

**Extract from the Senate Hansard: 17 March 2005**

**COMMITTEES: Community Affairs References Committee Report**

**Senator MARSHALL**—I seek leave to move a motion in relation to the report.  
Leave granted.

**Senator MARSHALL**—I move:

That the Senate take note of the report.

**Senator MARSHALL** (Victoria) (10.33 a.m.)— I present the report of the Community Affairs References Committee entitled *Protecting vulnerable children: a national challenge*, which is the second report on the inquiry into children in institutional or out-of-home care, together with the *Hansard* record of proceedings and documents presented to the committee.

On 30 August 2004 the committee tabled its report *Forgotten Australians*. That was a special day. It marked a watershed for many Australians who had spent their childhood in orphanages and institutions across Australia. I am sure that all senators will remember the emotion charged atmosphere in this chamber and in the galleries on the day that *Forgotten Australians* was tabled. Many care leavers had waited 20, 30 and in some cases over 50 years for recognition and acknowledgement of their experiences in care and for their stories to be told.

*Forgotten Australians* focused on children who were in institutional and out-of-home care, mainly from the 1920s, until deinstitutionalisation in the 1970s began to see large institutions replaced by smaller residential homes, foster care or other out-of-home care options. That report included information on the role of governments and churches in placing children in care, the treatment of children in care and the long-term effects of experiences while in care. The issues of responsibility, acknowledgement and reparation were also canvassed, as were issues relating to the accessing of records and information, and the provision of wide ranging services for care leavers, which are critical to ensuring that they and their families can improve their quality of life.

This second report, *Protecting vulnerable children: a national challenge*, which is being tabled today, finalises the committee's inquiry and addresses current practices in the area of child protection in Australia and the system of out-of-home care for children and young people, including children in foster care. The committee has discussed the structure, services and processes that make up the contemporary framework for Australia's child protection system. The committee noted that in recent years a number of states and territories have conducted inquiries that identified deficiencies and shortcomings in their child protection regimes and are responding to recommendations made by these inquiries.

At the national level, COAG has placed family violence and child protection on its agenda as a significant area of national interest. A national plan for foster children, young people and their carers has been endorsed and released by the community and disability

services ministers, and governments have agreed to the national framework on indigenous family violence and child protection. There is no doubt that these are significant developments and that all jurisdictions are committed to improving the child protection system. The committee considers that the many improvements in child protection that have been made in recent years are a good start. However, the reality is that much more needs to be done, and it can be done, to ensure that all children in Australia are protected from abuse and neglect.

While it is acknowledged that the main responsibility for the implementation and administration of the child protection system rests with the states and territories, the committee considers that the Commonwealth must play a significant leadership and agenda-setting role in driving the changes necessary to systems and policies which would more effectively protect children and young people than has been the case to date. The committee considers that it is essential that the reform process goes beyond questions about state and territory versus Commonwealth issues. Leadership and direction at the highest national levels are required. The committee considers that the Commonwealth, under the leadership of the Prime Minister and with the cooperation of all jurisdictions, is in a significant position to take on the national challenge of advancing the child protection agenda across Australia.

The committee has therefore recommended the establishment of a national commissioner for children and young people to drive a national reform agenda for child protection. The purpose of the commissioner would be to set the agenda to achieve the framework for a comprehensive national child protection system. The committee does not envisage that the commission would direct the reform agenda in specific areas but rather bring together all jurisdictions—the Commonwealth and states and territories—so that they may identify the areas where greater cooperation is required, where greater consistency is needed and where greater sharing of research can be achieved. The committee considers that we are at a significant point where many jurisdictions have identified problems and shortcomings in their child protection systems and are addressing them. This great impetus within the states and territories to commit to and implement change needs to be harnessed and enhanced to ensure that there is a common approach and greater efficiencies and effectiveness within the child protection system.

The report also covers a number of other specific areas, including children in foster care and foster carers, children and young people with disabilities in care and children and young people in the juvenile justice system. Child abuse is a serious and important issue. That is at the nub of the out-of-home care issue. It is often because children are abused or neglected that they are placed in some type of out-of-home care, whether that be foster care, kinship care or other family based care. We need to break this cycle.

The report has highlighted many aspects of today's out-of-home care system, such as the ever-increasing numbers of children entering the out-of-home care system and the seeming inability of the system to provide the specialised levels of care for the many children who are entering the system with increasingly complex problems. The committee has also canvassed issues regarding multiple placements of children and the very negative impact they have on children's lives. The committee recognises that these issues are intertwined to the extent that their detrimental effects are exacerbated by each

other. For example, multiple placements are a reflection of the turnover of foster carers. Large numbers of carers are leaving the system and fewer people are entering the system to replace them. One reason given to the committee was the stress of caring for children with much more complex personal problems. The constant turnover of caseworkers is a reflection of their growing workload, arising in part from the reduced number of experienced carers and difficulties in placing children with complex problems into appropriate care.

