to look at them is forbidding and ominous. But we live on as the human history and witnesses of that damage, and it is this that cannot be eradicated from our psyches. It is borne out of our stymied lives of poverty and disadvantage. *Terms of Ref 1(e)(i),*

State Wardship failed to deliver care and protection to us and was often personally injurious. We REJECT THE SYSTEM THAT REJECTED US, that failed to deliver ITS DUTY OF CARE, that labelled us as: WORTHLESS, DEFECTIVE, INFERIOR, INADEQUATE, DIFFICULT etc. These were all labels used to describe and condition wards to core belief systems that created shocking personal damage. Leaving life long legacies.

As mature adults, older ex-wards now apply these same labels to the 'system of state wardship' ie it was, and STILL IS, systemically defective, inadequate and not client based, and still functions on the lowest common denomination of means provision ie economy, and where shamefully and tragically there is scant genuine personal regard for children/youth who have been abandoned by their own, for whatever reasons. Ultimately, society at large is affected by this schema (see attached report: S.Treagle)(5).

Older ex-wards at an emotional level, want a commitment and guarantee from government that there is an overhaul of the dynamics of state care, for children/youth who cannot live with their birthparents.

WE BELIEVE THAT A ROYAL COMMISSION is required as the problem is systemic and at the core of our society, and procrastination and avoidance will only increase and compound a growing national disorder. *Terms of Ref. 1(g).*

Academics call for funding for 'comprehensive' research of the Australian experience(3) and alternatives of sustainable care that engenders good mental, emotional and physical adjustment. The challenge should be to afford these individuals superior resources, so that they leave wardship to be fully functional, proud of their wardship heritage, and we, proud to have made this contribution. Ultimately, that they were valued, respected and regarded. Inter-generational recidivism could be less likely. *Terms of Ref. 1(e).*

As a middle-aged ex-ward, I am concerned in this essay to address both these areas: past and present care systems, as they are inter-related.

Older ex-wards histories provide the relative background to current wardship issues, and share a commonality, whilst carrying different needs of redress and provision. Young people experiencing wardship currently face many of the issues raised here: psychological health, family identity, education and employment, housing, and there is much concern for current practices (eg. S. Treagle)(5).

There is a pervasive understanding that the present ward system is a minefield of systemic dysfunction. We, and senior academics are calling for a Royal Commission. Social Workers best practices are thwarted by the systems incongruities, and often believe that welfare on the cheap is counter-productive. Research details the long-term costs of short term expedience, and we, as ex-wards, support the assertion of a Royal Commission, as it is a shocking reality for us to be confronted with the reality of WARSHIP DYSFUNCTION IN PERPETUITY.

According to CREATE (b), which represents current young wards leaving care (formerly the Australian Association for young people in care: Submission 69), Asserts that of young people currently leaving care in Australia:

- .50% of young people leaving care are unemployed
- .75% with care backgrounds do not complete secondary school
- .35% " " enter juvenile justice institutions
- 50% of homeless 14-17 yr. Olds have been 'in care'. *Terms of Ref. 1(b).*

Financial INVESTMENT is needed to research alternatives to the current system as it is obviously from these figures failing grossly its clients. These children deserve better and we as older ex-wards, feel a moral duty of care towards them, to voice their current vulnerability akin to our past abuses. *Terms of Ref. 1(c).*

INTER-GENERATIONAL GOVERNMENT DYSFUNCTION is unforgivable and will attract much voting ANGER now. These people's lives are no longer hidden away, but affect all those around and impact on the community at large, via drug and alcohol problems, mental health issues, unemployment, related crime and repeated recidivism of wardship with early pregnancy, etc. ad. Nauseum. Attendant welfare payments and financial burden need to be factored by Government as a long term program TO INVEST IN CURRENT SERVICE PROVISION AS A FUTURE FISCAL REDUCTION (4).

There is much criticism of the dysfunction of the current Department of Human Services, and perhaps it can be more aptly termed the: DEPARTMENT OF INHUMAN DISSERVICE, if it often and chronically fails the clients it is intending to help. There are many papers submitted to this inquiry detailing this. Eg. Create, Youth Off The Streets. (1).

I personally have taken the time to read as many submissions as I could stand to before I became overwhelmed with grief and horror, or so angry and disillusioned that I determined to make pointed reference to this now.

As well as our individual issues, as older ex-wards, we want guarantee s for our young people in the current 'care system' to be given the best services and opportunities for redress of their already reduced life chances, and seems that this can only be achieved with a Royal Commission, as there is too much similarity of COMPARABLE DYSFUNCTION damage, as we sustained. *Terms of Ref. 1(g).*

For example, many young people are leaving care, without finishing high school, and without any training scheme for employment. They are effectively unemployable in today's fiercely competitive market conditions, and they do not have parents or family as a safety net. They literally have no place to go, and cannot afford rent on the private rental market, and are chronically vulnerable. Unlike Australia in the 1970's, when unskilled jobs were abundant, HSC is now the relative equivalent of year 10, and entry point for most education and training prospects. There is no prospect for These people without educational resources.

This raises the need for a fully developed system of AFTER CARE SERVICES / RESOURCES for young ex wards, as an intermediary between leaving wardship and



Achieving financial independence. Youth from intact families are staying home from 18-25 as a societal norm, to achieve this, as a function of the economic level required to enter employment streams. This has to be provided similarly for wards, in the form of equivalent service provisions, the state, being the legal guardians mirroring parental facility/role.

A supported housing project, such as hostel accommodation with individual support worker, legal advocate, could be one suggestion. Other models need to be designed. Some academics speak of therapeutic community inclusion etc. Hostel accommodation, and supported housing assistance may be a suitable option. Presently the government funds After Resources Care Service, but this is a small minimalist service, not comprehensively funded, or extensive for numbers provision and excludes the majority of people in need. A comprehensive total scheme is required. *Terms of Ref. 1(e).*

Ultimately young people need to be afforded the means to overcome their adversity, with superlative provision of services that are worthy of them. Isn't this HUMAN RESOURCING as in a description of a Department of Human Resources? Exactly that: an INVESTMENT in the future capacity of the resources of our 'young potential'. How many functioning able people did we destroy in the past, as older ex-wards who are now testifying to this despair and depression in this inquiry. Perhaps we can quantify this by quickly correlating the % of ex-wards who are now dependant on the disability pension. *Terms of Ref. 1(b).*

I truly grieve that this is the current status quo. That in 2004 young people in the current care system, are still deemed so poorly and negatively. I.e. The terminology used for wards, implies a peculiar attitude. For example, when the bureaucracy describes the system, it refers to the 'care' system, but the recipients of this 'care' are called Wards. This terminology derives from the punitive, legalistic language references of prison terminology: eg. Warders, wardens, wardship?

