



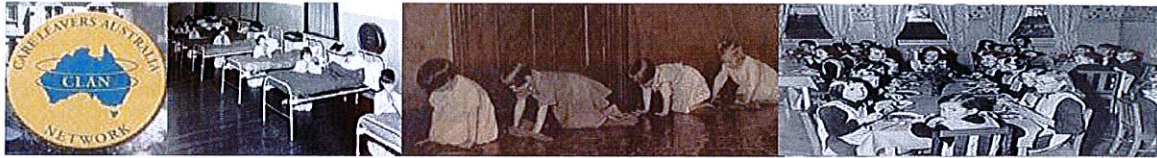
# **Care Leavers Australia Network (CLAN)**

## **Submission to the United Nations Committee Against Torture 2012**

***“If this happened in a war prisoner’s camp it would  
be called torture by the international community”.***

***(Submission 87 to the Senate Committee)***

**Presented to Mr. Gary Quinlan- Australian Ambassador and  
Permanent Representative to the United Nations on Friday 10<sup>th</sup>  
August at 3:30pm in New York, USA .**



**This submission has been prepared by Care Leavers Australia Network (CLAN).**

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**The following information may provide you with a better understanding and insight into the issues experienced by Australian Care Leavers:**

- Senate Inquiry Report – *Forgotten Australians and Lost Innocents: Child Migrants and Children in Institutional Care in Australia* –  
[http://www.aph.gov.au/About Parliament/Parliamentary Departments/Parliamentary Library/pubs/BN/0910/ChildMigrants](http://www.aph.gov.au/About%20Parliament/Parliamentary%20Departments/Parliamentary%20Library/pubs/BN/0910/ChildMigrants)
- Senate Inquiry Report – *Inquiry into Children in Institutional Care* -  
[http://www.aph.gov.au/Parliamentary Business/Committees/Senate Committees?url=clac ctte/completed inquiries/2004-07/inst care/index.htm](http://www.aph.gov.au/Parliamentary%20Business/Committees/Senate%20Committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/index.htm)
- *Orphans of the Living – Growing up in care in twentieth-century Australia* written by Joanna Penglase OAM co-founder of CLAN
- *The Forgotten Australians* – A one hour documentary on the formation of CLAN and the personal stories of Care Leavers.

**CLAN would like to thank the United Nations Committee Against Torture for reading our submission. We look forward to hearing the response of the committee.**





# Justice and Redress for ALL Australian Care Leavers

## Amendmendment to 2012 Submission

Dear Committee Against Torture,

Care Leavers Australia Network (CLAN) would like to thank you for accepting our submission and recognising the heinous crimes committed against Care Leavers. CLAN is writing this cover letter to you in order to update you on some changes that have taken place, since our original submission was written and sent to your committee in 2012.

### **On 12th November 2012, the former Australian Prime Minister Julia Gillard announced a Royal Commission into Institutional Responses to Child Sexual Abuse.**

CLAN have been campaigning for a Royal Commission into child abuse in Orphanages, Children's Homes, foster care and other institutions for over a decade now. In fact in 2012 we had 10 000 postcards printed and sent to the Prime Minister's office campaigning for a Royal Commission. Whilst CLAN are pleased with this progress and have welcomed the work of the Royal Commission, both our organisation as well as our members are disappointed in the limitations of the Royal Commission's Terms of Reference. As you will read in our submission, torture occurred to children in all states of Australia in many forms, not just sexual abuse, and these other forms of torture also need to be thoroughly investigated and reported on.

**Whilst we may now have a Royal Commission, Care Leavers still do not have justice and redress.**

Since writing this submission CLAN has undertaken a research project into absconders lists in different states of Australia, from various Orphanages, Children's Homes and other Institutions. From these lists we have been able to gauge a better understanding of how many children have absconded and where they have absconded from. In examining 51 years worth of lists from the state of Victoria it is evident that 7544 children absconded, with the majority of these absconding from state run Homes. (Please see Appendix 27 for further information). This research only furthers our amazement at the fact that police were exposed to numerous children running away from these institutions, and still no questions were asked, nothing was done, and children were taken back to the abuse they were seeking refuge from. In one week in 1960 15 children absconded in Victoria and this was yet to raise any questions by the police. In some cases the police also participated in the assault of children in 'care'.

CLAN are also aware of a case more recently where the United Nations Human Rights Committee delivered a decision in the Corinna Horvath case. Ms Horvath was beaten by the police in her home in 1996. The UN Human Rights Committee decided that the state government of Victoria should be held vicariously liable for the conduct of the Victorian police and were under obligation to deliver an effective remedy to Ms Horvath including compensation (Lee, 2014). Similarly, the Victorian police apologised earlier this year for a raid they carried out twenty years ago at Tasty nightclub which was frequented by the gay and lesbian community, after they strip searched, cavity searched and brutalised patrons. This Victorian Police also paid 6 million dollars in compensation to the patrons involved (Nicholls, 2014). Whilst these cases are appalling, CLAN would like to point out that these cases were concerning one night of degradation compared to the hundreds of thousands of children who were brutalised, tortured, and let down by those in charge of their wellbeing (including the police,

state and federal governments) year after year after year.

CLAN would also like to bring your attention to the horrific case of a new CLAN member and his involvement with the NSW Police and State Government. At 15 years of age, Peter Solway was charged with Buggery by the NSW Police, after he himself was the victim of sexual assault. At this time Peter was in the Charlton Boys Home in NSW and had witnessed the Superintendent of the Home, Ray Menzies sexually assault another boy in the Home. Menzies then began to board out Peter to paedophiles in the area for work, and it was at one of these places that Peter was sexually assaulted by another man. When he complained to Menzies about what happened he was taken to the local police station and charged with Buggery. Peter was threatened with going to Tamworth Boys Home, a well renowned Home for its brutality if he did not sign the charge papers. Involved in this situation was not just the police but the NSW Child Welfare Department and the Anglican Church who were well aware of the circumstances and Peter's situation. Please see Appendix 28 for documentation relating to this case.

Peter Solway's case highlights not only the inadequacy of the police but their complicity in the torture that was perpetrated on children in 'care'. CLAN believe that the participation and collusion of the police with the state to torture children in state 'care', amounts to similar if not worse conduct as in the Horvath and Tasty nightclub cases and similar recommendations should be made for Care Leavers to obtain justice. In light of these facts and information which is now being released through the Royal Commission (Royal Commission into institutional responses to Child Sexual Abuse, 2014) CLAN will be proposing and recommending that all Police Commissioners from every state of Australia come together to apologise to children in 'care' for the role they played in keeping children in torturous conditions, for the abuse and assault that they themselves inflicted on these children, and also for their overall dereliction of duty. Please see Appendix 29 for some comments published by the Royal Commission into Institutional Responses to Child Sexual Abuse Interim Report regarding the police.

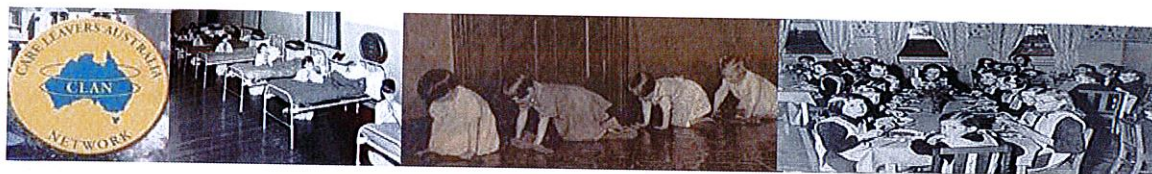
CLAN would like to remind the committee that the various state Governments were the legal guardians of children in 'care'. As the legal guardian the states failed miserably in their duty of care. The states have contravened a number of UN conventions including that against torture in their treatment of children. Not only did the states deprive children of their families and their identities, but they subjected these children to cruel and torturous treatment, including the imprisonment of children in mental institutions, which we have outlined extensively in our submission. The Federal Government is also liable for the treatment of children in 'care' as they provided funding to the states through child endowment payments as well as contributions to the state welfare departments.

CLAN would once again like to thank you for taking the time to read our submission. We hope that it has been made evident the torture which the 500 000 plus Australian children in 'care' were made to endure, and the fact that both the State and Federal Governments have still not been held accountable for their actions and complicity in this torture. **We look forward to the recommendations from your committee and to the day when ALL Australian Care Leavers receive justice and redress for ALL forms of torture, abuse and neglect.**

Yours Sincerely,

Leonie Sheedy OAM  
Executive Officer  
Care Leavers Australia Network (CLAN)





## **About CLAN**

Care Leavers Australia Network (CLAN) was founded in 2000 by two Care Leavers; Leonie Sheedy and Joanna Penglase. CLAN is a support, advocacy, research and training organisation for the 500,000 plus people who grew up in Australia's 800 plus Orphanages, Children's Homes, foster care and other institutions. CLAN members include people raised in every state of Australia and in overseas orphanages; child migrants, the stolen generation, and foster children. Many of our members are middle aged or older with our oldest member aged 96 and our youngest member who is 19 years old.

Care Leavers still carry the burden of unresolved issues from their past – the loss of their parents, siblings and extended family, loss of identity, the shame and stigma, and feeling like an outsider in society. Many left the 'care' system with little preparation for adulthood or parenthood, many with the scars of physical, sexual and emotional abuse.

### **CLAN's Mission is:**

- To listen, hear and believe.
- To advocate on every level for justice, peace and healing for care survivors.
- To identify specific and individual strategies which will deliver positive life-changing outcomes to heal the past and give Care Leavers a chance of happiness and closure.
- To document our history and our personal stories through a National orphanage Museum.
- To have a Royal Commission established into abuse in State Care.

### **CLAN can provide information, understanding and emotional support through:**

- Telephone support
- Socials in all states
- Reunion support
- Bi-monthly newsletter
- Help to obtain your ward file or Home record
- Help to write your personal story
- Free advertising in the CLAN newsletter to reconnect with family or Home friends
- Advocacy and lobbying on issues relating to Care Leaver services in all states so that we do not remain Forgotten Australians.

CLAN is about justice, peace and healing and our objective is to raise community awareness of our issues, and to campaign for government assistance to redress them. Being raised without your family has lifelong implications that require lifelong support services.

# **Table of Contents**

|   |           |
|---|-----------|
| <b>EXECUTIVE SUMMARY.....</b>   | <b>8</b>  |
| <b>BACKGROUND EVIDENCE OF TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN AUSTRALIAN ORPHANAGES, CHILDREN'S HOMES, INSTITUTIONS AND FOSTER CARE (ARTICLE 1 AND 16 CAT).....</b> | <b>11</b> |
| <i>Care Leavers treatment as punishment or discrimination.....</i>  | <i>11</i> |
| <i>Intentional Infliction of Severe Physical Punishment and Degrading Treatment ....</i>  | <i>13</i> |
| Physical Assault.....   | 13        |
| Physical Torture.....   | 14        |
| Malnourishment.....   | 15        |
| Deprivation of Medical Attention.....   | 16        |
| Medical Experimentation on Care Leavers.....  | 17        |
| Deaths in Care.....   | 18        |
| <i>Intentional Infliction of Severe Psychological Punishment and Mental Pain and Suffering.....</i>   | <i>19</i> |
| Lack of Attachment.....   | 19        |
| De-individualisation.....   | 21        |
| Locked in Cupboards/Isolation.....  | 21        |
| Humiliation and Degradation.....  | 22        |
| <i>Sexual Use of Children.....</i>  | <i>23</i> |
| Sexual Use of Children in Care Settings.....  | 23        |
| State Sanctioned Rape.....  | 25        |
| <i>Forced and Unpaid Labour.....</i>  | <i>26</i> |
| Working for the Profit of the State, Church, or Charity.....  | 26        |
| Maintenance and Upkeep of Orphanage, Home, or Institution.....  | 27        |
| <i>Government Involvement and Acquiescence in Care Leaver Abuse .....</i>   | <i>28</i> |
| <b>CONTINUING CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ARTICLE 16 CAT).....</b>   | <b>29</b> |
| <b>FAILURE TO PROMPTLY INVESTIGATE AND ENSURE REDRESS FOR CARE LEAVERS.....</b>   | <b>32</b> |
| <b>TESTIMONIES FROM CARE LEAVERS.....</b>   | <b>33</b> |
| Separation from Family.....   | 33        |
| Wetting the bed.....  | 34        |

|                                 |           |
|---------------------------------|-----------|
| <b>Sexual Abuse.....</b>        | <b>34</b> |
| <b>Psychological Abuse.....</b> | <b>35</b> |
| <b>Physical Abuse.....</b>      | <b>35</b> |
| <b>Forced Labour.....</b>       | <b>36</b> |
| <b>Unpaid Labour.....</b>       | <b>37</b> |
| <b>Shame and Stigma.....</b>    | <b>37</b> |
| <b>Effects today.....</b>       | <b>37</b> |
| <b>RECOMMENDATIONS.....</b>     | <b>38</b> |
| <b>REFERENCE LIST.....</b>      | <b>40</b> |
| <b>APPENDICES.....</b>          | <b>44</b> |



## 1. Executive Summary

1.1 Throughout the twentieth century it is estimated that at least 500 000 Australian children were placed in State, Church, and Charity run Orphanages, Children's Homes, Institutions and foster care (Senate Community Affairs References Committee, 2004). Whilst in the 'care' of these various organisations children were abused physically, sexually, and psychologically. Children were often undernourished and denied proper medical attention. Children were forced to carry out unpaid labour to contribute to the running of the institutions and in other instances for the profit of the state, church or charity. Forced labour often came at the expense of an adequate education. Children were also denied the opportunity to form relationships or attachments to any family who may have been present at the time.

1.2 Australian children were separated from their siblings and families and placed in the child welfare system for a number of reasons. Once they were in the child welfare system they were denied the chance to know their families and the opportunity to maintain relationships. The following are some of the reasons why children were placed into care:

- **Poverty**
- **Death of a parent/s**
- **Effects of war**
- **Lack of support for families**
- **Parental mental health**
- **Alcoholism**
- **Domestic Violence**
- **Children were charged with neglect and various other offences such as being exposed to moral danger and having no fixed abode**
- **Single parent families**

1.3 The Australian State was complicit in the incarceration of Australian children in these institutions in three ways.

- a) Firstly, for the many children who were made state wards, the courts would send them to various State, Church and Charity run institutions or foster care to be cared for.
- b) Secondly, once parents lost custody of their children, the Federal Government ceased the child endowment that was paid to parents, and instead this money was paid to the various organisations that ran the institutions.
- c) Thirdly, the Australian Government failed in its duty of care to its most vulnerable citizens. The Australian Government did not perform proper inspections and did not regulate the Orphanages, Children's Homes and Institutions so as to safeguard against torture or any other form of cruel, inhuman or degrading treatment or punishment of Children. **These Australian Children were denied their basic human rights by the organisations who were entrusted to look after them.** Both the Commonwealth and State governments failed in their responsibility to establish both protective measures to safeguard against abuse and exploitation whilst in the hands of state welfare. It is therefore submitted in Part 2 that the abuse and maltreatment of children in Australian

State, Church, and Charity run Orphanages, Children's Homes, Institutions, and foster care, meets the requirements for the definition of torture as outlined in Article 1 of CAT and the definition of cruel, inhuman, or degrading treatment or punishment under Article 16 of CAT.

1.4 Since Australia ratified the convention on 8th August 1989, it has failed in its duty under Articles 12, 13, and 14. It was not until 2003 that a Senate Inquiry was established- ***Inquiry into Children in Institutional Care***. Prior to this the Government had conducted two inquiries:

1. Stolen Generation – Human Rights and Equal Opportunity Commission (HREOC) 1997, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.
2. Child Migrants from both the UK and Malta – Australian Senate Community Affairs References Committee 2001, *Lost Innocents: Righting the Record Report on Child Migration*.

Both these inquiries were about children who had been separated from their families and suffered terrible abuse and neglect in Orphanages, Missions, Children's Homes and other institutions. CLAN took the opportunity to place a submission into the Child Migrants Inquiry where the committee were taken aback and unaware of how common the experience of Institutional care was for Australian children also. It took 15 months of continual lobbying by CLAN and former Senator Andrew Murray for a Senate Inquiry into Children in Institutional Care to be established. The Senate Committee took submissions, heard evidence and published a report on its work "**Forgotten Australians – A Report on Australians Who Experienced Institutional or Out-Of-Home Care as Children (August 2004)**". This report documented the experiences of children in the Child Welfare System, fifteen years after the ratification of CAT. Nevertheless, most Care Leavers were unaware of the Senate Inquiry as there was only one media story (The Homies, ABC Four Corners Program) which briefly discussed it. Perhaps this is why only 700 Australians put in a submission to this Inquiry.

The Senate Committee made 39 recommendations, including a recommendation that a National Reparations Fund be established (see recommendation 6: ***That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings...***) (Senate Community Affairs References Committee, 2004). This recommendation stated that such a scheme should be funded by contributions from the Commonwealth and State Governments as well as Churches, charities and any other past providers proportionately. CLAN agrees with this recommendation and believes that all States, churches, and charities were equally involved in the harming of children and therefore they need to acknowledge and contribute financially to a reparations redress fund. The federal Government has specifically stated that it does not support this recommendation stating that the responsibility for redress lies with the States and charitable organizations who operated the institutions

The Australian Senate has the power to investigate issues and to make recommendations to the government, it has no standing or authority to enforce the recommendations that it has

made. Due to this, Care Leavers are not able to have their cases promptly or impartially investigated, and their right to complain and have their claims examined by competent authorities is hindered by a lack of appropriate processes put in place to help victims of the Child Welfare System.

Furthermore, due to the Federal Government's lack of leadership and coordination, the burden to deal with Care Leavers claims concerning Redress and Reparations has been shifted to the State Governments with the Federal Government denying responsibility. This decision has resulted in discrimination, inequality and gross injustice for Care Leavers across the country, serving only to re-traumatise Care Leavers.

- 1.5 Australian Care Leavers continue to suffer from the neglect, abuse and misuse as children in State, Church, and Charity run Orphanages, Children's Homes, Institutions, and Foster Care. They lack proper access to records with all files being censored (thinly veiled under third parties right to privacy) and in some cases records have been completely destroyed denying Care Leavers full and uninterrupted access to their own personal and family information. As previously mentioned there is gross injustice when it comes to redress or compensation with only three state governments offering redress and only one of these provides for ongoing claims.

Due to their treatment as children, many Care Leavers suffer from a plethora of physical and psychological health concerns and lack the means and capacity to address these issues. Furthermore their poverty is exacerbated by their lack of education.

Care Leavers have also not received compensation for the labour they were forced to perform, and there is no provision for an early aged pension for those who started work as children. Due to this forced labour many Care Leavers bodies are riddled with arthritis and they carry numerous injuries which have left their bodies worn down and broken. The State's failure to address the needs of Care Leavers only prolongs the abuse and degrading treatment that Care Leavers received as children.

Australia needs to take responsibility for the crimes that were committed against its most vulnerable citizens and implement a national reparations scheme to assist in the repair of people's shattered lives. Until then, true healing cannot occur for Care Leavers as they will have limited opportunities to overcome and heal from their traumatic childhoods. Most Care Leavers suffer from health problems, disadvantage, social exclusion, and early death, not to mention the shame and stigma associated with being a Care Leaver. It is for these reasons that we submit Australia's failure to act in regard to Care Leaver issues is in violation of Article 16.

- 1.6 In this submission concerning the abuse of Care Leavers, Care Leavers Australia Network (CLAN) relies on both the Committee's decision in *A.A. v. Azerbaijan* and the committee's favourable review of the Justice for Magdalenes' Submission (2011) where the Committee examined alleged violations of CAT which occurred before both Azerbaijan and Ireland ratified the convention. We hope that the Committee may also examine the alleged violations of the Convention regarding Care Leavers even though some of the violations occurred before Australia ratified CAT, but also that the effects of these violations are continuing after ratification.



- 1.7 Thus, this submission posits that Australia is in violation of its obligations under Article 12, Article 13, Article 14 and Article 16 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- 1.8 The claims and alleged violations will be further discussed below and will be demonstrated with statistics, other evidence and testimony from Care Leavers.

## **2. Background Evidence of Torture or Cruel, Inhuman or Degrading Treatment or Punishment in Australian Orphanages, Children's Homes, Institutions and Foster Care. (Article 1 and 16 CAT)**

### *2.1 Care Leavers treatment as punishment or discrimination*

- 2.1.1 The state separated children from their parents for many reasons and placed them into child welfare system. Firstly, we acknowledge that some Care Leavers were removed from abusive situations and it was necessary to place these children in care. However, not all children who ended up in 'care' were from abusive families. On many occasions parents who were poor had their children removed because it was deemed that the child was neglected (and the child was charged as such). Unfortunately those children who had been neglected were further neglected, abused, and exploited by those who ran the Homes, Orphanages, and Institutions.

Furthermore, it must be remembered that throughout the twentieth century there were numerous wars that Australia took part in which left many children with only one parent to care for them. Australia also suffered through the Great Depression which was a difficult time for most. Yet the government did not try and focus any extra assistance and support towards these vulnerable members of society, instead their children were removed or taken away and monetary assistance was given to the Homes/Orphanages instead. It is interesting to note that in a CLAN survey of 577 Care Leavers, poverty was the reason most often cited for children ending up in 'care' (2011, *Struggling to Keep it Together*).

Additionally, some parents who were struggling to care for their children, placed them in an institution as a 'voluntary admission' and paid certain fees for the upkeep of their children. Many of these parents felt this was their only option as this enabled them to maintain their parental rights. When parents failed to pay the maintenance to the Orphanages and Homes (Please see Appendix 1 for a receipt of maintenance payment) the child was then made a state ward with parents losing the right to get their children back. Unfortunately many children from single parent families were placed in care because the parents needed to work in order to support their children. Any single parents' who did try to do both, often found the welfare taking their children away and

charged as being 'neglected'. Furthermore, fathers were also deemed unsuitable to care for children by themselves leading to many families being torn apart due to a Government's gender discrimination.

