

**Extract from Senate Hansard: 30 August 2004**

**COMMITTEES: Community Affairs References Committee: Report**

**Senator McLUCAS** (Queensland) (12.31 p.m.) by leave I present the report of the Senate Community Affairs References Committee entitled *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children*.

Ordered that the report be printed.

Senator McLUCAS I seek leave to give a notice of motion in relation to the report.

Leave granted.

Senator McLUCAS I give notice that, on the next day of sitting, I shall move:

That the second report of the Senate Community Affairs References Committee on its inquiry into children in institutional care be presented by the last sitting day in December 2004.

I now seek leave to move a motion in relation to the report.

Leave granted.

Senator McLUCAS I move:

That the Senate take note of the report.

At the outset I thank the Senate for allowing the committee to table this significant report at this time in today's program. The request of the committee was in response to the many care leavers who travelled here today who would not be able to witness the tabling if it were at the regular time later, as they wish to return to their homes this evening. I am very pleased that we have been able to welcome these care leavers and their families into Parliament House to be part of this milestone in the history of the provision of care in Australia.

When we began this inquiry I was, to say the least, very concerned about what we were embarking upon. My concerns were that we were not going to be able to do any good for the people whose lives we were looking into, that we would open wounds that we would not be able to heal and that we were not counsellors, we were policy makers, and we would leave people more damaged than they were at the outset. I was very wrong. For many care leavers this inquiry has brought a sense of healing that has not been evident in their dealings with government, the churches and institutions to date. It has provided the opportunity to share their experience, to be given recognition of the pain that they have experienced and to put some of the past behind. But for many, though, this inquiry has not brought closure. It is hard to see how for some any process would, as the hurt is so great.

I am proud to have presented this report on behalf of the committee. I want to place on record my thanks to all members of the committee for their compassion and diligence throughout the hearings and through the compilation of the report and recommendations. I also wish to thank Senator Hutchins for his work as the chair of the committee prior to March. This report is an example of how the Senate works at its best. We came to the inquiry as individuals and left our party affiliations at the door. Our recommendations are the result of our personal thinking and it is our hope that they will make real changes to the lives of care leavers into the future. The report has deviated from the usual Senate style of writing a report. We have tried to give voice to those who gave us the evidence rather than interpret their words. The report, therefore, uses many quotes from the *Hansard* and from the submissions.

The committee received 614 submissions, of which 174 are confidential given the nature of their content. Overwhelmingly, they make tragic and distressing reading. They tell of neglect, of shocking abuse, of predatory behaviour from so-called carers and of criminal activity. The evidence is also there that authorities in the church and in governments either knew or should have known that much of this horrific activity was occurring. The committee thank those who made submissions and gave evidence for allowing us into their lives. We hope we have done justice to their stories. A recurring message in the submissions is that the person making the submission was doing it not for himself or herself but for those who could not—for those who could not because the pain in reliving their experience was too great, because the hurt they have lived has manifested into mental illness that renders them incapable of participation or because they have passed on through illness, age or, even more tragically, suicide. This report is a tribute to all who have made submissions and to those who could not.

It is also important to note that all experiences reported were not negative. A few submissions told of pleasant times, of outings and of thoughtful and caring adults. It also should be noted that institutions varied in their treatment of people over time. The personnel who provided the care directly influenced the experience of the children there. But, even for those whose experiences did not include neglect or abuse, the lack of love is a constant. How that can be overcome is a challenge but one that must be dealt with in planning future care arrangements for children.

Today should be seen as a significant milestone in the history of the approximately 500,000 people who have been placed in care in institutions, including orphanages, group cottage homes, homes for children with disabilities and juvenile detention centres, and in foster care in Australia since colonisation. It is an opportunity to place on record a summary of the experiences of care leavers, which goes some way to telling the true history of what has occurred. More needs to be done to continue to tell these stories, and there are recommendations in the report that are directed to that end.

But looking to the future, the report is hopefully a blueprint for governments and non-government institutions to deal with the legacy of poorly provided care. There are 39 recommendations in the report, most of which are unanimous recommendations of the committee members. We have recommended that the federal government issue an apology acknowledging the hurt and distress suffered by many children in institutional care, and that those states and territories, churches and other authorities that have not done so should do the same.

