

CHAPTER 9

IDENTITY AND RECORDS

All he wants is to know who he is. He is entitled to know his heritage. Our children and our grandchildren are missing their heritage.¹

9.1 For those people who have been state wards and home children, the outcome is often lost contact with siblings and with their family and place of origin. The Committee received many submissions from people who had recollections of two, three, four or more siblings but they had not seen or heard from them in many years. Other care leavers reported that they had found that they had siblings only when, many years later, they viewed their files. Some remembered parents, but did not know why they had been placed in care.

9.2 This is not only a heartbreaking experience but also one that has a major impact on an individual's sense of self and identity. There are no siblings to share birthdays or anniversaries. There are no photographs, no medical histories, no school reports or personal mementos. Many care leavers have been described as leading adult lives as 'parentless people', feeling that they belong nowhere, isolated and being unable to establish attachments which the majority of people take for granted.²

9.3 This chapter looks at the problem of loss of identity and the search for the past through records held by both government and non-government agencies.

Identity

People who make the decision to apply for their records are on a journey of self discovery. They are dealing with the unfinished business of their childhood. People searching want to understand more about the circumstances that led to their placement in care, who their parents were and whether or not they have brothers or sisters. In addition some people have recollections about their time in care, and are keen to see if there is any verification of the experiences they remember. We have an obligation to assist in this journey and to help these adults complete what has been unfinished for them, often for many years.³

9.4 The loss of identity and connection with family is one of the most traumatic and distressing outcomes from a life lived in institutional care.⁴ While in care, few children were told the story behind their placement or encouraged to maintain connections with their families. Siblings were often separated or not even told that

1 *Confidential Submission 32.*

2 *Submissions 33, 68, p.3 (Association of Childrens Welfare Agencies).*

3 *Submission 50, p.8 (MacKillop Family Services).*

4 See also *Lost Innocents*, p.137 and *Bringing them home*, p. 203.

they were related. Children were sometimes told that they were orphans or came to believe that they were, simply because nobody took the time to talk to them about their family backgrounds. Parents in many instances were actively discouraged from visiting children. Inclusion in family events, weddings and funerals, was virtually unheard of. One care leaver stated:

Not only did I lose my identity, but I lost my Mother, my Father, Brothers and a sister, my family home, my bedroom, my toys, my family photos, my school friends at St Kevin's at Cardiff, Aunties, Uncles, my hometown friends and connections...education...all blown away like points off the stockmarket just as through it never existed. (Sub 360)

9.5 Another care leaver commented that while he was growing up he didn't think that he had a mother or father until at the age of 12 when they visited him at the home. He lost contact with his siblings, not seeing one sister for forty years.

My Life has been terrible, I've been lonely all my life until I was 62 years old. (Sub 283)

9.6 As adults, care leavers have sought the information vital to reconnecting them to a family and to piecing together their childhood. The search can be long. One witness, whose comments typified many received, told the Committee that he had been looking for his mother and siblings for over 50 years.⁵ Care leavers are searching for answers to a varied range of questions including:

- Who placed me in care and why?
- Who were my real parents?
- Do I have any brothers and sisters?
- Did anyone visit me?
- Who arranged for my foster parents to care for me?
- Was the child welfare department involved?
- How were decisions made to keep me in care?⁶
- Why didn't other members of my family (uncles, aunts, grandparents) look out for me?

9.7 Finding answers to these questions is crucial for many care leavers in gaining a meaning to and understanding of their life.

I think the main concern that I have in telling this story is that it reflects my having lived for some 40 or 50 years with whole lots of questions nagging away at me. It was not until I was able to start getting freedom of information access in the 1990s that the story I have told you became clear to me. I have lived my whole life not knowing the answers to the questions

5 *Committee Hansard* 11.11.03, p.6.

6 *Submission* 50, p.4 (MacKillop Family Services).

that obviously occur to you about why you were in an orphanage when you were not an orphan and why your parents, who told you that they wanted to have you, were not allowed to have you. It has taken all of that time for that story to actually become clear—and it is not yet absolutely clear. I have had to sift through and try to sort the evidence from the files, and sometimes there are gaps in it.⁷

I had no idea of the actual story, and a lot of the reports I had no idea of. It also gave me a sense of where I had come from. When I read it I was crying because it felt like a story that I was reading, and I did not totally relate it to myself. It was part of my journey to search and find out if I was really the bad person that everybody said I was. It essentially confirmed that there are some people who should not be social workers or in the system...There were little bits and pieces. It was helpful to me because the only source I had had from them so that I could find out about my mother and my father was my aunt. It was a different source to go to so that I could try to put the pieces together of who I was and who my family was.⁸

9.8 A particular issue for those who did not know or have been unable to find records about who their parents were relates to possible genetic health problems. As heart or other health problems have occurred in advancing years people become apprehensive as they think of other possibly inherited health problems they could contract, or more crucially, may pass on to their children and grandchildren.

9.9 The lack of photographs and mementos is felt keenly by care leavers. The pride with which some care leavers showed the Committee at hearings photos of themselves, their siblings and peers that had been located in files or at reunions was a moving testimony of the importance of photos to care leavers. Photographs are a tangible link to the past, to their lost childhood. MacKillop Family Services commented on the reactions of care leavers to photographs displayed at reunions:

Some of the photographs on display identified the children by name but many did not. People attending the reunions were desperately looking for photos of themselves as children. Many had never seen a photo of themselves as a child and many had no idea what they might have looked like when younger. Growing up separated from parents and other family members means there are no reference points to know what to look for, no familiar facial features or expressions to guide one, no map of what constitutes a family likeness or resemblance. Whenever someone found a photo of themselves, or was directed to a photograph by a former carer, there was great excitement.⁹

7 *Committee Hansard* 11.11.03, p.31.

8 *Committee Hansard* 3.2.04, p.99.

9 *Submission* 50, p.7 (MacKillop Family Services).

Searching for records

9.10 Many care leavers provided the Committee with details of their attempts to find records about their childhoods. There may be no records left or the records are scattered amongst a number of agencies. It is often a process of perseverance and luck. One witness recounted that, because of the complete lack of records from a Salvation Army home, the only records establishing that they had actually been at the home were a junior soldier entry and the registration records at the local school.¹⁰ The tragedy for many care leavers is that they have little knowledge of the history of care or of how to find the information they are looking for.

9.11 Unfortunately, many attempts to locate personal information and records often meet with no success. Even for professional researchers, tracing families is often difficult:

Piecing together family histories from very incomplete records in multiple possible placements often from only slender leads is a challenging task, even for experienced professional researchers.¹¹

9.12 Freedom of Information legislation and the greater willingness of some organisations which cared for children to make records available to care leavers have improved access to records. However, problems still faced by care leavers searching for personal and family records include the lack of assistance to access records, destruction of records, the fragmentation of records over a number of agencies, poor record keeping, privacy restrictions, unsympathetic and unempathetic people on help desks and when records are located, ensuring the access does not result in further trauma. As one care leaver stated:

It is not just a matter of overcoming psychological barriers to telling the story. It is also about finding the raw material. In my case (and it is not unusual) I had to locate resources in up to a dozen different locations and persevere with government agencies in the face of what, to put the kindest interpretation on it, could be described as passive compliance with FOI laws. In recent years NSW, Queensland and the Catholic authorities have made significant progress in making data more accessible but other states lag well behind.¹²

9.13 Some organisations are assisting former residents to access their records. MacKillop Family Services established a Heritage and Information Service in March 1998, funded by contributions from the Sisters of Mercy, Christian Brothers and Sisters of St Joseph. The Service was set up to assist with information about time in care and to establish archives as the repository for organisational records, including

10 *Committee Hansard* 13.11.03, p.25.

11 Boyce J, *For the Record: Background Information on the Work of the Anglican Church with Aboriginal Children and Directory of Anglican Agencies providing residential care to children from 1830 to 1980*, Anglicare, p.12.

12 *Submission* 18, p.38.

client records, from the seven founding agencies of MacKillop Family Services. Over 100 000 individual records of former clients are now noted on an electronic database. In establishing the Service, MacKillop Family Services judged the following issues to be of paramount importance:

- archiving of records;
- releasing of records;
- supporting former clients; and
- searching for separated family members.¹³

9.14 Other organisations have also established services to assist care leavers. However, the Committee was disturbed to hear stories of requests to care providers for information being met with a total lack of understanding, capacity or willingness to provide assistance. In some instances no effort was made to assist the information seeker by reference to other groups that may have been able to help or provide advice.