The absurdity of the child welfare system is demonstrated in the William Neyens case of 1962 (Penglase, 2005). Mr Neyens went to the child welfare department seeking help in November 1962 to care for his 9 month old son. The Department assured Mr Neyens that he could have his son back when he was ready. The child was made a state ward, charged as 'destitute' and placed in the care of the NSW Department. When Mr Neyens reunited with his wife, they approached the Department to get his son back and the Department refused. Mr Neyens was securely employed and there was no record of him mistreating his son. Nevertheless the NSW Department of Child Welfare cared more about protecting their own power, than what the best interests of the child are. Mr Neyens appealed to the Supreme Court of the Australian Capital Territory who ruled in his favour only to have this overturned on appeal to the High Court of Australia (*Minister for the Interior v Neyens* (1964) 113 CLR 411). This ruling effectively reinforced the total control and power of Government Departments over children's lives, and the lack of concern on their part for the best interests of the child.

- 2.1.2 Another common avenue that led to children being placed into 'care' was children who were truanting school or running away from abusive situations. Children were never asked why they were truanting to elicit the reasons behind their behaviour. Authorities relied heavily on parents, police, and schools for evidence rather than believing the child's version of events. Furthermore, if the authorities deemed children to be associating with those they thought were inappropriate, children were brought before a children's court and charged. In these cases children were charged with things like being 'in moral danger' or as 'uncontrollable' and were then placed in an institution. In many of these cases children were acting like normal teenagers and it did not reflect on their care at home. Some children as young as two years were also detained by police, referred to as a prisoner, and were locked up in police custody. Please see Appendix 2. It is very apparent in these circumstances that the child welfare system was used as a punishment for children. There are also accounts of children as young as 13 being locked up in adult prisons for misbehaving whilst in the Child Welfare Homes (Barrier Miner, *Unruly Girl Again Sent to Pentridge*, 1953). Please find a copy of this story in Appendix 3.
- 2.1.3 Apart from genuine abusive situations, all other reasons for children being placed in 'care' fall under the scope of either punishment for their behaviour or discrimination against poverty stricken families and single parents. Regardless of the reasons children were placed in 'care', once there, children suffered through degrading and cruel punishments, physical and psychological torture, sexual abuse, and forced labour. Please refer to the next section for a comprehensive outline of the types of torture, degrading treatment, abuse, and forced labour that Australian Care Leavers endured whilst in the 'care' of the state.

## 2.2 Intentional Infliction of Severe Physical Punishment and Degrading Treatment

### 2.2.1 Physical Assault

Children were brutally assaulted whilst in 'care'. Children would be beaten, flogged, kicked, whipped, caned and punched repeatedly for infractions. Although corporal punishment was accepted in this era, the treatment of children went beyond punishment to the extent of criminal assault. This assault took place often for the slightest things such as wetting the bed or speaking when they were not supposed to. Moreover, children often waited in fear the whole day after wetting their bed, knowing that they would be punished in a painful and degrading manner.

In submission 141 to the Senate Committee a Care Leaver describes the abuse in Westbrook reformatory in Queensland ***"Most of the warders used sadistic methods to control and punish us, but the worst of them all was the superintendent Mr Ray Gollidge. This man seemed to take great pleasure in humiliating us publicly, flogging us with his heavy leather belt while we lay naked at his feet. You could receive anything up to 60 lashes and you always ended up bleeding profusely. Sometimes boys lost consciousness. They were the lucky ones."*** As evidenced from the previous testimony a number of different weapons were used on Care Leavers like belts, straps, horse whips, canes, switches, wet towels, keys, fists, rosary beads and many others. An example of the type of straps used can be seen in Appendix 4. This strap was made by Bill who was in Clontarf Christian Brothers Home from 1945 – 1952. At the age of 12 Bill's schooling ceased and he was forced to work in the leather workshop at Clontarf. Whilst working there Bill was asked to make a leather strap which included a section of bandsaw and a lead pellet. Bill received about 20 orders for these straps and 12 of the straps he made were deemed acceptable. Bill then had to watch as the Brothers used these straps to belt the other boys with (Adele, 2010, <http://nma.gov.au/blogs/inside/2010/12/14/clontarf-strap/>).

There is even an account of one boy in a Western Australian Catholic Orphanage being hit repeatedly with a cat o' nine tails (The Inquirer and Commercial News, 1876) – Please see Appendix 5. An article from 1927 describes how an inquiry had been opened into the strapping of a boy at Royal Park Home. In this article the doctor states that ***"the strap used was only fit for a horse"*** (1927, Barrier Miner, ***Strapping of a child evidence at Inquiry***) Please see Appendix 6.

There are also accounts of wood being used as a weapon. Former CLAN member Kenneth Carter recounts being assaulted with wood as a punishment for running away from the Salvation Army Box Hill Boys Home, Victoria. Kenneth described his attack by Major Stevenson ***"He grabbed a huge hunk of wood, and used that hunk of wood to strike me across my back several times until he dropped the wood. He then grabbed me by the back of my pants and the scruff of my shirt, held me above his head and threw me against the brick wall of the shower block"*** (Submission 296 to the Senate Inquiry)

The type of physical assault that children were subjected to was not confined to institutional settings but occurred in Foster Homes as well. In 1954 a South Australian woman was found guilty of treating her three year old foster daughter in a manner likely to subject her to unnecessary injury causing injury and suffering Please see Appendix 7.



According to the medical officer three year old Laura's body was almost completely covered in bruises and stated ***'I have never heard of a child whose body was in such a battered condition as that found by the police'*** (The Advertiser, 1954, *Guilty Finding In Child Case*). Unfortunately incidences such as these were not uncommon and occurred throughout both the 19<sup>th</sup> and 20<sup>th</sup> Centuries.

### **2.2.2 Physical Torture**

Another way of punishing children was to physically torture them. This differed to blatant corporal punishment and assault. Instead it was often designed to slowly cause intense pain or injury. For example, there have been some accounts of children being made to walk from post to post in the blazing hot sun with bare feet, not only to tire them out but to cause severe sunburn and blisters which would leave them in pain for days. As a result, many Care Leavers now suffer from skin cancer.

In some Orphanages and Homes children were made to cut large sections of grass using basic stationery scissors, causing them to break down psychologically and physically. In the Yanco Boys Home, NSW, it was found that a commonly used method of punishment was made compulsory ***"and that the task in 1933 was:—Saturdays-52 laps (approximately 11 miles). Sundays-42 laps (approximately 9 miles)"*** McCulloch (1934).

There are also accounts that children have been made to stand in a corner and hold their arms above their heads, if their arms fell they were hit and had to put their arms back up. This would have caused intense pain for anyone, let alone young children. Again these types of punishments were given for things like wetting the bed as can be seen in the following example.

***I was a bed-wetter (one of a few). We had to go to the matron's room and tell her. She would pull us back to our bed by our hair, rub our nose in the wet sheet, flog us, make us stand to have our meals. After dinner we had to stand facing the wall with our arms straight above our head. When our arms drooped she would hit them with a ruler or a cane...we also had our mattress taken away for several nights. We had to sleep on the bare wire base (summer and winter) with only a pillow and a blanket. She would get us up to the toilet and keep hitting us saying "do it, do it". (W.R. Black Home for Girls, QLD, Submission 101 to the Senate Committee)***

This form of punishment was used by many Institutions in different forms and is described by a boy from The Gill, Salvation Army Home, Goulburn, NSW.

***The form of punishment would be standing in line for hours on end without movement and if a boy fainted, he was left lying there until he recovered and resumed his place in the line...A more severe variant to this of standing in line was that the boys had to stand up on the sitting benches, which were around the walls of the playroom, and face the wall and press his nose against the wall. Any boy who took his nose off the wall would have his face pushed into the wall by the officer. (Submission 282 to the Senate Committee).***

Horrifically, there are accounts of electrocution being used as a form of punishment also. Ronald Courtis from Box Hill Boys Home, Victoria recalls the following:

***Captain Blewitt used to make a group of us boys stand around and hold hands and he would attach an electric current to us. He would keep turning the current up. Not only was this extremely painful, but we were also scared stiff that he would go too far and we would die of electrocution. There was no point in saying no. Any protest would just be met with a bashing. (Clanicle 49)***

Furthermore it has also been documented that as a way of controlling bed-wetting ***"Some children were subjected to genital shocks with electrical diodes"*** Alliance for Forgotten Australians (2010). This treatment of children amounts to torture, these punishments were designed to slowly break children down both physically and mentally, and as one Care Leaver said ***"If this happened in a war prisoner's camp it would be called torture by the international community"***. (Submission 87 to the Senate Committee)

### **2.2.3 Malnourishment**

Children were often undernourished whilst in 'care' and were often fed spoilt or rotten food. Many children recall finding insects in their food such as maggots or weevils. Other children recall being fed the same food day in, day out, like stale bread and off milk. Children were often forced to eat food which many would find unappealing such as tongue, liver, tripe etc. If children did not eat their food they would be punished. Furthermore, many children became sick from eating their food which resulted in them vomiting. Unfortunately this was also punished in the most degrading and disgusting of ways. Children were then forced to eat their own vomit. These sorts of incidences can be seen in examples such as the following:

***The matron was a cruel woman, I had my vomit shovelled back into my mouth not only was I swallowing it I was also swallowing my blood as the matron scraped my gums with the spoon making sure I ate the lot, many more things happened in that place but I am trying to cut things short. (W.R Black Home for Girls, Graceville, QLD. Submission 120 to the Senate Committee).***

Furthermore whilst many children recall eating horrendous food, they also recall seeing those who worked in the Homes enjoy food they would have deemed a luxury as can be seen in the following example quoted by Penglase (2005).

***Staff took their meals at the same time and sat at tables covered with crisp white starched tablecloths and napkins, silver cutlery and serviette rings. We would sit and drool at their food. They had chicken, meat, bacon and eggs, toast with real butter, scones with fresh cream and jam.***

Sadly, many children were also deprived of an adequate amount of food. Mark Greenhalgh recalled from his time at Westbrook Farm Home for Boys, QLD, being kept near 'starvation point' and ***"sometimes we sneaked some of the animal fodder from the troughs, just to keep from starving"*** (Penglase, 2005). Children often resorted to stealing food from the Home's cupboards, market gardens, pig slops, or ate raw vegetables and sourgrass to keep from being hungry. As Douglas Mann from Parkerville, Western Australia stated ***"the hunger pains were always with us. There was never enough food. I used to offer to do the dishes so that I could scrape the pots and eat***

**the scraps"** (Penglase, 2005). Similarly many children were also deprived of water, especially close to their bed time, causing dehydration. One Care Leaver describes being so thirsty every night that **"if I could just get to the bathroom I could get some water out of the toilet bowl to drink"** (St Michaels, NSW, Submission 435 to the Senate Committee). These acts of desperation show just how deprived and malnourished these children were.

There are cases in which the malnourishment of children has led to their deaths. In 1929, a Victorian foster carer was found guilty of manslaughter for the death of seven month old state ward Leonard Maxwell Kirkwood. Cause of death was attributed to malnutrition (The Register News- Pictorial, 1929, *Woman Guilty of Manslaughter*). For a copy of this article please refer to Appendix 8.

The malnourishment of children and the abuse that they suffered because of food issues is particularly saddening, as many children were removed from families who were poor and were then charged with being neglected. Nevertheless, whilst in their own families these children were often fed better than they were at the Homes or Orphanages and they were never abused because of food, in the way the workers in the Homes abused children. For most people, vomiting is viewed as a sign of illness however in these cases vomiting was used as just another way to torture defenceless children.

#### **2.2.4 Deprivation of Medical Attention**

Children in 'care' were deprived of medical attention, not only after being physically assaulted by Home workers, but also after innocent accidents, mishaps or illness. In most instances children in 'care' never received the medical treatment that they needed in order to address their injuries or illness. As discussed above, even when children were vomiting, instead of being treated appropriately they were punished and tortured for this. For example in Submission 251 to the Senate Committee a man who spent time in Clontarf, Western Australia commented:

**"There was a time when us boys had to go out on a truck to pick up second hand bricks which we had to load on the truck and unload when we got back. All this work was done with bare hands and sandals and I remember being hit by a brick (I still carry the scars) no medical treatment was given- I still had to carry on with the other boys until the job was done."**

Furthermore, even when children may have been given appropriate medical attention, the Homes refused to follow doctor's orders and treatment plans. This would often result in injuries being left untreated and illnesses gradually getting worse. This lack of respect for the medical condition of children can be witnessed in the following example. **"With a temperature of 108 degrees Fahrenheit the hospital sent me back to the home with a letter saying I was too sick to work and was told to go to bed after arriving back at the home with a letter from Dr Chan of Ipswich hospital. After giving this letter to the acting manager who at the time was Envoy Mann he then said to me I would resume normal duties at 4am which meant going to the night paddock which was approximately 1 mile from the home to bring the cows home for milking. Even with a letter from the hospital saying I was too sick to work I was told I would work as usual".** (Salvation Army Training Home for Boys, Riverview, QLD, Submission 90 to the Senate Committee)



The negligent attitude that Homes, Orphanages and Institutions had toward treating the medical problems of children has had dire consequences. Undoubtedly their negligence not only led to long term pain and suffering but it is also the cause of an unknown number of deaths of children in 'care' (to be discussed in a later next section).

#### **2.2.5 Medical Experimentation on Care Leavers.**

Many Care Leavers recall being used as test subjects for medical experiments. According to the Senate Community Affairs References Committee (2004) in 1928 at St Vincent's Orphanage Nudgee, 600 children were experimented on with a diphtheria vaccination. There have been various reports that similar experimentation took place in NSW at the Church of England Boys Home Carlingford with fluoride, long before it was generally used in the wider community. In Victoria children in Orphanages and Babies' Homes were also used for experiments. In 1997 the Age newspaper printed a series of articles referring to this experimentation and noted that the trial vaccines failed to pass safety tests in their use with animals. This article refers to an experiment which was still running in 1970 and involved 350 infants between the ages of three months and 36 months of age who were injected with full adult doses of a trial influenza vaccine to test for toxic reactions (Hughes and Ryle, 1997). Please see Appendix 9. In Queensland at the Wilson Youth Hospital which opened in 1961, their standard treatment of Care Leavers was to dose them with tranquilisers and antipsychotic drugs, some of which were not fully tested (Penglase, 2005).

Reverend Dethlefs who was chaplain at the Wilson Youth Hospital 1973 – 1976 stated **"I must admit that I found it difficult to believe that our so called civilised society could treat vulnerable young people in such a harrowing way. The only parallel situation which I had heard of was the psychiatric treatment of political prisoners in Siberia by the government of the former Soviet Union. On many occasions I was all but reduced to tears by the stories I heard from young people in Wilson."**

Medical experimentation was widespread across Orphanages and Children's Homes in Australia, even though Australia was party to the Nuremberg code, a ten point code of practice detailing the ethical, philosophical, and medical responsibilities involving medical experimentation on human subjects. CLAN are appalled at the irresponsible nature in which children were so easily surrendered for medical experimentation. CLAN would like to know who gave consent for these trials to be conducted on vulnerable children in 'care'? Who was looking out for these children's best interests? There have never been any medical follow ups conducted on these children to find out if there have been any long term detrimental effects to their health. Many Care Leavers do not even know if they were one of these children who were used for experimentation as many of these vaccine trials and immunisations were not recorded in Care Leavers files/records.

CLAN has a list of 78 children from some Orphanages and Homes in the state of Victoria who were used as Guinea Pigs in vaccine trials, passed on by a journalist from the Age newspaper in Victoria. This list shows the following Victorian Homes partaking in various

vaccine trials: Berry Street Foundling Home, St Josephs Hospital, Bethany Babies' Home Geelong, Children's Welfare Department Turana, and Methodist Babies Home. This list demonstrates that Vaccine trials and medical experimentation were not isolated incidences taking place in one or two Homes, it was widespread and due to the lack of record keeping the precise numbers will never be known.

#### 2.2.6 Deaths in 'Care'

Sadly, a number of children died whilst in the 'care' of Homes, Orphanages, Institutions and Foster Care throughout Australia. It is unfortunate that not all states of Australia have as yet conducted Inquiries into the Child Welfare System in their states, in order to provide more definite numbers. However, in the Mullighan Inquiry in South Australia, 2008, they found that 391 children died while in South Australian state care. Medical conditions or malnutrition contributed to 260 of these deaths, while a further eleven children committed suicide, and 85 children died from an accident. Please see Appendix 10 for a table documenting these deaths.

In New South Wales, a total of 445 children died during the years of 1933-1952, whilst in the Care of the NSW Child Welfare Department. These figures have been documented in Annual Reports of the NSW Child Welfare Department ranging from 1933-1952. These figures include newborn deaths and so when Tresillian Homes were removed from the statistics in 1947 the number of deaths dropped dramatically. Nevertheless there were still 52 children who died between the years of 1947 and 1952, an alarming number. Furthermore these numbers may not be accurate as the tables specify that deaths from 1947 onwards were of children younger than seven years and did not include Tresillian Homes. It begs the question how many children older than seven years died in the 'care' of the NSW state? A further disturbing point to note is that whilst causes of death were listed very specifically in the annual reports even if only one child had died from that cause, in 1945 a new cause was added, an 'other' cause. 26% of children from 1945 – 1952 were deemed to have died of 'other' causes, and this statistic becomes worse when Tresillian Homes are removed, it jumps up to 40%. Exactly what the 'other' cause was made up of we will never know but its introduction amongst specific medical causes of deaths is worrying. For an example of some of these tables where these figures were derived, please see Appendix 11.

CLAN have also heard from a number of members, that they remember seeing another child killed either by a worker at the Home/Orphanage or by other children. CLAN were given an audio recording of a Care Leaver's witness testimony regarding an incident he saw at St John's Orphanage in Goulburn where one boy stabbed another boy. Please see Appendix 12 for a transcript of the recording. Similarly in a confidential submission to the Senate Inquiry a similar incident is recalled ***"(One boy stabbed another boy) with a pocket knife he had. The whole thing was – how do you say - hushed up by the nuns"*** (Confidential Submission 107). Whether or not this is referring to the same incident we are unable to ascertain, however it is clear that children being murdered and dying in institutions was not uncommon.

Similarly in another confidential Submission to the Senate Inquiry, a man describes an incident he witnessed **"I witnessed a boy who was attacked by a brother and after being punched and beaten he was thrown down the stairs. This boy was taken to the infirmary and I found out that he died a short time later. Later on the day of this incident I was near the infirmary and I overheard some brothers talking. One of the brothers claimed that the boy had fallen down the stairs"** (Confidential Submission 98).

Furthermore due to the neglect and inadequacy of medical attention, many children have passed away from illness that may have been prevented had they received treatment. There are newspaper articles from the 1920's attesting to the poor conditions in Orphanages, Homes, and foster care and the malnourishment and illness of children being unattended to causing an increasing death rate. Please find these articles in Appendix 8 and Appendix 13. Similarly, in 1914 there were calls from the Victorian coroner that deaths of children in 'care' should be reported to him but they were not (1914, *The Argus*, *Wards of State Deaths not Reported Coroners Comments*). The coroner in this article described some of the causes of death he had determined of state wards being things like exhaustion and food poisoning. Please see Appendix 14. There have been gravesites found at a number of Homes undoubtedly filled with children who may have survived had they not been neglected for example Parkerville Children's Home (2010, *Hills Gazette*, *The State of Parkervilles Babies Graves*) and Ballarat Orphanage. Please see Appendix 15 and 16.

CLAN believe that it is imperative that a Royal Commission be established in order to investigate not only the wrongdoings and inadequacies of the Child Welfare System, but also the many innocent lives lost because of the 'care' system. Without Inquiries into this matter the deaths of many innocent children will go unnoticed and unrecorded, with their families and society never knowing the truth.

## **2.3     *Intentional Infliction of Severe Psychological Punishment and Mental Pain and Suffering***

### **2.3.1   *Lack of attachment.***

The development of attachment to key figures is vital for children and this is something that was deprived to each and every child who entered the 'care' system. Many children in 'care' were never given love, comfort, encouragement, or support from the workers, and after being separated from their family they were prevented from developing any of these bonds with the people closest to them. Visitation was restricted to once a month and this was seen as a privilege that could be taken away for infractions. More than using visitation as a punishment, some Homes and Institutions went to great lengths to discourage contact between children and their parents. Many families who tried to make contact despite discouragement found their efforts to no avail, as workers would intercept mail or prevent visits.

Some children may not have had any family at all or had been deprived of a family from such a young age that they forgot who they were. In an account by Father John Brosnan who worked at St Augustine's and St Catherine's Orphanages in Geelong, Victoria he recalls ***'It would break your heart. The poor kids were always looking for their parents. They'd come up to me on visiting days and point to people and ask "Are they my parents?" They'd point to young visitors, aged only fourteen or fifteen, and ask "Are they my mother and father?" It used to tear me in half'*** (Prior, 1985). This quote makes obvious the lack of attachment these children had and their eagerness if not desperation to have somebody, anybody at all to attach to.

