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## **SUBMISSION**

**to**

**Senate Community Affairs References Committee**

**INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE**

**2003**

# CARE LEAVERS of AUSTRALIA NETWORK (CLAN)



## SUBMISSION

### INTRODUCTORY

Our submission relates particularly to term 1 (b) of this Inquiry: *the extent and impact of the long-term social and economic consequences of child abuse and neglect on individuals, families and Australian society as a whole, and the adequacy of existing remedies and support mechanisms.*

As a support group for older Care Leavers, CLAN as an organisation is attempting to address the fact that existing remedies and support mechanisms are not merely inadequate but almost non-existent. Our members are living examples of the 'extent and impact of the long-term social and economic consequences' of the care policies and practices which this Inquiry is set up to investigate. In this submission we will be drawing substantially on the anecdotal evidence of this history which we hear every day through CLAN.

### BACKGROUND

#### *What is CLAN?*

**CLAN** - Care Leavers Australia Network - is a national self-help support and advocacy group for older people who grew up or spent time during their childhood in orphanages, Children's Homes and other institutions away from their families, whether as state wards, Home children or as foster children. It has around 400 members across Australia. The majority of members are Care Leavers (people who grew up in care) but CLAN also has as members four Federal politicians (including a government Minister), one state Liberal leader, government departments in four different states, and child and family agencies in several states.

CLAN is an incorporated body with a constitution. It has an ABN, and is registered



with the ATO as an income tax exempt charity. CLAN operates from the home of one of its founders, Leonie Sheedy but we are currently looking for affordable and suitable premises in Sydney. Leonie, as of March 2003, is the sole (part-time) employee of CLAN (but works beyond the hours she is paid for), and we pay an accountant to keep the CLAN books to ensure that all monies are accounted for. All the other work of running CLAN is voluntary and unpaid.

### *History*

CLAN was founded in July 2000 by Leonie Sheedy and Joanna Penglase. Leonie (b.1954) was a state ward in Victoria, who grew up in a Catholic Home from 1957-1973. Joanna (born 1944) grew up in NSW, in a non-government Home which was run as a business under licence from the Child Welfare Department (now DOCS). She lived in this Home for 21 years, from 1945 (aged eight months) until 1966. In 1999 she completed a Ph.D. based on her own Home experience and that of 90 interviewees who grew up in care in NSW. The two women met when Leonie answered one of the advertisements that Joanna placed in Sydney suburban newspapers seeking interviewees for her thesis. They set up CLAN because they share the same purpose: to try to render visible a common, widespread and deeply traumatising experience - growing up in institutional care - which seems to have dropped out of history. The first public meeting of CLAN was held on 21 October 2000 at the premises of the *Exodus Foundation* in Ashfield, Sydney. Several hundred people attended that meeting, many subsequently becoming members of CLAN.

This was a very emotional day for everybody who attended. One woman said to us afterwards "It was like being in a room with my family. I felt they were all my brothers and sisters". Another said that "it felt like a big secret had been let out and I no longer had to be ashamed of my childhood".

### *Funding history*

From the beginning, a primary objective of CLAN was to obtain funding in order to establish a service for older Care Leavers, but this was unsuccessful so that the organisation was until recently funded entirely by membership fees and donations.

Towards the end of 2002, largely through the efforts of the CEO of the United Protestant Association in NSW, Steve Walkerden, several members of ACWA - the NSW peak body of child and welfare agencies - contributed to a small seed grant to help CLAN continue to operate as we attempt to get ongoing funding from government.

Around the same time, after repeated requests to the NSW Minister for Community Services, CLAN (after a change of Minister) obtained a one-off grant of \$10,000 from the NSW government. Following a meeting earlier this year with the Victorian Minister for Human Services, CLAN was also successful in obtaining a further



\$10,000 from the Victorian state government. A similar meeting with the South Australian Minister has so far not had the same outcome however.

This funding, which all up has amounted to around \$60,000 is not renewable but was given so that CLAN could continue to provide services and advocacy for older Care Leavers, whilst pursuing ongoing funding.

CLAN is using this funding to pay Leonie Sheedy as a part-time worker, and to set up a professional website ([www.clan.org.au](http://www.clan.org.au)). Some funds are earmarked to set up a small office, but we have not been able to find premises which are both appropriate (not allied with any past provider of care) and affordable.

We have also spent some of our funds (around \$500) on advertising this Inquiry in the media, to reach more Care Leavers than might otherwise hear about it. A further outlay has gone on a mail-out of a flyer about the Inquiry, which we have sent to everybody who has ever contacted CLAN. Less than half of those who contact us actually join the organisation, but we keep a record of all who get in touch with us.