We have recommended that the federal government establish a fund with contributions from the states and territories, churches and other organisations involved in the provision of care. This fund should provide an alternative method for accessing redress which will not require applicants to meet legal proof requirements, and a claim that can be supported by a reasonable likelihood that the abuse occurred should be dealt with. We have recommended that a process for reviewing complaints about care experiences should be established, and that it should be independent of governments or churches.

We have called on the churches and other care providing organisations to open their books and allow care leavers all the information which has been collected about them so that any legal proceedings that should be progressed are progressed. We have said that if this does not occur then the only course of action is for the federal government to implement a royal commission so that justice can be done. Committee members were mindful of the costs and the varying benefits associated with the establishment of a royal commission, and there are different views in the committee about the appropriateness of this course of action. But it is my view that it might be the only way that justice can be done. There are other

recommendations in the report that I commend to governments, churches, other care providing organisations and the broader community.

Finally, I need to offer some thanks. I want to thank an organisation called CLAN. CLAN is a nationally established organisation that provides support to care leavers. They are represented by a fabulous woman, Leonie Sheedy, whom all care leavers will join with me in thanking for the leadership, compassion and enormous understanding that she provides to care leavers and their families. There is a range of other support services I also commend on the work they do. They are funded varyingly across the nation, and our recommendation suggests that more needs to be done by state, territory and federal governments to support that work. As a result of today's tabling of this report, we expect there will be many care leavers in the community who did not know about the process that we embarked upon and who will wish to receive support. I encourage any journalist writing about the tabling of the report today to publish, wherever possible, the phone numbers of support organisations so that people can access services immediately.

I also want to thank the counsellors we employed during the process of the inquiry who came to all of our hearings and assisted not only care leavers but also all of us in talking through the experiences that we heard about. Thank you to all of you. Thank you for the work that you continue to do and the special talents that you have in working with care leavers in our society. I want to thank Hansard and the people from sound and vision who shared the harrowing stories with us during the hearings. Finally and most importantly, I need to thank the secretariat of the Community Affairs References Committee. They are a fantastic group of people who have gone well beyond their roles as staff of the Senate. They have worked late nights and they have worked weekends for months, and their careful consideration of all the issues has provided with the support of the senators who gave their time to this committee what I think is an excellent report.

**Senator KNOWLES** (Western Australia) (12.41 p.m.) As Senator McLucas has said, today is a very special day because of the tabling of the report entitled *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children*. I would also like to start by thanking all those who gave of their lives those very people in the gallery today. Good luck to you all. This has been a very tough inquiry for each and every one of us. Their heart-rending stories, their cruel stories and sometimes their funny stories are something that we can all cherish.

I would also like to thank the secretariat in Elton Humphrey and his team. As Senator McLucas said, they are probably the most outstanding secretariat you could wish for. I have had the pleasure of working with them for many years and they just give and give but this is a different sort of giving. This, as Senator Murray and I know, is the second time they have given. The report on child migrants was a very tough report; this has been no easier. It has been no easier on any of us, but it certainly has not been easy on the secretariat for the way in which they have tackled it. To Senator McLucas and all the members of the committee, I would like to say thank you. Senator Murray, good on you for bringing it to the chamber again, because that too is important.

There are some privileges one gets in this job that outsiders would never contemplate as a privilege. This is one of them. These are reports about people, childhoods, teenage lives, relationships, marriages, successes, failures, adulthood, sickness and health the list goes on. For the people who have shared all those experiences with us in the hope that we may be able to very belatedly help right some of the wrongs, it is a weight we were prepared to try and lift. I hope that we can meet some of those expectations.

When one looks at why children were placed in institutions one sees that the list of reasons is almost endless. Family poverty, being orphaned, being born to a single mother, family dislocation, domestic violence, divorce, mental illness, a parent's inability to cope with children, or child sex abuse by a parent or step-parent are only part of the story. Any one of those reasons would be difficult enough for a child. But for a child to be placed into care, separated from their parent or parents and often from siblings, and then have to face all types of abuse, child slavery, cruelty, hunger, a lack of education, a lack of warm clothing and, probably worst of all, the total absence of love and nurturing is just profoundly sad.