I contacted the Salvation Army, told them my story and asked for information on [my brother]. I was told that they had no records from the Nedlands Boys Home. They didn't even refer me to Child Welfare and also owing to my own family commitments and finances I was unable to continue searching. (Sub 184)

Since I began this 'learning about our past' process in 1998, I have received grudging and minimal assistance and in some cases rejection from these three institutions [responsible for care]. At this stage I have formally received no files from these primary sources and have had to rely on sections of files from secondary sources. (Sub 73)

9.15 The same issues and reasons that constrain people from seeking counselling or other services from the providers who were responsible for abuse can also apply when seeking records. Mercy Community Services (Perth), for example, stated that:

We have heard from some past residents who come to us that they have had several aborted attempts to phone or visit before they have been successful. One woman told of driving into the main driveway over a dozen times, over several years before she had the courage to get out and ask for help. We have difficulty knowing how many other people might be in a similar situation and how we might be able to create an easier way for people to contact us.¹⁴

9.16 One suggestion provided to the Committee to improve access by care leavers was third-party intervention:

As a ward of the State I find it very degrading to be told by the Government that we have to confront the institution where I was sexually abused...to try and find out information about myself. *I feel that there should be a*

13 *Submission 50*, p.5 (MacKillop Family Services).

14 *Submission 61*, p.11 (Mercy Community Services Inc).

Government body who would act on our behalf. This is not just for myself, but for all the boys in the same situation who have to go to different institutions where terrible memories exist, to grovel for information. (Sub 211)

9.17 In the directory of child care agencies produced for the Anglicare Church, it was noted that:

Of all the complex and difficult issues around the Stolen Generations, child migrants and former wards, this issue of developing an efficient and effective system for former residents of children's homes to access any family information is surely the most manageable. Leaving it to them, even their advocates, to contact one agency after another and search through records themselves to piece together as much of the jigsaw as possible, is both unfair to them and impractical and difficult for the agencies involved.¹⁵

Accessing records

9.18 The following discussion outlines some of the major problems faced by care leavers in accessing records of their time in care.

State ward and non-ward records

9.19 The Committee has discussed in an earlier chapter the range of reasons why children were placed in institutions in Australia, as well as the range of institutions. In a study of state wards in Victoria, Kate Gaffney has noted that in order to receive state wards and those children committed to government care, an institution needed to meet government standards and consent to annual inspections. Institutions that met these standards were 'approved' and received funding on a per capita basis for state wards in their care. However, such institutions were not restricted to accepting only state wards and thus state wards could be and were, mixed with children who had been admitted to private care perhaps by a parent who had voluntarily placed the child in return for a small fee paid to the institution. Ms Gaffney has found this to be a considerable source of confusion for people raised in institutions who mostly know only of their own experience.

9.20 In addition, many privately placed children were sent to institutions which did not receive, or did not seek, State government approval. Thus, any parent could place a child in private accommodation, usually provided by religious organisations, and in so doing, bypass the State.

9.21 Evidence was received during the inquiry that the availability of records may be dependent on the status of the child placed into care. Those children who were state wards are often more successful at obtaining records because governments established

15 *For the Record*, p. 15.

personal files for each state ward.¹⁶ However, many children who were placed in privately run institutions may not be so fortunate in tracing records.

9.22 Ms Gaffney considered that non-wards sent to non-approved institutions, may have a particularly difficult time tracing their histories and finding answers because they were largely invisible to the State authorities and thus would not appear in State records.¹⁷ It is likely that these scenarios were repeated in other States.

Because we were not legally 'Wards of the State', we have no records except for admission data. (Sub 6)

I just want to find who my mother was...I have tried everything to find her and all I know is that her name was Shirley Brown on my birth certificate... I was never a State Ward, so cannot find out anything about the circumstances of my birth. If I had been adopted, I would be able to have that information. I just want to find my mother. (Sub 153)

9.23 CLAN also noted the problems of children in non-state homes and stated that 'agencies and organisations which ran Homes in the past do not appear to have felt the same obligation as governments to retain records'. One example provided by CLAN was that of the non-state Home where one of the organisation's founders was placed. It operated from the second half of the 1940s until the late 1970s. There are no records for this Home or the hundreds of children who passed through it.¹⁸

Locating records

9.24 Records that could provide care leavers with details of their childhoods are often scattered across a number of agencies and stored in a variety of locations. These might range from State child welfare departments, courts, homes and non-government agencies. Some records have also been moved to state archives and libraries. This makes the task of accessing the relevant records especially difficult. The Australian Society of Archivists Special Interest Group on Indigenous issues noted that 'records can be everywhere and are rarely in the one place'.¹⁹ While referring to the records of indigenous children, the same applies equally to the records of all children who have been in care. For example, photographs from one home have been lodged at the Campsie Central Library.²⁰

9.25 The problem of locating records is exacerbated in cases where children were moved many times from children's homes to foster care. In addition, many homes no longer exist or the names of homes and institutions changed during their period of operation.

16 *Committee Hansard* 12.11.03, p.46 (UnitingCare).

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

18 *Submission 22*, p.11 (CLAN).

19 *For the Record*, p.11.

20 Personal communication, Campsie Central Library.

9.26 Some organisations have recognised this difficulty and have produced guides to assist in locating records. One such guide, *A Piece of the Story: National Directory of Records of Catholic Organisations Caring for Children Separated from Families*, has been published by the Catholic Church. The directory was originally conceived as the Church's response to the recommendation relating to records in the *Bringing them home* report. That recommendation called on the churches that had provided institutional care to indigenous children removed from their homes, to identify all records relating to indigenous families and arrange for their preservation, indexing and access, in consultation with the relevant indigenous communities and organisations. As the project progressed, it became apparent that distinguishing Aboriginal children's records in Catholic institutions in many parts of the country was not possible. The project was widened to include all organisations of the Catholic Church that had been involved or that continue to be involved in caring for children.

9.27 The directory provides details of all Catholic Church institutions that were involved in care, the contact details and history of each organisation including the dates of operation and the type of care provided. The book contains information about the types of records that are available and provides readers with guidance about how to find out information for themselves or their family members.²¹

9.28 A guide to records of Anglican agencies providing residential care for children has been produced on behalf of Anglicare by James Boyce. *For the Record: Background Information on the Work of the Anglican Church with Aboriginal Children and Directory of Anglican Agencies providing residential care to children from 1830 to 1980* provides details of the location, access and contact details for tracing records. Again, while the guide was principally produced as the Anglican Church's response to *Bringing them home*, it also provides a guide to institutions which provided residential care for non-indigenous children.

9.29 Some State governments also provide directories or other services to assist in locating records. The NSW Government has produced a directory, *Connecting Kin*, to assist care leavers locate both government and non-government agency records. In Queensland, care leavers may consult *Missing Pieces: Information to assist former residents of children's institutions to access records* for information about the records of departmental institutions and those operated by church and voluntary groups. The Aftercare Resource Centre (ARC), established following the Forde Inquiry, provides face-to-face and toll free telephone counselling. ARC also provides advice regarding access to individual records, documents and archival papers.

9.30 The Victorian Government is currently working on a resource manual to the records of indigenous children in care: *Finding Your Story*. However, as with many homes Australia-wide, the Victorian Public Records Office has found that the records of both indigenous and non-indigenous children are kept in the same record keeping systems. As a consequence, *Finding Your Story* will contain information on all

21 *Submission 71*, pp.21-22 (Catholic Welfare Australia).

Victorian children's and babies homes, orphanages, foster care programs, family group homes etc that it was possible to find information on. The information includes the name of the home, the location of records and access conditions and procedures.²² The Department of Human Services also provides services for former wards. The Department's Adoption Information Services assists former wards to obtain their records and provides counselling, support, search and mediation services.