We as older ex-wards were LABELLED INMATES in our files. This has not changed, as children are still called Wards of the State. These current anomalies, Create cynicism and disbelief at the sincerity of state 'care', and are careless Terms that are more credible as opposite evidence, still in 2004.

These 'terms of reference' and lack of positive status that current wards suffer, results from insensitive/clueless bureaucracies that are removed and often remote from 'their children', that they are in charge and control of, shaping personal lives and histories, and suggests that these models are failures per se.

Historically the definition of WARD of the State, originated from the English Class system. Children who were unlucky or disadvantaged enough to be subject to the welfare system were deemed inferiors of poor stock, societies rejects, who should be grateful to be saved from their fates, and welfare provided the barest essentials of bread and roofing, the same as the prison system. These were young children, and the horror stories provided in the hundreds to this inquiry testify to treatment that was often as shocking and punitive as the incarceration of adult prisons and goals, and substantiate my reference to Australian Child Atrocities.

They were atrocities to children because these children had committed no offences, they had no legal representation or rights, *no* control over their time 'in care', and their sentences were up to 18yrs of their lives, without good behaviour bonds, parole, or means of escape. The damage perpetrated on wards, often lasted a life-time.

It is perhaps unrealistic to expect any system to be capable to substitute the nurturing Care and real concern of a fully functioning mother and father, yet this is what is required to raise healthily functioning human beings. Can we factor this in as a focus for research into alternative models of caring please? Dr. Una McCluckey in her submission 66, elaborates the need for specific Australian academic research and Discussion.

It is no longer acceptable to society, that people caring for children have no child-care/welfare training, and I believe that superior qualification is needed, because these children are arriving in the 'system' with particular and often extensive damage through abuse and neglect, as entry point for wardship. *Terms of Ref. 1(e)*.

Remedial education is often needed, if children are at risk of struggling with the school system. Reverend BILL CREWS, via the Exodus Foundation and Macquarie University operates such a scheme, and there needs to be uptake services across services, pro-actively and congruently accessed for these children, WHEN their handicap is recognised, and that recognition of these disadvantages requires an educated awareness, for early intervention. Carers therefore require educational credentials. *Terms of Ref. 1(e)*.

I am still traumatised to know that many young wards find the current system so unendurable that they run away at 14-15, risking the terror and danger of living/surviving OFF/ON the Streets, to the trauma of Wardship. They say so themselves in CREATE'S submission (6).

**PLEASE LISTEN CLOSELY TO WHAT THEY ARE SAYING SENATORS AS THEY ARE THE BEST ADVISORS AND WATCHDOGS OF CURRENT WARDSHIP PRACTICES.**

This current situation is gross evidence of a collapsing system, and we obviously need a Royal Commission.

My assertions are forthright, as I am more at liberty of expression, as I am not a representative of any employment. I also believe that a more emotional emphasis can 'bring home' the heart of these compelling issues. My qualification is of a direct experience of ex-wardship, and of inter-generational wardship issues.

I would also like to draw attention to the absence of any submission by the Australian Association of Social Workers, despite express contact and notification.

This essay also provides the background to the following personal of the periods 1965-1972, *In this* I will outline the particular systemic

deficiencies<sup>of</sup> outlined in the terms of reference. These case histories will also be the basis for making recommendations of reparations.

In conclusion, it has been my intention in this essay to provide a personal recording of this era of Australia's recent past of child-care malpractices.

It has been personally distressing and confronting to dredge through these issues, but essential if we are to work towards better outcomes for ourselves as older ex-wards, and real care, sustenance and prevention for young people unable to live at home.

I thank you for the opportunity to address the inquiry, and give voice to these concerns and fears.

In particular, I would like to thank SENATOR ANDREW MURRAY, for his enduring conviction, personal sensitivity, compassion and appreciation of the challenges that we face.

May this essay herald an age of enlightenment for our nations children and humanity.

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FOOTNOTE:

No part of this essay may be reprinted or used without the author's permission.

## A RUINED LIFE: WARDSHIP MALPRACTICES 1965 – 1971

## WARDSHIP ENTRY

My wardship experience was a sophisticated and relentless psychological assault and dismantling of my psyche, personality, functioning and education that destroyed my life chances to earn a professional living as well as conditioning me to believe that I was totally inadequate, inferior, and worthless as a human being: a total reject.

I developed a life-long anxiety condition during my ward years, and I was identified as a depressed teenager. I was above average ability and believed that by working hard, I could reverse my poor circumstances of state wardship and resume my place in mainstream society as a functioning and capable person, once I left the church based cottage home I lived in from 1965-1972.

I entered wardship at 12yrs, and lived in a church based cottage home system, in that state of Victoria, that received funding for me as a state ward. I was made a state ward because my father was unable to sustain my care payments due to ill health.

I had previously been fostered by elderly folk, 60 & 65yrs, but the age disparity proved too great and welfare consensus believed that a church group home would provide a tidy exit mechanism. I wanted instead to move to a schoolfriend's family who were very willing to let me live with them, but this option was removed by the social worker, who unilaterally believed that the cottage option was preferable.

I was not consulted or included in this process, but was dismissed and ignored, and was given no explanation of my life for the next 6yrs. I came home from school and found my things packed in a suitcase lined up at the door, and a car was arriving to 'take me away'. There was no transition period, no explanation, no preparation, and I had no rights, and was just removed. I was absolutely powerless in my own life. I was very frightened and I went into shock. I felt that I had been conned and deceived.

I was taken to a residential church-based care arrangement which was called a 'cottage'. It was a house in an outlying new suburb, attached to a church organisation, and employed 'cottage parents' who were really more like warders. They had no training in child welfare, but were English immigrants who were paid a wage and family accommodation, and were saving for their own home. Their motivation was self-serving.