Those of us who have never experienced that do not know what these people have gone through. As someone who has experienced love from their parents and from their entire family, it is incredibly difficult to look these people in the eye. They are brave, they are tough, they fight and they do not ever stop. Those of us who have had that love and care can only say, 'We love you; we cherish you.' There are so many sad stories to focus on but to me one of the saddest realities is that some care leavers have discovered more recently that while they were suffering there had in fact been offers from extended family members to provide a home for them to prevent them from going into or being in care yet these offers were usually ignored or denied by the department or agency. One can only wonder how different the outcome would have been for those so lucky.

There are so many who suffered such sadness, believing that no-one cared about them, only to find decades later that parents, siblings and extended family members had written letters or had sought to visit. None of this information was ever made known at the time nor was it made known that the letters they had written to family members had never been sent. What cruelty is that? That children were placed in institutions for care yet did not even receive the basics of what any reasonable person would consider care is beyond belief. To have taken from them on arrival everything that was in any way special a teddy, a doll, clothes, jewellery, shoes or other treasures was further demeaning and demoralising. All this, I might add, was often done after being strip searched. For many, not receiving an education meant being permanently consigned to life skill difficulties. One quote says it all:

I now know why my education was lost, because of a night time I was bashed, raped and molested, then stay awake all night wondering if they were going to come back. Then be bashed by the nuns at school for falling asleep in class, so I guess that's why I can't spell today.

The use of experimental medications, examinations and drugs appeared rife. Who in their right mind would force children to take mind-altering drugs, subject them to brain scans and various other neurological tests under the guise of intelligence tests, or subject young girls to enforced, painful gynaecological examinations? One may well ask why such cruel practices were never detected by the authorities, why operators of institutions were not deregistered or why the perpetrators of the violence and sex abuse were never prosecuted. It all comes down to the fact that there was a total lack of state government regulation. Either the inspections by welfare officers were carefully stage-managed or the officers studiously ignored what they saw both of which, in my language, is reprehensible behaviour.

What is almost worse in this situation is that, when perpetrators of abuse and assault were identified, they were allowed to resign before formal action was taken against them. Apart from the appalling treatment of children, the parents of some of the children who sought to maintain contact were deceived and threatened and were too frightened to lay any complaint about the signs of abuse they saw for fear that the children would suffer further. What a position for those parents to be placed in. I wish to quote a section of the report about the often heard statement that standards were different then. The report states:

The response that times were different and that standards and people's thinking and understanding of children's needs have changed, fails to explain or recognise the severity of the documented behaviours. Corporal punishment may no longer be in vogue. But when do a few whacks with a ruler become assault? When do the oft documented beltings and floggings become criminal assault? When did the 'standards of the time' change that condoned the perpetration of neglect, cruelty, psychological abuse, sadism, rape and sodomy?

I submit that what is criminal today was criminal yesterday in this regard. To listen to the legacies of such treatment—legacies such as low self-esteem, lack of confidence, depression, fear, distrust, anger, shame, guilt, obsessiveness, social anxieties, phobias, recurring nightmares, tension, migraines and speech difficulties—is beyond comprehension. Many cannot read or write, many have had lifelong alcohol and drug problems or have ended up in the mental health or prison systems, many cannot form or maintain trust in relationships and many have contemplated or taken the ultimate step of suicide. One witness said:

I don't know how to show my family, especially my own children how I feel about them. I can't put my arms around them and tell them I love them ... and most of my married life I can't stand being touched.

Many lack parenting skills due to the total absence of role models. Some have been successful; others have not. One witness stated:

Then at the age of 36, I met my wife. We married in 1982 and had two baby girls within two years. As I was unemployed for 5 years after we married, and although it was tough, I was able to spend a lot of time with my daughters. I was determined they weren't going to miss out like I did. I spoilt them rotten. Dorothy and the girls have been the making of me. For the first time I experienced happiness. Without them I think I would be dead now, either through alcoholism or a successful suicide.

I do not have much time left but I have to say that I hope that state, territory and Commonwealth governments, the churches and the agencies look very closely at the recommendations that we have made. It is about time the wrongs were righted. It is about time everyone decided that what was illegal then is illegal today, and vice versa. It disturbs me that some of the state governments do not believe that things are going on today when in fact they still are. I conclude my comments by commending the report to the Senate. May I extend to the care leavers and their loved ones a wish that from hereon their lives will take a fresh turn for the best.