The committee noted the recent agreement of the National Plan for Foster Children, Young People and their Carers and made recommendations to strengthen and expedite the introduction of a number of components of the national plan. The committee also recommended extending the plan to include the support and training of foster carers.

The committee commenced this inquiry exactly two years ago. From all parts of Australia, care leavers shared their life stories with the committee. Many, many suffered, through no fault of their own, great hardships and abuse in care and have experienced significant difficulties as adults in coming to terms with their childhood experiences. Both reports stand as testimony to their courage and fortitude. I should acknowledge that many of the people who participated in and gave evidence to this committee's inquiry are in the gallery today. The committee's recommendations are aimed at assisting those who have left care, through the provision of services; those who are still in care, through the improvement of arrangements; and those who will come into care in the future, through a national approach to child protection issues.

Although I have only recently joined the committee, I would like to thank all those who contributed to the inquiry. It has been a long and at times harrowing journey but one which will impact on the out-of-home care sector for many years to come. I would also like to take this opportunity on behalf of all members of the committee to thank the members of the secretariat—Elton Humphery, Christine McDonald, Geraldine Badham, Peter Short, Leonie Peake and Ingrid Zappe—for their tireless work throughout the inquiry process and in preparing the report that is before us today. I commend the report to the Senate.

**Senator KNOWLES** (Western Australia) (10.42 a.m.) — Today is a very significant day, given the tabling of this report entitled *Protecting vulnerable children: a national challenge*—and a national challenge it is. It is one that I think we as a country need to embrace. As Senator Marshall so eloquently put, it is not one where blame should be shifted from one side of government to another and back again. There are certainly delineating points where there is an area of responsibility, and we have to encourage that. But I do very strongly support a recommendation that suggests that the Commonwealth needs to take a leadership role in this area. It is important for the Commonwealth to be able to get the states and territories on board for a very constructive outcome, to make sure that what we have seen happen to children in the past never happens again. No matter how we put that together, it is something that has to be looked at very seriously. We have to get cooperation. We have to make sure there is agreement that the loopholes through which so many people slipped are closed.

In this final report, we have looked at so many of those areas. The terms of reference, as we know from the previous report, were quite comprehensive. In this report, we have looked at the contemporary framework for child protection, the structure, the services and the processes. We have looked at the way in which things were done in the past. We have looked at the way in which things are done now. There is certainly room for improvement, and there is certainly room for each state and territory to learn from each other, because I think we have seen that, while in one place there are so many better systems for some things, another place might have something that is better on another count. There does not seem to be adequate cross-fertilisation of ideas.

We have looked at the issue of out-of-home care and foster children and the whole issue of making sure there are enough foster parents around. Most importantly, we have looked at how we can ensure that those foster parents are scrupulously checked and that there are not people who somehow slip through the net who are not suitable to be looking after children. We have seen too much child abuse in the past. We have seen a society that has basically preyed on children. I refer to the recent Operation Auxin that caught so many people accessing the internet for child pornography. We simply cannot go on letting children be preyed upon by adults in the way in which they were and, unfortunately, sometimes still are.

We have also looked at the issue of children and young people with disabilities in care. They are a very special group of people because, as they grow up, they are less likely to be able to care for themselves and know about their options in the community. We have also looked at the issue of children and young people in the juvenile justice system. We did not actually look at the issue of children in detention centres, but there was a reference to that later on. Children and young people in the juvenile justice system is another area of great concern. We looked closely at the way in which they get onto that treadmill of crime. They do not get off that treadmill in many cases because they do not have the support or the wherewithal to be able to break that cycle that seems to many of them to be exciting and challenging. That is not what the community or the carers of these people want for them. It is important that we break that behavioural cycle and have offenders supported and cared for in a compassionate and practical way.

The future for care leavers is another area that we have closely looked at. I, too, acknowledge many of those care leavers in the gallery today. We have almost become friends over the years, as we have seen people come and tell their stories—in many ways harrowing stories. These people need some closure, and I certainly hope that these reports can give them closure in some small way. We would not expect that some book can write off the wrongs that have been perpetrated against these people over many years, but we hope that their courage in coming forward has somehow been sufficient to ensure that those who follow them are not going to suffer in the way in which they have.