Children were not only prevented from forming attachment to their family but they were also denied the opportunity to become close to one another. Children were expected to be a silent a large proportion of the time which stopped them from forming relationships with other children. Friendships were severely frowned upon, and closeness to other children was interpreted as being depraved in nature. This is particularly true for boys and girls socialising. Gender socialisation was never attended to, and even brothers and sisters in the same Orphanage/Home were kept apart. This can be evidenced again by Father John Brosnan's account of life in St Augustine's and St Catherine's where he states ***'The younger children, those poor little kids, were so institutionalised that they did not know the sexes and could not differentiate between male and female in their conversation', he said. 'A boy would say to me: "I went over to St Cath's and the nun, HE said to me. . ." A girl would say "I saw a boy from St Augustine's playing cricket and SHE hit a four..."*** (Prior, 1985).

Children were also treated in a way that created competition between them, rather than fostering friendships. In a description of the physical assault that would occur in Murray Dwyer Orphanage, NSW a Care Leaver describes ***"Four kids would hold the offender down and a nun would hit the bare buttocks with a leather belt..."*** (Submission 364 to the Senate Committee). Involving children in the punishment of their peers only serves to create an atmosphere of distrust which completely hinders the creation of friendships or attachment to one another.

Mental Health professionals have long recognised the importance of attachment and the psychological trauma which can result should attachment not develop properly. Take for example a Care Leaver who speaks of the depression, anxiety and loneliness he suffered as a result of the separation trauma and feelings of not belonging. This Care Leaver was told as a child that his parents and siblings died in a car accident and it wasn't until 30 years later when they tried to contact him that he found out they were alive. Furthermore upon receiving his state ward files he found that they had tried to write to him numerous times but he never received their letters (submission 142, Senate Committee). Unfortunately this situation is all too common. In a book written by Ivy Getchell (2009) recounting her life she recalls going to get her state ward file in her 70's and to her astonishment finding a number of letters from her family that she was never given. Furthermore all the letters she wrote to her family had never been posted. She describes reading the following letter from her father ***"Ivy, my little mate, for Christ's sake answer my letters. Let us know where you are. I will come and bring you home. We miss you and love you. We have a nice house***

*now up at old Kelly's place near Mount Bathurst. You will remember it. Ivy, I have a job. I can help you. Please let me know where you are."* By denying children the opportunity to see and get to know their family the 'care' system not only deprived them of attachment but they deprived them of an identity, of a chance to know who they are and where they came from. The purposeful actions of Home workers to try and deny children the opportunity to develop attachment and an identity can only be seen as a form of psychological torture.

### **2.3.2 De-individualisation.**

Upon entering the 'care' system children were de-individualised and any uniqueness was stamped out. In some Institutions children were actually known as numbers as described by Jeanette May *"You had no name you were numbers mine was 52. You answered to the number 52 only"* (Personal Story, [www.clan.org.au](http://www.clan.org.au)).

In others, children were renamed if someone else there already had the same name *"I can still remember standing there with my Father, Gracie (stepmother) and Matron Gennon. 'We already have a Shirley here. What are we going to call her?' Gennon asked. 'What about Lurline then?' answered Gracie, and that was that!"* (WR Black Home for Girls, QLD, Submission 409 to the Senate Committee).

Any uniqueness of a child was discouraged and conformity was placed above all *"Any assertion of will or free spirit was punished"* (Care Leaver in submission 202 to the Senate Committee). Days were regimented and a strict routine was followed each day. No child was given the time or the opportunity to express themselves or act in the least bit different, their day was too full with every minute scheduled to allow for that. There are also accounts of children in Catholic Homes being made to kiss dead nuns, not only psychologically scarring children but forcing them to show affection to people who never showed any love, care or affection towards them. Furthermore, children were given little if no recreation and education was often interfered with by their duties in the Home.

### **2.3.3 Locked in cupboards/isolation**

Another method of punishing children in 'care' was to place them in isolation. Many children would be locked in cupboards in the dark and left there for periods on end, whereas some Institutions had their own isolation rooms. These isolation rooms bear a resemblance to isolation used in prisons:

*"(Lynwood Hall) also had an isolation room which apparently the Child Welfare Department were aware of. The room consisted of a mattress on the floor, a metal potty, a window that was boarded up from the outside and a small opening in the bottom of the door where meals were passed through three times a day, the light switch was on the outside of the room. I spent many 24 hour periods locked up in isolation at the age of twelve to sit and stare at a wall."* (Submission 282 to the Senate Committee)

An account by Care Leaver Rod Braybon describes how he was put into isolation for trying to report that he had been raped by an officer in the Salvation Army Home he was in. After starting to tell another officer at the Salvation Army Bayswater Boys Home Rod was hit and then ordered into isolation. He was driven to a different part of the Bayswater complex set aside for juvenile offenders sentenced there by the courts. Rod recalled the cell being in a basement with a row of other cells and described it ***"The only light came through a tiny window at the top of the wall. The rest of the cell, it seemed, was underground. Apart from the jam-tin toilet, the room was completely empty. Rod eased himself down onto the cold wooden floor."*** (Petratis, 2009). Along with many other accounts Rod recalls only receiving one meal a day whilst in isolation and this consisted of two slices of bread and water (Petratis, 2009). This type of isolation was all too common and CLAN even came across a newspaper article from 1907 which spoke about allegations of children being stripped naked and locked in a cellar (The Advertiser, *Children of the State*).

One can only classify this treatment as psychological torture. For children who were already suffering trauma and confusion to be locked up like prisoners and left in isolation or cupboards for long periods of time, one can only imagine how terrified and mentally exhausted it left them.

#### **2.3.4 Humiliation and Degradation**

Children were constantly humiliated in the 'care' system. It was another form of psychological abuse. Children were continuously put down and made to feel worthless. They were made to feel unwanted and were told that their own parents don't want them so no one else will. Children were told things like they would be no-hopers, they would end up in jail, and that they were devil spawn. This type of sentiment was reinforced to the children when they didn't receive mail or didn't have any visitors (both of which the Home workers in many cases took away or prevented visitation). Additionally, because there was no one to discount the negative sentiment which was reinforced to the children, they then internalised this which only added to their already low self-esteem and self-confidence. Children were also told that they would end up in the gutter like their parents and would never amount to anything as seen in the following quote.

***"He and his family made absolutely certain that we knew our station in life, and reinforced our collective worthlessness"*** (Raith House, Campbelltown, NSW – Submission 28 to the Senate Committee.)

There was a complete lack of privacy designed to elicit embarrassment and humiliation. Children were made to change in front of each other, use the bathroom in front of each other and even shower with, and in front of one another. Even if children had the opportunity to shower or go to the toilet by themselves it was still not a private moment as the doors on showers and toilets were removed. Even as children approached adolescence they were still made to strip down in front of everyone including the workers, and they were often taunted sometimes by workers of the opposite sex (Senate Community Affairs References Committee, 2004). Penglase (2005) speaks of children having to ask for toilet breaks which were often denied and then resulted in children urinating or defecating themselves. Furthermore children would have to check



each other's underpants for 'skid marks' and report back to the workers, not only humiliating them but again turning the children against each other.

Even the punishments given to children in 'care' were designed to humiliate and degrade them. As previously mentioned, children who wet their bed were often punished and apart from corporal punishment they were also punished in humiliating ways, such as having their nose rubbed in their sheets or having to stand with their wet sheets over their head for hours on end. In Victoria, St Pauls Training School for Boys were found to be shaving boys heads as punishment for trying to run away (Monk and O'Donoghue, 1994). They were nicknamed 'baldies' and this degrading treatment resulted in boys being given a physical sign of their wrongdoing. This punishment was designed for no other purpose but to humiliate the boys and make an example out of them. Sadly, the only value placed on children in 'care' was that on their ability to be a workforce and perform laborious tasks, those not even suited for adults on a daily basis. Along with the other forms of psychological abuse and torture, humiliating and degrading children was another way of trying to break their spirit, making it easier for Homes and Institutions to do with children what they pleased.

## *2.4 Sexual Use of Children.*

### **2.4.1. Sexual use of Children in Care Settings**

According to CLAN's first survey *A Terrible Way to Grow Up (2008)* 44.5% of respondents had been sexually abused during their time in 'care'. Sexual use and abuse was prevalent in the Child Welfare System and was perpetrated by a number of different people. These people included Priests, Brothers, Nuns, Ministers, Reverends, Superintendents, Matrons, employees, foster carers, holiday hosts, and sometimes even other children. Sexual use and abuse took place in ALL types of Children's Homes, Orphanages, Institutions, and also in foster care placements. It occurred regardless of who ran the Home, whether it was a church, charity, Government, or private individuals.

Sexual use of children was often committed by those in charge and was another way of establishing power and dominance over the children as well as a way of degrading them whilst at the same time fulfilling the abuser's own needs. Furthermore it also served as another way of psychologically torturing children as they knew what was occurring and suffered intense fear and helplessness wondering if and when they would be next.

As quoted by Penglase (2005) Ivor Knight said of the Christian Brothers who ran the Western Australian Home he was in ***"Their commitment to save souls was bastardised into a system whereby they 'stole our souls'; whereby they made us into mere ciphers, to be seized and used whenever the need for sexual gratification was upon them. We meant no more to them than the moments pleasure"***.

The depravity of the sexual acts committed against children in the 'care' system is unrivalled. Alfred Stirling, a CLAN member who spent time at a Salvation Army Home in Bayswater, Victoria, recently described to CLAN witnessing the sexual abuse of other boys whereby they were forced to interact sexually with cows on the farm for the

enjoyment of the officers. CLAN have been privy to accounts by other Care Leavers as well describing sexual abuse involving the use of farm animals. As one can imagine incidents such as these leave horrific scars for Care Leavers to bear.

Not only did individuals use children to satisfy their sexual needs but paedophile rings developed and children were passed from one paedophile to the next. This was a possibility both in institutional type 'care' as well as Foster 'care' and holiday host arrangements which can be evidenced in the following description.

***These six men raped me every week thereafter. Eventually, they became bored with it and wanted different kinds of 'fun'. The house-father introduced them to his son, Robert and he too was shared around. Their desire for more revolting practices increased.***

***They inserted foreign objects into us. They started out with table tennis balls and, week by week, graduated to larger and larger items such as carrots, cucumbers and even hard boiled eggs. The more difficult the task, the more excited they became. ('From Victim to Offender: How Child Sexual Abuse Victims became offenders By Freda Briggs, 1995')***

There are also accounts of sexual abuse occurring where boys would have their penises hit with a cane if they had an erection. Additionally sometimes workers would elicit an erection just to hit the boy's penis as a punishment. Workers not only utilised sexual use and abuse as punishment but would also attack children whilst they were sleeping like the following account:

***At nighttimes, when you are about eleven, twelve or thirteen, and it would be when every boy would be asleep, the floor-lights would be turned off and someone would come to the side of your bed, kneel down, slide their hand beneath the bed-cover, and grab your penis. My defence was to roll onto my stomach and press into the mattress very hard. Other times someone would try to push their penis into your mouth. Your defence was to keep your mouth tightly closed. (Salvation Army Gill Memorial Home, NSW, Submission to the Senate Committee 282).***

Furthermore due to the barbaric and degrading treatment of children by those in power, there are some cases of children sexually and physically abusing other children. For example:

***"I always had the same boy to 'look after' me. His name was 'Wayne'. To me, he seemed like an adult although he was probably only twelve or thirteen years old. What I can say with absolute certainty is that he washed me in exactly the same way on seven days of the week throughout the whole of my stay at Royalston Boys' Home. First, he undressed me, then himself and we went into the shower together. He then soaped all of my body, spending an unwarranted amount of time handling my genitals. When my penis became stiff, he used this as the signal to push his finger inside my anus. This always hurt and I hated it. He then rubbed***

***his own body. All over mine. When he finished rinsing me, he knelt down, gave and then demanded oral sex.” (From Victim to Offender: How Child Sexual Abuse Victims became offenders By Freda Briggs, 1995’)***

Please see Care Leavers testimony for further examples of sexual abuse.

#### **2.4.2 State sanctioned rape.**

Many girls who were in ‘care’ report having invasive vaginal examinations to ascertain whether they were sexually active, had venereal disease or other sexually transmitted infections. A NSW Child Welfare Department field officer gave a detailed account of this routine procedure. Care Leavers who were charged with being exposed to moral danger were subjected to a vaginal examination and if they objected they **“got a whiff, an anaesthetic, and was put under”**. This examination was then used as evidence:

***“When the matter came back before the court, the court would hear evidence and it would have the medical report and the medical report would say virgo intacta or non virgo intacta. And very often the doctor would draw little marks alongside, like one, two, or three. You wouldn’t pick that up if you see these in the archives, you wouldn’t know what they meant but what they meant was that was how many fingers you could insert into the vagina. Now the theory was that if you had three fingers you would be highly promiscuous. Quite often the report would say things like ‘appearances suggest frequent penetration’ – that’s a common phrase you would find on hundreds of reports.” (Penglase, 2005)***

Girls who suffered this indignity and invasion of their bodies had a name for these doctors “Dr Finger”. Girls as young as 18 months were subjected to vaginal examinations. Please see appendix 17 for an example of the original documentation used for these procedures. Furthermore it appears that there are instances in which girls were tested for various Sexually Transmitted Infections, but were not treated for them if the results were positive. In a radio interview on the ABC Law Report, lawyer Angela Sdrinis spoke of twin sisters who were diagnosed with gonorrhoea at the age of four months. It is in their records that they were never treated for the gonorrhoea and as a result became infertile (Damien Carrick, ABC Radio National, 10<sup>th</sup> March 2009). Please see Appendix 18.

Not only has the sexual abuse of both men and women created long lasting trauma, but it has also had terrible consequences for their physical health. As mentioned above some women were never treated for Sexually Transmitted Infections which resulted in them becoming infertile. However, the trauma that sexual abuse has created for many Care Leavers has also resulted in them either refusing to seek medical help or refusing medical examinations or procedures. For example many women refuse to have a Pap Smear as it is invasive and triggers painful memories. Similarly many men refuse prostate exams as they feel the experience will re-traumatise them. Furthermore there are also many men with rectal problems due to the sexual use and abuse they endured and as a result some men have to wear nappies. Refusing to get basic check- ups are life threatening, nonetheless

many Care Leavers put themselves in these positions so as to avoid revisiting the trauma they know only too well.

## **2.5. Forced and Unpaid Labour.**

### **2.5.1 Forced Labour**

Care Leavers were used as forced labour in most Orphanages, Children's Homes and Institutions and were also placed in 'foster care' in some instances for the pure purpose of working. As Ken Carter so aptly stated ***"Work, Floggings, floggings, work was my whole life at the Homes, which now seem to me nothing but concentration camps"*** (Penglase, 2005). Care Leavers were discriminated against as a vulnerable group of society because of their young age and lack of power or influence to keep them from being used in this way. It must be remembered that these children were either neglected, unable to be cared for by their own family, they may have had no family, or they were being punished. In this way they were targeted as a group that no one would know what was going on, believe them even if they did report what was going on or in some instances even care if they did know.

### **2.5.2 Working for the profit of the State, Church or Charity.**

Children were forced to work extremely long days for the profit of the State, Church, or Charity who was in charge of their care, at the expense of their schooling. For example boys who were sent to Boystown Bindoon in Western Australia were forced to build and construct the actual Home as described by Welsch (1990) "Work on the new technical school began immediately and we soon found out who was to supply the labour! We worked full-time. No time for school!". Furthermore the boys at Bindoon were forced to carry out this labour "dressed only in shorts and shirt and without shoes" (Welsch, 1990). The fact that this Orphanage was created through the boys own labour was not hidden either, it was advertised for all to see in the local paper (1943, Western Mail – See Appendix 19). Other boys and girls were sent to 'Training Farms', institutions which focused on punishing children through tireless labour on farms which made the Home self sufficient and even created some produce to sell for a profit. Many girls were sent to Orphanages and Homes which operated commercial laundries for profit. This can be seen in the following quote:

***"I was sent to Hobart to the Magdalene (Good Shepherd) Laundry. This was an awful place and very strange to me...I was only 8 but had to work every day in the laundry from breakfast until 5pm with a break for lunch. It was a huge laundry and we used to do the laundry for all the hotels, schools, and hospitals in Hobart...From the ages of 8 to 12 while at the Magdalene Laundry I never had any schooling."*** (Submission 182 to the Senate Committee).

Similarly, Ms Barnacle describes her time at the Good Shepherd Convent in Oakleigh, Victoria where she was forced to stand on a stool to reach the table, day in and day out to do the ironing (Schwartz, 2003). Some children were fostered out to families purposefully as domestic help or farm hands. Ronald Arthur recalls being sent to Inghams Chicken Farm where he worked seven days a week and states that all workers on the farm were state

wards (Arthur and Baker, 2011). This may have been under the guise of a job, but these children never received payment as evidenced by the following example:

***"Whilst working on these farm jobs I received no pocket money, even though I regularly signed the pocket money card, I was under the impression that I was signing for wages that were being paid in to the bank for me. On 4 occasions I had returned from work I never received any pocket money or wages". (Submission 217 to the Senate Committee).***

Unfortunately another reason foster carers took in children was to use them as a sexual object among other reasons.

### **2.5.3 Maintenance and Upkeep of the Home/Orphanage/Institution.**

Children were forced to work within the Home/Institution scrubbing on hands and knees to clean floors, stairs, windows etc. The use of toothbrushes to scrub floors and toilets is also commonly referred to in New South Wales and Victorian Homes, and is a tedious task obviously designed as punishment for children all the while contributing to the upkeep of the Home (Senate Community Affairs References Committee, 2004). Older children were also required in a number of situations to look after the younger children. Children were required to carry out many different tasks like sew religious garments and vestments, make rosary beads, and make meat tags for abattoirs. For example, the following quote highlights how regimented a child's day would be and the variety of jobs they were required to do.

***We worked seven days a week arising at 5.45am except on Sunday 6.30am and were expected to start our jobs by 6.15am lights out at 7.30pm. The entire week was rostered, and every moment of the day accounted for... Rostered jobs over the years ranged from working in the kitchen, laundry, washing wet bed sheets, scrubbing and polishing floors (at 8 years I was using industrial polisher), washing windows, lighting the furnace for hot water, dusting, serving breakfast or dinner, making school lunches (humiliatingly wrapped in newspaper), bathing children, polishing shoes, collecting pig slops, scraping and washing dishes, polishing silver, cleaning bathrooms, filling coke buckets, getting children ready for school, working in the babies home, setting tables, working in the staff pantry, taking children to school, working in the isolation ward, the list go on and is seemingly endless. I felt like I was serving time in prison."* (Dalmar Children's Home, NSW, Submission 136 to the Senate Committee)**

The labour was never proportionate to the age and physical capabilities of the child and always came at the expense of physical problems and long term effects as well as the child's education. Many Care Leavers now suffer major health problems including arthritis brought on from years of doing work that was too physically demanding for their bodies. Furthermore according to the CLAN survey *Struggling to Keep It Together* (2011) 52% of Care Leavers had achieved less than a Year 10 education. With figures like these it is comprehensible why many Care Leavers are disadvantaged, live below the poverty line, and endure social exclusion.

## 2.6. Government Involvement and acquiescence in Care Leaver Abuse

2.6.1 Firstly, each state in Australia owned and operated the State Institutions whether they were Orphanages, Children's Homes or Institutions (Please see Appendix 20 for an overview of the number of Homes etc in each state). Furthermore the majority of foster care of state wards was also controlled by the State and the Department of Child Welfare (respective to each state). Thus the States were directly involved in the running and maintaining of State institutions.

2.6.2 With regard to churches and charities that ran Orphanages, Children's Homes, and Institutions, the States were in charge of licensing and inspecting the running of these Homes (Please see Appendix 21 for a list of past providers). For the abuse and exploitation to be as pervasive as it was, obviously the inspections were not carried out thoroughly, were not done at all, or conditions were blatantly ignored amounting to acquiescence by government officials. According to Penglase (2005) in New South Wales inspections were meant to be unannounced and unpredictable. However, from all the Care Leaver testimony CLAN has seen, wherever inspections were spoken of they were always prepared for the visits. For example David Mead in submission 211 to the Senate Committee describes inspections taking place at the foster home he was in, in Kempsey ***"The officer would notify Mr Saul he was coming and I was scrubbed up and threatened not to say anything about my treatment or I would get a hiding when he left"***. In an article from 1929, a Labor Party Member made the comments that ***"there was a shocking lack of supervision of foster homes both by departmental inspectors and by medical officers."*** (1929, *The Register News Pictorial Boarding Out State Wards Becoming Baby Farming* – Please See Appendix 22).

Peter Quinn, a forty year veteran of the NSW Child Welfare Department told the Senate Inquiry that with regard to the 'care' of children in NSW ***"the priority for both politicians and officials was not the wellbeing of children but cost cutting and the economy"*** (Penglase, 2005). According to Mr Quinn, this view was taken because children were deemed to be of a 'delinquent class' and unworthy of spending money on. There were no safeguards in place to prevent abuse and exploitation occurring, nor were there any processes put in place which allowed confidential reporting from children or workers about the conditions of the Home, Orphanage etc. There are a number of reports from Care Leavers who say they remember the inspections (which the Home/institution etc were well prepared for as they were aware of when it was going to take place) but they do not remember the inspectors ever talking to the children or asking them any questions about the conditions or their treatment. Furthermore the courts not only placed children in State run institutions but also in church or charity run Orphanages/Homes/Institutions. It appears that the Courts picked specific Homes for punishment. Children who absconded from these privately run Homes would be picked up by the Police and taken back just the same as if they were in a State run Institution.

2.6.3 Lastly, the Australian Federal Government also played a major role in the neglect and abuse of Australian Care Leavers by failing in their duty of care. There were more than 800 Orphanages, Children's Homes, and Institutions run in Australia (CLAN, 2012). By the Commonwealth Government providing child endowment in the form of a monetary contribution to all of these Homes (Penglase, 2005) and not ensuring their wellbeing, the Commonwealth Government is just as complicit in the abuse as State Governments. The Australian Government failed to ensure that the Orphanages and Homes operations were transparent, and that there was a system of checks and balances in place which safeguarded



and protected children from neglect and abuse. The Australian Government placed too much trust in the Homes and this has unfortunately created the legacy of traumatised Care Leavers that we see today.