9.31 While the directories try to be comprehensive and are extremely useful, there are omissions and inaccuracies. Dr Joanna Penglase, for example, noted that *Connecting Kin*, while it lists many types of agencies in NSW, both government and non-government, does not include references to private homes (ie those homes run by individuals as a business). Dr Penglase noted that 'there is no way of knowing how many others like mine there might once have been. Homes listed here were run by recognised churches or voluntary agencies'.²³

9.32 A comprehensive service to records is provided by the Western Australian Government. Under the Managing the Past – Children in Care project, the Department for Community Development has formed a representative committee of placement agencies to help manage the provision of information relating to out-of-home care across the State. This committee is developing the Children in Care database and protocols for sharing information. This database will provide accurate information on the numbers and names of children who were placed in out-of-home care by the department. The database from 1920-2003 is complete and includes 106 000 entries with an estimate that the actual number of children is 56 000. The database contains names, alias, date of birth, placement(s) details, dates of placement(s), record location, details and comments field, including place of residence prior to care and place of residence when leaving care. However, entries relate only to children who have been placed into care with State government involvement. Children who went into some form of private placement arranged by their parents, are not included.²⁴

9.33 The Western Australian Department stated that:

[The database] will be an important tool for people who want information about their background and support to trace family members. Our hope is that, Australia wide, more resources will be put into information provision and specialist support to care leavers.²⁵

9.34 The Department for Community Development commented that it had seen a shift in attitude of those holding records since the *Bringing them home* inquiry and the child migrant inquiry. The Department stated that:

22 Public Record Office Victoria, Additional Information, 15.7.04.

23 *Submission 63, Orphans of the Living*, p.58 (Dr Penglase).

24 *Submission 55*, Additional Information 18.4.04 (WA Department for Community Development).

25 *Committee Hansard* 9.12.04, pp.2-3 (WA Department for Community Development).

...there is a real appetite and willingness of non-government organisations and within our own department of like minds to keep good information, keep client records, and I think there is a much stronger awareness than in times gone past about the need to maintain such records. A number of agencies which no longer provide institutions are in fact talking with our information and records people about how the department can manage those records for them, and passing that information back to us. So there has been a huge amount of work undertaken in the last few years in terms of improving and knowing where all the various records are.²⁶

9.35 However, despite some positive responses, problems still remain. While it is important that care leavers can identify where their records may be stored, for records to be easily accessed they must be indexed and preserved. Indexing the records of an institution can be complex. Some records are in very old registers which are difficult to read and fragile to handle while others have been stored haphazardly and must be carefully scrutinised to ensure that accurate indexes can be made.

9.36 Indexing and appropriately storing records can be labour intensive and very expensive. MacKillop Family Services indicated that it had cost almost \$200 000 to put all its records onto a computer database.²⁷ The Committee also received evidence that some agencies are digitising their records, but the process is slow. Funds for these projects may not be available and some organisations must rely on volunteer archivists. Mercy Community Services stated that it has only indexed about 40 per cent of its records. This has been done largely on a voluntary staffing basis as has the categorising of its photo collection. Mercy Community Services is also attempting to source funding for digital imaging of all its records.²⁸

9.37 The Salvation Army also has been using the services of a volunteer archives worker to work through its old files. It is estimated that there are over 30 000 different records of many different types.²⁹

Destruction of records

9.38 The Committee received much evidence about the record retention practices of different departments, agencies and individual institutions, ranging from almost total loss or destruction to well kept and fulsome records.

9.39 While former state wards may be more successful than non-wards in locating information, this is not always the case. The Committee received evidence that there has been considerable destruction of state records. For example, in Western Australia many government records have been destroyed. The Department for Community

26 *Committee Hansard* 9.12.03, pp.7-8 (WA Department for Community Development).

27 *Committee Hansard* 12.11.03, p.26 (MacKillop Family Services).

28 *Submission* 61, p.11; *Committee Hansard* 9.12.04, p.25 (Mercy Community Services).

29 *Submission* 338, Attachment 14.3.04.

Development indicated to the Committee that the first record of destruction of files dated back to July 1938 when 12 000 files were destroyed from the period 1886-1920. Files were also destroyed for the period 1921-1927. From 1951 the Department established a system of selection of files for retention. From 1960 it was agreed that adoption files would be destroyed after five years from the date of the order; migrant files would be destroyed five years after expiry of term or date of final action; and ward files would be destroyed 10 years after expiry of term or date of final action. These destruction times were amended over the years. From 1980 adoption files were transferred to the Adoptions Branch and no files were destroyed.³⁰ The Department indicated that now client files were held permanently and stated:

In the early decades a lot was destroyed, according to the policies of the time. In retrospect we can now see the wisdom of holding on to records.³¹

9.40 In South Australia it has also been reported that many government records have been destroyed and the Department of Family and Youth Services may only hold the index card of those who have been in care. The Department stated that records were destroyed in the late 1970s and early 1980s 'because of a prevailing philosophy and community concern at the time that it was inappropriate for the Government to hold files containing personal information about citizens'. However 'these days we have strong policies and practices in place to make sure that records are properly preserved and can be available to people seeking to access their personal information to put the stories of their background together'.³²

9.41 In New South Wales, CLAN stated that state ward files were randomly selected and destroyed.³³ The destruction of ward files seems to have been a widely accepted practice and the Committee suspects that similar practices have occurred in other States.

9.42 Witnesses also reported difficulties in accessing state records in Queensland where an oft cited reason for the inability to locate records was that they had been destroyed in the Brisbane floods of 1974.

9.43 In some private institutions, the retention of records has also been haphazard. As noted in *For the record*, 'even when records were maintained, there has been no requirement or expectation that they be kept indefinitely'.³⁴ CLAN for example, stated that it knows of institutions which existed for many years and housed hundreds of

30 *Submission 66*, Attachment 4 (WA Department for Community Development).

31 *Committee Hansard* 9.12.04, p.6 (WA Department for Community Development).

32 *The Advertiser*, 'Lost hopes: adoption papers destroyed', 12.7.04, *Submission 22*, Additional Information 13.7.04 (CLAN).

33 *Committee Hansard* 4.2.04, p.49 (CLAN).

34 *For the Record*, p.18.

children, for which there appear to be no records extant.³⁵ One care leaver related trying to find records of a Salvation Army home in South Australia:

The Salvation Army [home] was shut down in 1973, I think. It had been open for 30 years, but all the records they have in South Australia at Nailsworth, which I have tracked down as well, would not fill this folder. It is 30 or 40 years of a home run by the Salvation Army which filled the whole journal of what happened.³⁶

9.44 Records may have been lost because a specific event, for example, many of the records of the Tally Ho Home were lost in a fire.³⁷ In other cases, records cannot be found because they have been moved or misplaced. CLAN stated that it had received information from a Melbourne City Mission worker who reported that they had 'come across' a box of files in the archives related to state wards who had lived in a children's home. CLAN commented:

These are records that presumably nobody knew about until this moment, and we cannot know how many people had applied for access to them, only to be told they no longer existed. The worker discovered them quite by chance.³⁸

9.45 Whatever the reason for the destruction of files, the outcome is still the same: care leavers are neither able to trace families nor piece together their history. They also feel hurt and betrayed. As CLAN commented 'these are children – these are families – who were not considered interesting or important enough to even have their records kept'.³⁹ As a consequence, 'it is very difficult to establish and maintain a sense of identity in the face of such apparent indifference on the part of the authorities who were supposed to "care" for you'.⁴⁰

9.46 A further problem that has arisen relates to the preservation of records which are old and fragile. Constant handling and inadequate storage leads to further disintegration. Mercy Community Services for example, indicated that it had records dating back to 1868. It has stored all records relating to adoption using digital imaging and it has a long-term plan for the digital copying of all records.⁴¹

Quality of record keeping

9.47 Once records have been located, care leavers are often disappointed with the quantity and quality of information. Some people may be fortunate to locate records

35 *Submission 22*, p.11 (CLAN).

36 *Committee Hansard* 13.11.03, p.21.

37 *Committee Hansard* 12.11.03, p.46 (UnitingCare).

38 *Submission 22*, p.11 (CLAN).

39 *Committee Hansard* 4.2.04, p.48 (CLAN).

40 *Submission 22*, p.12 (CLAN).