## THE COTTAGE; CHURCH BASED 'HOME'

There were around a dozen children of varying ages, and I was expected to immediately assimilate into this home, as part of an automatic family. This expectation was bizarre to Mel, as I only had 4-6yrs. to go before I could live independantly, and it was developmentally inappropriate to teenage individuation and the quest for identity and self-emergence.

I felt utterly stymied, and powerless in my own life, and this was intensified for me because I had presented a viable alternative of living with a school friends family.

There could also have been an option of boarding school, but no options were explored. Welfare just took over with their control mechanisms and I was not part of the equation.

There was no orientation, or assistance with any social worker to explain the 'care' system to me, or what would happen, or expectations of either parties, or that I would have a case plan drawn up etc. I was just doing time. I had no rights, no advocacy, no representation and the attitude was that I should be grateful for having somewhere to be, despite my own efforts of being proactive, and finding my own alternative.

I wanted to die.

In order to cope with this total disregard and regime, emotionally and psychologically, I literally counted the days (365 X 6yrs), of 'my time' and added power to my life by mentally deleting each day, as working towards my removal of wardship sentence. I lived on a daily basis and tried to adapt to survive as best I could. I withdrew into myself. I had also lived as an 'only child' in my previous fostering, and I had no idea or inclination of playing with little children, but as I was the oldest 'inmate' I was expected to be some sort older child figure, and to 'look after the little ones'. I didn't relate to this, as I thought that that was the cottage parents job.

I used to listen to Billy Graham, crusading USA evangelical minister on my transistor at night, and pray. I wrote to him, but he didn't write back. I was a lone voice in some sort of domestic wilderness.

As a survival means I threw my energies into my schoolwork and was liked at school by my teachers and peers and did well academically, aiming to 'get somewhere'. This also made me feel appreciated and worthwhile and gave meaning to my life at that time. School was an escape and a refuge.

## IDENTITY

I took school very seriously and saw it as a way to provide for my future. I wanted to be a professional person. I was analytical and enjoyed intellectual rigor, and my family of origin had been intelligent people. My morale was sustained by this ambition and I believed that if I worked hard towards achievement I could regain control of my life and reverse my misfortune. I saw education as a passport to a good life.

Distressingly, this was not the case, as there was no provision for an education for wards, and unbeknown to me wards of this era were being conditioned to accept menial work that required no training eg. Labouring for boys, domesticity, shop work or other unskilled jobs for girls.

This attitude WAS NOT REPRESENTATIVE of society in general in the early 1970s. as much social change was occurring: the Whitlam govt. was nigh, educational fees were being abolished, feminism had emerged and equality of opportunity was the new order. Affirmative action had its genesis, and youth culture was recognised as a separate culture.

However, Dickensian attitudes still prevailed for us 'wards'. My good school performance amongst my peers was denigrated and ridiculed, as it was actually perceived as a threat to the 'cottage parents', that a ward child had aspiration. I can only understand from this that they had some warped attitude of their own. Eg. Something like 'not going beyond your station' which would confirm their perception that children were in these homes because they came from 'poor stock'. They wanted to believe this. My wardship file is full of these expletives, though it was 1971 Australia, and the reporting reads like an Oliver Twist novel: eg. 'who does she think she is to aspire to anything' This was the offensive of the English Class System, mouthed by people who themselves, had been at the bottom of the heap, so to speak.

They saw themselves as bastions of the English class system, and their offensive attitude was sanctioned and endorsed by the 'care system'.

I was becoming very confused, as none of this was publicly stated to me and I only had the discrepancies to try to interpret. Despite this incongruity, I continued to do my best and aimed high, as I was conscientious and I knew that it was imperative in my circumstances that I could support myself at 18, at the end of wardship, and I had no family backup. I also felt responsible for my family's plight and wanted to help to make a difference. This was the lot of a 'girl like me'.

I knew that my birth father had high expectations of me, and even as a girl encouraged and expected me to become a professional. I had come from good stock. He would write to me with encouragement.

## 16 YEARS: THE MIDDLE YEARS

At 16yrs I asked the cottage parents if I could leave and support myself in the community, with the proceeds of a scholarship I had won. I wanted to enrol in a technical arts-based course, and board in the community, and this would have been possible with the scholarship proceeds, that would have enabled me to part pay my way, and with a part-time job, and minimal welfare assistance, I believe that I could have supported myself, and been less welfare dependant, and developmentally congruent with societal norms.

Instead I was fobbed off, with a glib response that 'I was thinking too ahead of my time' and 'to drop it'. I became incredibly anxious as alarm bells were ringing for me. I was 16.5yrs and much was riding on these preliminary decisions, as I had only 1 yr. Left until the final leaving year – now year 11, and I would then be leaving wardship at 18. I was 1 year behind, as my schooling had been interrupted from the yrs 6-8 and I had lost a year.

I was told to 'be more realistic' and to narrow my options to what was possible, and there never seemed to be an answer when I asked what these possible options might be for me.

My plight, and 'case' received no attention from the social worker. As I was not troublesome, and only the more pressing cases gained any attention I was disregarded,

And there was no case plan form, and we were all just doing our time until we could be legally discharged from state guardianship. Conversely, this left the way open for the cottage parents to exploit us, as they had a free run, without any supervision or accountability or checks and balances, to treat us with their own warped peculiarities, cruelties and distortions. No-one ever came to check. No-one cared. We were regarded as societies rejects.

My father wrote to the administration at the same time, with similar concerns, but was similarly fobbed off with a trite reply that 'all was well'. He had lost any power or influence, because he didn't make any payments for me, the state was my guardian, and he was dismissed accordingly.

I felt that I was in a double bind: I couldn't act for myself, and no one else was going to either. My ambitions were systematically and deliberately being dismantled and I was actively thwarted and cruelly obstructed. It was also cruelly sadistic because the proceeds of the scholarship were being used to supplement my schooling costs, but were unavailable to me to determine, and were witness to a good level of academic ability.

I contemplated running away, but I didn't think that I would survive street culture, and 'capture' would have meant a child detention centre like Winlaten, Victoria. I had witnessed child removal to Winlaten, and this was a terrifying prospect, as children disappeared never to be seen again. I didn't know what happened to them, but my instincts told me that this was too terrifying to risk, and I tried to reason and to negotiate the situation instead.