### **3 Continuing cruel, inhuman or degrading treatment or punishment (Article 16 CAT)**

- 3.1 CLAN submits that the continuing effects of Care Leaver abuse amounts to degrading treatment under Article 16 CAT which the state has a duty to prevent.
- 3.2 Once children left Orphanages, Children's Homes, institutions and foster care as young adults they were provided with **no after care services**. Children were sent out into the world with nothing more than the clothes on their back and were expected to survive. They were left to fend for themselves and the state, churches and charities abdicated all responsibility towards these children. Children went from living in a regimented institution, to having to be responsible for every facet of their lives. There was no gradual introduction into the community and no one to fall back on to for support, as one CLAN member was told **"If you get into trouble ring the welfare"**. Successive Australian Governments have shown little concern or interest for this large cohort of Australian citizens. This 500 000 plus cohort is made up of Forgotten Australians who were effectively left uncared for as children, and are continuing to be neglected as adults as well. Forgotten Australians is an apt name for the experiences Care Leavers continue to endure and instead would like the opportunity to be Remembered Australians.
- 3.3 The Australian Government has failed to ensure redress for all Australian Care Leavers for the appalling and criminal treatment of children in State, Church, and Charity run Orphanages, Children's Homes, Institutions and Foster Care. Due to the Federal Government's lack of initiative and leadership, as it currently stands only three states of Australia have opened a redress scheme; Queensland, Tasmania, and Western Australia. Whilst the fact that Care Leavers are being discriminated against based on where they were brought up (and some were brought up in more than one state) amounts to a gross injustice, the schemes themselves also promote inequality and injustice amongst Care Leavers. Both the Queensland and Tasmanian schemes distinguish between private placements, government placements and foster care, resulting in only certain Care Leavers being able to access redress. Furthermore both the Queensland and Western Australian schemes were open for a limited time which meant that only a small percentage of Care Leavers were able to apply for redress because most other Care Leavers did not know that there was a redress scheme until after it had closed.

Unfortunately the redress schemes lacked publicity and other avenues of reaching Care Leavers were not explored. According to the CLAN survey ***Struggling to Keep it Together (2011)*** at least 64% of respondents suffer from social exclusion in at least one way which means their ability to obtain information and support is hampered. Furthermore 40% of

respondents also had no access to the internet. This demonstrates that Care Leaver issues were not considered when publicising the redress schemes as many Care Leavers avoid watching or reading anything to do with child abuse issues as this serves as a trigger for them. This has meant that many Care Leavers missed out on applying for the Queensland and Western Australian redress schemes. Moreover many Care Leavers have literacy problems which further hinder their ability to comprehend advertising as well as create difficulties with the practicality of applying for redress. Applying for redress is also an ordeal emotionally and psychologically for Care Leavers, with many still fearing they will not be believed. In order to create a fairer and more equitable Scheme, all redress schemes should be made open ended so as to not discriminate against any Care Leaver.

In New South Wales, South Australia, and Victoria there is no redress scheme developed to compensate Care Leavers for the pain and suffering that they endured whilst in care. The decision of various state governments to not establish redress schemes is only compounded by cases where the Supreme Court of Australia has awarded compensation and damages to others who have been abused more recently. **For example in 2001 the Supreme Court awarded Mr Hogan 2.7 million dollars in compensation after he had been hit with a strap eight times on his hand in 1984 at the age of 13, at a Catholic school (Dutter, 2001).** The sheer amount of this award is in vast excess to anything provided to Care Leavers through redress schemes. Decisions such as these only leave Care Leavers feeling frustrated and re-traumatised.

Furthermore it must be remembered that due to the general low levels of education, lack of family support and networks, as well as the physical and psychological effects of the gruelling and demanding routines and treatment whilst in care, many Care Leavers cannot afford the proper medical or psychological treatment that they require. Whilst children were not provided with proper care in their younger years, the government can make amends and provide a level of healing through redress to all Care Leavers. Care Leavers need to be cared for in their old age as they were not cared for in their childhood. The Australian Government has both domestic and international obligations to promote the physical and psychological recovery of both child and torture victims and to provide them with an identity. The inadequacies of the redress schemes which have been established coupled with the injustice that redress is decided geographically despite the same abuse and neglect across the country amounts to continuing violations of Article 14 and Article 16 CAT.

- 3.4 The issue of personal records and files of Care Leavers is also a source of continued degrading treatment which promotes the pain and suffering of Care Leavers. Many records have been destroyed and there is no centralised record agency. This means that the government holds State records, churches hold church run institutions records, and charities hold charity run institutions records. This results in a great deal of difficulty when trying to obtain records of their time in 'care'. As an example of how little work has gone into the organisation of files a recent report from the Victorian Ombudsman (2012) described finding 80 kilometres of uncategorised records. Furthermore all records and files have information censored from them under third party privacy regulations. Whilst for the first time in Australian History the Federal Government have committed funds to children who were in

care - 26.1 million dollars to a National Find and Connect service for Care Leavers to access their personal records of their time in care, the funding for this service will not assist Care Leavers to reunite with their fractured families.

It must be remembered that many Care Leavers grew up not knowing their family or extended family, and sometimes not knowing their real name or date of birth. Many elderly Care Leavers have still not met their families or seen photographs of them. CLAN have recently helped an 84 year old Care Leaver to try and locate his family. Unfortunately his mother had passed away in 2001 and he never had the chance to meet either of his parents (Lavender, 2011). Please see Appendix 23 for a newspaper article about Rays search for his identity and family. However, in the United Kingdom, former Prime Minister Gordon Brown established a nine million dollar travel fund for Child Migrants to return to the UK and reconnect with their families, demonstrating an understanding of the importance of familial ties. Unfortunately the Australian Federal and State Governments have ignored and not assisted Care Leavers and their families to reunite. They have not yet demonstrated an understanding of the importance of family reunification or aftercare as no funds have been set aside for this.

Whilst the Federal Government must be commended for this initiative of establishing a Find and Connect Service, it seems contradictory to their statement that Care Leavers are a state based responsibility. **If the Federal Government can commit tax-payers' dollars for a Find and Connect Service why can't they fund a Commonwealth Redress Scheme with proviso for states, churches and charities to contribute? It is important that all Past Providers are held accountable and contribute to the healing and redress of Australian Care Leavers.**

Another issue of great concern for Care Leavers is that in some instances records are being used against Care Leavers. In cases where records can be found of a Care Leaver's time in 'care', courts and other government departments have used these against Care Leavers as an argument to inflict a harsher punishment or sentence. Quite recently a CLAN member who spent time in Bidura in NSW was told by A Department of Human Services worker that she couldn't have natural mothering instincts because she was in 'care' in Bidura. Please see Appendix 24 for a copy of this letter. In the survey *Struggling to keep it Together* (2011) 16% of respondents claimed that their records had been used against them in some way. It must be remembered that children were charged with 'being neglected' or being 'in moral danger' or having 'no fixed abode' and many other charges. As such these children were labelled as having a criminal record. As one Care Leaver responded in the survey (2011) ***"I have difficulty in keeping employment as I have a criminal record. Even though my parents should have been charged, not me"***. Although Juvenile records are meant to be closed it is remarkable how many Care Leavers records have been used to disadvantage them in some way.

- 3.5 Care Leavers have still not been paid for the work they did as children. Most children worked tirelessly to maintain the Homes they were in, others worked in laundries on farms and in some cases they even built and constructed their own Orphanage/Institution. This work often came at the expense of an education which then limited their opportunities once they

left the child welfare system. No contributions were ever made on Care Leavers behalf for the work they did into pensions or accounts and due to the brutal nature of the labour at such a young age many Care Leavers now suffer the physical effects of child labour. Many Care Leavers suffer from arthritis and bad knees from the exhaustive labour they were forced to do, resulting in bodies which have aged before their time. This has forced many Care Leavers onto a disability pension which is an ordeal to apply and be approved for, and is also less than an aged pension.

3.6 Many Australian Care Leavers are elderly and the refusal of the Government to offer fair and equitable redress and compensation and to deal with the issues at hand such as records and health care, leaves many Care Leavers feeling as if the Government is waiting for them to die so it will no longer be an issue. **Care Leavers feel invisible and many have stated that they feel like refugees in their own country.**

#### **4 Failure to promptly investigate and ensure redress for Care Leavers since 8 August 1989 (Articles 12, 13, 14, 16 CAT).**

4.1. Australia ratified CAT in 1989, but it wasn't until 2003 that the Senate Committee performed an Inquiry into Institutional and Out of Home Care. It was at this time that the Government learnt of the extent of the abuse, torture, and forced labour of Australia's children. The Senate made 39 recommendations to the Federal Government, most of which they rejected and placed onto the State Governments as their responsibility.

4.2 In 2005 The Tasmanian Government opened a redress scheme for Tasmanian State Wards. The redress scheme was closed in 2007 but then reopened again in 2008 and is now an open-ended scheme. Whilst the Tasmanian government have acknowledged the inequity of having a closing date on a redress scheme the injustice of only allowing state wards to claim redress further perpetuates the abuse.

4.3. Similarly, the Queensland Government established a redress scheme after the Forde Inquiry of 1998-1999. The Queensland redress scheme closed in 2008 and only covered those who were in institutions named in the Forde Inquiry and explicitly did not cover those who were in foster care. Once again by distinguishing between the types of 'care' that children were placed in even though they suffered the same treatment, Care Leavers are prohibited from overcoming the trauma they suffered as children. Furthermore by placing a closing date on applications it discriminates against those who may not have the resources, means, or awareness to keep up to date with information.

4.4. In 2008 Western Australia opened a Redress scheme for all those who were in 'care' in the state and did not discriminate between forms of care or placement. Nevertheless like the Queensland Government, Western Australia closed their redress scheme in 2009 leaving a lot of Care Leavers angry and upset that they missed out. CLAN's oldest member at the time, 93 year old Flo Hickson, was denied redress as she was unaware of the redress scheme and her application was too late. CLAN have lobbied on her behalf to have her late application accepted, but still this is to no avail. The fact that the Governments place a closing date on a redress scheme only reflects their lack of commitment to Care Leaver justice.

- 4.5. South Australia does not have a redress scheme but an ex gratia payment was introduced for those who had been sexually abused whilst in 'care' in South Australia. Whilst this was a welcome improvement from no compensation whatsoever, the fact that it is limited to sexual abuse, only serves to belittle the experiences of trauma of anyone else who was abused whilst in South Australian Care. **As Article 1 CAT describes torture, it is not limited to sexual abuse and includes physical and mental pain and suffering.**
- 4.6. . New South Wales and Victoria have not introduced a redress scheme and have no provisions for an ex-gratia payment for Care Leavers. This complete lack of acknowledgment by way of redress only demonstrates the injustice and inequality that plagues Care Leavers and the barriers that they face every day. Care Leavers will never overcome their trauma when the Government is refusing to help them and they are being discriminated against based on where they grew up. Care Leavers who do not receive redress or who are denied the opportunity to apply for redress are left feeling disenfranchised and have unresolved anger toward both the State and Federal Government.
- 4.7. Whilst the Federal Government apologised to Care Leavers on 16<sup>th</sup> November 2009 and acknowledged that **"a great wrong has been done to so many of our children" (Rudd, 2009)** they still fail to acknowledge their role in the abuse of Care Leavers. Please see Appendix 25. This demonstrates a lack of respect and is only contributing to the continuation of the abuse of Care Leavers.

Successive Federal and State Governments have failed to show leadership by not investigating the abuses which occurred in the child welfare system, nor have they coordinated a redress scheme whereby all states, churches and charities contribute funds to provide compensation for Care Leavers. As previously stated, the Senate made 39 recommendations and most of these have been largely ignored. CLAN has raised concerns about Care Leavers human rights being violated with the Australian Human Rights Commissioner Catherine Branson. Ms Branson has written to the Federal Government enquiring as to why they have not shown leadership on this issue. (Please find a copy of Ms Branson's correspondence attached in Appendix 26).

Furthermore there are important initiatives which could be developed to investigate and provide justice for those who were abused whilst in the child welfare system. Currently there are no Historical Abuse Units and the state based processes that are currently in place are inadequate and incapable of dealing with the historical nature of the crimes as well as the interstate issues that are frequently faced. Australia's complacency in dealing with this aspect of Care Leaver issues is in violation of Article 12, 13, 14, and 16 of CAT.

## 5. Testimonies from Care Leavers

### 5.1. *Separation from family*

- 5.1.1. In submission 302 to the Senate Committee a Care Leaver recalls being taken away from his mother and charged with being neglected. He goes on to say "our mother had already had a mental breakdown and this was well known within the community. Our mother nonetheless kept working to earn enough money to keep feeding us..."

5.1.2 In submission 179 to the Senate Committee a Care Leaver recalls how she was taken away from her mother because she was an 'unmarried mother' who didn't have the means to look after her, nevertheless her mother used to visit her when she was put in foster care. This Care Leaver would cry when her mother left and as a result her foster parents "told the Welfare Department that these visits would have to stop as they were upsetting me. The Welfare Department should have known of the bond I had with my mother, that I was fretting for her, and wanted her to stay with me."

## 5.2. *Wetting the bed.*

5.2.1 "As I was a bed-wetter I used to be belted daily. They used to throw me under a cold shower then belt me really hard with a large strap while 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". (Parkerville Childrens Home, WA, Submission 181 to the Senate Committee)

5.2.2 I was a bed wetter so I would have to stand in a corner in my wet nightie and my wet sheet draped over my head until the nun-dismissed me. (Abbotsford Convent, VIC, Submission 202 to the Senate Committee)

5.2.3 (We were pulled out of bed, and) those who had wet the bed got six of the best with a strap with little tacks at the end of it. They had the technique of trying to hit your fingers all the time, because that's where the pain was. Then we were grabbed and marched out of the dormitories into the assembly yard naked – and this was also in winter; it didn't matter what time of the year it was. Then we would have to walk perhaps 100metres. Then we were sent into the cold showers. I used to nearly gasp for air it was that cold. If you didn't get under it he'd turn the fire hydrant on you and stuff (Ken Carter, In Penglase, 2005)

## 5.3 *Sexual Abuse.*

5.3.1 "During my time at Riverview, I acquired the name of one of "Gilliam's little bum boys". While on night duties, Captain Arthur Gilliam used to come to my bedside and begin rubbing his hand up my leg, offering me Milo, biscuits, or lollies, before taking me to his room and locking the door, where he would fondle my penis, perform oral sex on me, and sodomise me. I remember this happening on numerous occasions". (Riverview Training Farm for Boys, QLD, Submission 75 to the Senate Committee)

5.3.2 "Being given bowel washes by L.O. Bailey, pushing a tube up ones rear end was very uncomfortable, it also verged on sexual abuse. While he was giving the bowel wash he would be fondling ones vagina and playing with himself. L.O Bailey also enjoyed the result". (Hopewood Home, NSW, Submission 93 to the Senate Committee)



- 5.3.3 "I slept in a dormitory with thirty or more other girls. We were locked in of a night with a guard outside our door. There were night watchmen who would give cigarettes to girls for sexual favours. The place we were placed in for protection was the most dangerous for any young girl with young male security officers taking advantage of these girls". (Bidura, NSW, Submission 271 to the Senate Committee)
- 5.3.4 "I can't get some of the terrible things he did to me out of my head, they loom in the shadows of my life and haunt me. This man took my virginity, my innocence, my development, my potential". (Submission 412 to the Senate Committee)
- 5.4 *Psychological Abuse.*
- 5.4.1 "We were threatened in the Sydney home that if we didn't behave the boys' penises would be cut off and the girls' private parts sown up. Then we would be put, or rather locked, under the house a small dark place without a window, with rats, and spiders". (Dr Dill Mackey's Childrens' Home, NSW, Submission 87 to the Senate Committee)
- 5.4.2 "(The Superintendent) would lock her under the staircase in a narrow dark room, and leave her there for ages, all day and even over-night. She was left there until she was either prepared to apologise or own up to something she didn't do or say what he wanted her to say". (Dalmar, NSW, Submission 203 to the Senate Committee)
- 5.4.3 I felt like I was serving time in prison. At least I still had a mother who would take me from this place. This is what I told myself and the hope of this event is what kept me going. I would often think about other kids who were in there for good. If that happened to me, I thought I would die. (Bette Formosa, Dalmar, NSW, In Penglase, 2005)
- 5.5 *Physical Abuse.*
- 5.5.1 The following excerpt is in relation to a Brother Doyle at Clontarf, Western Australian Catholic Home. "His cruelty extended even to the lads who lost legs in the Clontarf bus accident of December 1955, of which he was the driver. On one occasion he was seen belting a poor soul in a wheelchair with a stick near the main building. The lad was trying to protect himself from the blows being rained down on him with his arms while pleading for mercy. He couldn't escape this vicious cowardly assault. The other poor cripples from the same bus accident sometimes incurred the same cruelty". (Submission 25 to the Senate Committee)
- 5.5.2 "We were then belted on a regular basis by the warders...They were savage beatings. Boots and all. Time and time again. They would get you when you were laying in your bed. Come in, grab you, get you on the floor and kick and beat you till you were badly hurt. It was a nightmare. I often wished I were dead. This happened so often it was frightening thinking about when would be the next time". (Salvation Army Boys Home, Bayswater, VIC, Submission 148 to the Senate Committee)
- 5.5.3 "I had my hands held behind my back, hair held and my head bashed into a lot of sinks in the shower block and lost quite a few teeth". (Parramatta Girls Home, NSW, Submission 280 to the Senate Committee)

- 5.5.4 “She did not give me a reason for what was about to happen, I was forced to pull up my dress exposing my bare back from my shoulders to my waist. She then struck me anywhere between 10 and 15 times across my waist, very forcefully with the strap. The strap itself was square, thin and very long, much like a horse whip. Because of its length they used to double it, so in effect you were getting a double dose. The force of the blows caused my back to go black in colour”. (Nazareth House, QLD, Submission 237 to the Senate Committee)
- 5.6. *Forced labour.*
- 5.6.1 “While I was at Abbotsford I was subjected to child labour. This took the form of domestic cleaning and because of my so-called retardation I was put to work making mattresses for most of the time. I would have to tease the horsehair then stuff it into the mattresses”. (Submission 202 to the Senate Committee)
- 5.6.2 “Westbrook was a state run reformatory for boys between the ages of 10 – 18 years old. The warders who ran the place were sadistic and brutal. We were treated as slave labour under the harshest conditions, working from dawn till dusk each and every day in the fields, quarry, farm, the kitchens, bathrooms, laundries. I was deprived of proper schooling when they refused to let me sit for my scholarship exam and sent me to work full time on the farm when I was still 13 years old”. (Submission 141 to the Senate Committee)
- 5.6.3 I was taken out of school for good at the age of 13 to work in the laundry and the nursery and from then on my days were hell...The laundry was hard work having to use this big mangles and presses. A lot of us have osteo-arthritis today because of this work. (St Joseph’s Subiaco, Submission 172 to the Senate Committee)
- 5.6.4. The Home resembled a workhouse, we were made to work every day and all day in dreadful conditions. The Home 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. (Salvation Army Home Hobart, Submission 388 to the Senate Committee)
- 5.6.5. *Working in Orphanages.* Once trained, the older inmates were cheap supplementary labour. The girls were used for child minding, sewing, washing, cooking and cleaning for the younger children and the staff. The boys worked the farm and vegetable garden, cut wood, swept the outdoors, raked the gravel and washed the staff cars – the traditional gendered tasks. (Ballarat Orphanage, Submission 18 to the Senate Committee)
- 5.6.6 *Working in Orphanages.* On top of that you could be put in charge of the little ones, such as making sure they were washed put to bed etc, if they did anything wrong you, as well as the children were punished. (Nazareth House, Camberwell, Submission 169 to the Senate Committee)
- 5.6.7 *Working in Orphanages.* “We hated Saturdays because we did more work – scrubbing out bathrooms and toilets, then matron’s private bathroom, then the downstairs toilet. They’d have inspections. There was a big dining room floor that had to be polished, and a lot of brass – bells, gongs, knobs – and big windows to be cleaned.” (Marigold Kendall from Coinoo Church of England Home as quoted by Penglase, 2005, *Orphans of the Living*)

## 5.7 *Unpaid labour.*

- 5.7.1. "Whilst working on these farm jobs I received no pocket money, even though I regularly signed the pocket money card, I was under the impression that I was signing for wages that were being paid in to the bank for me. On 4 occasions I had returned from work I never received any pocket money or wages. (Submission 217 to the Senate Committee)

## 5.8. *Shame and Stigma.*

- 5.8.1 When I left the home I felt the stigma of being raised as a state ward, I felt lost and isolated. I didn't admit to being a state ward for many years and would avoid questions relating to my family and make up a story to appear 'normal'. (Submission 33 to the Senate Committee)
- 5.8.2 There is a sense for me that I have no 'legitimacy', and where beginning life in an institution, where you are fed, watered and bathed, is the overwhelming legacy of that experience, that is what is so hard to live with. That sort of 'bedrock' is just not enough to develop that crucial sense of self we all need to carry ourselves through life with any success. (Submission 418 to the Senate Committee)
- 5.8.3 There is also a hell of a lot of fear in the workplace that comes from childhood, when we were punished if we were not perfect. The stigma attached to being a former resident has a significant impact on securing employment. For example, you try to better yourself, so you go along and apply for a job. They give you a form to fill in. Bang! There it is. It jumps out at you and belts you between the ears. It asks "What is your educational standard?" You just walk away. You do not even bother applying. There never were any resources to aid job hunting. That has had a very big effect on all of our people, for which this state stands accused. (Committee Hansard 12.3.04, pg.10 In Senate Community Affairs References Committee, 2004)