In closing, I would like to thank all the members of the committee. It has been a very challenging and cooperative inquiry. We have all strived to make sure that we get the best possible outcome for these people. I thank all my colleagues for that cooperation. I thank Senator Marshall, who came recently to the committee and has been a bit boggled by the fact that there has been so much depth in this inquiry. I thank him for his compassion and understanding, having come so late to the inquiry. I also thank Elton Humphery and his entire secretariat. As I have often said, I cannot praise them enough. They are a fantastic group of people and they have certainly done us all proud in ensuring that we have this final report that really encapsulates so much of what we have looked at over the years. I commend the report to the Senate, and I hope that we will see a much brighter future for young people coming down the track.

**Senator MURRAY** (Western Australia) (10.49 a.m.) — Although I have been associated with literally hundreds of committee inquiries in my almost nine years as a senator, nothing ever prepared me for, or compares with, the emotional experience of examining the tough issues around the vulnerabilities and often tragic consequences of children raised in care. To say it has often stressed me is an understatement. For me, *Protecting vulnerable children: a national challenge* is the third report on children that have been in care, as it is for my colleague Senator Sue Knowles. We were both committee members of the 2000-01 child migrant inquiry. We have both, along with our committee colleagues, had our eyes opened to things we never dreamed of and probably never wanted to confront.

Whatever our starting point, what we learned and experienced as senators and as the committee secretariat has drawn us to common conclusions and unanimous recommendations. There is a difficult message right there: how are we going to persuade the politicians and bureaucrats who have not been through our experience of the absolute necessity of responding strongly and positively to our reports and recommendations? I do fear that only from confronting the humanity of individuals face to face, of hearing their stories and of being immersed and deeply involved in such inquiries can one really 'get it'.

By this I mean: get to understand the lifetime of pain and alienation that can come from being raised in out-of-home care, if that care is bad in any way. Get to understand the true costs, both individual and social as well as economic. Get to understand that, if you harm a child, you are as likely as not to get a harmed adult and, if you badly harm a child, you will definitely get a badly harmed adult. Get to understand that, when hundreds of thousands of children have been harmed, the long-term social and economic costs are huge. Get to understand that it makes massive social and economic sense to reduce the effects of harm on those already harmed and to stop as much harm as you can in the future.

A trilogy of inquiries has represented this particular understanding: *Bringing them home*, the report of the HREOC inquiry into the Aboriginal stolen generation; the child migrant report *Lost innocents: Righting the record*; and this third inquiry with its two reports, *Forgotten Australians* and *Protecting vulnerable children: A national challenge*. Those reports cover over 500,000 foreign, Indigenous and non-Indigenous children in care last century—and over 20,000 of them are in care right as we speak.

My committee colleagues, as well as the committee secretariat and others involved in this inquiry, know only too well what 'getting it' means. Quite simply, one cannot emerge from inquiries like these the same person as before, precisely because we now do get it. This second unanimous report, *Protecting vulnerable children: A national challenge*, suggests that not many who matter have got it because not enough has changed over recent decades. Notwithstanding numerous reports and myriad recommendations, child protection systems are often judged to be in crisis. Children at risk continue to suffer and experience poor life chances.

As with the tabling of *Forgotten Australians*, I, again, honour and express my gratitude for the commitment, compassion and resolve to find solutions shown by the two chairs

for most of this inquiry, Senator Steve Hutchins and Senator Jan McLucas, the deputy chair, Senator Sue Knowles, and committee members Senators Claire Moore and Senator Gary Humphries. I also thank the new chair for his real effort to get across this issue and deal with the matter in the way in which it should be dealt with. To the ever hard-working and compassionate secretariat—Elton, Geraldine, Christine, Ingrid, Leonie and Peter—I give heartfelt thanks for your tireless efforts and diligence in compiling the inquiry reports and their recommendations. I make special mention, of course, of my own Dr Marilyn Rock, who has indeed been the very essence of her name to me in this inquiry.

Thank you all for your willingness to accept submissions well after the closing date. You knew only too well what it meant for in-care survivors to have the chance to tell their stories. Of course, I thank all the witnesses, who are the real stars of the report. Most notably though, there are two fine Australians sitting in the gallery today whom I do want to single out. They are Leonie Sheedy and Dr Joanna Penglase, both survivors of institutional care themselves and the founding members of CLAN, the Care Leavers of Australia Network. Not only have they played a large part in making this inquiry a reality, but their dedication to care leavers and the support and nurturing these women have provided to so many of their fellow institutional sufferers, I think, deserves our and their deep admiration. I extend a warm welcome to you both and to those 'Clannies' and others who are present here today for the tabling of this second report.

The first report, *Forgotten Australians*, painted a dismal picture of life in the cold environs of orphanages and children's homes, mostly in the fifties and sixties. It told of children being subject to widespread abuse and neglect that included horrendous physical and sexual criminal assault. It also told of the knock-on consequences of such treatment, including homelessness, addictions, criminality, mental health and relationship problems, premature death and suicide.