**Senator MURRAY** (Western Australia) (12.52 p.m.) Let me begin by acknowledging and welcoming all those in the public gallery who have journeyed to Canberra today to witness this historic tabling of this groundbreaking report, suitably titled *Forgotten Australians*. This report means so much to so many not just the half a million plus directly affected but the millions of Australians indirectly affected.

Three years ago, in August 2001, the Senate Community Affairs References Committee's child migrant report, *Lost innocents: righting the record*, was tabled in the Senate. That inquiry had an intensely personal dimension for me because of my own background. When I rose to speak to the report, I just could not; so Senator Sue Knowles delivered my speech for me. There is a message in that in itself, because these painful inquiries draw all senators together in a shared sense of outrage, compassion and a need to find remedies. We are forever bonded and affected by the pain we have witnessed. This report into children in institutional care is the third in the trilogy—the first being the 1997 *Bringing them home* report on the fate of the Aboriginal stolen generation and the second the 2001 report of the Senate Community Affairs References Committee inquiry into child migration.

The day I encountered Norman Johnston and his band of protestors outside the parliament, pleading for a child migrant inquiry, is probably the birthplace of both these reports. Norman and Margaret Humphries personify the campaigners for the first report, and Leonie Sheedy and Joanna Penglase personify the campaigners for this second report. We owe them all a great debt of gratitude.

But it is to the witnesses I dedicate this tabling speech. To every care leaver who submitted their intensely personal story to this inquiry, I thank you and honour your courage in doing so. Often these stories were being told for the very first time. I saw wives, husbands and friends listening in amazement as they heard such personal, intimate stories put down on the public record. There were so many tears: from the witnesses, the audiences, the senators, Hansard and our secretariat. For many witnesses, a measure of healing was gained through being able to finally tell their stories, knowing that they were believed at last. I also wish to honour the many thousands who were unable to or could not relive their experiences through writing or making a submission.

With me on this committee has been Senator Steve Hutchins the first chair who helped me negotiate the terms of reference for this inquiry with Labor. I and we owe him a great deal, and he has done himself and his party proud. Senator Jan McLucas followed Senator Hutchins as chair, and she has been outstanding in her determination to do right by those who have been in care. Senator Sue Knowles is, with me, a veteran of both inquiries. As deputy chair she has again shown her compassion and determination that justice be done and remedies be found. In Senators Gary Humphries and Claire Moore we have fortunately found people of great heart and great strength. My Senate colleagues: I salute your efforts and am deeply grateful for them. Your humanity and compassion honour you.

There was also Hansard, who had the painful task of recording it all. We have all experienced what the psychologists refer to as 'referred pain' none more so than the bruised, supportive secretariat to this harrowing inquiry. To Elton, Ingrid, Geraldine, Christine, Leonie and Peter, I extend my grateful thanks. It would be difficult to find a more hard working group of people than these. Their commitment deserves the highest praise.

Then there is Dr Marilyn Rock, my electorate officer and senior adviser, who has dedicated five hard years to this cause of getting recognition, help and remedies to all those who have suffered in institutions and care. Quite simply, I could not have put in the effort that I have without her valuable professional and humane support. All over Australia, people turn to her for help.

This quote from a submission captured a fundamental truth:

While I have survived extreme deprivation I am left with deep emotional scars. I have a sense of abandonment, exploitation and not belonging ... I feel it impossible to fully recover from my experiences.

Understanding this truth is set to alter public policy towards children forever. What is that truth? If you badly harm a child you will have decades of a badly harmed adult to cope with. It does not end there. The effects of the harm are often transferred to the victim's children, creating generational social problems. Although there are good stories, the sheer scale of damaged people is staggering.

That so many endured a childhood deprived of love and security of their own families is certainly sad. That so many were subject to abuse and neglect, including criminal sexual and physical assaults, is unforgivable. That so many are scarred and live on the margins of society as adults without programs to assist them is scandalous. My hope is that this report, in conjunction with the two earlier reports, will mean that bureaucrats, policy makers and politicians will at last be able to comprehend the importance of the issues affecting the survivors of childhood abuse. The message is getting out that the abuse, neglect and assault

of children can no longer be tolerated, not only because it is wrong but because of the long-term social and economic effects.