## 5.9 *Effects Today.*

- 5.9.1 "I was asked how this affected me, like many of us older wards of the state, we now find ourselves in a position, where many have adult literacy problems where many of us cannot spell or add up, and some cannot read. In my relationships I struggle with trust and choosing non abusive partners, and I still have a feeling of low self esteem, and have struggles with depression. I have had to fight to get counselling". (Submission 8 to the Senate Committee)
- 5.9.2 "For years, as late as the 1980's Christmas was a time of misery for me. Christmas Eve was the last time that I was sodomised by Captain Gilliam and this time of year always sent the memories flooding back. For many years after this abuse I felt dirty and memories of the abuse and the feeling's of being dirty would resurface whenever I went to the toilet. I have found the process of compiling this statement extremely traumatic and upsetting. Dealing with events and memories that I have tried to avoid for approximately 45 years has been very emotional and has resulted in me becoming physically ill. For some time I have been taking a range of medication to help me cope with my life experiences, I currently take Valium 3 times each day, as well as daily doses of Luvox and sleeping tablets. I am no longer suicidal after finding solace and comfort as a born again Christian. However I have previously

been very suicidal and attempted suicide in 1992 by taking a whole packet of Rhohipnol".  
(Submission 75 to the Senate Committee)

- 5.9.3 No person can come out of these experiences unscathed and many of the former 'girls' from the home have had horrible lives. I saw more than one as Street Walkers and was told about attempts at suicide and destructive relationships. Others have learned to rely on alcohol and more recently other drugs. None have had 'normal' relationships where they realised their potential both emotionally and intellectually. (Submission 311 to the Senate Committee)
- 5.9.4 I feel it altered my aspect on life, I know it made me more anxious, submissive and nervous and I let people intimidate me. I feel as if my spirit had been broken, and it has taken many, many, years to get my life into some sort of order. (Submission 236 to the Senate Committee)
- 5.9.5 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. (Submission 107 to the Senate Committee)
- 5.9.6 How do you know how to be a parent if you have never been parented? How do you know love, if you have never been loved? How do you know how a normal family functions if you have never been in one? These handicaps have been far more pervasive and devastating to my life than the experience of being sexually abused. (Submission 214 to the Senate Committee)

## **6. Recommendations: CLAN requests that the United Nations Committee Against Torture implement these recommendations for Australian Care Leavers:**

- 6.1 **The Australian Government to introduce a national reparations scheme contributed to by all states, churches and charities that ran orphanages, children's Homes, foster care and other institutions.**
- 6.2 **The Australian Government should establish a Royal Commission into abuse of children in institutional care.** The Australian Government should also institute prompt, independent, and thorough investigations into all allegations of torture, and other cruel, inhuman or degrading treatment or punishment that were allegedly committed in Australia's orphanages, children's Homes, foster care and other institutions; and, in appropriate cases, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offences committed, and ensure that all victims obtain redress and have an enforceable right to compensation including the means for as full rehabilitation as possible.
- 6.3 All Australian State Governments to establish open-ended redress schemes ensuring all Care Leavers are aware of the compensation scheme and can apply at any time.
- 6.4 The Australian Government to fund a service to help reunite families.
- 6.5 Priority access to Government welfare services such as housing and medical services.

- 6.6 Acknowledgement by the United Nations that Australian children in 'care' had their human rights violated.
- 6.7 Care Leavers to be provided access to their entire records or files without censorship.
- 6.8 Historical Abuse Units in all police departments founded in all states and territories of Australia to allow for the reporting of crimes committed against them in Australia's orphanages, children's Homes and other institutions.
- 6.9 Official apology from all the religious congregations and the charities that ran Australian orphanages and children's Homes.
- 6.10 Adult Care Leavers to receive reparations for the unpaid work that they were forced to do as children on farms, in orphanages and in laundries.
- 6.11 Justice and Redress for all Australian Care Leavers.

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Appendix 1: Receipt for maintenance payment



Victorian Children's Aid  
Society 9304  
LEONARD STREET, PARKVILLE, N.Z.

Melbourne, 31<sup>st</sup> March, 58

Received from Mr H. M. Cook  
the sum of Three pounds  
for clothing (shoes etc)  
£ 3 : - : -  
with thanks.

Shelma Stillman  
Hon. Treasurer

## Appendix 2: Prisoner record at 2 years old

VICTORIA POLICE [17]

### INVENTORY of the PROPERTY taken from PRISONER

| * Gaol Number of Prisoner. | Date of Arrest. | Lock-up where Searched. | Offence.        | Where Committed. | Convicted. |       | Sentence. |
|----------------------------|-----------------|-------------------------|-----------------|------------------|------------|-------|-----------|
|                            |                 |                         |                 |                  | Place.†    | Date. |           |
|                            | 11-1-57.        | Merburn                 | neglected child |                  |            |       |           |

| Cash and Property Found with Prisoner. |    |    | Condition and Probable Value. | Date of Disposal. | How Disposed of.   |
|--|----|----|-------------------------------|-------------------|--|
| f                                      | s. | d. |                               |                   |  |
|  | 11 | 00 | None                          |                   | <p>Received Property and Money</p> <p>Correct</p> <p>22022</p> |

\* To be filled up in the Gaol.  
† To be filled up after Trial.  
‡ Each article to occupy one line.

P.513/8.16.-3423.

Signature of Prisoner *Unable to write*  
Signature of Arresting Constable *R Hayes i/c 1605*  
Signature of Officer in charge of Watchhouse *R Hayes i/c 1605*

# UNRULY GIRL AGAIN SENT TO PENTRIDGE

**Melbourne—**The 13-year-old girl State ward, who caused a political storm last year when she was put in Pentridge Gaol was taken there again on Saturday night after she had smashed her room at Royal Park receiving Depot.

"She just ran amok. To protect lives and property we had to send for the police," the Children's Welfare Department secretary (Mr. Pittard) said. "In my opinion Pentridge is the only place for her."

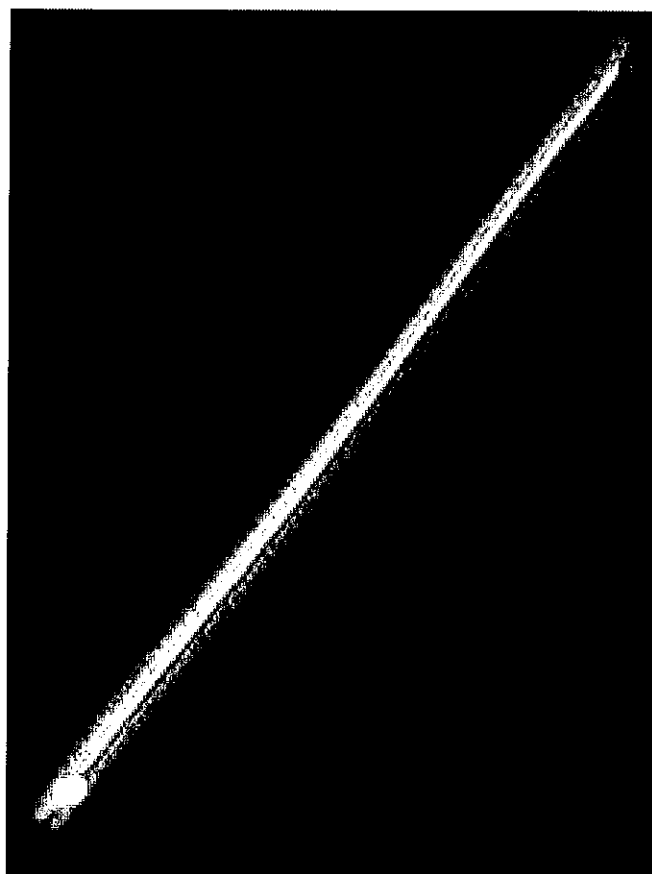
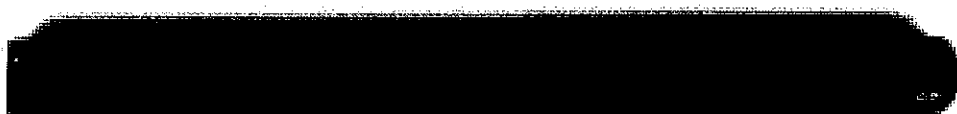
A police spokesman said that the depot had first called for the women police to take the girl away, but the women police refused and an all-male patrol was sent.

Mr. Pittard said that the girl would be held on remand in Pentridge pending police charges for Saturday night's outburst and damage assessed at more than £30.

"We have to protect the lives of our staff and other inmates," Mr. Pittard said yesterday. "She has wrecked her room several times and attacked the staff. We will tell the court that she is quite beyond our resources. We just cannot handle her," he concluded.



**Appendix 4: Strap used at Clontarf Boys Orphanage, Western Australia**



**PERTH POLICE COURT.**

*Before E. W. Landor, Esq., P.M.*

**SATURDAY, October 21, 1876.**

**SERIOUS CHARGE AGAINST A PRIEST AND A SCHOOLMASTER.**

*John Francis Whitely*, schoolmaster at the Subiaco Roman Catholic Orphanage, was charged with having on the 11th inst. committed an aggravated assault and battery upon *Thomas Philip McGann*, a lad under 14 years of age, by flogging him with a cat-o'-nine-tails; and the *Rev. Father Carreras*, the principal of the Orphanage, was charged with aiding, abetting, counselling, and procuring the commission of the said assault and battery.

Mr. Burt appeared to defend, and Mr. Leake, Q.C., Crown Solicitor, was present during the greater part of the proceedings. The *Very Rev. M. Gibney*, and Messrs. *J. T. Reilly* and *J. A. Lucas*, managers of the Subiaco Orphanage, were also present. The Court was crowded throughout the hearing of the case.

His Worship said the present proceedings were instituted to bring to account persons who it was alleged had been guilty of cruelly illtreating an inmate of the Roman Catholic Orphanage at Subiaco. There was no intention to cast any reflection upon the institution itself, which was a very valuable one, no doubt. The investigation had reference simply to the persons concerned.

*Thomas Philip McGann*, an intelligent-looking lad of twelve years of age, said he had been at the Subiaco Orphanage about eight months, during which time he had frequently run away because Mr. Whitely hit him with a white-gum stick for not saying his school lessons correctly—slapping him every time he missed a word. On the 10th inst. he again ran away from the Orphanage because Mr. Callaghan hit him on the side of the head with his fist for not sweeping out the shoemaker's shop. I went to my mother's house, in Perth, and was afterwards taken by P.C. Nugent to Father Gibney, and I returned to Subiaco the same day. The day afterwards Father Gibney and Mr. Lucas came to the Orphanage, and I was flogged that evening. A bell was rung and we were all ordered into the school-room, and Father Carreras directed Mr. Whitely to proceed with the flogging, and ordered me at the same time to strip. I asked to be allowed to keep my trousers on, but this Father Carreras would not permit. Being quite naked, I was placed on another boy's back and beaten with the instrument (cat-o'-nine-tails produced) which Father Carreras took out of his pocket. I saw Mr. Whitely flogging one of the other boys with it next morning. I received thirty-six strokes, Mr. Whitely beating me as hard as he could across the loins. Mr. Whitely made a remark to Father Carreras during the flogging, but I don't know what it was. I was in very great pain, and I got some oil from the cook and from Mrs. Callaghan to put on my

back, which troubled me very much all night, and I could not sleep. During the night I found that my back was bleeding, and in the morning the shirt was sticking to my back. [The lad here exhibited his back. Extending from the hip upwards to the ribs, on the right side chiefly, the flesh appeared to have been lacerated and to be healing, the wales, however, still continuing plainly visible.] McGann, continuing, said that his mother took him back to the Orphanage the next day, but hearing Father Carreras say that he should have another twenty-three strokes he again went off, escaping by the kitchen window, and returning to his mother, who the same evening took him to Corporal Archdeacon, to whom she showed the bruises on his back. The morning after I was flogged a boy was placed on my back and beaten with a dozen strokes by order of Father Carreras; that hurt me very much. Mr. Callaghan counted the strokes as they were made upon me. The instrument produced is the one I was beaten with, but is whiter now than it was then. [The weapon was of the orthodox shape of a cat-o'-nine-tails, with the exception that there were seven instead of nine cords; upon each of which there were four kilots, the ends being fastened with catgut.]

Cross-examined by Mr. Burt, McGann adhered to the foregoing evidence, admitting that he was considered a bad boy for running away; that he had left the institution on six different occasions because Whitely beat him on the hand for not



# STRAPPING OF A CHILD

## EVIDENCE AT INQUIRY

Melbourne, Wednesday.

An inquiry was opened yesterday into the strapping of a boy, Percy Clarence Bartholomew (14), at the receiving home for children at Royal Park last month.

A doctor stated that nine days after the punishment there was extensive bruising over the body and left thigh.

Mr. Jewell, M.L.A., said that the strap used was only fit for a horse.

The boy's mother declared that all the lower part of her son's body was jet black. She added, "When I took him to a magistrate of the Children's Court he said in his 12 years' experience he had not seen anything so inhuman."



## Appendix 7: Guilty finding in a child case:

Guilty finding in a child case. (1954, July 24). *The Advertiser*. p5

### Guilty Finding In Child Case

Finding a young married woman guilty of having ill-treated her three-year-old foster child, Mr. Wilson said that defendant had acted with utter inhumanity towards the girl and had thrashed her with fiendish brutality.

The defendant, Mrs. Vivienne Phyllis Ada Flower, 31, home duties, of Palmer avenue, Kilburn, was remanded until next Tuesday on her own bond of £100 to be paid to the Clerk of the Court before being released. She will be sentenced on Tuesday.

Mr. K. T. O'Loughlin, for the defendant, called some evidence of character and then obtained an adjournment until Tuesday when further evidence will be called on her behalf.

Mrs. Flower had been charged with having, between February 21 and May 5, ill-treated Laura Hill, 3, in a manner likely to subject her to unnecessary injury and suffering.

The defendant, who denied the charges, was alleged to have thrashed the child repeatedly at her home, causing bruises almost all over her body.

In his finding, the magistrate said that the defendant's cruelty had reacted psychologically on the child to produce dirty habits, thus initiating a most vicious circle.

"I have never heard of a child whose body was in such a battered condition as that found by the police medical officer, Dr. A. W. Welch," said Mr. Wilson.

Mr. Wilson said he was forced to the conclusion that the defendant was not telling the truth in the witness box when she said she was unaware of the bruises on the child subsequently found by Dr. Welch.

#### False Alibi

The magistrate referred to the evidence of a neighbor named Monahan, who said that he heard Mrs. Flower thrashing Laura Hill for 45 minutes on the night of April 29.

This was a most serious allegation, Mr. Wilson said, and showed Mrs. Flower's utter inhumanity towards Laura.

"I shrink from repeating the details," said the magistrate.

"Mrs. Flower had attempted to set up an alibi by stating that she was at her sister's home at Blair Athol that night.

"I am convinced that it was a false alibi and that both she and her sister had lied in the witness box.

"In short, the credibility

of Mrs. Flower was completely demolished."

Mr. Wilson said that an extraordinary feature of the case was that Mrs. Flower, who claimed to be a sick woman, sought two foster children against the wishes of her husband, and to use her own words, "when I have five other dirty little — to look after."

#### "Hypocrisy"

"When Mrs. Flower said she took Laura for company it was sheer hypocrisy," said Mr. Wilson. "In her evidence she said she often gave Laura repeated thrashings and smacked her until she was sick of it."

"I find that on three separate occasions Mrs. Flower thrashed Laura with fiendish brutality."

"The defendant's evidence in trying to explain the bruises was strained and far-fetched. She appeared to be groping desperately for straws to build a bulwark against the weight of evidence against her."

"She made a vain attempt to explain away the bruises."

"The explanation offered for some of the injuries to Laura and the defendant's inability to account for every single bruise ought, I think, to be accepted as reasonable."

"But after that allowance is made I feel bound to find that there remains a very

substantial and imposing residue which is entirely unaccounted for

"Since the injuries must have been accidental or deliberately inflicted when the child was in the defendant's care, that finding alone would probably suffice to justify a conviction."

"But the evidence goes a good deal further. Not only have we Dr. Welch's evidence that the injuries were consistent with repeated thrashings, but we have the defendant's own admission to the police that she smacked the child until she was sick of smacking her—for dirty habits."

#### "Fiendish Brutality"

"While she denies undue violence, there is evidence from three witnesses, which I accept, which proves that on three occasions when the defendant was moved to chastise Laura, she did so with fiendish brutality."

"Reluctant as I am to come to a finding of cruelty against a mother or foster-mother the evidence drives me to it with an urgency and insistence that simply cannot be denied," said Mr. Wilson.

"In view of the obvious ill-feeling between Mrs. Flower and her neighbors, I should say for the information of Mrs. Flower and others who may be concerned, that the conclusion to which I feel impelled to come to in this



case does not depend on the tale-telling of neighbors.

### “Cruel Streak”

“I think that the most charitable view of the case that I can take is that Mrs. Flower, having a very hard disposition, may have had her temper shortened almost to invisibility by the hard work, sacrifices and irritations associated with bringing up a large family to such an extent that she was temperamentally fantastically unsuited to the task of looking after foster children for whom she would have no instinctive mother love to curb her cruel streak.

“She was guilty of incredible folly in taking in further children in the circumstances, and I am driven to the nauseating conclusion that she did so for the sake of a few wretched shillings profit which she hoped to make out of it.

“When Laura naturally caused her some extra trouble she took it out literally on the hide of the hapless child. There folly ended, and criminal cruelty took its place.

“The father’s admitted authority to chastise Laura for her dirty habits was, of course, most ill-advisedly given. However, it did not in fact or in law authorise anything like the excessive and brutal punishment meted out to the child.

“These habits of Laura admittedly developed only after she had been with Mrs. Flower for at least a week.

“One does not need to be an expert psychologist to deduce that the relationship of cause and effect as between dirty habits and the smacking very probably existed in their reverse directions.

“In other words, Mrs. Flower’s cruelty reacted psychologically on the child to produce the dirty habits, thus initiating a most vicious circle.”

APP Hender prosecuted

### No Wireless Licences

Manuel Farrugi, of Amy street, West Croydon, and Max Morris, of Hindley street, Adelaide, were each fined £5, with 10 costs, for not having had current broadcast listeners’ licences.

Mr. V. Nunn, wireless licence inspector, prosecuted

# **WOMAN GUILTY OF MANSLAUGHTER**

## **Malnutrition Caused Death Of Child**

**MELBOURNE, Wednesday.**—Mrs. Mary Rane, of Hallam, was found guilty today of the manslaughter of Leonard Maxwell Kirkwood, aged seven months, a ward of the State placed in her care.

She was remanded for sentence.

Following a visit to her home by an inspector from the Society for the Prevention of Cruelty to Children, Kirkwood and three other wards of the State were removed to the Royal Park depot. Kirkwood died of bronchitis and malnutrition two days later.

Mr. Justice Wasley said that the medical evidence showed that the real cause of Kirkwood's death was malnutrition, not bronchitis.

## **Appendix 9: Ryle, G. & Hughes, G. Babies used in experiments. (1997, June 10) *The Age***

Author: Gerard Ryle and Gary Hughes

Source: *The Age*

Date: June 1997

INSIGHT - Medical research in Melbourne orphanages revealed

- \* Trial vaccine failed to pass animal safety test

- \* Fears for infants over severe toxic reactions

Children in orphanages and babies' homes in Victoria were used in post-World War II medical experiments and research that continued until 1970.

The experiments included trials of new vaccines that did not work or failed to pass safety tests in animals.

Babies less than 12 months old were injected with large doses of an experimental vaccine against herpes. Other experiments included giving children a test vaccine against whooping cough which was never put into production.

An Insight investigation by *The Age* has discovered hundreds of children in orphanages and babies' homes, including wards of state, were used in the experiments and studies over 25 years.

They were used to test vaccines and antigens for toxic effects before the new products were used on children in the wider community. In a number of the tests babies developed adverse reactions, including vomiting and abscesses.

Those carrying out the experiments included researchers from the Commonwealth Serum Laboratories and the Walter and Eliza Hall Institute of Medical Research.

*The Age* has identified four of the church-run or independent institutions where experiments and tests took place. Others remain unidentified.

In the largest experiment, which was still running in 1970, 350 infants between the ages of three months and 36 months in unnamed institutions were injected with full adult doses of trial influenza vaccines to test for toxic reactions.

Researchers from the Commonwealth Serum Laboratories admitted at the time that they approached the test with "some trepidation" because influenza vaccines had "long been known to produce more severe toxic reactions in children than in adults".

*The Age* has learnt that two previous tests of influenza vaccines on children produced severe toxic reactions. It is believed that the results of the tests were never published.



Production of a whooping cough vaccine used by the CSL on groups in babies' homes was halted after it failed to pass a safety test in animals.

It is unclear in the experiments and studies uncovered by *The Age* who gave consent for the use of the infants.

CSL's company secretary, Mr Peter Tuohy, said in a statement to *The Age*: "CSL Limited, an independent public company . . . could not comment on clinical trial protocols of the era when the then laboratories were an arm of the Commonwealth Department of Health."

The Walter and Eliza Hall Institute of Medical Research confirmed it had conducted tests with a killed herpes simplex vaccine on 16 children at the St Joseph's Foundling Hospital, which was also known as the Broadmeadows Babies' Home. The experimental vaccine failed to protect the children against the virus.