### *Rationale*

CLAN was established to fill a service gap in Australian welfare provision. There has been an increasing awareness, over the past two to three decades, of groups of people who as children underwent experiences which have caused them ongoing trauma and suffering and had detrimental effects on their adult life outcomes. One example is adoptees, others are the Aboriginal Stolen Generations, and the (predominantly) British child migrants. Although state wards and children who grew up in Homes and institutions have had childhood experiences which were similar, and in many cases identical, to those suffered by these groups, they are not recognised or acknowledged as Australian citizens entitled to similar recognition, support and assistance. CLAN was established to change this, and to lobby for support services for older Care Leavers. Much of the effort and work of CLAN over the past three years has been spent in raising awareness of Care Leaver issues, as well as providing what services have been possible, operating as an unresourced, and under-funded body.

### *Existing Services*

CLAN was established to attempt to provide something where there was nothing. There are almost no support services for older Care Leavers in Australia. To put it another way, nowhere in Australia do government departments acknowledge that the traumatic childhood experiences of older Care Leavers should automatically entitle them to services. Care Leavers from this earlier system still suffer today from 1) their experiences in care, 2), the ongoing consequences in their present lives of the policies applied to them in the past, and 3) the invalidation of their childhood experiences by their invisibility in contemporary public awareness.



Where services exist at all, they are *ad hoc* services, tacked on to ones already established for other groups and/or they have been established as a result of a specific event, such as an Inquiry.

In Queensland, the After Care Resource Centre, based in Brisbane, was funded as a result of the 1999 Forde Inquiry. It provides services only to Care Leavers who were raised in Queensland, so that Care Leavers living in that state but raised elsewhere are ineligible. People raised in care in Queensland but living elsewhere are unlikely to attempt to access its services (if they even know about them), since the services themselves are located in Queensland.

What exists in NSW, based in Sydney, is a telephone Helpline, funded by the NSW Department of Community Services (DOCS) through Relationships Australia. Older Care Leavers who ring this Helpline, if they are able to demonstrate that they feel they were abused by their care experiences in the past, may eventually get a few counselling sessions, paid for by DOCS. This has to be negotiated with DOCS by the Helpline staff, hence the delay. This service is staffed for two days a week only, and is tacked on to the existing service for younger state wards (up to 25) who have left care. This Helpline also came out of an inquiry, in this case the 1997 Wood Royal Commission into the NSW Police Force.

In Victoria, the Department of Human Services funds an adoption support agency VANISH (Victorian Adoption Network for Information & Self-Help) to provide some services for Care Leavers. This agency has only recently begun to provide a limited service, in close liaison with CLAN.

We are not aware of state-funded services in other states.

Non-government agencies who were past providers (i.e. ran the Homes) when appealed to will in some cases provide assistance to former inmates in obtaining their records and paying for some counselling. However this is dependent on the goodwill, and the resources, of the agency involved. Many Care Leavers would, in any case, never turn for help to the agency which ran their institution, just as many would not attempt to deal with the government department which took them from their parents initially and through which they have often had abusive experiences.

This is essentially a piecemeal system - if it can even be called that - where in each instance the services are extremely limited and poorly publicised. CLAN is the only organisation which addresses this issue as a national one and which begins by acknowledging the right of all Care Leavers to recognition of the ongoing consequences of an institutional childhood.

### *The need for a national service*

That a national service is required is obvious since many people will not be living in the state they were raised in. Indeed, it is clear from anecdotal evidence that people



often deliberately leave the scene of their childhood to escape its unhappy associations.

An indication of how little these issues are confined by state boundaries can be seen in the following story. CLAN recently was contacted by a woman who we'll call Tess. She was raised in a church-run Children's Home in country NSW and is now living in far north Queensland. Tess is attempting to get some recognition - not compensation, merely an acknowledgment - from the Church organisation that raised her of the psychological damage inflicted on her by the Home environment in which she was raised in their care, and by one of their personnel in particular. The perpetrator she particularly identifies now lives in Melbourne. Tess has written to her and this person has denied all her allegations. Tess however will not let it rest and she wants to meet with her alleged persecutor. She travelled recently to the NSW country area where her Home was located, and related her story to the head of the religious organisation there, and now she wants to go to Melbourne to take the matter further. CLAN will help her to do this in so far as we can offer or negotiate, emotional support for her in Melbourne. Because of our limited funds, we cannot offer her financial help. Tess is hoping to get some financial assistance for travel from the religious organisation, but this is of course dependent on their goodwill.

Tess had contacted ARC in Brisbane to see what help it offered, but was told it was not available to her because she was not raised in that state. She heard of CLAN only by chance (and not through ARC), otherwise she would not have known that there is a support group for people like her. Tess incidentally is only 42, so was in a Home in the 1970s. This is not ancient history.