This was unsuccessful and I was ultimately coerced into conforming, by reducing my expectations, but I simultaneously and 'secretly' maintained my own separate agenda. I reasoned that as I had to stay until I could legally leave at 18, I would complete the leaving year. I had also asked about the policy for completing the HSC but was told that it was selfish of me to want 'to take up a bed' of a child in need by staying, and that there was no such policy, and every other platitude but the truth, which was that there was no provision or right to complete the HSC, as entry point for further education.

## LEAVING WARDSHIP

To cope with this obstruction, I rationalised that I would finish the year, find a job to support myself, and complete the HSC at nightschool. I also felt that this would be a better proposition as my nerves were suffering from this continual onslaught, and I could provide the peace I needed.

I was ridiculed for having any aspiration, and denigrated as a person, and was made to feel INFERIOR AS A HUMAN BEING. I was repeatedly told that though I did well at school it was only because I studied. I was given an 'in-house' IQ test by the cottage parents, from a pop psychology book, but I refused to complete it, suspect of their lack of qualification. I believed that I was ok, and just maintain myself in the system testified to personal ability. I also believed that I was being demeaned. I

completed half the test, and according to the 'results' I was deemed to be sub-intelligent. This was contrary to my very good school results.

But more insidiously, my whole psyche was attacked, and I was told that I was INADEQUATE AS A PERSON and that justifying an education would require good social skills, and mine were deemed poor, I would say underdeveloped. I was told that I WOULDN'T FIT IN ANYWHERE and that I was disliked. I now believe that this was outrageous cruelty, and totally abusive. I was told that I didn't belong anywhere really, and the best thing that I could do would be to get married. I.e. If this were the case, who would want to marry a girl like me?

Eventually these harmful/abusive assertions psychologically and emotionally wore me down, so that I actually began to believe that I was inferior, because I was constantly being attacked and I was isolated and without any contrasting information, and I was young, impressionable, unworldly and unprotected from these menaces, mind games and tauntings. These are the conditions for brainwashing.

I was negatively conditioned to believe that I was personally inadequate, and that 'bookish' learning was an inferior substitute to real performance, with the implication that I was a 'Kasper Hauser'. This really was a form of psychological traumatising. Typically there was an absence of anyone overseeing my case, even though I was due to leave within 12 months.

By this time I was feeling very distressed, and became quite despondent. I did not like being disliked, and tried to find merit in the perspective of getting any job, so I could leave asap. I finished the leaving year, aged 17yrs. 10 months and then there was a frantic search for a job that I could do, despite me being viewed as personally inadequate. I had proved to be quite good at organising and entertaining the 'little ones' and I enjoyed their company and spirit. This talent was ignored.

Finally, I just became despondant, and gave up, as I was so morally tired. I was sent off for a plethora of job interviews, and performed abysmally, 'confessing' to all my inadequacies and personal flaws, as I was an honest type, and I had no awareness of the aims of job interviews, or skills needed. I was totally stressed by these 'interviews',. And the feedback would be funny, if it weren't so tragic.

The cottage parents themselves went into panic mode at the thought of not being able to get rid of me, and I was sent out to do clothing alterations in a backroom, with a matronly lady, and where my 'lack of social skills' and reserved nature would be acceptable. This would have entrenched these so called difficulties, and in reality, I managed to find myself something much more personally acceptable, within 2 weeks.

Because I had a job to go to i.e means of support and a living arrangement I could be officially relinquished from wardship. I was 17yrs 11 months, but absurdly, and again, unbeknown to me then, I was scheduled to go to Winlaten Girls Detention Centre, for the remaining month, with the risk of wardship being extended until 21.

This was fortunately not approved, as it would have been the beginning of the end for me. I know that I would not have survived Winlaten, as I was not 'tough' and most probably would have been rescheduled to the 'pschiatric bin', given ECT for



depression and labelled a severe case, etc. etc. The machinery would have maintained its own momentum, and this really happened to children in that era. The point of this inclusion is to illustrate and testify to the fate that did occur to a great many stressed children, labelled with 'problem' behaviours, who were simply fearful or traumatised. The system blamed the victim, and there was NO HELP or recognition for childrens mental health issues.

It was a SYSTEM GONE MADE with child cruelties and run by MISFITS who had no credentials, and were themselves unable to find other employment. This was the order of the day: the system, and I was power-less against it, despite all my own courageous efforts to hang on. No one could have applied themselves more diligently or worked harder to maintain a reasonable outcome as I had.

Fortunately I was re-routed away from the Winlaten fate by one astute administrator, but two of my room mates weren't. Another child was routed down the psychiatric model, and only one child that I know of out of 12 graduated from wardship in an equitable role to normal society.

I think that this happened because her parents maintained independent payments, and she was not a state ward i.e. they were able to maintain some power in their child's destiny, that there was a plan in place, and they maintained some governance of their child's future.

POST WARDSHIP 18-23 yrs.

I worked as a clerical assistant for 2 years, and completed my HSC at night school, during my 19<sup>th</sup> & 20<sup>th</sup> yrs. This was a significant personal achievement for me, and I believed that I had gained my ticket to better life prospects. The world shone.

The only problem was that I didn't know where I fitted in, or belonged, or what my real abilities were? Who was I? I had no real identity, only a pseudo and fragile sense of self. Every time that I imagined myself in a role, I doubted my ability, or right to such. I went through a gamut of limited occupations in my naive knowledge: primary teacher, graphic designer, nurse, but there always seemed to be some objection in my psyche.

I felt like an imposter, unworthy, and unreal. Within my psyche, there was a presence that raised these insidious obstacles. I couldn't articulate this at the time and it took me YEARS to realise that these doubts and 'internal criticisms' undermined, sabotaged and held me hostage, and formed part of my early identity that I now believe I formed by the continual and relentless subjugation that I had been taunted with during wardship, eg. Who do you think you are to aspire to anything? You'll fail, you'll never amount to anything. You cannot go beyond your station etc. It was relentless over 6 yrs. and often quite subtle.

I was told by welfare that I was a failure as a human being, and in spite of my own rejection of this belief at an intellectual level, at an emotional level I internalised this, and tormented me all of my adult life, with insidious permutations, despite the achievements that I have managed to gain. Perhaps even if I achieved the ultimate, I would still carry this undermining distortion as a legacy of wardship conditioning. Six years of wardship had set me up for a lifetime of failure.