There is now an extensive body of research that clearly shows that if you hurt and break the spirit of a child you end up with a hurt and broken adult, with all of those consequences. Even the well-adjusted struggle. A 70-year-old wrote of the lasting effects:

Every now and then a door opens in the memory bank and the ghosts escape to make us lonely children again.

There were those who had good outcomes, in places run by good people. But too many have led and are leading lonely, marginal lives from which there appears no escape. They also live with the pain of lost family members and of lost identities. For too many, their childhood remains a private hell stained with memories of beatings, sexual assault and molestation, and exploitation as child labour. Sadly, because of the planted guilt, blame and shame, most have learnt not to rebel against injustice, not to speak out. They have remained silent. It is those who failed their duty of care that should carry the burden of guilt, blame and shame; not the survivors.

This powerful report records acts of at times unbelievable violence against vulnerable children in care. It records fear, neglect and the longing for love. It records siblings being torn and kept apart. It records the withholding of letters to and from loved ones. It records being stripped of all personal belongings and dignity. It records being deprived of sufficient nourishment and of education and basic health. The argument that this was how it was done back then holds little sway. Denial is shorthand for the abdication of responsibility. The report records adult lives plagued with mental health problems, alcoholism, drug dependence, homelessness, welfare dependency, failed relationships, prison terms, premature deaths due to suicide and the longing and searching for identities and family members. The report also bears witness to positive stories of overcoming adversity and of those who through the love and support of others have found their own healing.

Politicians and policy makers have to understand the scale and effects of child abuse. Professor Fiona Stanley, the 2003 Australian of the Year, is reported in the *West Australian* of 9 November 2002 as stating that Australia faced a looming social crisis and a lifetime of costly government expenditure if a national program for children's welfare was not established. It is not a question of isolated individual incidents that are sad or repugnant. It is a question of a widespread social problem with huge social and economic costs. With the knowledge we now have, the cycle of abuse that is often passed on to the next generation must become a priority for those in a position to make a difference. Here I look to the Liberal and Labor parties. A resolution is needed. Only by the Commonwealth and state governments having the political will to commit money and resources to bringing the recommendations alive will some justice be restored for these people. Not only is it time; they deserve nothing less.

Senator McLUCAS (Queensland) (1.02 p.m.) I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## Extract from Senate Hansard: 1 December 2004

### ADJOURNMENT: Community Affairs References Committee: Report

**Senator HUMPHRIES** (Australian Capital Territory) (7.10 p.m.) I rise to comment on the Senate Community Affairs References Committee report *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children*. The report was tabled on 30 August 2004, the last sitting day before the federal election. As it was not possible for all the members of the committee to speak on that occasion, I would now like to put some remarks on the record. Honourable senators are aware that, as a rule, we put aside our political differences when working on references like this one and we focus very much on public interest in the work that goes on in these inquiries. We attempt to discern what is in the broader community interest in reaching conclusions and making recommendations.

Occasionally one is aware that both public and private needs are addressed by committee processes such as this. This is very much the case in this inquiry into the circumstances of children lodged in institutions and out-of-home settings in Australia, particularly over the last 50 years. This much was evident from many deeply personal submissions and deeply personal live testimony before the committee over many months. Members of the committee were acutely aware of the pain underlying the submissions and hence of the enormous courage that underpinned so many of the care leavers. We were conscious that the mere penning of a submission by a care leaver, and even more so an actual appearance before the committee, was frequently a seminal moment for that person. Despite the obvious pain for many, we were also aware that the experience was sometimes cathartic, a major watershed in the lives of so many engaging in the process.

I personally felt a deep sense of privilege in being able to hear stories from people who had never before given those accounts, even to members of their own families, much less to a parliamentary inquiry. The committee heard evidence of the grossest assaults on the dignity and wellbeing of inmates I think that is the best word to use of a variety of institutions, made all the more horrifying because those inmates were children, even very young children, who deserved love and protection, not the kind of treatment they received.