"These studies were carried out with the cooperation of the sisters in charge of the orphanage," the institute's spokesman, Dr David Vaux, said. "If similar studies were to be carried out today, the experimental protocols would have to be approved by a human ethics committee and informed consent would have to be obtained by the individuals involved or their guardians."

Dr Vaux said he could only assume that consent to use the babies came from the Roman Catholic order that ran the orphanage, the Sisters of St Joseph. Sister Colleen O'Dwyer, the order's province leader, said she was "unaware of any form of medical experimentation" having taken place.

| Cause of death                     | Number of children who died while in State care |
|------------------------------------|---|
| Natural causes: infectious disease | 128   |
| Natural causes: medical condition  | 108   |
| Accident                           | 85  |
| Malnutrition                       | 24  |
| Undetermined                       | 20 <sup>14</sup>                                |
| Allegations of criminal conduct    | 15 <sup>15</sup>                                |
| Suicide                            | 11  |
| Substance abuse including petrol   | 2   |
| TOTAL                              | 393   |

**Table 3 Causes of death of children in State care**

# Appendix 11: NSW Deaths from various Annual Reports

TABLE showing Deaths in Institutions Licensed under Part V of the Child Welfare Act, 1923.

| Complaint.   | 1937-38.         |                 | 1938-39.         |                 |
|--|------------------|-----------------|------------------|-----------------|
|  | Under 12 months. | Over 12 months. | Under 12 months. | Over 12 months. |
| Prematurity .....  | 17               | ...             | 14               | ...             |
| .. and Pneumonia .....                                     | ...              | ...             | ...              | ...             |
| Neonatorum .....   | ...              | ...             | ...              | ...             |
| Prematurity and Congenital defect of digestive tract ..... | ...              | ...             | ...              | ...             |
| Immaturity .....   | ...              | ...             | ...              | ...             |
| Congenital Debility .....                                  | 1                | ...             | ...              | ...             |
| Marasmus .....   | 1                | ...             | ...              | ...             |
| Congenital heart disease .....                             | ...              | ...             | ...              | 1               |
| Atelectasis .....  | ...              | ...             | 1                | ...             |
| Measles and bronchitis .....                               | ...              | ...             | ...              | 1               |
| Pertussis and heart disease .....                          | ...              | ...             | 1                | ...             |
| Extreme malnutrition .....                                 | ...              | ...             | 1                | ...             |
| Measles and convulsions .....                              | ...              | ...             | ...              | 1               |
|  | 19               | ...             | 17               | 3               |

TABLE showing Deaths of Children in Homes licensed under Part V of the Child Welfare Act and who were Removed to Hospital, where death took place.

| Complaint.  | 1937-38.         |                 | 1938-39.         |                 |
|---|------------------|-----------------|------------------|-----------------|
|   | Under 12 months. | Over 12 months. | Under 12 months. | Over 12 months. |
| Pneumonia .....   | 3                | 4               | ...              | ...             |
| Broncho-pneumonia and Scarlet Fever .....                           | ...              | ...             | ...              | ...             |
| Influenza and Meningitis .....                                      | 1                | ...             | ...              | ...             |
| Convulsions and Congenital Heart Disease .....                      | 1                | ...             | ...              | ...             |
| Cerebral Haemorrhage .....  | 1                | ...             | ...              | ...             |
| Aplastic Anaemia .....  | ...              | 1               | ...              | ...             |
| Congenital Debility, Gastro-enteritis and Double Otitis Media ..... | ...              | 1               | ...              | ...             |
| Enterocolitis .....   | ...              | 1               | ...              | ...             |
| Prematurity and Pneumonia .....                                     | 1                | ...             | ...              | ...             |
| Gastro-enteritis and Mongolism .....                                | 1                | ...             | ...              | ...             |
| Broncho-pneumonia, Gastro-enteritis and Marasmus .....              | 1                | ...             | ...              | ...             |
| Broncho-pneumonia and Congenital Steatorrhea .....                  | 1                | ...             | ...              | ...             |
| Diphtheria .....  | ...              | ...             | ...              | 2               |
| Intestinal Obstruction and Intussusception .....                    | ...              | ...             | 1                | ...             |
| Pertussis .....   | ...              | ...             | ...              | 1               |
| Gastro-enteritis .....  | ...              | ...             | 1                | ...             |
| Marasmus .....  | ...              | ...             | 1                | ...             |
| Cellulitis of arm .....   | ...              | ...             | 1                | ...             |
| Gastro-enteritis (toxic) .....                                      | ...              | ...             | 2                | ...             |
| Gastro-enteritis and Broncho-pneumonia .....                        | ...              | ...             | 1                | 1               |
| Congenital Heart Disease .....                                      | ...              | ...             | 1                | ...             |
| Broncho-pneumonia and Rickets .....                                 | ...              | ...             | ...              | 1               |
| Tumor of brain .....  | ...              | ...             | ...              | 1               |
| Totals .....  | 10               | 7               | 8                | 6               |



## Appendix 11 continued

TABLE showing Causes of Deaths in Institutions Licensed under Part VII.

| Complaint.   | 1944-45.         |                 | 1945-46.         |                 | 1946-47.         |                 |
|--|------------------|-----------------|------------------|-----------------|------------------|-----------------|
|  | Under 12 months. | Over 12 months. | Under 12 months. | Over 12 months. | Under 12 months. | Over 12 months. |
| Acute gastro-enteritis .....                               | ...              | ...             | ...              | 1               | ...              | 1               |
| Prematurity .....  | 17               | ...             | 8                | ...             | 23               | ...             |
| Congenital heart disease .....                             | 2                | ...             | 2                | ...             | 1                | 1               |
| Marasmus .....   | ...              | ...             | 1                | ...             | ...              | ...             |
| Gastro-enteritis .....                                     | ...              | 1               | ...              | 1               | ...              | ...             |
| Congenital abnormalities .....                             | ...              | ...             | ...              | ...             | ...              | ...             |
| Pneumonia .....  | ...              | ...             | 1                | 1               | 2                | ...             |
| Bronchial pneumonia .....                                  | 2                | ...             | ...              | ...             | 2                | ...             |
| Congenital steatorrhea .....                               | 1                | ...             | ...              | ...             | ...              | ...             |
| Meningitis .....   | ...              | 1               | ...              | ...             | ...              | ...             |
| Lobar pneumonia .....                                      | ...              | ...             | ...              | ...             | ...              | ...             |
| Marasmus, mongolis, congenital heart .....                 | ...              | ...             | ...              | ...             | 1                | ...             |
| Tubercular mastoiditis .....                               | ...              | ...             | ...              | ...             | ...              | ...             |
| Congenital pancreatic defect and bronchial pneumonia ..... | 1                | ...             | ...              | ...             | ...              | 1               |
| Feeding case .....   | ...              | ...             | ...              | ...             | ...              | ...             |
| Cerebral Irritation .....                                  | 1                | ...             | ...              | ...             | ...              | ...             |
| Reticulo endotheliosis .....                               | ...              | 1               | ...              | ...             | ...              | ...             |
| Cardiac failure and pneumonia .....                        | ...              | ...             | ...              | ...             | ...              | ...             |
| Measles and gastro-enteritis .....                         | ...              | ...             | ...              | ...             | ...              | ...             |
| Diphtheria .....   | ...              | 2               | ...              | ...             | ...              | ...             |
| Bronchial asthma .....                                     | ...              | ...             | ...              | ...             | ...              | ...             |
| Other .....  | 3                | ...             | 12               | 6               | ...              | 4               |
| Post-diphtheric paralysis .....                            | ...              | ...             | ...              | 1               | ...              | ...             |
| Totals .....   | 27               | 5               | 24               | 10              | 20               | 7               |

TABLE showing causes of deaths in Institutions licensed under Part VII.

| Complaint.   | 1940-41.         |                 | 1941-42.         |                 | 1942-43.         |                 |
|--|------------------|-----------------|------------------|-----------------|------------------|-----------------|
|  | Under 12 months. | Over 12 months. | Under 12 months. | Over 12 months. | Under 12 months. | Over 12 months. |
| Prematurity .....                                      | 27               | ...             | 15               | ...             | 11               | ...             |
| Prematurity and Pneumonia .....                        | 1                | ...             | ...              | ...             | 1                | ...             |
| Marasmus .....   | 1                | ...             | ...              | ...             | 1                | ...             |
| Congenital heart disease .....                         | 1                | ...             | 3                | ...             | 1                | ...             |
| Gastro-enteritis .....                                 | ...              | ...             | ...              | ...             | ...              | ...             |
| Schlerema neo natorum .....                            | 1                | ...             | ...              | ...             | ...              | ...             |
| Bronchitis .....                                       | 1                | ...             | ...              | ...             | ...              | ...             |
| Primary Amentia .....                                  | 1                | ...             | ...              | ...             | ...              | ...             |
| Prematurity—   | ...              | ...             | ...              | ...             | ...              | ...             |
| Acute Jaundice .....                                   | 1                | ...             | 1                | ...             | ...              | ...             |
| Jaundice, Congenital Debility, Pneumonia .....         | 1                | ...             | ...              | ...             | ...              | ...             |
| Congenital Heart .....                                 | 1                | ...             | ...              | ...             | 1                | ...             |
| Congenital Abnormalities .....                         | 1                | ...             | ...              | ...             | ...              | ...             |
| Cerebral Degeneration .....                            | ...              | 1               | ...              | 3               | 1                | ...             |
| Pneumonia .....  | 1                | ...             | 1                | ...             | ...              | ...             |
| Bronchial Pneumonia .....                              | ...              | ...             | 1                | ...             | ...              | ...             |
| Congenital Steatorrhea .....                           | ...              | ...             | ...              | 1               | ...              | ...             |
| Post Diphtheric Paralysis .....                        | ...              | ...             | ...              | 1               | ...              | ...             |
| Acute Gastro Enteritis and Hirschsprings Disease ..... | ...              | ...             | ...              | 1               | ...              | ...             |
| Debility .....   | ...              | ...             | 1                | ...             | ...              | ...             |
| Fractured Skull .....                                  | ...              | ...             | ...              | 1               | ...              | ...             |
| Other .....  | ...              | ...             | ...              | ...             | ...              | ...             |
| 57   | 38               | 1               | 22               | 6               | 15               | 7               |

TABLE 45.

**NUMBER OF INSTITUTIONS LICENSED UNDER PART VII  
CHILD WELFARE ACT, ADMISSIONS, DISCHARGES  
AND DEATHS OF CHILDREN UNDER 7 YEARS.**

|  | 1946-47. | 1947-48. | 1948-49. |
|--|----------|----------|----------|
| Number of Institutions licensed by the Department    | 94       | 104      | 116      |
| Number of children in residence at beginning of year | 1,453    | 1,034    | 1,094    |
| Admissions throughout the year                       | 1,842    | 1,073    | 1,593    |
| Total inmates during the year                        | 3,105    | 3,307    | 3,287    |
| Discharges   |          |          | 1,204    |
| Over age   | 1,525    | 1,571    | 824      |
| Deaths   | 36       | 32       | 7*       |
| Number of children in residence at end of year       | 1,634    | 1,094    | 1,252    |

\* Sudden decrease in deaths due to Tressillian Homes being exempted from provisions of the Act.

TABLE 47.

**CAUSES OF DEATHS IN INSTITUTIONS LICENSED UNDER  
PART VII.**

| Complaint.                    | 1949-50.       |               | 1950-51.       |               | 1951-52.       |               |
|-------------------------------|----------------|---------------|----------------|---------------|----------------|---------------|
|                               | Under 12 mths. | Over 12 mths. | Under 12 mths. | Over 12 mths. | Under 12 mths. | Over 12 mths. |
| Congenital heart disease      | ...            | ...           | ...            | ...           | ...            | 1             |
| Bronchial Pneumonia           | 1              | ...           | 1              | ...           | ...            | ...           |
| Cardiac failure and Pneumonia | 1              | ...           | ...            | ...           | ...            | ...           |
| Gastro-enteritis              | ...            | ...           | ...            | 1             | ...            | ...           |
| Congenital abnormalities      | ...            | ...           | 1              | ...           | ...            | ...           |
| Others                        | 1              | ...           | ...            | 2             | 1              | 1             |
| Totals                        | 3              | ...           | 2              | 3             | 1              | 2             |

## **Appendix 12: Transcript for pocket knife stabbing**

"Two new boys came one was about 7 or 8 or 9. His name was Brian Bott and er he had a little brother called Anthony. Now Anthony was around about 4 or 5 and he was very, very small, very tiny.

Er, I can still picture him blonde hair, very, very little and er nobody in the orphanage was allowed to have anything that could cut - knives, forks or anything, any cutting implements whatever, except one boy who was the mother's pet. Now his name was Keith Bonney.

It happened er, that Keith Bonney stabbed er this little Anthony Bott with a pocket knife that he had. And um the whole thing was er, er how do you say, it was hushed up by the nuns. We weren't allowed to discuss it. We weren't allowed to speak to the police. We had no inclination to speak to the police because we had no idea er of who to see or anything about law and order and we only knew the things that happened in the orphanage.

We um, we weren't allowed to discuss the er, the death of this little boy among ourselves or with anyone else, er it just was er forbidden to speak about in any way.

And um, we all knew that Keith Bonney had killed him with a pocket knife and the only boy in the school - in the orphanage that had a pocket knife was Keith Bonney, who was Mother Genevieve's pet.

Also he was a really good er friends so to speak with the lady who did the cooking. Her name was Mrs O'Sullivan and er, like I said earlier about our nicknames er we had a nickname for Mrs O'Sullivan's soup which was quite hideous - even when you were hungry it was hard to eat or more or less drink. The soup that Mrs O'Sullivan made and of course the older boys started the saying er "SSOSS" which simply stander er stood for "Mrs Sullivans Same Old Sloppy Soup" or "Sullo's Same Old Sloppy Soup" actually. Um and she was er um befriending this boy Keith Bonney. I don't know if Keith Bonney was a local fellow from the Goulburn area or his parents had died or something. I'm not sure but Keith Bonney was the mother's pet and Keith Bonney killed this little boy and we weren't allowed in any way or form to discuss it. So it was er more or less swept under the carpet. We did have a mass er at this little boy's funeral and the mass was at the chapel at the orphanage. But as far as I know there was never any er any blame laid on er Keith Bonney at all. So um what happened about that er is anybody's guess."

## INFANT'S DEATH.

### Foster Mother Charged.

#### Malnutrition Alleged.

MELBOURNE, Tuesday.—The taking of evidence was finished in the Criminal Court to-day in the second trial of Mrs. Mary Kane, of Tallam, who pleaded not guilty to a charge of the manslaughter of Leonard Maxwell Kirkwood, an infant ward of the State, who died from malnutrition and bronchitis after being in her care for five months.

Dr. Vincent Phillip Johnson, who was medical officer at the Children's Welfare Depot at Royal Park for 15 months, said he had seen many wards come back suffering from malnutrition. When Kirkwood was sent to Kane he was a normal child, but when he came back to the depot on June 13 he was suffering from sores, malnutrition and acute bronchitis. His clothing had to be burnt.

Ethel Ann Fernald, sister at the Royal Park Depot, confirmed charts showing the weights of two infants which were placed with Kane at two months.

In evidence on oath Kane denied

neglect. She said she was the mother of nine children, of whom five were still living with her. She had three cows, and it was on milk from these that the wards of the State were fed. She had told Dr. Holden, of Dandenong, of Kirkwood's condition, and had done as instructed by him. In her opinion the other children were quite normal when taken from her.

In answer to the Crown Prosecutor (Mr. C. H. Book), Kane said that she took the children to augment her income, but there was not much in it. She had a daughter at home, and thought that with her assistance the infants would be well looked after. They were fed on cow's milk, barley-water and biscuits, and were kept clean.

Justice Wasley will sum up to-morrow.



## WARDS OF STATE.

### DEATHS NOT REPORTED.

#### CORONER'S COMMENTS.

"When children who are under the Department for Neglected Children die their deaths are not reported to me, but I think that they should be, as they are still boarded-out children," said the coroner (Dr. Cole) when inquiring into the deaths of two infants on Saturday. In one case he found that death was due to inflammation caused by a change in food. In the second case the child died from prematurity and exhaustion. The nurses were in no way to blame.

Continuing his comments, the coroner said that the problem of saving infant life was interesting other countries besides Australia. Attempts were being made all over the world to determine the cause of the inflammation which killed so many boarded-out children. It was usually attributed to the food, yet children who had their food given to them in a very haphazard fashion often managed to survive. In other cases, the nurses were clean and careful, the children were under a doctor's supervision, and yet they died. With the birth rate falling in so many countries, it had become a question of first importance to find a means of saving these little lives. While the present system of boarding out children was an improvement on the old, it was still very difficult for him to estimate the number of deaths, because they were not all reported to him. When the mother ceased to pay for the child, and the State contributed the money, the child became a ward of the State, but whether they were boarded out or wards of the State their deaths should, in his opinion, still be reported to him. So far as could be judged, the baby farmer had been eliminated, and that was a step forward, but it would be a step further to find out the cause of this inflammation of the bowels. There was no doubt that it could be discovered.

Dr. C. H. Mellison, in his evidence, said that the child who died from prematurity should have been kept in an incubator. Dr. Cole did not think that would be possible with children who were boarded out, and a lady inspector said that the Department for Neglected Children had no incubators.

**Appendix 15: De Wind, C. (2010, January 19<sup>th</sup>). The State of Parkerville's Babies Graves. Hills Gazette**

THE poor state of babies' graves belonging to Parkerville Children and Youth Care has upset Armadale resident Bob McGuire.

Mr McGuire was a former resident at the home – previously known as Parkerville Children's Home – and said he was shocked at the current condition of the gravesite. "The cemetery is neglected and needs to be beautified – vegetation is growing over the graves and leaves clutter the area," he said. "There are always beer bottles and litter clogging the area.

"We want to make it a beautiful place that people can visit and reflect." There are 30 bodies buried at the cemetery, about 3km into bushland from the group's administration building.

"It's beyond my imagination why they took the bodies so far out from the home," Mr McGuire said. Parkerville Children and Youth Care chief executive Basil Hanna said he understood Mr McGuire's view but insisted the cemetery was in decent shape.

"The only problem we encounter is the site's open exposure – some people ride their bikes between the graves," Mr Hanna said.

Mr Hanna said they wanted to make the graveyard a reflection zone. "We'd have to draw up plans and get permission from the Shire of Mundaring," he said. "We also need to get a rough estimation of the cost – we anticipate it will be in the region of \$50,000." Mr Hanna said the group was seeking interested patrons to invest in the cause.

#### **Appendix 16: Ballarat Deaths – [www.clan.org.au](http://www.clan.org.au)**

- **William Morley**, Died 22/12/1875, Aged 9
- **John Thomas Mills Wormald**, Died 14/2/1876, Aged 6 years
- **Mary Brady**, Died 14/11/1876, Aged 8
- **Charles Christian Mason**, Died 27/11/1876, Aged 11
- **Percy Golding**, Died 24/12/1876, Aged 5
- **Mary Davies**, Died 13/5/1877, Aged 8
- **Richard Joseph Bennington**, Died 19/4/1880, Aged 10
- **Margaret Thomas**, Died 4/11/1881, Aged 10
- **John Henry Watson**, Died 18/2/1886, Aged 10
- **Ada Stalk**, Died 30/3/1886, Aged 13
- **Michael Wade**, Died 29/9/1887, Aged 5
- **Catherine Cahill**, Died 13/10/1889, Aged 7
- **Ada Salter**, Died 25/01/1895, Aged 7
- **Catherine Sunderland**, Died 14/3/1895, Aged 14
- **William White**, Died 22/7/1898, Aged 9
- **Ethel May Strahan**, Died 7/12/1900, Aged 10
- **Leslie William Adams**, Died 4/9/1902, Aged 11
- **Florence Marcia Box**, Died 9/9/1910, Aged 2
- **Alex George Patterson**, Died 4/10/1923, Aged 4
- **Florence Cowell**, Died 9/5/1924, Aged 9
- **Charles Frederick Falk**, Died 21/7/1925, Aged 14
- **Bertie Perry**, Died 19/2/1928, Aged 13
- **John Welsh**, Died 1/12/1928, Aged 21
- **Thomas Alfred Collard**, Died 30/6/1931, Aged 5
- **Joyce Sinnett**, Died 4/8/1933, Aged 12
- **Leslie Colin Ramsay**, Died 13/8/1939, Aged 15



**Appendix 17: State sanctioned rape – vaginal examination**

000093

CHILD WELFARE DEPARTMENT

Metropolitan Girls' Shelter,  
Avon Street, 19/6 59  
GLEBE, .....19....

I certify that I have this day examined.....  
Age.....yrs. N.S.I. L.M.P. 2/5/2090  
She states.....  
.....  
.....  
\* Does physical examination support her statement?.....  
.....  
Any signs of venereal disease?.....  
.....  
Any signs of Pregnancy?.....  
GENERAL HEALTH:.....  
.....  
MORAL SENSE:..... INTELLIGENCE:.....  
RECOMMENDATION:.....  
Dunne

reads one finger.



21/10

CHILD PROTECTION DEPT.  
B 193391-1-  
20 AUG 1959

000115

CHILD BUILDING  
101 LETH ST.  
PARRAMATTA.

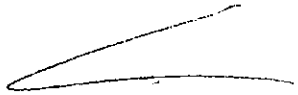
MEDICAL CERTIFICATE

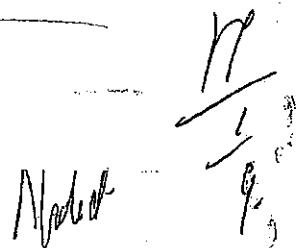
I hereby certify that I have this day  
medically examined \_\_\_\_\_, oct. 15,  
and find that she is of strong physique, is  
neither obese, is fairly bright mentally and has  
a moral sense.