In my mind any occupational role was equated with personal rejection and failure, and although I was usually well received, I felt that at some point my personal 'flaws' would be exposed and I would be unhinged. I avoided anything with this possibility, and did not take risks, but stayed where I felt unthreatened, though the boredom factor arose as an equal stressor.

At 23, after 5 yrs. of survival, living entirely by my own 'witsends', without any services or family, and isolated, I became very depressed and demoralised and I was seriously at risk of not surviving. I lived in a boarding house full of really old people, and my only close friend was unavailable to me at the time. I was also proud, and believed that I should 'pull myself together' somehow.

I was really lucky to have the brief interventionary support of my only brother, who offered brief assistance, and this restored my morale and spirit. I was also successful in securing a clerical position at a teachers college and I found this environment stimulating, uplifting and challenging. I harboured thoughts of applying for primary teaching, but FEAR and the tyranny of failure and rejection prevented this. I skirted around life, on the fringes and edges, looking on from the outside.

Happily, I met and formed a loving relationship with one of the graduating Dip.Ed. Students and we were very compatible. He encouraged me to follow my ambitions, but I kept procrastinating, as the fear was just too great, and it really had become an identity crisis. I used to have recurring nightmares of not being able to jump off a diving board, until I'd wake up, traumatised and sweating.

## IMPACT ON LIFE

This lack of identity and deep fear impacted on my relationship and placed unrealistic demands for my partner. My lack of status and feeling of low self-worth and inferiority emerged, and I deferred to my partners supposed intellectual superiority. This was a distortion of reality, but a dynamic that had become a pattern.

Eventually the relationship was threatened and we agreed to separate as we became mutually stressed. This was a source of great loss and grief for me, and it took me many years to reconcile. I did not remarry.

At the time I was powerless and at a loss to cope. During this time, and with the assistance of a very supportive social worker from After Care Resources, I learnt of my wardship history, and I could then graphically track the evolution of events that had shaped my being.

I was 45, and took my wardship story to one of the few psychiatrists who bulk-billed and provided insight psychotherapy. This gave me an intellectual understanding, but not the means to modify or change what had become a 33 yr. Pattern. This needed to be accompanied by specific specialist psychological counselling, but at \$175 per hr. this was beyond my means. I had availed some government short programs for anxiety disorders, but these were too short, too generalised and not of a 1:1 allocation, Specific to my problem.

I was also not physically well by this stage, and couldn't 'soldier on' anymore. I felt totally broken, that my life was ruined, and I was at a loss to find any meaning and the grief of it all became too much.

Five years later, I feel too tired and world weary from this struggle and battle to continue fighting, and I feel that I have missed the boat in all areas of my life. I am without home, employment, family, children and I am poor because I haven't been able to avail life's resources. My opportunities are similarly diminished, and I don't feel that I can recoup these now.

I've lived a semblance of a life as an adaptation 'surviving' via a stymied existence. I would argue that surviving is useless, if it alienates people from life's joys. Some wards suicided with these circumstances, others turned to drugs and alcohol, and no-one should be left to suffer these legacies.

I feel that my story is a very sad one, as I tried so hard. No-one could have tried harder. Six years of welfare created a lifetime of collateral damage for me.

I believe that my life would have been much more effective, if welfare's control of my circumstances had been absent, and if I had had inherent rights, advocacy and appropriate assistance and had not been prevented from asserting my independence, at age appropriate development.

It has taken me much effort to document this story, and many times I have had to stop, cry, and regain myself, to offer this insight as a positive gesture to raise awareness and consciousness for people to read, study and consider as a testimony of this era, and to support all the other testimonies presented to this inquiry.

Each and every one of the 350 testimonies presented here<sup>so far</sup> is a living variation on a tragic theme. Childhood development shapes our performance and adjustment as healthy or impaired adults, and we, as a group of people damaged by our wardship experience need compensation and reparation for these abuses and cruelties to regain our lives.

Without any direct experience of healthy relating, or a formative development of trusting and nurturing relationships, many ex-wards find it almost impossible to achieve any quality of life. It is often a great longing and need, but also presents great difficulties for people with the legacy of these 'difficult backgrounds'.

This story, is a bid to retrieve lives, to deal with past hurts, and to restore status and functioning for older ex-wards, and to offer a longitudinal testimony to systemic damage to children, as a focus for prevention.

My story raises the following issues for all current wards as well.

## PART C

### ISSUES RAISED

As a ward in the care system, ages 12-18 I had no inherent rights, or control in my life. I was denied access to ANY information eg. School reports, medical, family correspondence, about my circumstances. I had no voice in decisionmaking, and there was no accountability to anyone connected to me. There was no case plan and my file was not accessible. I was disregarded in my own life.

There was no provision for pro-active means, and there was no wardship plan. Care issues were focussed on the provision of food and shelter only, akin to Victorian England, and lagged 50yrs. behind societal norms of the day: 1970's. Provision and the right to an education, employment training, and counseling for wardship exit were totally absent. We had existed in a vacuum. Post-wardship services did not exist, and for current wards, the same lack of provision, funding and services STILL does not exist. After-care resources in NSW are limited to one office at Parramatta, and is totally inadequate to service numbers. It carries the burden of dealing with current wards leaving care, and enquiries from older wards. As these present large numbers, under resourcing and funding, sets up these organisations to fail its clients. The same story over again.

Returning to my history, as I've illustrated in my story, I had no power in my life, and my wants and needs became issues of control and conflict by 'care-givers', and I was powerless, and unprotected from their influence. Carers should not be allowed to have this amount of power or influence, as they are primarily 'care-givers' at a daily functioning level, and the decision making needs to be an amalgamation of service provision eg. Where social workers are facilitators - resource and access services to assist this process.

Guardianship needs to be focussed on responsible planning, goals and the provision of positive life outcomes, so that wards leave wardship equipped to re-enter society as free of disadvantage as possible without compounding systemic damage from their wardship placement.

### BILL OF RIGHTS FOR WARDS: ie 'PROTECTED PERSONS ACT'

I would like to suggest Federal legislation, to introduce a national bill of Ward Rights, as protective legislation, with explicit defined rights for wards. The transgression of these, would be answerable via the court system, via the power of state guardianship.