41 *Submission 61*, p.11 (Mercy Community Services).

that contain much information to help them piece together family histories and their childhoods. Others are not so fortunate. The United Protestant Association, for example, stated:

UPA has records for just over 3 300 children who were in UPA care over a fifty year period. Record keeping in our early days was a mixed bag, with some files containing a reasonable amount and some scant information.⁴²

9.48 The reasons for lack of information are varied. Sometimes the records were culled or destroyed. In some instances, where there was no legal requirement, records were not kept. It was noted in *For the Record* that:

The records kept at many agencies before the 1950s were often very limited. Until the 1970s there were very few or no legislative requirements or guidelines for the types of records that should be kept. The most common and reasonably widespread form of client records is an admissions register. Punishment books are also reasonably common!...Some institutions have old photos, even old film, which can be very helpful.⁴³

9.49 It was also stated that the lack of records may have been a deliberate policy. Catholic Welfare Australia commented:

For many reasons some institutions did not keep minimal records or in some cases people have not been able to access their records and this has been a source of great pain and frustration. There appears to have been a deliberate choice in some cases not to have too many details of a child's life recorded so that the child could "start afresh" without the stigma of illegitimacy, or broken relationships. Of course, that has meant that people have often felt devastated because the records that they have been able to access are so scanty and superficial. Also the sheer pressure of the day to day work must have also contributed to not writing up records not to mention the issue, of what kind of information should have been kept which was not e.g. medical and dental records. As stated previously no uniform standards applied until recent decades.⁴⁴

9.50 Mercy Community Services also stated that sometimes only very limited written records are available. Mercy commented that 'it can be difficult to accept that several years of a life can be recorded by no more than some one-line entries in a register'. While other information was kept at the time, it may have been disposed of soon after the person left care. The significance of such records was not always appreciated at the time and 'it is also difficult to explain that there are some years where we have no records at all (most of the 1950's)'.⁴⁵

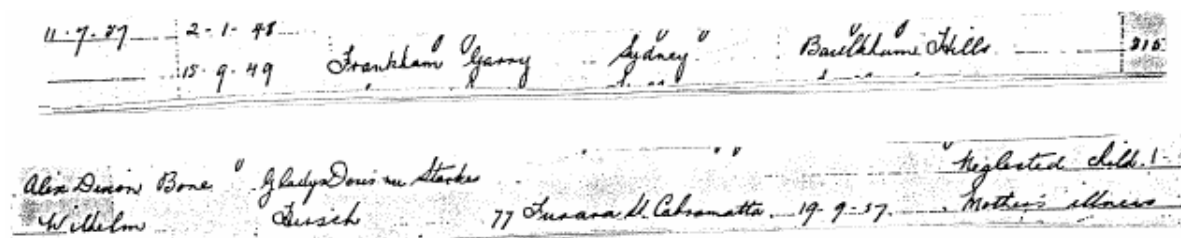
42 *Submission 30*, p.1 (UPA).

43 *For the Record*, pp.17-18.

44 *Submission 71*, p.17 (Catholic Welfare Australia).

45 *Submission 61*, p.10 (Mercy Community Services).

9.51 Examples of the absolute minimum of information provided in response to requests were shown to the Committee. The following information given to one person illustrates that a period of their life consists of one line!



Other care leavers stated:

On request for information about myself while in St Brigid's [from 4 to 16 years of age] I was sent one sheet of paper giving me a date of entry. I think that sums it up correctly, these institutions hold no memory, no photos, no medical, school reports nothing, and yet somehow we are meant to become model citizens, HOW? (Sub 314)

I received in the post [from GSS Abbotsford] an A4 sheet of paper stating my mothers name, dob, place of birth, religion, parents, date of admission & date of discharge. That was it. No explanation of what she was doing there in the first place or any reports on any medical conditions she may have had or any outings or basically any information that was telling except her date of admission & discharge. As you can imagine I was more than just a little disappointed that my mother's 2 1/2 years at this institution were worthy of such minor details. (Sub 316)

9.52 Difficulties are not only encountered by care leavers with the agencies which cared for children. Other institutions also may hold records relating to care leavers. For example, one witness told of trying to access New South Wales Children's Court records:

Western Sydney Records Centre Kingswood holds the Children's court Transcripts 1900-1960. Missing is the 1939-1950. When asking the most important question is why are the war years missing? One receives all kinds of answers from being lost to being burnt to being packed away. Under the Archives Act brought in 1960 all records should have been released. Why were the 1939-1950 withheld? (Sub 24)

9.53 The impact of the paucity of information provided can be devastating.

I find it more difficult to believe that my time at 'Lynwood' cannot be found, which makes me sick to my stomach when I think about it, as I feel I grew up a no name nobody.⁴⁶

After 18 years as a 'Ward of the State' and some 32 years later, I finally get enough nerve to have the audacity to ask the system for whatever relevant

details they may or may not have on me during my childhood...I get two sheets of paper with about 9 or 12 lines on it, I look at these two sheets and I am devastated, 18 years of my life on two sheets of paper. I ponder and wonder this can't be all of my 18 years on two sheets of paper. (Sub 3)

9.54 Many care leavers cannot understand why there are no records. One witness stated:

The most you get is date of entry and date of exit. There are no records of childhood diseases, siblings or parents. Why did not the government have inspectors to see that relevant data was recorded, not just notations in an exercise book. (Sub 364)

Another care leaver noted:

No one can find any records about me...Our lives were changed forever by this action and I have never been given or it seems now that I will never have any context for this life changing action. Why is this? Why have I never been told as an adult why the government came and took us? (Sub 57)

9.55 Even after a long and complex search of records, many care leavers are disappointed with the outcome as they are unable to find answers to many questions and they feel that they have been abused a second time. One care leaver stated:

I looked forward with great anticipation to receiving those records, hoping that they would give me an insight into those four terrible years that my memory had successfully blocked out. But my hopes were in vain. My total records consisted of one line – who my parents were and the date of my admission to the orphanage.

I sat down and cried my heart out. It was as though the emotional abuse of the orphanage was still continuing. As though Frank and I never existed. I was told by MacKillop Family Services that there were ample records for all other boys who were at the orphanage, however, as Frank and I were private admissions by our father, we only rated one line each. (Sub 100)

MIM'S STORY

Being a "Home child" and not a ward of the state meant very few records were kept of my formative years by the people looking after me. At the time, with the rest of our troubles, it didn't seem to matter. But now, as a 44-year-old woman, I want them desperately, and not just for sentimental reasons. There is other documentation, medical records in particular, that I need to understand what actually happened in that lost childhood and what the consequences might be in later life. Twenty-four years ago I was diagnosed with a blood disorder, thalassemia. My doctor says I have suffered with some form of dyslexia and maybe even autism. He wants to know where I might have got it from. I had to tell him I had no way of knowing. For the last few years I have been trying to find any record of our childhood, anything at all. I went to each of the Homes but they no longer exist or have changed and say they hold no records from that time.

Mim finally discovered that the records of one of the Homes she and her sisters were in for a long period had been placed in the State Library of Victoria.

Finally, everything we imagined we needed to know - medical history, photos, school reports, holiday visits - would be there to see. I live in Far North Queensland, and it took a while to be able to get back to Melbourne. When I returned last month, I was highly excited. I dreamt about the answers I might find: why I could not read or write properly until high school; what screening process the homes had for the people who were allowed to take us out on weekends and holidays. More importantly, did they record and monitor the uncontrollable behaviour problem I'd been afflicted with, and what was that medication they forced into me on a daily basis? I got to the State Library early and paced the foyer. The head librarian led me to the desk where a large book lay all by itself. My heart was thumping as he opened it. So there was the three-page history of our childhood. Mine was a whole two lines:

M.S. Born Dec 1957. Sister of H.

"That's it?" I wailed. I burst into tears. "How can that be?" I thought. After all this time I have failed again. I have failed my sisters in finding their answers, too. But really, it is the system, the government, my parents that have failed too. Failed me, and thousands like me. That 60-year-old book contained hundreds and hundreds of lost children's names...and nothing else. I felt I was being ridiculed again. I wanted to create a scene. To yell and scream my years of frustration and wait for the police to forcibly take me away. Instead, I went to the nearest pub and got drunk. "How can that be?" I kept repeating to myself. Our whole depraved and abused childhood. Silenced. Vanished. Gone, just like that. I cried for myself and my sisters. I cried for all of the thousands and thousands of dysfunctional adults I have never met, who have experienced the same trauma as me. If we had been disabled, adopted, or if we had been imprisoned or sent to a mental asylum, would we not have had more documentation of our lives? Was that as far as the state's duty of care went?

