

CHAPTER 3

WHY CHILDREN WERE IN HOMES

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

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

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

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

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

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

1 *Submission 128, p.4.*

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

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

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

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

State wards

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

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

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

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

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

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

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

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

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

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

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

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

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

Legislative provisions of wardship

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

New South Wales

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

6 Norgard Report, p.78.

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

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

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

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

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

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

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

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

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

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

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

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

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

Victoria

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

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

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

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

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

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

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

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

25. Subject to the regulations the Director may from time to time deal with any child or young person admitted or committed to the care of the Children's Welfare Department in one or other of the following ways:

- (a) Place him in a reception centre or children's home or other establishment conducted and managed by the Department;
- (b) Place him in an approved children's home;
- (c) Place him in a juvenile school conducted and managed by the Department or an approved juvenile school but no child shall be placed in a juvenile school without the approval of the Minister;

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

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

Care leavers' experiences of wardship processes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other children in care

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

10 Norgard Report, p.26.

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

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

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

Reasons for children being place in homes

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

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

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

12 *Submission* 178, p.8.

13 Forde Report, 1999, p.ii.

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

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

16 Hanson, pp.14-17.

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

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

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

Single parents (usually mother)

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

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

3.41 And:

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

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

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

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

3.42 As well:

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

Death of a parent or parents

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parents' divorce or separation

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

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

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

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

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

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

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

Parent(s) unable to care for children

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

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

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

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

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

I was sent to Riverview in January 1958 at the age of 11, after being deemed a 'Juvenile Delinquent' and my single mother was no longer able to cope with me. I remained at Riverview until December 1959, when I was transferred to Alkira, in order to be able to go to school. (Sub 75)

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

In 1959 my crime was truancy...I was arrested by two plain Clothed policemen, along with my mother as I was holding onto her belt and dress. So they just forcibly dragged us to the car and drove to Bankstown Police Station...From the police station they drove me around to about four homes which would not accept me, so I was taken to Glebe Shelter...To be strip searched and examined and treated like a common criminal...Then I went to court and judge McCreedy sentenced me to the care of the Good Shepherd Convent until I attain the age of 15 (his words). (Sub 236)

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

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

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

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

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

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

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

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

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

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

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

Economic stress and social disadvantage

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

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

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

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

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

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

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

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

Children abandoned

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

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

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

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

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

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

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

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

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

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

Sexual abuse by a parent

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

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

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

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

Children escaping domestic violence and parental alcoholism

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

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

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

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

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

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

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

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

Repatriation children

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

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

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

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

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

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

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

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

Conclusion

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

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