Suggested rights are:

- . the right to self-determination
- . the right to all levels of education and affirmative action assistance for achieving this
- . the right to structured life goal and case plans to meet such DURING wardship time
- . the right to direct representation by self, or legal advocate

- . the right to view ones file, to be given copies of information, on request
- . the right to be answered
- . the right to specialist educational services during wardship
- . the right to enlist cross-services from other government agencies
- . the right to ask questions, openly and without prejudice
- . the right to ongoing support post wardship 18-25 yrs. and comprehensive service provision
- . the right to professional counselling assistance DURING wardship: to address emotional health issues, and to prevent the development of subsequent mental health problems. Wardship is a traumatic experience, with the best of care, and this provision is tantamount.
- . the right to power in wards own lives at all levels.
- . the right to legal advocacy

I believe that if I had been able to enact any one of the several plans that I had put forward, during my wardship term, I could have succeeded in my life. Instead my life was destroyed by lack of due care, planning, accountability and incompetence at all levels.

These rights would be non-negotiable, ie. Givens, and of a contractual nature, i.e. a care contract, that is ratified as the ultimate guardian, that appoints its administrative workers i.e. social workers as facilitators of this agreement. The construct of this contract also empowers workers with the integral independence of their agency, as they have a legal obligation and duty of care that is enforceable and carries penalties for transgression, so that abuses to wards are prevented by the safety mechanism of legal accountability and penalty.

#### LEGAL ADVOCACY: LEGAL ADVOCATES FOR WARDS

I would like to see the creation of legal advocate positions to assist wards.

These advocates would represent wards directly/indirectly with their express wishes and would be able to effect a wards legal rights, as independent presences within a legal framework. They could be present at case meetings and be accessible to wards as advisors, as often as needed, regularly. Advocate/could be a constant stable, significant other figure for wards.

Legal advocates could also be used as an effective complaint mechanism, to present ward concerns, and to assist when conflicts might arise. Records are therefore kept. Mediation is also a legal tool etc particularly for wards, who are working towards adulthood. These are also societal norms, and would foster a mature life approach and skill accumulation.

Social workers are often employed in ambivalent roles, by their organisations, with an employer bias, thus compromising the ward. This has been quite a common scenario in church-based homes.

Legal protections such as these would therefore offer protective mechanisms and would steward the guardianship responsibility of government, accountability, and watchdog roles, and ensure that children are not abandoned, abused or lost in the care bureaucracy.

Unfortunately, given our past abusive experiences, legal measures seem to be the best guaranteed means for care compliance via the penalty system, and hopefully growing awareness of our own humanity to prevent this initially. It is regrettable to me to employ these means per se, but it guarantees that answerability is directed to the source of origin, at the time, instead of ward victimisation and trauma.

#### OTHER ESSENTIAL SERVICE PROVISIONS

. Inter-department accessing of specialist services. Eg. Education department to be involved via school in educational resourcing. Access to remedial literacy and numeracy services, specialist services, needs based for children at risk. Initiatives for these to be pro-active, both school based and welfare-based.

. Specialist, highly trained psychological counselling (degree status, and very experienced), assistance during wardship to work with the issues arising from wardship placement and wardship survival. Counsellors 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.

. Royal Commission to analyse the child care issue in total: alternatives, prevention of abuse, wardship issues, inter-generational wardship recidivism, educational programs etc. Research funding for specific Australian studies, and alternative child centred care models (eg. Submission 66).

. funding of comprehensive after-care services

#### LEAVING CARE SERVICES: COMPREHENSIVE SERVICES 18-25 YRS

Post-Wardship 18-25 yrs. is a time of establishing resources for ultimate independent living. Often wards, leaving care have no family assistance and no place to live. They cannot afford rent on the private rental market, and need housing assistance, such as supported housing schemes, hostel type options, supported housing schemes, etc. Many young adults in society today are staying at home, due to high rents and the fiercely competitive nature of resources.

Ex-wards, or Wards in transition also need 1:1 access to after-care resource workers, who understand their issues, of living without family support and re-integration into society coming from a ward background. They need free access to all helpful supports.

They may also need further supportive counselling, and social skills training to help in this 'transition time'. In healthy family life, parents are there to assist young people mature into adulthood. This is missing for wards, and at, they have not completed their development: i.e. they are neither children nor adults, and they need services to replicate the supports that available to young people still at home. This can last from 18-25yrs. Programs such as Youth Off The Streets need government funding assistance.

Often wards will be seeking family of origin contact, and need assistance in their search for this, as part of their journey of identity.

Affirmative action needs to be afforded wards for every possible advantage. Eg. Free education, books, transport equipment. Access to a wide range of services, to be freely available. I.e. legal advocacy, continuing until economic independence

. comprehensive after-care services, that 'invest' in wards to reach their potential. Support workers on individual basis, easily accessible.

. counselling services to be available for as long as required, through life-stages. Many ex-wards express the need for assistance with relationship skills, parenting, social, as a legacy of the loss/retardation of these from wardship experience. Relationships Aust. has many excellent programs, and could perhaps run specific Programs.

Although After-Care-Resources, exists, in NSW, it is only a small office, that can only deal with 'tip of the ice-berg' nos, and as a single model, it needs to be expanded.

Investment of these services as intervention measures, can alleviate a progression of further compounding service need, thus being a fiscal saving.

. Terms of Reference: 1 (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 within institutions and fostering practices'.

I add endorsement to Submission 31: Relationships Australia (Qld):

' 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.'

. all recommendations of Submission 69: CREATE foundation:

an association of young ex-wards. Their views and opinions confirm similar issues to those that I experienced during the years 1965-1971 and that I have documented in this submission.

FEDERAL INITIATIVES: Current Care Issues

## RECOMMENDATIONS

. I support and endorse that 'The Federal Government should assume clear leadership in child protection, and should establish uniform child protection policies and legislation.' (Submission 44).

. the appointment of a National Commissioner for children & Young People, with regular monitoring and reviews from external experts and advocacy bodies.

. ensuring that children in care receive regular reviews of all aspects of their care placement (i.e. legal advocate role).

. adequate training for staff who work with children

. continuing parental and community involvement where appropriate

. ensuring that the placement of child is appropriate

. stability of placement: counselling during placement

. having regular discussions with child/young person re their care arrangements

. establishment of a national research agenda

. complaints mechanisms, and the failure to report actual or suspected abuse to be a disciplinary offence

. Bill of Rights for Wards, i.e. 'Protected Persons Act', and legal advocate positions to 'enforce' protection for wards



. legal advocacy roles as support roles, and to facilitate complaint mechanism and organisational accountability role

. young people as ex-ward, and older ex-wards representatives and advocacy groups to be included in resourcing and implementing legislative and policy reforms.