Submission 22, p.13 (CLAN)

Information and comments contained in records

9.56 For those viewing files, the information contained in them can bring back painful memories and may include comments that are written in language that would not be acceptable today. People who have received information from their files have referred to comments which indicated that the welfare authorities were overly judgmental in relation to a family's social and economic situation. One care leaver stated:

My parents may not have been the most admirable couple, but it is evident that the authorities took action on the basis of their own value judgements and personal preferences, instead of acting in the best interests of their children. Examples litter the files. (Sub 18)

My file from DoCS contained many judgmental comments about my mother and it seemed that they had no understanding that she was being constantly bashed by stepfather. Also in my DoCS file, the district officers observed that my stepfather was aggressive and smelt of alcohol but they never looked any deeper. They never seemed to review the file to see that there was a pattern and that he had a history of assault...It seemed easier for the welfare to keep moving me from place to place rather than address the real problem which was the physical abuse from my stepfather. (Sub 318)

9.57 Other comments in files can cause pain and distress to the reader. CLAN gave the example of the use of 'high grade mental defective' as a not unusual term applied to emotionally disturbed children who appeared unresponsive to their 'carers'.⁴⁷ MacKillop Family Services also noted that other terms that were common in past psychological assessments 'cannot be read neutrally today'. MacKillop also stated that the phrase 'disposal of the child' was one that people accessing records find very offensive, 'because it reduces their life to that of a commodity that can be disposed of like something that no longer has any worth'.⁴⁸

9.58 Evidence of the lack of regard for the feelings of the child in care can also bring back traumatic experiences and feelings of inadequacy:

Finding out what went on in my life as a small child and a young teenage girl was a little bit of a surprise. Also it made me angry, frustrated and upset...As I read my file everything that was said was from the foster families, I did not have any say on the way I felt or if I was happy with my life. No case worker, no counsellor, no support person. Did I matter or did they care what I was feeling as a child? (Sub 241)

9.59 For those who were given very little information about their lives when in care, accessing files later often comes as quite a shock as they may reveal family

47 *Submission 22*, p.11 (CLAN).

48 *Submission 50*, p.11 (MacKillop Family Services).

secrets, reasons for events that were previously unknown or even information about unknown siblings.⁴⁹ One care leaver stated:

I found out a lot from that file – more than I really wanted to know. That's how I found out that I was classified as being "high grade mental defective" and sent to "homes" for mentally retarded boys. I was also able to piece together events into time frames. I had absolutely no idea about how long I was in certain homes or about time in general. I was not even able to tell the time in the homes. I also found out that the first time I was taken from my parents it was at their request. Do you know how painful that was for me? Everything I had suffered was because they didn't want me. (Sub 94)

9.60 Care leavers are often distressed that many files contain not only simple errors such as misspelled or incorrect names and incorrect dates of birth, but also fundamental misinformation. The perpetuation of incorrect or unreliable information, which appeared to have been accepted at face value with minimal or no checking of its veracity, provided the basis in some cases for significant decisions that affected the child's life. Witnesses stated:

Dad signed the forms and left. Our mother's signature was neither sought nor required. No one thought it necessary to check Dad's story...Nevertheless, without ever being verified, this 'fact' became indelible in the Department's file to be repeated in future documents. Once on the official file the 'facts' were re-cycled until they became permanent truth. (Sub 18)

These mistakes were common, the files are something to behold, they are inaccurate & sloppy, they make me think of the saying: 'Never let the truth get in the way of a good story' as some of the stuff that is in my file are just "nice" stories, it never happened. They often confused you with another child I'm sure of that. (Sub 351)

The only records I have was a slip of paper from the Sisters of Mercy that gives an incorrect date of birth and a baptism date on it, and a piece of paper with details copied from a card file. Some of the details there are incorrect as well. It has no entry after 1953 when my mother died. It stated that my brother was at college and that I was discharged. I never left that hellhole until late 1956. (Sub 330)

I received the paper from Major Sanz and to my absolute disgust and dismay I was told 'we have not found a record of you being at Goulburn Boys Home [Gill]'. Instead, I received a copy from Bexley Boys Home stating that I had been there for about 6 ½ years, my birthday 11.2.41, being sent to my mother and my mother being my future guardian. None of this is correct, I spent about 9 years at Goulburn Boys Home [I was never at Bexley], my birthdate is 11.3.41 and I was sent to my FATHER, and my FATHER was my future guardian...How could they get it all so wrong? If they couldn't get the paperwork right is there any wonder they couldn't get the "care and training" right. (Sub 336)

49 *Submission 22, Additional Information 4.7.04 (CLAN).*

Support for those viewing records

9.61 As noted earlier, accessing records is often a traumatic experience for care leavers. Many who pinned their hopes on finding answers in the files to questions they have had for many years are disappointed. They may have to face the fact that the only record of their entire childhood is one or two lines in a dusty register. Others will find themselves described by language which is both confronting and distressing. Others will uncover long-buried family secrets. None of these are reasons for not facilitating access and discovery – the human need for identity should be satisfied.

9.62 There is a strong need for support and counselling for people before, during and after the file is read. The provision of such services differs markedly. MacKillop Family Services for example, stated that its service was 'personal' in recognition of the very emotional nature of accessing information for the first time:

We try to meet each person where he or she is at, to work with them at their pace and to explore areas with them as requested. Some people have a very clear expectation from the outset of the questions they hope to have answered. Some people are hoping for a lot of information. People who contact our service are usually trying to recreate their childhood memories, to search for missing pieces of the puzzle, to see if there are some facts to back up what they remember and also for some people with no memory at all, it is to use what records we may hold to create their story. Some people have their story in their heart and know it, for others, the process is one of recovering the story.⁵⁰

9.63 Other organisations holding records provide services for those viewing records. Dalmar, for example stated that it offers to fund counselling for a limited amount of time to help people cope with the reactions which occur when they see their file for the first time.⁵¹ Mercy Community Services provides support to past residents at the point of receiving records and information about themselves. They also offer counselling at this point if the process creates distress for the applicant.⁵²

9.64 However, such an approach is not universal. In respect of State records, the Committee heard evidence as to the variable manner with which people are assisted from the helpful to a total lack of compassion, empathy and understanding of the issues faced by people confronting their childhood.

I had approached DoCS to access my file, not to access their files to enable reunions. I had achieved that end ten years earlier, I was after details of my wardship ie: how was it managed? What happened?...I had phone conversation with [an officer], who told me that I would not get the information I was after. What was prophetic was not her message but the tone of voice she used, she was probably unaware of it, but her voice

50 *Submission 50*, p.8 (MacKillop Family Services).

51 *Committee Hansard 4.2.04*, p.11 (Wesley Mission Dalmar).

52 *Submission 61*, p.4 (Mercy Community Services).

carried a hard, sharp and cold tone, probably learnt controlling a large number of wards. This tone of voice usually proceeded harsh treatment...I'm amazed [the officer's] rejection had such a paralysing effect on me. I ran like a scolded cat, dropped the idea of obtaining my file, or going anywhere near DoCS. (Sub 321)

One of the most disturbing things about my life, along with thousands of others, is the offhanded way we are treated when asking for records. (Sub 364)

9.65 The Committee was particularly concerned about the different approaches taken by state organisations when providing records. CLAN commented:

The level of support given to people when receiving the file differs greatly between the states, many people are left to deal with the harmful and damaging words about their personal history alone and totally unsupported. Once again, it's a form of abuse.⁵³

9.66 In Victoria, Broken Rites related that it had approached the Department of Human Services to establish an alternative system to sending a person's records in the post. Records which contain comments such as 'this person has a mental deficiency', and 'this person's mother was a drunkard' cause great distress. Broken Rites related that it had 'had police phone on a weekend, saying that some poor person is in his car with the exhaust pipe through the back window, because he received his records on Friday night'.⁵⁴

9.67 In another case a care leaver was so disturbed by the information in their file they were hospitalised:

In 1988 I got my files from the Department for Community Services. I took those files home and read them. I did not like what I saw. A week later I woke up and I was in la la land. I could not understand what had happened. My friend took me to the Sir Charles Gairdner Hospital D20 psychiatric ward.

When the doctor called me into the room I explained that the Department for Community Services gave me my documents without any counselling whatsoever.⁵⁵

9.68 Even where there is a policy of having an employee present to provide support for someone reading their file, this often ends up as 'if you need me, call me'. One witness recalled the experience of accessing the DOCS file on her time in care:

I thought it was a similar file to the one I received from Dalmar but as I sat and read it by myself for three or more hours I soon came to realise that I

53 *Submission 33*, Supplementary Submission, p.3.