She is virgo intacta and there is no  
evidence of pregnancy or venereal disease.

H.S. MacArthur Brown  
M.B. Green

August 18, 1959.





000130

CHILD WELFARE DEPARTMENT

Metropolitan Girls' Shelter,

Avon Street,

GLERE.....15.6.39.....

I certify that I have this day examined.....

age.....<sup>15</sup>.....years.

She states.....S.I. once only, 2 days ago - no

penetration.....

Does physical examination support her statement?.....I consider

S.I. has occurred + prior to 2 days ago.....

Any signs of venereal disease?.....no

Any signs of Pregnancy?.....no

GENERAL HEALTH.....normal

MORAL SENSE:.....only fair.....INTELLIGENCE.....poor

RECOMMENDATION

*For Report*

**Appendix 18: Carrick, D. (Presenter). (2009, March 10). *Forgotten Australians* [Law Report]. Melbourne, Vic: ABC Radio National**

**Damien Carrick:** And what kinds of injury are we talking about, and how do you establish that, to get that \$40,000 or \$80,000?

**Angela Sdrinis:** Well it's largely psychological injury. You need to provide medical evidence that you've suffered a psychiatric injury, and beyond that, for example, badly-deformed feet, because they were given shoes that were just way too small over a decade. Back injuries from the slave labour that they were required to perform, and of course we see, all too often, very bad in the men, colo-rectal injuries from being sodomised repeatedly over a number of years, and in some of the women, infertility. We've got two clients, twin sisters, who were diagnosed as having gonorrhea at the age of four months. It's in their records. They were never treated for it. Now the first question is, how did they get the gonorrhea? And the next question is, well, you knew it was there, you've recorded it; what did you do for them?

So other situations, children who were given massive doses of lithium, really heavy, heavy psychotropic drugs for years, for conditions they never had. It was a way of 'managing' them. Now those people will never recover from that.



## **BINDOON ORPHANAGE.**

*The illustrations on this page show the Christian Brothers' St Joseph's Trade and Farm School for Orphan Boys at Bindoon. The orphanage was officially opened last Sunday and was built entirely by the boys themselves.*

**Appendix 20: Approximate Number of Homes in each state**

| State                        | Number of Institutions |
|------------------------------|------------------------|
| New South Wales              | 216                    |
| Victoria                     | 183                    |
| Queensland                   | 116                    |
| Western Australia            | 161                    |
| South Australia              | 119                    |
| Tasmania                     | 46                     |
| Northern Territory           | 15                     |
| Australian Capital Territory | 1                      |
| Total                        | 857                    |

**Appendix 21: List of Past Providers of Orphanages, Children's Homes, Institutions and Foster Care services.**

- Association of Bethel Home
- Australian Jewish Welfare Society
- Australian Red Cross
- Ballarat Orphanage Independent Management Committee
- Baptist Church of Australia
- Barnardos Australia
- Benedictine Community
- Benevolent Society
- Berry Street Victoria
- Carry on Club Victoria
- Catholic Church
  - Brothers of St John of God
  - Christian Brothers
  - Daughters of Divine Zeal
  - Daughters of Our Lady of Compassion
  - Daughters of Our Lady of the Sacred Heart
  - De La Salle Brothers
  - Franciscan Missionaries of Mary
  - Good Samaritan Nuns
  - Marist Brothers and St Vincent De Paul Society
  - Orders of Friars Minor (Franciscans)
  - Salesians of Don Bosco
  - Sisters of Charity
  - Sisters of the Good Shepherd
  - Sisters of Holy Family of Nazareth
  - Sisters of the Lady of Sion
  - Sisters of Mercy
  - Sisters of Nazareth
  - Sisters of the Resurrection
  - Sisters of St Joseph
- Central Methodist Mission
- Church of Christ New South Wales
- Church of England/Anglican Church of Australia
- Congregational Church of Queensland
- Methodist/Presbyterian/Uniting Church of Australia
- Fairbridge Society
- L.O. Bailey
- Legacy
- Lutheran Church of Australia
- Melbourne City Mission
- Mission of St James and St John
- One People of Australia League
- Open Brethren Assembly

- Salvation Army Southern and Eastern Regions
- Seventh Day Adventist Church
- Sisters of the Good Shepherd
- Sydney City Mission
- Wesley Central Mission
- Try Boys Society
- United Protestant Association
- United Protestant Association Queensland
- Victorian Children's Aid Society
- State Governments:
  - Australian Capital Territory
  - New South Wales
  - Northern Territory
  - Queensland
  - South Australia
  - Victoria
  - Tasmania
  - Western Australia

## **"Boarding Out State Wards Becoming Baby Farming"**

**MELBOURNE, Tuesday.**—That the Victorian system of boarding out State wards was developing into baby farming was the belief expressed today before the State Ward Commission by Miss Joan Daley, organiser of the Victorian branch of the Australian Labour Party.

The Commission is enquiring into the boarding out system and the administration of the Children's Welfare Department.

Miss Daley said that there was a shocking lack of supervision of foster homes, both by departmental inspectors and medical officers.



**Appendix 23: Lavender, W. (2011, November 25). Ray's long search for Fields family. Kalgoorlie Miner. p6**

**Ray's Long Search for Fields Family**

When Ray Prosser arrives in Kalgoorlie-Boulder on Monday, it be the end of a very long search, but may also be a new beginning.

The 84 year old has lived his life without knowing his mother or father or the reason he was left in an orphanage at the age of six months.

Every baby born has parents, but not every child is fortunate enough to know them. Mr Prosser is one of the unfortunate ones and the not knowing has haunted him for a lifetime.

Several months ago he discovered his mother, Bet Spani, was well-known in Kalgoorlie-Boulder as the Avon Lady.

"She died in Kalgoorlie's Southern Cross Nursing home in 2001 and was buried in Kalgoorlie cemetery. It was then I decided to make the trip," he said. It is a journey of hope for Mr Prosser. He plans to visit his mother's grave and would like to talk to anyone who knew her or knew of her.

"I have always wondered why she gave me up" he said.

Mr Prosser has been assisted in his search by national advocacy support group CLAN.

Dora Elizabeth Webber was born in Tasmania on March 22, 1911. She married Thomas Edward Prosser in 1926 and their son was born in 1927.

The young couple separated shortly afterwards, but Mr Prosser knows nothing more, not even their divorce date.

His life was a series of orphanages and other "homes", interspersed by the only parents he has ever known, an elderly Victorian couple he still refers to as his mum and dad.

They cared for him from age three until he was 10, at which time he was inexplicably returned to the orphanage. Mr Prosser left "home" at 14 and, like many children in that era, was set to work, first picking grapes near Midura before a brief return to his "parents". He was subsequently sent to Bayswater Boys' Home, Depot No. 3 then off to work on a farm in Kyewa Valley in country Victoria.

Meanwhile, Dora Prosser remarried in 1942 to an Englishman named Osborne, who was in the Australian Army in WA.

"They separated in 1962 and Dora went on to marry Donald Spani, an Italian-American who was living in Kalgoorlie," Mr Prosser said. He doesn't know if he has any siblings.

With assistance from CLAN, Mr Prosser managed to locate his father's grave.

"He died in 1937 in his late 20s and is buried in an unmarked grave in Fawkner Cemetery, Victoria" he said. He went on to serve briefly with the Australian Navy as part of the Occupation in Japan. Back in Australia he did a series of jobs, mostly driving work. He married and established a family of his own, but still strove to fill the vacuum caused by not knowing his parents and their history.

"I'm hoping someone can step forward and give me some of the information I am missing; I really hope so," he said. "Ideally I would like to be able to take something – a little memento of my mother – back home to Victoria with me.

**Appendix 24: Letter from NSW Department of Human Services commenting of CLAN Member's 'mothering instincts'.**

grandchildren and states that she enjoys spending time with her children and grandchildren.

Diane spoke about Sam (her ex-husband) being in a financial position to support her if Aleayah was placed in her care. It appeared that Diane and Sam have a relatively amicable relationship, and when Sam is available and not working he attends the contact visits to see Aleayah.

Diane briefly spoke about her relationship with Jayden and Ethan. She explained that Jayden is at the age where he does not want to spend time with his grandmother and would prefer to be sitting in front of a computer and playing games. Diane spoke about her relationship with Ethan and advised that he often attends family occasions such as birthdays, Christmas parties and her son's barbeques which is negotiated with his adopted family. In the Court transcript dated 15 April 2011, it was further demonstrated that Diane has a good relationship with Ethan, and sees him on a Tuesday every fortnight.

Diane spoke of her hobbies and interests, stating that she enjoys going to the beach, watching movies, walking and reading. She said she tries to walk 1 hour per day and reads approximately 1 book per week. She described herself as a 'home body' that prefers to visit a friend for "a cup of tea" over having "big nights" or "drinking".

Diane stated that she is heavily involved with an organisation called Care Leavers Australia Network (CLAN). The organisation supports children who grew up in refuges, children's homes or foster care. Diane enjoys writing and has had her work published for CLAN and in newspapers.

Diane stated that Aleayah is her priority, and if Aleayah was placed in her care, she would become her "number one". When Diane was asked what activities she would do with Aleayah, she said she would take her to play with her cousins as well as to a 'mums and bubs' group in the local area. Diane said there is a park close by that she could take Aleayah to and that she would take her to the beach, which is 15 minutes away from where she lives.

Diane advised that if Aleayah is placed in her care, she would not 'deny herself' a couple of hours per week to go out on her own. Diane stated that it is important to have "time out" and suggested her daughter-in-law (if approved by Community Services) could take care of Aleayah.

## **Parenting Skills**

Diane appeared to understand that children demanded monitoring and attention. She said, when looking after kids, you "can't take eyes off them for a minute" and recognised that it is impossible to "child proof everything", hence the need for constant monitoring. She identified potential hazards around the home, such as the heater and corners of tables. Diane believes "it's about common sense", stating, "motherhood comes natural to me". Does this seem realistic given what evidence suggest for kids that have experienced abuse and long term care, we know that Bidura historically was a harsh environment and it seems unlikely that she would be a "natural mother" given her life experiences.

*Discriminatory*

7

## **Appendix 25: Former Prime Minister of Australia Kevin Rudd's Apology**

Today, the Government of Australia will move the following motion of apology in the Parliament of Australia.

We come together today to deal with an ugly chapter in our nation's history.

And we come together today to offer our nation's apology.

To say to you, the Forgotten Australians, and those who were sent to our shores as children without your consent, that we are sorry.

Sorry - that as children you were taken from your families and placed in institutions where so often you were abused.

Sorry - for the physical suffering, the emotional starvation and the cold absence of love, of tenderness, of care.

Sorry - for the tragedy, the absolute tragedy, of childhoods lost, - childhoods spent instead in austere and authoritarian places, where names were replaced by numbers, spontaneous play by regimented routine, the joy of learning by the repetitive drudgery of menial work.

Sorry - for all these injustices to you, as children, who were placed in our care.

As a nation, we must now reflect on those who did not receive proper care.

We look back with shame that many of you were left cold, hungry and alone and with nowhere to hide and nobody to whom to turn.

We look back with shame that so many of you were left cold, hungry and alone and with nowhere to hide and with nobody, absolutely nobody, to whom to turn.

We look back with shame that many these little ones who were entrusted to institutions and foster homes instead, were abused physically, humiliated cruelly, violated sexually.

And we look back with shame at how those with power were allowed to abuse those who had none.

And how then, as if this was not injury enough, you were left ill-prepared for life outside - left to fend for yourselves; often unable to read or write; to struggle alone with no friends and no family.

For these failures to offer proper care to the powerless, the voiceless and the most vulnerable, we say sorry.

We reflect too today on the families who were ripped apart simply because they had fallen on hard times.

Hard times brought about by illness, by death and by poverty.

Some simply left destitute when fathers damaged by war could no longer cope.

Again, we say sorry for the extended families you never knew.

We acknowledge the particular pain of children shipped to Australia as child migrants - robbed of your families, robbed of your homeland, regarded not as innocent children but regarded instead as a source of child labour.

To those of you who were told you were orphans, brought here without your parents' knowledge or consent, we acknowledge the lies you were told, the lies told to your mothers and fathers, and the pain these lies have caused for a lifetime.

To those of you separated on the dockside from your brothers and sisters; taken alone and unprotected to the most remote parts of a foreign land - we acknowledge today that the laws of our nation failed you.

And for this we are deeply sorry.

We think also today of all the families of these Forgotten Australians and former child migrants who are still grieving, families who were never reunited, families who were never reconciled, families who were lost to one another forever.

We reflect too on the burden that is still carried by our own children, your own children, your grandchildren, your husbands, your wives, your partners and your friends - and we thank them for the faith, the love and the depth of commitment that has helped see you through the valley of tears that was not of your own making.

And we reflect with you as well, in sad remembrance, on those who simply could not cope and who took their own lives in absolute despair.

We recognise the pain you have suffered.

Pain is so very, very personal.

Pain is so profoundly disabling.

So, let us together, as a nation, allow this apology to begin to heal this pain.

Healing the pain felt by so many of the half a million of our fellow Australians who were children in care - children in our care.

And let us also resolve this day that this national apology becomes a turning point in our nation's story.

A turning point for shattered lives.

A turning point for governments at all levels and of every political hue and colour to do all in our power to never let this happen again.

For the protection of children is the sacred duty of us all.

This is the motion that later this day this Government will commend to the Parliament of Australia.

Care leavers from around Australia and abroad;

Representatives of the Care Leavers of Australia Network;

the Child Migrants Trust;

the Alliance for Forgotten Australians;

the Leader of the Opposition;

my ministerial and parliamentary colleagues;

representatives of the state governments of Queensland, New South Wales and Victoria;

Her Excellency the High Commissioner for the United Kingdom;

His Excellency the Ambassador of Ireland;

His Excellency High Commissioner for Malta;

ladies and gentlemen;

friends, one and all;

Our purpose today in this Great Hall of this great Australian Parliament is to begin to put right a very great wrong.

To acknowledge the great wrong that has been done to so many of our children.

And as a nation, to apologise for this great wrong.

And, as a nation, to resolve that such systematic abuse should never happen again.

The truth is this is an ugly story.

And its ugliness must be told without fear or favour if we are to confront fully the demons of our past.

And in so doing, animate, once again, the better angels of our human nature.



I believe we do a disservice to those who have been the victims of abuse if in any way we seek to gloss things over.

Because the truth is great evil has been done.

And therefore hard things must be said about how this was all possible in this country of the fair go.

Unless we are now transparent about what has been done in our nation's name, our apology can never be complete.

Because let us be clear - these children, both from home and abroad, were placed in care under the auspices of the state, validated by the laws of the land.

It is estimated that more than 500,000 children were placed in care under various arrangements over the course of the last century.

This is no small number.

Let us imagine that more than half of the city of Adelaide was drawn from children who had been placed in institutional or foster care.

This is no small number.

In recent weeks, it has been my privilege to meet some of these children, most of them now middle-aged.

And some perhaps a little older again.

And I take the intervention from the floor - some younger than that again.

Here is something of their stories as told to me.

Last week I sat down with Garry for a cup of tea at his home here in Canberra.

Garry told me he had five brothers and sisters.

His father was an ex-serviceman who, in Gary's words, drank himself to death.

When Garry was four or five, he remembers being taken to the steps of the local police station with his brothers and sisters and told to wait until his mum returned, who had promised ice creams for all.

She never returned.

As Garry recalls, "I never got my ice-cream".

A fortnight later, he was committed as a ward of the state.

He told me his twin brothers had been fostered to a good family in Wollongong.

But he was taken to an institution and separated from his sisters, who were placed elsewhere.

All this, at the age of four or five.

Alone, absolutely alone, devastatingly alone in the world.

He told me that, at the age of six or seven, he tried to hang himself from the swings because he wanted to be with his brothers.

He was later placed in a rural home for older boys where he remained until the age of 13.

He remembers being picked up from the train station on a freezing night in a big red truck with a row of numbered seats. He was told to sit in seat number 3.

He was given, a number.

As Garry said, "my number was always three, it sticks in your head".

The culture of this home, as Garry described it, was one of institutional violence as boys were made to beat each other, to beat other boys to the ground, in front of their peers.

At 13, he was transferred to an institution where he remembers a kindly cook taking him under her wing.

But it was during this time Garry says, he suffered sexual abuse from other men.

Garry later got into drugs to help escape the psychological torture he suffered through years of what was so-called institutional care.

Garry has led a tough life.

But Garry is a survivor.

He proudly introduced me to his seven beautiful children - all doing well at school and the older ones already planning for their future.

And showed me with pride the carpenter's trade certificate he earned through study in 2005.

When asked by CLAN (a community organisation established to help survivors of institutional abuse, and known to so many of you here today) when asked by CLAN to write down his story Garry said, "what am I going to write down, you can't put tears on paper".

It has also been my privilege to sit down with twins Robyn and Judy last Monday when I was in Bathurst.

They told me too, that their mother left home when they too were barely five years old. They were then placed in a church home.

Judy remembers the day they were first taken to the home and her sister Robyn bolted from the gate and ran away.

They later found her and dragged her back.

Robyn and Judy remember that they kept waiting and waiting for just someone, someone to come and pick them up - but no-one, no-one ever came.

They recall being hit with belt buckles and bamboo.

They said the place they grew up in was utterly, utterly loveless.

They said it always made them feel like second-class citizens.

At the local school, they were described as "Home Girls".

They looked with envy as other children were picked up by their parents after school.

Robyn told me that, 40 years later, "it stays with you, I still dream about it".

But you know something? Both Robyn and Judy too are fighters.

While emotionally scarred by their experience, they too have beautiful children and partners who care for them. But the wounds run deep. They run very deep.

And then there was Gus.

I spoke to Gus on the phone, he is from Queensland.

Brought out to Australia from Ireland, again at the age of four or five, in the 1950s - as a child apparently born out of wedlock, having earlier spent time in a Catholic institution in Ireland.

Gus' story was truly horrific. His was a tale of physical and sexual abuse over more than a decade. In Gus' words, "that did me terrible damage".

He finally tracked down his mum, 10 years ago.

She had gone to the United States. But he then discovered she had passed away.

Gus had limited educational opportunities and has been in and out of gaol a number of times during his life.

Gus, reflecting back across the years, and in the great tradition of Australian understatement, said he had led a 'colourful life'.

Gus too, is a fighter and survivor.

Whether it is Garry or Gus or Robyn or Judy, there is an eerie similarity to so many of the stories. Stories of physical, emotional or sexual abuse.

Stories of the lack of love. Experiences which stay with them to this day.

Each told me that such was the trauma they experienced in institutional care that they suffered such things as bed-wetting for many, many years - while in care.

This, of course, is deeply personal. Deeply, deeply personal.

But each wanted me to share this part of their story too because it underlined the trauma they had gone through.

But trauma with an ugly double-twist because each time this happened, they were publicly humiliated and publicly punished by those supposedly responsible for their care.

In the conversations I was privileged to have with these great Australian survivors, for each of them this apology today was important.

And for countless thousands and tens of thousands besides, this apology is important.

Important because it does not seek to hide that which they experienced.

An apology that acknowledges the very personal pain that has been caused.

An apology which, it is hoped, will bring some healing balm to wounded souls.

And not just to the handful that I have been so honoured to meet.

But to all those whose cases are reflected in the Senate reports over many, many years. And to those also whose stories will remain forever untold.

There are tens of thousands, perhaps hundreds of thousands of these stories, each as important as the other, each with its own hurts, its own humiliations its own traumas - and each united by the experience of a childhood without love, of childhood alone.

For some, this has become a very public journey of healing. For others, it remains intensely private - not even to be discussed with closest family and friends even today.

And such privacy must of course, be respected.

Whatever your journey today, and whether you are here in Parliament House in Canberra with us or watching or listening across the country or across the world, my hope today is to reach out to you all on behalf of this nation, Australia, and to speak what has so often been unspoken.

And to offer you this profound apology.

To apologise for the pain that has been caused.

To apologise for the failure to offer proper care.

To apologise for those who have gone before us and ignored your cries for help.

Because children, it seems, were not to be believed.

Only those in authority, it seems, were the ones to be believed.

To apologise for denying you basic life opportunities; including so often a decent education.

To apologise also, for just how long it has taken for the Australian Government to say sorry - so many Senate reports, nearly a decade of deliberation, and a unanimous recommendation that the Commonwealth apologise.

And finally we do so today.

Today is also a day for all those who have refused to remain silent.

The champions of this day.

Those driven by sheer tenacity.

By an unswerving sense of justice.

Those who kept the flame of hope alight.

People like Margaret Humphreys, people like Harold Haig, people like Leonie Sheedy and Joanna Penglase, people like Bonnie Djuric, and People like Walter Tusyn who campaigned tirelessly for this day as Tasmanian representative of the Alliance for Forgotten Australians, only to pass away on the 30th of last month.

And people like former Senator Andrew Murray, because Andrew Murray's work has simply been extraordinary.

I rang Andrew recently and asked him about the importance of this apology.

His response was succinct when he wrote in reply:

"the Senate (and others) have carefully examined these matters and rightly and unanimously recommended an official Commonwealth apology. As a result, the states and the main churches, charities and agencies have apologised (although some are better apologies than others...),

Andrew Murray continued "it is time for the Commonwealth to complete the circle."

It is also important today to honour the advocacy groups who have stood by you through thick and thin - advocacy groups such as: Care Leavers of Australia Network (CLAN); groups like The Child Migrants Trust, advocacy groups such as the Alliance for Forgotten Australians - and many, many others.