### *CLAN objectives*

In establishing CLAN we had several objectives:

- to provide a national network through which people in this situation can communicate with each other and share their experiences. Many people who grew up in 'care' feel isolated and alone, believing the traumas of their childhood years were somehow their own fault.
- to raise public consciousness of our past situation and its effects, so that what happened to us as state wards and Home children becomes as well-known as the experiences of the Stolen Generations, child migrants and adoptees.
- to lobby governments in every state to provide acknowledgement and support for former state wards and Home children.
- to provide advocacy for Care Leavers wherever possible

Litigation has never been a part of CLAN's agenda. However, where our members decide independently that they wish to engage in court action against the perceived



perpetrators of abuse in their childhood, or the agencies which employed them, CLAN provides emotional support and encouragement.

### *Who does CLAN serve?*

CLAN's services are available to all Australians over 25 who grew up in care anywhere in Australia or overseas. The age restriction is partly because in most states there are some - although limited - services for Care Leavers up to age 25 and the funded organisation CREATE exists for younger Care Leavers.

More significantly, younger Care Leavers have generally had a different experience, characterised by foster placement and/or family support which attempted to keep them within their family and recognized the significance of kinship ties.<sup>1</sup> The substitute care system changed significantly in the 1970s, under the influence of changing attitudes to children and changing perceptions of what children require if they are to thrive and grow into well-functioning adults. Most of the institutions were phased out by the late 1970s, but the norm for most of the 20<sup>th</sup> century was institutional care.

We support anybody from this care background. We have members who are Aboriginal, Child Migrants, people who grew up in Homes in all Australian states, in Irish, Scottish and English Homes and in institutions in New Zealand and in Canada. Most of our members are in their 40's to 60's, our oldest being 89. The oldest person who has contacted CLAN was 94 (he said he'd join CLAN after his wife got better - but we didn't hear back!)

### *What does CLAN do?*

- CLAN publishes a bi-monthly newsletter sent to all members and every three months holds a social gathering in Sydney.
- We help members to obtain their ward files or information about their institution, and members can advertise at no cost in the CLAN newsletter to try to locate lost family members or former 'care' inmates. Many people do not know that they have a state ward file and that they can read it, or that their past provider may have a file from their Home. Providing even such basic information is one of CLAN's most important tasks.
- We have an extensive library of books and videos to help our members understand the issues which most affect Care Leavers. There are no books written on the effects of institutional care, reflecting again the general lack of acknowledgment of this experience. There are however books on growing up

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<sup>1</sup> This is not meant to imply that younger Care Leavers have necessarily had 'better' experiences than older ones - as we hear fairly regularly from media and other reports into the current substitute care system.



motherless and/or fatherless, on abandonment, on the feelings - such as depression and rage - which are fostered by this sort of childhood. There are also personal histories of the care experience, (some written by our CLAN members and usually self-published), which we carry in the library.

- Although CLAN has as yet no office, its one employee, Leonie, is available on both weekdays and weekends to whoever rings up. She is the first point of contact and deals with the myriad requests made to CLAN daily.
- We do not have the funding to employ trained counsellors, but certain CLAN members in all states have volunteered their services, via a telephone list, for people who need to talk through their experiences with somebody who, from first-hand knowledge, will understand their feelings.
- We encourage people to tell their personal stories in the newsletter. We are planning to collect members' stories in book form to give wider circulation to these marginalised histories, but so far have not had any time to do this.
- One of our major activities is lobbying for greater awareness of Care Leaver issues both politically and in the media, wherever the opportunity arises. Both Leonie and Joanna regularly, and whenever possible, participate in radio and television interviews, radio talkback programs, and newspaper articles.

What we cannot offer people are the therapeutic services they so obviously need, or the financial assistance which many require. We do not have the resources of money or time to help with facilitating reunions, mediating with past providers, or providing the many types of other support that our members need.

## **SOME ASPECTS OF THE CARE EXPERIENCE IN AUSTRALIA Pre-1970s.**

Thanks to previous inquiries we now know the history of the Aboriginal Stolen Generations, of the Child Migrants, and of past adoption practices which deprived children of knowledge of their family of origin. The story that has not been told, despite its many similarities with these other histories, is the one which this Inquiry has been set up to investigate. It is not our purpose in this submission to present a comprehensive account of the care system which shaped the lives of older Care Leavers. The patterned characteristics of this system will become abundantly clear to the Committee as they read and hear submissions. In the following, we touch on certain aspects of the care experience which it seems particularly important to mention here.

### ***Why did children go into care?***

Unlike the present time, children who went into care pre-1970s were not necessarily either abused or neglected. There were two ways that children could end up in



substitute care away from their families. Relatives or a remaining parent could voluntarily put children into a Home, orphanage or institution. Alternatively the state could determine that children were neglected or being abused, remove them from the parent(s) and put them in a Home or foster them out.<sup>2</sup>

Where children were voluntarily placed in a Home by relatives it was because of some disaster which had happened to the family: parental death or desertion or illness, including mental illness.<sup>3</sup> Poverty was also a reason that some, perhaps many, children ended up in institutional care. Until the Whitlam era, the level of income support for families in need was almost nil. There were no social services as we know them today, no before and after school care, no long-day nurseries and pre-schools. Many jobs were still closed to women, by tradition if not law, and women were paid 2/3 the male wage for the same work. Where either the breadwinner or the primary caregiver died or deserted, there were few options but to 'put the children in a Home', unless there were extended family - and family members willing to help.