54 *Committee Hansard* 12.11.03, p.41 (Broken Rites).

55 *Committee Hansard* 8.12.03, p.48.

was wrong. That file was very hard to read because the contents were to me very graphic. (Sub 241)

9.69 The following cases were provided to the Committee and provide a picture of the lack of empathy provided to those seeking access to records:

Ivy was phoned and told that she could come into the office at Cessnock and read her file. Ivy was left alone in a room from 2pm to 4.30. She only managed to read through half the file in the time she was there...She was told [by the DOCS officer] 'if you need me you can call me'.

Ivy was totally unprepared for the file's contents. Inside were letters, letters that her Father had written to her and which she had never received, letters also from her siblings which she never received and letters that she had written to her Father that hadn't been posted, all those years ago. Can you imagine going to read your file and discovering this precious correspondence. She was totally unprepared and no one in DOCS warned her of the contents. This was a very emotionally draining day for an elderly woman.

At 4.30 pm, Ivy asked a DOCS employee 'Can I come back tomorrow?' the response was 'We might be busy tomorrow, there might be a Child Protection Crisis and they may need the room and you would have to move out'. Ivy said that's OK, she would do that. They went to the appointment book to make an appointment for tomorrow, Ivy was told there was no appointments and the staff made one for the following Tuesday.

How could they make a 71 year old lady wait another 5 days to read the file?⁵⁶

9.70 While resource and other staff pressures may contribute, this is a totally unsatisfactory situation for often elderly people who are undertaking an exceptionally emotional experience.

Issues with access

Government records

Freedom of Information

9.71 Freedom of Information (FoI) legislation has been passed in all Australian jurisdictions. The legislation covers personal information compiled by government agencies. The Committee heard evidence that some care leavers have experienced difficulty in accessing information under FoI procedures. There were cases where information was provided only after persistent efforts to pursue records and instances where large amounts of information were withheld. Care leavers were particularly angry that the material on files, even if years old, was still withheld. Witnesses stated:

If we do not get the finances to help people for medical reasons or psychological reasons, at least give us the complete file. At least let us read and put the jigsaw puzzle together as to why we went into these institutions and why our parents were not given permission to come back and visit us. At least let us have our information about ourselves...Each time I have applied, I get that little bit more...I am trying again to get more information. I want to know more about my parents. I have got nothing. My mother is not of the mind to be able to tell me and my father died...I think the information is there; they just do not want us to have it. But I want it.⁵⁷

Incidentally, in the freedom of information process that I started in 1994 – and I still have applications in – although I have been told on a number of occasions, 'The files have been have all been released to you,' further files have been found upon pursuing particular matters. The censorship of the files was something that had disturbed me and I appealed as vigorously as I could without getting into the legal process. I managed to retrieve whole paragraphs from my own file. It galls me, having been a child in an orphanage and never told anything about my parents, that now, when I am in my 60s, I am being told, 'You can't see what's on your file.' It really galls me that some perfect stranger, a bureaucrat, can see what is on my file but that I cannot. So I go through this process of getting a letter with a paragraph missing and having to write another letter and then six months later getting response. That has taken a long time. It is now 2003; I started in 1994. I still have live applications before government departments for information which is my information. That really sticks in my throat.⁵⁸

My endeavours to access my mother's personal records whilst at Parramatta Girls' Home have been thwarted by bureaucratic red tape [**Freedom of Information**]. A recent attempt at the State Archives in Kingswood resulted in numerous phone calls to various government departments with each department only too willing to suggest a further two phone numbers that might be helpful. All to no avail!...I am an adoptee, my birth mother is dead, my grandparents are dead and so is my natural father. Who may I ask are the bureaucracy protecting? (Sub 154)

9.72 Some care leavers find it hard not to take the view that organisations are trying to protect themselves when records are withheld or parts of records are excised. Witnesses stated:

The Department...has numerous files, reports and information but choose to release only minor non damning propaganda. (Sub 242)

I applied for my files, through freedom of information, through DOCS. When I got them, they were so small that I thought 'Wow, are these my files?' until I saw some of the other files. I applied for my real files and got them, but a lot had been taken out. Then I looked again at the first lot of

57 *Committee Hansard* 11.11.03, p.47.

58 *Committee Hansard* 11.11.03, p.33.

files I had got and they were not even in them. So they all covered their tracks. They left us so screwed up, but they covered their tracks.⁵⁹

9.73 *Bringing them home* commented on the restrictive application of FoI. In some States, there are specific procedures for indigenous families in general or specifically for children taken into care. These procedures are less formal than FoI, discretionary and designed specifically for indigenous searchers. The report noted that 'while they are often slower than an FoI application, they are usually free of charge and research assistance may be available'.⁶⁰

Assistance with records searches

9.74 During the inquiry, many witnesses commented on the lack of assistance provided by governments to care leavers seeking their files. Witnesses noted in most jurisdictions, assistance is provided to those who have been adopted to trace family, however, the same assistance is not provided to former wards of the state. One care leaver stated:

I have found out from one to two that have been adopted that they have found out all the details. They have even found out that they have brothers and sisters. It is made a lot easier if they were adopted.⁶¹

9.75 CLAN also commented that some State department websites do not contain any information for former wards attempting to access their files. On other sites, services for State wards are included with post-adoption services. As CLAN noted, State wards have not been adopted and would not, in the first instance, consider looking at adoption services to find out about former ward services.⁶²

9.76 CLAN also assists its members to obtain their ward files or information about the institution they spent time in. In Victoria, people who have been separated from their family of origin, including state wards and adoptees, can access the search and support services provided by VANISH.

Non-government records

9.77 Freedom of Information legislation does not apply to records held by non-government organisations. The non-government organisations apply their own procedure to accessing records and some agencies are more open than others.

A few months back we went and opened our files at Dalmar. Up until recently we were led to believe that they were burnt in a fire. About six years ago we got access to a few things from a file, where we saw letters—loving letters—our father had written that we never saw. We got a few

59 *Committee Hansard* 3.2.04, p.4.

60 *Bringing them home*, pp.332-33.

61 *Committee Hansard* 11.11.03, p.8.

62 *Submission 22*, Additional Information 31.7.04 (CLAN).

reports and things like that, but it was said that everything else was destroyed by a fire in the walk-in safe. It would have been hard to ignite a fire there.⁶³

9.78 MacKillop Family Services noted that 'we believe very strongly in a process of openness in terms of releasing our records. When we first set up our service it would be fair to say that we received some criticism from other providers for our willingness to be open – to release records.'⁶⁴

9.79 MacKillop went on to state that it had been given records by the founding agencies to look after and for it to provide access services to those records. Other congregations still hold their own records and provide the service. When MacKillop Family Services was formed, the board chose to fund the service. The service is consulted on a regular basis by Protestant and non-religious organisations and by other Catholic organisations about the model set up. MacKillop commented, 'it is probably true to say that for some organisations today there is a fear of engaging with people that have grown up in care in the past'. However, the board of MacKillop 'was not fearful about that and saw that to go forward we had to acknowledge the past, which was not always going to be good but was there'.⁶⁵

Family information

9.80 Once people have found their own records, many try to locate other family members. This search is often prompted by the discovery of unknown siblings or that they were not in fact orphans as they had been told and believed all their life.

9.81 However, the Committee heard evidence of the difficulties faced by care leavers in accessing records of other family members. In some cases, these records may hold information valuable to tracing family members or the person's history. However, family information is treated as information about a third party. Third-party information is treated differently under privacy legislation to the personal information of the searcher. MacKillop Family Services for example stated that 'we release records according to the privacy legislation, which would mean that we could not release information about a person to somebody else unless that person has given permission for them to receive it or unless that person was deceased.'⁶⁶

9.82 Witnesses provided examples of the impact of restrictions on accessing family information.

Now also to find that I can't gain access to files relating to my brothers from Family and Childrens Services without permission from their children who I don't know. I feel that any information that I get about myself is only half

63 *Committee Hansard* 3.2.04, pp.15-16.

64 *Committee Hansard* 12.11.03, p.29 (MacKillop Family Services).

65 *Committee Hansard* 12.11.03, p.31 (MacKillop Family Services).

66 *Committee Hansard* 12.11.03, p.29 (MacKillop Family Services).

there because they were part of my life and I have only half the story and am left with a hole in my life – part of my identity is missing.