## CHILD CARE ISSUES TODAY

Children entering the care system today, do so primarily via abuse and neglect issues, As distinct from the issues of past wards.

Child abuse needs to be seen as a community responsibility, i.e. it is EVERYONE'S ISSUE, to raise awareness, assistance and responsibility for the ultimate prevention of children entering care.

This needs to involve all services that have access to children. I.e. schools, pre-schools, doctors, clergy, where visible signs of distress are firstly recognised. It should be an offence not to act on this, but with the intent to intercept firstly with service provision for those families and children, on a no-fault basis. Positive initiatives at distress points, to assist with harm minimisation and 'damage control'.

. EDUCATIONAL PROGRAMS: aimed at awareness of abuse and neglect prevention programs i.e. child abuse is a community problem. Not reporting abuse is complicit endorsement.

. education programs via schools, aimed at raising awareness about the demands and experience of 'PARENT QUALIFICATION' i.e. at 16, many teenagers cannot fully comprehend the life-long commitment that parenting can demand.

In conclusion, because this inquiry, covers much complexity, I would like to see The establishment of a ROYAL COMMISSION:

. to redesign the current system, which is dysfunctional, under great stress, and this inquiry is a timely opportunity to look at:

. national standards development

. legislation for protection of wards: rights, delivery services, complaints and accountability measures etc.

. funding measures:

. Academic research: into best practice/alternative models for child support focussed on healthy, functional outcomes for children and provision for maximum opportunities. Alternative models of care eg. (Sub. 66 Dr. Una McCluskey).

. measures to effect compensation and reparative means for historical ward abuse.

I believe that I have demonstrated in my submission and testimony, the terms of Reference:

1(b), 1(g), 1(i) (ii) (iii), and I would now like to address 1(e):  
1(a)(i)(ii)

‘in cases where unsafe, improper or unlawful care or treatment of children has occurred, what measures of REPARATION are required?’.

#### COMPENSATORY REPARATION OF PAST INSTITUTIONAL ABUSE: RECOMMENDATIONS FOR EX- WARDS

##### 1. LEGAL AND FINANCIAL

I believe that there needs to be a range of financial reparations made available to abuse victims as compensation and recognition that people have suffered significant damage and losses, as a CONSEQUENCE of wide ranging SYSTEMIC abuse of the past.

I believe that the right to exercise a legal defence to pursue legal and social justice for crimes and atrocities perpetrated on innocent children and young people needs to be honored as a PRINCIPAL of our democratic and justice system for the following reasons:

- . this ensures that the DIRECT BURDEN of this damage is directed to those that were responsible for those wrongs

- .this sends a direct punitive damage bill to perpetrators in contrast to other societal groups that are left to ‘mop-up’ damage

- . a costly damage bill can be a future deterrant to systemic damage within those entities and sends a clear and powerful message to right wrongs

- .direct responsibility for such costs confronts those entities to examine and conscientiously scrutinise their own systems and cultures.

- . that morally, good acts surpass bad acts

If perpetrators are allowed to remain unaccountable, it sends a hypocritical message to society that LAWS CAN BE MANIPULATED by those powerful and influential enough to be protected from legal consequence.

It also fails victims who are looking to government initiative, and the judiciary system for leadership and accountability also. This compounds systemic damage and moves away from healing and ‘best practices closure’.

I understand that the govt is concerned at the numbers of potential legal claims that this might encourage, but this is not necessarily a direct correlation. The legal system is an adversarial one, and it is lengthy and costly to pursue claims, and is onerous and problematic for the applicant. This is often a significant deterrant to many.

But the option needs to be available, for the above reasons.

## 2. STATUTE OF LIMITATIONS

I believe that:

The Statutes of limitation and associated statutes establishing relevant litigation frameworks should therefore be amended to allow the institution of legal proceedings by survivors of child abuse, when that abuse has been perpetrated by individuals or organisations on whom the survivor was dependant.

This statutory amendment has been implemented in many Canadian jurisdictions.

The legal argument for this is that..

‘Judicial interpretations of what constitutes the taking of ‘reasonable steps’ to find out relevant facts fails to recognise the psychological sequelae of abuse and other factors that preclude many survivors of abuse from being able to commence legal proceedings within stringent time frames, that are psychologically unrealistic, for the nature of these cases’.

Full exploration of this is submitted by Dr. Ben Matthews, Qld. University Law Faculty, Submission 300 (Ref. 1).

## 3. FINANCIAL REDRESS SCHEMES

The Australian Federal Government in jurisdictions where institutional abuse was sustained by victims should establish a national redress scheme that includes significant financial compensation for survivors, as has been done in Canadian and Irish jurisdictions and elsewhere.

Many ex-wards are severely financially handicapped and are often existing below the poverty line, and are often unable to work. They often live in rented premises, do not own their own homes, and suffer the plight of diminishing access to resources, and increased compounding disadvantage with increasing years. They often have no assets, as a result of not having had a fair chance in life, and they often have no family networks.

## 4. TRIBUNALS

I do not see the tribunal system as a suitable substitute mechanism for legal redress and financial compensation as I believe that it mirrors the formal court system in many ways But without the same powers.

For the plaintiff, the process and format can be as rigorous, as any other court system, and there is provision for a defendant to be legally represented. I.e. a plaintiff would be disadvantaged without similar legal defence, and if they lose the case, are liable for the defendants costs as well. The presiding chair does not have to have full legal training and decisions can be discretionary. This has advantages and disadvantages, the disadvantages being that these decisions are legally binding and do not carry a right of appeal in a higher court if the case fails to deliver. Case conduct is still adversarial, and equally daunting for plaintiffs, and carries onus of proof qualifications.

The tribunal is restricted to pre-determined financial ceiling limits. The cases are often barrier ridden for the plaintiff and can give poor financial results, and can be arduous and stressful for victims, especially for sexual abuse and trauma situations.