This second report covers the more contemporary problems of out-of-home care for children in Australia since the process of deinstitutionalisation in the early 1970s. It covers foster care, the care of children and young people with disabilities and the incarceration of young people in juvenile detention centres. It also covers the contemporary legal and government framework for child protection; a framework that requires urgent attention by politicians and policy makers. Although this framework invokes the 'best interests of the child' principle, it is difficult to see past children at risk being little more than numbers or cases. Children still too rarely have a proper voice. Currently, there are eight different systems and over 200 pieces of legislation dealing with children's interests across the states, territories and the Commonwealth, many of which are conflicting and outdated. But credit should be given where credit is due. Governments, departments and agencies have been trying to lift their game. Numbers of state and territory reports have tried to address inadequate, crisis-ridden systems that are under-resourced, understaffed and have a high turnover of overworked and often inexperienced child protection workers.

What all this means is that far too many children in out-of-home care continue to be abused, neglected and badly cared for, though not all. Never think that. Not all. There are good stories too. Nevertheless, the welfare of children at risk in Australia is still under a cloud. Too many state wards end up homeless, in strife and on the streets; many of those

in juvenile detention centres are or have been former state wards. Someone said somewhere that if the state was a birth parent then many of the children in its care should have been removed.

Indeed, this and other reports do reveal a problem of such a scale that the states can no longer be expected to handle it on their own. The Australian Medical Association considers that, as child abuse has reached epidemic proportions, it must be treated as a public health issue requiring a national approach. The Commonwealth has to get more involved because this is a national issue of great importance. It is time that politicians, policy makers, bureaucrats and others who matter also get it. Child protection must become a policy priority area. The alternative is even more damaged children developing into dysfunctional adults and wreaking havoc on society at a huge budgetary cost. Admittedly, programs are now in place for early intervention into families at risk, for better parenting and so on. These are by no means sufficient to combat the continuing disastrous consequences of childhoods deprived of the love, security and stability that family life or good care can deliver.

It is certainly the case that a dollar spent now will save many more down the track. For the moment, the Senate's work is done. It is now up to the governments, the departments, the charities, churches, agencies and the political parties to take up the cause and get these recommendations and those of the previous reports in the trilogy integrated and implemented. And it is up to us senators and all concerned individuals to use the power of personal advocacy to make it happen. Most of all, we have to spread the understanding that we have reached to make sure everyone finally 'gets it'.



**Senator McLUCAS** (Queensland) (10.59 a.m.) —I too wish to join the discussion on the tabling of the Community Affairs References Committee report entitled *Protecting vulnerable children: A national challenge* and in doing so acknowledge the presence in the gallery of many people who have been with us on a two-year journey. I thank them for taking the trouble and incurring the expense to come down again to see the tabling of the second part of the reporting of the inquiry into children in institutional care. Following the tabling of the report in August last year there was a lot of attention given to the issue of care leavers and the reality faced by many of them. The Senate has an important role to ensure that the public debate is continued.

I want to commend Ministers Pitt and Reynolds of the Queensland government for hosting a function in Brisbane where a number of people came, including my colleague Senator Moore, to hand over the report to the people of Queensland. It was a beautiful ceremony and an important continuation of that discussion based in the state of Queensland. I commend the event to other states so that relationships are built with not only the federal parliament but also the states.

Chapter 1 of 'Vulnerable children', which I am sure we will end up calling it—I hope we do not forget the second part, the national challenge—provides further commentary that came to the committee following the presentation of the first report. It includes the text of a number of apologies and responses to our report made by churches and other institutions. The report makes no judgment of the quality of those responses: that judgment is best made by those to whom the apologies are directed—the care leavers themselves. I personally do not feel competent to make a judgment of how well made those apologies are.

In the short time I have left I want to concur with the comments about the focus that this report has on the importance of a national response. We do require national leadership. We recognise that there is some work happening in the states, and that is of varying levels. It will satisfy some individuals more than others. But with the recommendation we have in the report for a commissioner for children and young people, we are hoping that that office will provide the leadership and the structure for a national ongoing response to the contemporary issues of children who are currently in care and also of people who have formerly been in care. I commend that recommendation to the government and encourage the government to respond quickly to both of these reports, as has been called for by a number of care leavers.

I give my thanks to the committee secretariat. They are a fantastic group of people and have walked this journey with us as well. I want to thank my colleagues for our unanimity in the report and our desire to have it unanimous and rigorous. I thank all those people who submitted and all those who came and shared their stories with us. I want to make special mention of our staff as committee members. They have been on this journey with us. In many respects, and I feel somewhat responsible for this, I did not do the right thing in helping them be supported on this journey. I thank the Senate. I seek leave to continue my remarks later.