When I started the search I thought the ache in the corner of my heart would be erased only to find that it has got larger. (Sub 184)

The Department decides I cannot have certain information about MY parents. Why should the Department staff get to read the file about my parents and then relate it to me? How dare the Department decide that I cannot read about MY parents.⁶⁷

9.83 It is very difficult for care leavers searching for their history when the privacy requirements mean that a search may only access information with the permission of next of kin. This is seen as unjust and cruel. One witness stated:

There are large blanks in my sister's story. I am not able to get access to her state ward file, because of privacy laws. These records will help me to understand her life as well as my own. Siblings in 'normal' families are able to get access to their family history through parents telling of the family information. However, state wards often only have the state ward file to go back to for family information.

Now that Pat's dead, I have to have her husband's permission to get access to her state ward file. I have to seek his permission for the release of 'our' family information. This is NOT his family information...When this information was gathered, all those years ago, he was not in anyway connected to my sister, yet the law states that this man has the right to release or not release family information which does not pertain to his history or identity. (Sub 119)

First, I wanted to get hold of his file, and then they put obstacles up: 'If he is alive we can't do it under freedom of information, but if he is dead and you can show us a death certificate we can provide you with information,' and stuff like that. To me it is just bureaucratic bungling all the time and I just get frustrated about it because, as I say, they put me in this situation. I am only asking for one thing of them: to say where Ralph is, if he is still alive. He may well be dead. I do not know.⁶⁸

9.84 Another care leaver searching for information about an adopted brother killed in Vietnam has been able to find his full name, place where killed in action, platoon and photograph on the Internet. However, the Adoption Information Service could not provide the brother's name or burial details until his other adopted brother's (deceased) wife gives her permission to disclose the information as she is the next of kin. The care leaver commented:

Blood is not thicker than ink lines on documents. Sure hope she is not dead and will agree to meet and talk to and with me. As a mature 59 Y.O. it would be my most treasured wish at this time to go to his grave and spend a

67 *Submission 167*, p.7 (VANISH).

68 *Committee Hansard 3.2.04*, p.106.

lot of time talking to him as we never met in his short 22 yrs and 2 days life.(Sub 157)

9.85 *Bringing them home* also noted the problem of accessing strictly third-party information to assist in building a picture of family history. While some agencies are flexible and searchers receive information, others 'continue to interpret third-party privacy restrictively and fail to assist searchers to meet their requirements for third-party consent. The searcher can be denied the very information needed to identify family members and re-establish community and family links'.

The responsibility of government to provide this [family] information to Indigenous people goes far beyond the standard justifications for FOI legislation, namely openness and accountability of governments and the individual's right to privacy.⁶⁹

Delays and cost of accessing records

9.86 The Committee received evidence of delays in the provision of files for access, particularly for people living in country and regional areas. One witness stated:

It is not always so easy finding out about yourself. DOCS took three months to pull my file and another two weeks to copy the information I requested. (Sub 241)

9.87 Relationships Australia commented that some people had to wait years to access their files:

This morning I had a phone call from someone who has asked for their records in southern New South Wales. It has taken two months for them to get to the office, and now they have to wait because there is no-one available to actually go through the records with them as they are too busy. This is a common story told to us.⁷⁰

9.88 Witnesses also considered that having to pay for access to their personal information was demeaning and insulting.

Even though it may be possible that the early files on us may have been destroyed, I find it very hard to believe as there are a few words about me which I acquired from FOI on request for which I was charged \$15.⁷¹

I was sent firstly to Ashfield Babies Home for approximately one year – I don't know the exact details as I resent paying \$50 for my 'records' to discover that there are no details as to who I was, only that I was there – and I know that already. (Sub 418)

It is our information. We should not be putting our hands into our pockets at all. The government should be assisting us in every possible way for

69 *Bringing them home*, p.341.

70 *Committee Hansard* 4.2.04, p.56 (Relationships Australia).

71 *Submission 22*, Additional Information 22.1.04 (CLAN).

education, for psychological reasons, for medical reasons and for finding our personal information. That is the least they could do in assisting us.⁷²

9.89 While many types of government records may be of interest to care leavers, they are expensive to access. For example, CLAN noted that many people who grew up in care went into the adult gaol system. Those wanting to access their prison records must pay \$30 (or \$15 if they are on a pension). CLAN also commented that many children became state wards because their parents failed or could not afford to pay the fees for their children in the care of the government or churches. As a consequence, many parents were sent to prison for failure to pay fees. In these cases, state wards are looking for information on their parents as well: 'if their parents were sent to prison it helps us to understand why our parents didn't visit us in the Homes for years and years'.⁷³

Overcoming problems of access

9.90 The Benevolent Society's Post Adoption Resource Centre outlined succinctly the needs of those seeking access to records:

Care leavers need to have access, free of charge, to all file information held by a service provider, that relates to themselves and the reasons for their admission to care irrespective of their legal status at the time of their placement. They should also have copies of file material and original documents. They should have detailed specific information about all members of their family.

...It is essential that a sympathetic, experienced and suitably qualified person is available at the time of reading the file. It should also be ensured that there is a limited delay in the files becoming available. In the case of non-government past providers, there should be flexibility as to when and where the file is accessed, taking into consideration the care leaver's possible strong feelings about returning to the buildings associated with their experience in care.⁷⁴

9.91 CBERSS commented on the benefits of easy access to records:

Quick and easy access to records about their own childhood is an important part of the healing process for CBERSS clients, as it would be for most people whose family ties were broken or damaged as children.⁷⁵

9.92 A number of suggestions were made in evidence to achieve better access to files and improve services for those searching for families. CLAN recommended the establishment of dedicated information and search services in all States specifically

72 *Committee Hansard* 11.11.03, p.41.

73 *Submission 22*, Additional Information 3.8.04 (CLAN).

74 *Submission 53*, p.6 (Post Adoption Resource Centre – The Benevolent Society).

75 *Submission 49*, p.19 (CBERSS).

targeted to state wards and Home children to help locate family members and their own history. These services should include:

- Assistance with accessing their file(s), i.e. dealing with government or agency authorities. This is often a very daunting task for a Care Leaver: it is the first step to acknowledging what happened to them and there is often also apprehension about what the file will contain.
- Mediation with the agency which raised them as many people are reluctant to approach the agency, where in their opinion it failed in its duty of care, or allowed abuse to occur.
- Support in reading the file from somebody familiar with the attitudes and practices of the past care system.
- Meetings and/or mediation with persons identified from the file, for example a sibling or ex-carer. Support and facilitation services may be essential for people who wish to meet with and challenge ex-carers about issues still affecting them today. This is an option that should be available for Care Leavers who wish to have some closure with their past.⁷⁶

9.93 CLAN also recommended that research be carried out to search for and locate records, collate histories of care locations, and perhaps establish a centralised records service for care leavers. CLAN stated that this is a fragmented history whose pieces must be pulled together as an important part of Australia's social history. In addition, all States should follow the lead of New South Wales and publish directories similar to *Connecting Kin: A Guide to Records*. This was also supported by other witnesses.⁷⁷

9.94 CLAN recommended that funds should be allocated to advertising nationally for records since in some cases records have simply ended up in agency basements or in an individual's spare room. CLAN noted that poor record-keeping combined with the incomplete retention of records by many organisations means that resources need to be allocated for proactive record searching to help fill in the gaps. Proactive searching may well turn up many more 'lost' or forgotten records than those currently available.⁷⁸

9.95 Other organisations also recommended that each State government appoint officers in the relevant agencies to have the sole responsibility for the needs of care leavers.⁷⁹

76 *Submission 22*, p.27 (CLAN).

77 *Submissions 68*, p.12 (Association of Child Welfare Agencies); 52, p.13 (UnitingCare Victoria and Tasmania).

78 *Submission 22*, p.28 (CLAN).

79 *Submissions 68*, p.12 (Association of Child Welfare Agencies); 52, p.13 (UnitingCare Victoria and Tasmania).