## 5. FOUNDATIONS

The Qld. Govt. entrusted \$2m to be invested at 5% p.a. returning around \$100,000 p.a. to be allocated to applicants, on a proviso basis - only half were successful, receiving between \$906-\$635, ie \$17.80-\$12.20 per month respectively.

This cannot be called compensation, but just a small gesture. To many it would be a cynical demonstration of cheap measures, and reflects nationally and internationally on the sincerity of the Queensland Govt. Measures such as these will only attract voting anger now.

## 6. IN HOUSE HEALING PROGRAMS

These are not suitable to conduct compensation cases for victims, as they operate within the parameters of conflictual interests. The goal of these is often to save the organisation from the payment of reparation, and this harms survivors more. This is graphically evidenced in Submission 348: Ms. M. Green and Mr. William Allen (Sub.117).

These orders, need to be answerable to the legal system, as in the wider context of our Law and Order system.

## 7. COUNSELLING SERVICE FUNDING

Financial grants for brokered servicing of specialist counselling professionals, needs to be available to ex-wards. It needs to be portable, and of a high qualification, and on a 1:1 basis, and of the clients choice.

Some very good government programs, such as Relationships Australia offer some very good skills based training programs, and more funding is needed for regional and rural assistance programs.

Relationships Aust. could also be funded to offer specific services to assist ex-wards, with some of their issues, such as parenting skills, family models, relationships training, etc., inclusive of service provision to children and spouses of ex-wards, trying to work through the legacies Of these early histories.

Fiscal investment in these services can assist in outcomes of wardship recidivism.

Church based 'in-house' counselling programs are untenable to most ex-wards, philosophically and are often not of a professional calibre for wards needs, and often have moral and religious overtones.

Peer support groups whilst admirable, are not adequate substitutes for this counselling.

## 8. FUNDING FOR AFTER-CARE MODELS

Organisations like Youth Off the Streets receive no government funding yet is effectively 'mopping up' systems abuse problems. They need government assistance to expand their excellent service provision.

Relationships Australia, needs funding to create specialist programs for older-wards.

## 9. TRANSITION PROGRAMS; WARDS IN THE PENAL SYSTEM

Ex-wards in the penal system are often the forgotten forgotten, and are probably the most damaged of all. They need concentrated quality assistance and rehabilitation programs to offer best chances for integration that provide appropriate needs based services, so that these people can overcome the barriers and scarring that they carry. They need demonstrable care rather than further condemnation. They provide challenges for organisations of exceptional capacity.

### AFFIRMATIVE ACTION MEASURES WITHIN PRESENT GOVERNMENT SERVICES

Scope exists within these to offer specialist provision for ex-wards. Eg. It has been suggested that a priority rating could be given to ex-wards.

Eg.

### FREE EDUCATION

The abolishment of fees for all levels of education to enable people to return to their schooling

### FAMILY REUNION ASSISTANCE

Some Wards have only found their estranged family members and need assistance with travel. This could be cross-serviced.

### HOUSING

Many ex-wards will never own their own home, as a direct result from their incapacity to have sustained a livelihood, and although DOH exists. This maintains low-socio-economic status. It concentrates disadvantaged groups, and can be stressful to live in.

It is often seen as a transitory measure, with shifting populations and dislocations, and it was not designed as a permanent housing solution. Tenants still pay rent, do not own these, and are subject to eviction provisos, re Tenancy Housing Act.

This service is therefore not a real substitute model for ex-wards, unable to afford their own home, as they need permanency and stability and DOH is devoid of financial collateral advantage.

In my essay I made many references to wardship as a type of holocaust, and a period of atrocity similar to damages sustained by returned soldiers of a war. War-dship has been likened to a similar experience by some academics and those who experienced it, and perhaps scope exists to honor that period by similar redress means, as were made to the survivors of war .

For example, widows of returned soldiers were afforded HOUSING UNITS. These were integrated across a range of suburbs, thus preventing a concentration of socio-deprivation. This type of housing also has good access to established infrastructure.

Could ex-government housing, also be given to ex-wards outright, as a redress measure?

Government no cost loans would also be of assistance to those trying to achieve societal norms.

Vietnam Vets. Were recognised with specialist service provision via the Veteran's Entitlement Act (1986).

## CONCLUSION

The challenges presented in this inquiry are achievable with a determined and genuine commitment by the current government and we ask for your resolve and integrity to allow social justice to prevail over political expedience.

This sends a progressive message that humanity can prevail over past inhumanity, with The added atonement that hopefully heralds enlightened policies and practices.

This will promote positive regard for this section of Australian society, and genuinely facilitate 'moving along' for us all.

Expedient means will be a deterrant to these national goals, and we need to follow the initiatives of Canada and Ireland, who successfully rose to this challenge.

These measures are a fiscal investment in the future productivity of healthy generations of Australians.

## TRIBUTE

I would like to add a positive remembrance for those dedicated and caring workers who were stymied by the punitive system of this period, and who were rendered equally power-less, and who left disillusioned and burnt out. They were often an isolated minority, who gave what they could.

Thank you for being the light in a dark field.

- . to all those wards who died, or suicided, and cannot tell their story. Our testimonies follow your pain.
- . to those incarcerated in the goal system, doing more institutional time: your pain is not forgotten and our testimonies carry your silent voices: may you have the services you need to address suffering and address specific needs, as an inquiry outcome
- . to all ex-wards that are 'left' to make sense and value of their past and present lives. May this be achieved.
- . to quality of life provision for any child who cannot live at home.

#### FINALLY

- . to the dedicated individuals who extended themselves personally beyond their professional roles to contribute to this cause
- .. to those Senators who endured the graphic, disturbing and often harrowing retelling of these histories. Thankyou for your sensitive regard, particularly, Senator Andrew Murray.
- . to Ingrid Zappe for being there as a caring voice and person, who offered solace during times of difficulty, throughout this inquiry.

MAY WE ALL BE THE CHANGE THAT WE WANT TO SEE IN THE WORLD.

Thankyou.

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Axline, Virginia M. 'DIBS': In Search of Self

The very moving and encouraging story of a  
lost & damaged child's recovery, as told by  
his therapist. ... rivetting reading.



50% of young people leaving care are unemployed  
.75% with care backgrounds do not complete secondary school  
.35% " " enter juvenile justice institutions  
50% of homeless 14-17 yr. Olds have been 'in care'.

CREATE FOUNDATION  
..... 2004