The cruelty devised for these children is difficult to understand in contemporary Australia. Residents of these institutions were routinely depersonalised, separated from toys and objects of comfort, kept in isolation, beaten, forced to work long hours and often undernourished to say nothing of the activities of sadists and sexual predators who lived among them. Many snippets of evidence lodge in the memory and are tellingly poignant the story of a girl struggling desperately to be the strength and comfort for her younger siblings, yet deliberately separated from them in the same institution as a means of breaking her will. Indifference and neglect would have been bad enough, had it not so frequently been interspersed with callous manipulation and calculated torment.

There are many accounts from the evidence which are worth quoting. The conditions that these young people lived in were quite horrifying. One springs to mind:

The home resembled a work house; we were made to work everyday and all day in dreadful conditions. The house laundered sheets for the local hospital. From early morning to late evening we laundered or ironed dirty soiled hospital sheets. Some of the home girls were intellectually disabled. They were forced to wash soiled sheets in large machines like coppers ... The only time we were allowed to break was for meal times ... I remember the hunger, the work and the attitude of contempt for the staff. They made us feel worthless ... I was 15 years old when I went to the Salvation Army home. We had not committed any crime. But we were locked away like criminals.



Punishment was severe. Again, the report says:

As a bedwetter, I used to be beaten daily. They used to throw me under a cold shower and belt me really hard with a large strap where I was wet. This was extremely painful especially in winter and left big red marks on my body. They also used to rub my face in the wet sheets and then my brother had to wash them.

It goes on to say:

They taught me bitterness, hatred, an abiding repugnance for their brand of religion, distrust and suspicion of most adults, contempt for authority in all its forms and intolerance of others. I gained an inheritance of moral confusion, abiding anger, psychological scars and a determination to never again allow anyone to treat me as they had; no matter what. Hence I carried a “chip on my shoulder” of incredible proportions. It almost bore me down.

Some questions arose at points at this inquiry about how many children suffered in such circumstances; what proportion were criminally mistreated and how many were not. The evidence on this score is ambiguous; it is also arguably irrelevant. What matters is that abuse and maltreatment occurred on a large scale and little or nothing was ever done about it in many cases. This is the legacy we must now face; this is the private agony that public policy must now come to terms with.

Above all, we must understand that the issues that arose in these settings resonate still with countless thousands of our citizens. Each of them has one thing in common: when these acts of callousness and depravity occurred each was under the nominal protection of government, a duty which so often was spectacularly dishonoured. That is why this report must spur action, put in place services and support for the survivors of these institutions, open archives and records that have been locked away, and demand from the institutions and their successors that they fully and candidly acknowledge their role in this suffering and make proper amends for it.

In the time since this report was tabled, a great deal of private agony has been opened up in Australian society by people who have been through those institutions, have read accounts of what occurred and had painful memories resurface about what happened to them. There is only one organisation in Australia at the present time at the national level providing support and advocacy for care leavers that is, the Care Leavers of Australia Network, CLAN. It is run by care leavers, not by professional counsellors. It has been inundated with Australians who have had memories revived and who have a desire to tell their harrowing stories and get support and care. This has simply become overwhelming for the two care leavers who constitute the telephone service offered by CLAN. They have their own histories to deal with as well as listening to the life stories of others. What is clear is that organisations like CLAN, and particularly CLAN, need to have access to assistance and to professional and specialised counsellors.

The committee recommends that those services be provided by state governments and funded by institutions who have had some responsibility in the delivery of a poor quality of care to these people. The federal government may have a role to play in that. I believe, as a matter of urgency, consideration needs to be given to what help can be provided federally to assist in resolving the problems of organisations like CLAN. The report also recommends that there be a conference at the national level of service providers and advocacy and support groups with the aim of establishing a national professional support and advocacy body for care leavers and that this be funded by Commonwealth and state governments. I recommend that those issues be examined quickly and with some urgency.

Despite a wide variety of experiences unified only by the completely unconscionable nature of the treatment each of these care leavers received, they exhibited throughout one powerful human quality: courage. I saw time and again fellow Australians, their faces

contorted in the effort of what they were struggling to do, putting on the public record a shameful episode in our national story at great personal cost to themselves. These were no ordinary witnesses pushing their politicians for some self-serving purpose; these were people bringing to light a dark chapter in the life of our community and serving a vital community interest in the process. They deserve our support in facing the future.