9.96 As noted earlier, a major concern for both agencies and those seeking to access records is the preservation of records as many are old and in poor condition. Preserving, indexing and ensuring easy access to records is expensive and time consuming. Mercy Community Services recommended that the Commonwealth Government provide funding to allow past providers of institutional care to preserve, index and image their remaining records, as a service for past residents.⁸⁰

9.97 The Committee, in its report on child migrants, found that access to records was of fundamental importance to those who were searching for their families. The Committee made recommendations to improve access to records held by agencies in Australia and to assist those seeking family reunions. The recommendations included:

- the establishment of comprehensive signposting indexes to assist former child migrants to locate information about receiving and sending agencies;
- the establishment of a national index of former child migrants;
- the publication of directories to assist all former residents of children's institutions to access records;
- the establishment of a national group of all receiving agencies, other relevant bodies and Commonwealth and State governments to develop uniform protocols for accessing records and sharing information relevant to former child migrants, their families and descendants and to coordinate services for former child migrants;
- that all organisations holding records pertaining to former child migrants held make those records available immediately and unconditionally;
- where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation; and
- all sending and receiving agencies be required to extend access to their records to descendants of former child migrants.⁸¹

9.98 The *Bringing them home* inquiry also made extensive recommendations for enhancing access to the records of indigenous children who had been in care. These recommendations included the establishment and funding of a Records Taskforce by the Commonwealth and each State and Territory with both representatives of government and non-government agencies and indigenous user services. The Taskforce's aims would be to develop common access guidelines and advise government and churches generally on policy relating to access to and uses of indigenous personal, family and community information. It was also recommended that all common access guidelines incorporate the following standards:

80 *Submission 61*, p.1 (Mercy Community Services).

81 *Lost innocents*, pp.170-72.

- the right of every person, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
- no application fee, copying fee or other charge of any kind to be imposed;
- a maximum application processing period to be agreed by the Records Taskforce and any failure to comply to be amenable to review and appeal;
- a person denied the right of access or having any other grievance concerning his or her information to be entitled to seek a review and, if still dissatisfied, to appeal the decision or the matter free of charge;
- the right of every person to receive advice, both orally and in writing, at the time of application about indigenous support and assistance services available in his or her State or Territory of residence;
- the form of advice provided to applicants to be drafted in consultation with local indigenous family tracing and reunion services and to contain information about the nature and form of the information to be disclosed and the possibility of distress;
- the right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth); and
- the right of every person who is subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.

It was also recommended that the Commonwealth and each State and Territory establish an Indigenous Family Information Service as a 'one stop shop' service and that to support the Service, each government and church record agency nominate a designated contact officer.⁸²

Conclusion

9.99 The search for identity is crucial for care leavers. For many, being in care has meant the loss of family and connection with their place of origin. Care leavers do not have the mementos of childhood that are taken for granted by most Australians: school reports; photographs; and happy memories of birthdays.

9.100 The task faced by many care leavers to access records and recover their lost past is immense. Records may be scattered across a number of agencies, they may be in a poor state, lack indexes and directories and agencies do not have the resources to adequately assist care leavers. Unfortunately, in many instances it is too late: the records have already been destroyed or lost. While there was no legal or statutory requirement for non-government agencies to retain records, the Committee was

82 *Bringing them home*, pp.351-52.

dismayed at the lack of care taken by many non-government agencies to retain and preserve the childhood history of those in their care. However, many records in the hands of government agencies have also been destroyed. The Committee considers that the destruction of ward records in South Australia stands out as being a particularly disgraceful event and reflects a lack of understanding of the importance of identity and the duty of care that governments have to care leavers.

9.101 The Committee considers it imperative that the remaining records of children who have been in care are found, identified and preserved. The Committee is concerned that there are many instances where records of great value to care leavers are still being found in out of the way places, in cupboards and basements. Some agencies have attempted to centralise records but others still appear to have a somewhat cavalier attitude to these important documents.

9.102 All agencies, both government and non-government, have a duty to ensure that every effort is made to search for care leavers' records that have survived. Once records have been located, they need to be accurately identified, indexed and preserved. The size of this task varies from agency to agency, with some records being no more than boxes of loose papers and some being very old and fragile which require specialist preservation. The use of digital imaging and other new technology is required to allow greater access to records. There appears to be very few instances of agencies implementing a specific program to retrieve and preserve records and in some cases major agencies are relying on volunteer archivists to undertake this work. However, the Committee considers that the task is too important and care leavers have waited too long to access records for agencies to rely an ad hoc approach based on volunteer archivists. All agencies need to make a commitment of time and funds to improve identification and preservation of records.

9.103 The Committee also considers that greater effort is needed to identify photographs, films and other memorabilia that is of importance to care leavers in piecing together their childhood histories.

9.104 The Committee considers that access to records must also be improved. A first step taken by some State government and non-government agencies has been to provide directories to assist care leavers to locate records and to make contact with those holding the records. While this is an improvement, it does not go far enough. The task of piecing together family history can be extremely difficult and a directory is only the first signpost on a long journey. The Committee was impressed with the work undertaken by the Western Australian Department for Community Development in developing the Children in Care database and protocols for sharing information between government and non-government agencies.

9.105 The Committee considers that an adequate response to those pursuing their history must include the following. First, all records relating to care leavers need to be indexed and cross-referenced. This would enable relevant records to be quickly accessed and all material held to be made available to the care leaver, including any photographs or other memorabilia. This is an expensive and time-consuming task, but

the Committee considers that there is a moral obligation to ensure that all surviving information is made available. It is part of the continuing duty of care.

9.106 Secondly, there is an urgent need to improve access to records. The report on child migrants and *Bringing them home* examined the problems of access to records of former child migrants and indigenous people and how this might be improved. The Committee has found that similar problems exist in accessing the records of non-indigenous children removed from families.

9.107 The Committee has noted the comments and recommendations contained in *Bringing them home* relating to the Records Taskforce for indigenous records. The Committee considers that there is a need to establish a dedicated service for care leavers to support the search for their history. Such a service would ensure that complete and centralised registers of all records held by government and non-government agencies are established so that care leavers do not have to consult many agencies to locate records. The service would act as a vital first port of call for care leavers and provide information on procedures to access records. More importantly, the service would provide an advocacy and mediation role for care leavers who have had difficulties in gaining access to records or for example, have had information withheld under Freedom of Information legislation. Finally, such a service would ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

9.108 The Committee also considers that the principles and guidelines established by the Taskforce for access to government and non-government indigenous records should also apply to records of non-indigenous children. The minimum standards of access recommended in *Bringing them home*, also provide a valuable guide to what is required for all those seeking personal information about their time in care.

9.109 The Committee is particularly concerned that many government agencies do not provide dedicated services for state wards. In many instances state wards must use adoption services if they require assistance. As strongly emphasised in evidence, state wards were not adopted. To improve access, the Committee considers that all agencies, both government and non-government, which hold care leavers' records must provide a dedicated point of contact. In addition, agencies holding records and those receiving funding to provide assistance to care leavers, for example Relationships Australia, must ensure that their websites make specific reference to care leavers and wards to ensure that services can be accessed easily.

9.110 Evidence received by the Committee indicates that Freedom of Information requests often succeed only as a result of continued persistence on the part of the care leaver. Difficulties are also faced when third party information is contained in records. The Committee considers that while privacy principles are important, some agencies appear to interpret the principles more strictly than others even if the information is about parents and siblings or worse, use them as an excuse to deny access to information.

9.111 Care leavers should be extended the most flexible interpretation of both Freedom of Information legislation and privacy principles in order to access all personal information and to facilitate reconnection with family. Care leavers should not have to pursue information time after time with the same agency. In some cases, care leavers have had to wait years for information. Care leavers are entitled to the fullest amount of information being made available at the time of initial request. Fees are also attached to requests which care leavers on low income find difficult to meet. The Committee considers that no agency should charge fees for the provision of personal and family information provided to care leavers.

9.112 The provision of counselling services varies greatly amongst record holding agencies. The Committee heard of some agencies which provide extensive assistance to those viewing their files, while others leave care leavers to 'fend for themselves' after viewing what can often be very distressing and disturbing information, or indeed finding that there is no information at all. The Committee is concerned that generally, support and counselling services for those accessing records are inadequate, particularly where care leavers are elderly or have suffered extensive abuse and require intensive and ongoing support.

Recommendation 12

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

Recommendation 13

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

Recommendation 14

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

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

Recommendation 15

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

- **develop a complete register of all records held by government and non-government agencies;**
- **provide assistance to care leavers to locate and access records;**

- **provide advocacy and mediation services to care leavers accessing records; and**
- **ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.**

Recommendation 16

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

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

Recommendation 17

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

Recommendation 18

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