But beyond these individuals and organisations stand an army of people who have quietly gone about their business over the last decade or more to take this story of sustained institutional and personal abuse from the margins of government deliberation to the very centre of Government consideration.

For all victims of abuse, today, you are all owed a profound debt of gratitude for having stood by them with such solidarity and strength.

So what then is to be done?

The Australian Government has assembled a comprehensive response to recommendations contained in the two Senate reports - "Lost Innocence" and "Forgotten Australians revisited".

This response will be tabled in the Parliament in the coming days.

The overwhelming message I have received and Minister Macklin has been receiving has been the need to be heard, the need to be acknowledged and the need for the nation to apologise.

It is important however, that this not be regarded as a single point in history. Our view is that it would be helpful for the nation, however painful, to properly record your experiences, where you deem that to be appropriate.

This can assist the nation to learn from your experiences.

As a result, the Australian Government is supporting projects with both the National Library and the National Museum which will provide future generations with a solemn reminder of the past.

To ensure not only that your experiences are heard, but also that they will never ever be forgotten.

And in doing so we must always remember the advice of the sages - that a nation that forgets its past is condemned to relive it.

Second, we also know that you are deeply concerned about practical support to help survivors and their families negotiate what can still so often be damaged lives.

For example, I know many of you are concerned about living in aged care facilities as you grow older and the need for access to proper aged care.



The Government will identify care leavers as a special-needs group for aged-case purposes, to ensure that providers are assisted to provide care that is appropriate and responsive, and provide a range of further counselling and support services.

Third, many Forgotten Australians and child migrants continue to need help in tracing their families. That is why we'll be providing a National Find and Connect Service that will provide Australia-wide coordinated family tracing and support services for care leavers to locate personal and family history files and the reunite with members of their families, where that is possible.

The service will provide a national database that will collate and index existing state identified records into a national searchable data base, accessible to state and other care leaver services and also directly to care leavers themselves.

Fourth, to make sure you are well represented, we have provided and continue to provide funding to advocacy groups such as the Child Migrant Trust, the Alliance for Forgotten Australians and Care Leavers of Australia Network, as these organisations continue to work hard to put your concerns front and centre.

Finally, governments must continue to commit to the systematic auditing, inspection and quality assurance of the child protection services they administer today.

Some 28,000 - 30,000 children are currently in the care of State and Territory Governments around Australia. Governments must put in place every protection possible to reduce the risk of mistreatment in the future.

And, as Andrew Murray reminded me recently, "if you hurt a child, a harmed adult will often result...aggregate those adults who were harmed in care and the social, the economic, the personal cost is huge".

In Andrew's words, we must do everything possible to break the cycle.

I recognise this is a difficult, complex and sensitive area of policy. But the nation must continue to lift its game in doing whatever practicably can be done to provide for the proper protection of little ones, of children.

Let us, therefore today in this Great Hall of this great Australian Parliament, seize this day and see this national apology to our Forgotten Australians and our Child Migrants as a turning point for the future.

For child migrants, for many of you, your mothers and fathers were alive and were made to relinquish their right to be your parents and to watch you grow into adulthood.

Some of you have said you would like to place the apology on the graves of your mothers and fathers back in England and on their graves here in this country as well. Today we dedicate this apology to them as well.

For the Australian-born care leavers, or 'Homies' or 'State Wards' or the 'Foster kids', the Senate named you the 'Forgotten Australians'.

Today, and from this day forward, it is my hope that you will be called the 'Remembered Australians'.

However, whatever I might say today, the truth is, I cannot give you back your childhood. I cannot rewind the clock on your suffering. Nor can I erase the past.

But what I can do with you is celebrate the spirit that has lived within you over the decades. A spirit that has stubbornly refused to be beaten.

A spirit that has turned you into the survivors that you are. The spirit that has enabled you to serve your country in times of war, even if you had been deserted by your country.

The spirit that enabled you to bring up families, despite the broken families from which you came.

The spirit that enabled you to work and to make your own contribution to this, our land Australia.

And the spirit that caused you to hold fast that one day you would be heard, one day you would be believed, one day you would be acknowledged.

And that, one day, Australia's sense of a fair-go would finally prevail. That our fair go would be extended to you, and that the nation would offer you the public apology that you deserve.

My message to you today is that that day has finally come.

Let me also say this.

You were in no way to blame for what happened to you because it was the nation who failed you.

The institutions the nation created for your care, failed you.

To all of you here today in this Great Hall. To all of you watching around the nation.

Today is your day. Today is your special day. Today is your achievement.

This morning, I spoke to a 98 year old lady in my electorate in Brisbane.

Her name is Vera. If Vera is watching, 'hi Vera'.

I'm sorry that Vera can't be with us in Canberra today.

She said that the pain that she suffered having spent five years in a Queensland orphanage was pain suffered a lifetime ago.

But her hope that today, as a 98-year-old lady is that finally this day could herald a closing of the book on the past.

Today is for people just like Vera.

And today let us now go forward together, go forward with confidence, go forward with confidence into the future - as equal, as valued and as precious members of this one great family that we call Australia.

## **Appendix 26: The Hon Catherine Branson Correspondence with CLAN**



Australian  
Human Rights  
Commission

President

The Hon Catherine Branson QC

### **A message from the Human Rights Commissioner**

The many letters that I have received from those who experienced physical, emotional and/or sexual abuse while in institutional care in the last century (the so-called 'Forgotten Australians') have moved me deeply.

The abuse of children at the hands of their carers is clearly a human rights violation.

Under the *UN Convention on the Rights of the Child*, children have a right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (article 19).

The Convention also calls on Australia to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts' (article 39).

The Australian Government, as well as the governments of the States in which the institutions operated, have responsibilities towards those who suffered in these institutions. In many cases their treatment has had long term effects which impact on their ability to enjoy their human rights as adults. These include problems of physical and mental health, in family reintegration and in employment, leading frequently to financial difficulties.

It is only by recognising past violations, and providing mechanisms to address continuing effects, that some of the pain of the past may be lessened for those who suffered so much while in institutional care.

Catherine Branson

**President and Human Rights Commissioner**

**AUSTRALIAN HUMAN RIGHTS COMMISSION**

**8 March 2012**

|  |   |                                 |   |  |
|--|---|---------------------------------|---|--|
| Australian<br>Human Rights<br>Commission<br>ABN 47 996 232 602 | Level 3<br>175 Pitt Street<br>Sydney NSW 2000 | GPO Box 5218<br>Sydney NSW 2001 | General enquiries<br>Complaints info@hrc<br>TTY<br>www.humanrights.gov.au | 1300 369 711<br>1300 656 419<br>1800 620 241 |
|--|---|---------------------------------|---|--|

## Appendix 27: Copy of Absconders Data

### State Run Facilities

|   |      |   |   |
|---|------|---|---|
| INFORMATION FROM THE VICTORIAN POLICE GAZETTES                                      | -    | - | - |
| <b><u>CHILDREN WHO HAVE ABSCONDED FROM VICTORIAN STATE RUN ORPHANAGES/HOMES</u></b> | -    | - | - |
|   | -    | - | - |
|   | -    | - | - |
|   | -    | - | - |
| <b><u>TOTAL</u></b>   |      |   |   |
| Allambie, Burwood   | 27   |   |   |
| Ashdene Boys' Home, Olinda  | 3    |   |   |
| Castlemaine Reformatory   | 9    |   |   |
| Chelsea House, North Melbourne  | 12   |   |   |
| Foster Care/State Wards   | 992  |   |   |
| Hillside Boys' Home, Glen Waverley  | 28   |   |   |
| Hired Service   | 647  |   |   |
| Fairhaven Girls' Home, Fairfield  | 43   |   |   |
| Gables Childrens' Home  | 1    |   |   |
| Illoura Girls Home, Balwyn  | 2    |   |   |
| Kew Childrens' Cottages, Kew  | 1    |   |   |
| Langi Kal Kal, Beaufort   | 31   |   |   |
| Malmsbury Youth Training, Malmsbury   | 68   |   |   |
| Pirra Girls' Home, Lara   | 15   |   |   |
| Regent House, Elsternwick   | 45   |   |   |
| Royal Park Depot Boys' & Girls  | 1129 |   |   |
| Sandhurst Boys' Home, Bendigo   | 3    |   |   |
| Sunshine Boys' Hostel, Sunshine   | 16   |   |   |
| Sutton Grange, Mornington   | 4    |   |   |
| Try Boys Society, Sth Yarra   | 5    |   |   |
| Turana Parkville  | 593  |   |   |
| Winlaton Girls' Home, Nunawading  | 294  | - | - |
| Pleasant Creek Special School   | 10   |   |   |
| Travencore Development  | 1    |   |   |
| Brooklyn Migrant Hostel, Brooklyn   | 1    |   |   |
| Open Door Hostel, East Ivanhoe  | 1    |   |   |
| Carry On Club, Hurlingham, Brighton   | 1    |   |   |
| <b><u>Maribyrnong Migrant Hostel</u></b>  | 5    |   |   |
| Janefield Special School  | 1    |   |   |
| Training Ship John Murray   | 4    |   |   |
| Kingsbury Reformatory Newstead  | 21   |   |   |
|   | 3    |   |   |
|   | 4015 |   |   |
| <b><u>TOTAL NUMBER OF ABSCONDEES FROM STATE RUN HOMES FOR 51 YEARS IS 4015</u></b>  |      |   |   |
|   |      |   |   |

## Appendix 27: Copy of Absconders Data

### Church and Charity run Orphanages, Children's Homes and Institutions

|   | <b>TOTAL</b> |
|---|--------------|
| <i>Ballarat Orphanage, Ballarat</i>             | <i>0</i>     |
| <i>Bethany Babies Home, West Geelong</i>        | <i>22</i>    |
| <i>Burwood Boys' Home, Burwood</i>              | <i>1</i>     |
| <i>Burton Hall Tatura (C of E)</i>              | <i>33</i>    |
| <i>Carlton Refuge (Protestant)</i>              | <i>1</i>     |
| <i>Elizabeth Fry Retreat, Sth Yarra</i>         | <i>1</i>     |
| <i>Good Shepherd Home, Abbotsford</i>           | <i>65</i>    |
| <i>Good Shepherd Home, Oakleigh</i>             | <i>60</i>    |
| <i>Good Shepherd Home, Middle Park</i>          | <i>48</i>    |
| <i>Good Shepherd Home, Albert Park</i>          | <i>4</i>     |
| <i>Gordon Boys' Home, Highett</i>               | <i>6</i>     |
| <i>Harrison House, 50 Power St, Hawthorn</i>    | <i>34</i>    |
| <i>House of Mercy, Cheltenham</i>               | <i>1</i>     |
| <i>Kildonan Childrens' Home Burwood</i>         | <i>58</i>    |
| <i>Kilmany Park Boys' Home, Sale</i>            | <i>13</i>    |
| <i>Lady Northcote Bacchus Marsh</i>             | <i>18</i>    |
| <i>Lutheran children's Home, East Kew</i>       | <i>1</i>     |
| <i>Lysterfield Boys' Farm</i>                   | <i>1</i>     |
| <i>Lyndon Lodge, Auburn (Salvation Army)</i>    | <i>20</i>    |
| <i>McAuley House, Vincent St, Albert Park</i>   | <i>27</i>    |
| <i>Medesh Maternity Home Kew</i>                | <i>6</i>     |
| <i>Menzies Boys' Home, Frankston</i>            | <i>1</i>     |
| <i>Methodist Boys' Home, Lilydale</i>           | <i>8</i>     |
| <i>Methodist Girls' Home,</i>                   | <i>4</i>     |
| <i>Methodist Mission, Brunswick</i>             | <i>9</i>     |
| <i>Morelands Girls' Home, Moreland</i>          | <i>8</i>     |
| <i>Morning Star Boys' Home, Mornington</i>      | <i>37</i>    |
| <i>Melbourne City Mission, Brunswick</i>        | <i>493</i>   |
| <i>Nazareth House, Camberwell</i>               | <i>1</i>     |
| <i>Northcote Farm School, Bacchus Marsh</i>     | <i>3</i>     |
| <i>Overton Residential Nursery Bendigo</i>      | <i>1</i>     |
| <i>Methodist Mintaro Girls Home, Lancefield</i> | <i>2</i>     |
| <i>Myra House, East Kew (Catholic)</i>          | <i>5</i>     |
| <i>Glenroy Girls' Home, Glenroy</i>             | <i>1</i>     |
| <i>St Josephs Home, Sebastapol</i>              | <i>2</i>     |
| <i>Geelong Protest. Orphanage/Glastonbury</i>   | <i>1</i>     |
|   | <i>1</i>     |
|   |              |



|  | <b>TOTAL</b> |
|--|--------------|
| <i>Orana Burwood</i>   | 2            |
| <i>Padua Hall, Kew</i>   | 31           |
| <i>Presbyterian Boys' Home, Hawthorn</i>   | 2            |
| <i>Presbyterian Girls' Home</i>  | 22           |
| <i>"Providence" Catholic Dutch Migrant Centre, Standfield Street Bacchus Marsh</i> | 1            |
| <i>Rupertswood Sunbury</i>   | 99           |
| <i>Salvation Army Boys' Home, Boronia</i>  | 907          |
| <i>Salvation Army Boys' Home, Box Hill</i>   | 64           |
| <i>Salvation Army Girls' Home, Brunswick</i>                                       | 95           |
| <i>Salvation Army Girls' Home, Camberwell</i>                                      | 18           |
| <i>Salvation Army Girls' Home, Riddell Park</i>                                    | 67           |
| <i>Salvation Army Reformatory, Ferntree Gully</i>                                  | 1            |
| <i>Salvation Army babies &amp; toddlers Home</i>                                   | 4            |
| <i>Salvation Army Girls' Home, Kew</i>   | 17           |
| <i>St Agnes Girls' Home, Glenroy</i>   | 2            |
| <i>St. Nicholas' Home for Boys, Glenroy</i>  | 1            |
| <i>St John of God, Lilydale</i>  | 4            |
| <i>St John's Home for Boys</i>   | 10           |
| <i>St Josephs Babies Home, Broadmeadows</i>  | 5            |
| <i>St. Josephs Home for Boys, Surry Hills</i>                                      | 3            |
| <i>St Josephs Receiving Home, Carlton</i>  | 3            |
| <i>St Paul's Home for Boys, Phillip Island</i>                                     | 21           |
| <i>St Vincent de Paul's Girls' Home, Sth Melbourne</i>                             | 19           |
| <i>St Vincent de Paul's Orphanage, Sth Melbourne</i>                               | 111          |
| <i>St Vincent de Paul's Orphanage/Hostel, Albert Park</i>                          | 36           |
| <i>St. Aidans Orphanage, Bendigo</i>   | 7            |
| <i>St. Augustines Orphanage, Highton Geelong</i>                                   | 448          |
| <i>St Catherines Orphanage Highton Geelong</i>                                     | 1            |
| <i>St. Cuthberts Home for Boys, Elliminyt</i>                                      | 2            |
| <i>St. John's Home, Canterbury</i>   | 5            |
| <i>Presbyterian Boys' Hostel, Kew</i>  | 1            |
| <i>Childrens' Aid Society</i>  | 3            |
|  |              |
| <i>St. Joseph's Foundling Home, Broadmeadows</i>                                   | 2            |
| <i>Sutherland Home for Children, Plenty</i>  | 5            |
| <i>Swinborn Lodge, Argo Streeet, Sth Yarra</i>                                     | 20           |
| <i>Tally Ho Boys Home Burwood</i>  | 235          |
| <i>Stanhope Legacy Hostel, Kew</i>   | 1            |
| <i>Young Catholic Workers' Hostel, Albert Park</i>                                 | 3            |
| <i>Boys' Try Society Training Farm, Lysterfield</i>                                | 3            |
| <i>The Mission of Streets &amp; Lanes</i>  | 2            |

|                                       |     |
|---------------------------------------|-----|
| Mission of St. James & John           | 1   |
| Harnett House, Brunswick              | 1   |
| Andrew Kerr Memorial                  | 1   |
| Marion Hall, 224 Danks St., Albert Pk | 1   |
| Broadmeadows Hostel                   | 1   |
| Excelsior Home reformatory Brighton   | 50  |
| Heathfield Homes Reformatory, Apollo  | 26  |
| Murrumbeena Girls Reformatory         | 8   |
| Melbourne Orphanage, Brighton         | 7   |
| Mount Paradise reform. Pakenham       | 31  |
| Kingsbury Reformatory, Newstead       | 21  |
| Straight View Farm, Harcourt          | 25  |
| Wandin Yallock Reformatory            | 15  |
| Ferndale Reformatory, Lilydale        | 7   |
| Brookside Reformatory, Cape Clear     | 5   |
| Salvation Army "Haven" Nth Fitzroy    | 3   |
| Livingstone House, Cheltenham         | 4   |
| Minton Boys' Home, Frankston          | 5   |
| Seaside Garden Home/Barnados Boys'    | 2   |
| Central Mission Girls Home            | 11  |
|                                       | 496 |

Total 3505

**TOTAL NUMBER OF CHILDREN THAT ABSCONDED FROM CHURCH & CHARITY RUN ORPHANAGES & HOMES IN VICTORIA FOR 51 YEARS 3529**

**TOTAL NUMBER OF CHILDREN THAT ABSCONDED FROM STATE RUN ORPHANAGES AND HOMES IN VICTORIA FOR 51 YEARS 4015**

**TOTAL NUMBER OF ABSCONDEES FROM ALL VICTORIAN RUN ORPHANGES AND HOMES FOR 51 YEARS 7544**

**Appendix 28: Peter Solway's charge sheet for the Children's Court**

| COURT   |                                   |   |
|---|-----------------------------------|---|
| P. 34C  |                                   |   |
| Case No. 717  |                                   |   |
| For hearing at the<br><b>CHILDREN'S COURT, YASMAR</b>   | on the 7th day of April 19 72     |   |
| From <b>Petersham</b>   | Police Station (No. 11 Division   |   |
| or Child Welfare District Office at <b>Yasmar Childrens' Court.</b>   |                                   |   |
| Name, date of birth, occupation, and address of child or young person. Sex: <b>Male.</b>  |                                   |   |
| <b>SOLWAY Peter Gordon, born 4.6.56. Floor Boy.</b>   |                                   |   |
| <b>Charlton Boy's Home Ashfield.</b>  |                                   |   |
| Date and hour of apprehension: <b>6/4/72 10.30am.</b>   | Time of complaint: <b>1.50pm.</b> |   |
| Apprehending officer and rank<br><b>Det/Sgt. Conn. Yell</b>   | Division/Branch<br><b>11</b>      | Station/Squad/Section<br><b>Petersham</b> |
| Section of Child Welfare Act, 1939, under which proceedings taken <b>Act 40/1900 Sect. 79.</b>  |                                   |   |
| Subject-matter: (Typing to be double spaced.)   |                                   |   |
| That Peter Gordon SOLWAY on the 24.2.72 at Stanmore in the State of New South Wales did commit with Gemaro JULIANO the abominable crime of Burglary.  |                                   |   |
| <p>COURT OFFICER MR. IAN MUSSETT.<br/>CHILD BEFORE THE COURT WITH MR. DAVEY OF CHARLTON<br/>A.B.V. ALLEGATION IS READ. ALLEGATION IS ADMITTED.<br/>MR. MUSSETT. I ask for a remand until 21.4.72.<br/>CONSENTED TO.<br/>BY CONSENT. REMANDED UNTIL 21.4.72 AT TEN A.M.<br/>MR. MUSSETT. Mr. Davey will take him back to<br/>Charlton. The adult has been charged with similar<br/>offences. He admitted the offences himself to Mr. Davey.<br/>ALLOWED WITH MR. DAVEY AT CHARLTON DURING THE REMAND.</p> <p>SPECIAL MAGISTRATE. RFB.</p> <p>COURT OFFICER MR. IAN MUSSETT.<br/>CHILD BEFORE THE COURT WITH MOTHER.<br/>ALLEGATIONS READ. ADMISSION ADMITTED TO<br/>MR. MUSSETT. The other man has been charged. He is<br/>24 yrs.<br/>REPORTS AND RECORD CARD TENDERED TO BENCH.<br/>BENCH READS SAME.<br/>SEE C.C. 716 THIS DAY FOR FURTHER PROCEEDINGS.</p> <p>RELEASED ON PROBATION FOR TWENTY FOUR MONTHS FROM TODAY<br/>CONDITIONED 1. To be of good behaviour.<br/>2. To engage in regular and continuous<br/>employment.<br/>WARNED SUPERVISION.</p> <p>21 APR 1972<br/>ASHFIELD</p> <p>SPECIAL MAGISTRATE. RFB.</p> <p>18</p> |                                   |   |

**Appendix 29: Testimony from Care Leavers published in the Royal Commission Into Institutional Responses to Child Sexual Abuse Interim Report Volume 1**

**Witness recalls how she was sexually abused again after NSW Police failed to respond effectively:**

'[The police] were lovely to me and so I told them that CRAWFORD was sexually abusing me at Parramatta Girls. ... [The police officer] started to cry and she said: "Leave it to us. We'll see what we can do". ... They ... finally told me: "We can't do anything". ... I asked: "What do you mean you can't do anything?" They mentioned words to the effect that it was too much of a "hot potato". I overheard the police stating that it was the fault of the government. They told me they had to take me back to Parramatta Girls but I begged them not to. ... CRAWFORD continued to sexually abuse me when I returned to Parramatta Girls.'

**Survivor tells his experience when reporting the matter to the police:**

'I was told to sit in this big chair and tell [the Sergeant] what had happened to me ... all he did was scream at me with a loud voice to scare me ... saying ... that I made them up ... I couldn't tell my side of what had happened, it was a terrible feeling going through my body so I just shut up and took all that he gave and just went very tired and scared.'