Where families under stress voluntarily put their children in a Home it may have been out of fear that 'the Welfare' would step in and take the children: that is, they got in first. It was known that once 'the Welfare' got your children you stood to lose them irrevocably. Parents who had children removed on the grounds of neglect had little chance of getting them back<sup>4</sup> and children removed by the state often therefore lost their parents forever. This is a barely documented history, but forcible separation of children from their birth parents happened in this era to white children as it did to black ones.

### *The character of institutional care*

Homes and institutions even into the 1970s were run on penal lines and with no acknowledgment that children had feelings or affective needs. Children who ended up 'unwanted' by their parents (as they were labelled, whatever the reason for their entering a Home) earned a degraded status. They had no value to society and the prevalent fear was that, coming from 'poor stock' (the terminology of the day) and without a 'real' family to discipline them, they would grow up to be 'juvenile delinquents' unless they were harshly treated in order to keep them on the straight and narrow.

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<sup>2</sup> Policy and practice with regard to fostering varied widely from state to state, but it appears that institutional care was, except in NSW, the commonest form of substitute care in this era.

<sup>3</sup> Penglase, J.L. (1999) "Orphans of the Living": The Home Children NSW 1939-1965, PhD thesis, Macquarie University, Sydney.

<sup>4</sup> For example, the 1939 Child Welfare Act under which children in NSW were taken into care, and which operated, with amendments, until 1987, contained no provisions for the discharge of children back into the care of their parents. Restoration was not envisaged or regarded as desirable. See on this Wilkinson (1986).



In institutional care, children who had suffered the most catastrophic loss possible - of their parents - often lost their brothers and sisters as well, separated from them within the institution by age and gender. All children in institutional care suffered profound emotional neglect. The atmosphere of most Homes was punitive in both an emotional and physical sense. Physical punishment, amounting at times to criminal assault, was common. Children were subjected to a routinised existence, with no emotional relationships with adults and no personal interaction with significant others. Children lived in closed environments, total institutions, cut off from both family and community ties and stigmatised as "rejects of society". Many people emerged from care (including state care) unable to read or write. Staff in Homes were often forbidden to become attached to the children in their care, or even to touch them (although hitting children did not seem to come under this prohibition). Employees of Homes were usually people without any relevant employment qualifications and indeed there was no child care training in this era. Those who worked for the state child welfare departments were public servants who had worked their way up the system: an interest in or knowledge of children was not required or even envisaged as necessary. We know from previous histories that many churches and charities benefited from the labour of children to build up their organisations or earn revenue, for example in the case of the Magdalene laundries run by the Catholic Church. It is less well known that in many Children's Homes it was the children who performed the labour of running the Home. None of this was paid, and it was illegal to employ children in this way, but it appears from repeated anecdotal evidence to have been common.

Finally, in the aspect of this history that has become all too familiar, institutionalised children were an easy target for pedophiles. They were an easy target because there was nobody to protect them and nobody to care what happened to them, but also because children in this situation, unloved and abandoned, were particularly vulnerable to the abuse of adult power. This was an era, also, when nobody would believe the word of a child against the word of an adult - had a child even dared to speak up.

### *Leaving Care*

When young people left care, they were often simply turned away from the institution with a suitcase and an instruction to 'get in touch with the Welfare if you get into trouble'. There was no gradual introduction to the outside world, and no preparation to cope with it, so that people from this childhood had no preparation for adulthood and little idea how to live a 'normal' life. They had no idea how to have personal relationships or to parent children - or even, at first, how to work out where to catch the bus. In today's terms, they could be described as having no 'life skills'.

The language Care Leavers use when talking about this is that they were 'turfed out on their own'. It was yet another form of abandonment. Often the only home that people knew was the Home, and they arbitrarily lost that once they reached a



certain age - again, with no acknowledgment of their feelings. Some Care Leavers tell us that they felt unable to cope with life outside and wanted to stay in the Home because it felt safer: remember that these were people who had no family to go to, often they did not even know their family. Many inmates (the term people often use to describe themselves) had never been alone, they had always lived in a crowd of others. Forbidden all their lives to have any sense of self, they were suddenly pushed out alone and on their own into the outside world and expected to function as an individual. People describe it as like being on another planet, so different was the outside world from what they were used to.

Even averagely functioning families do not abandon children once they turn 16 or 18. Yet both state and institution regarded their job as completed once this age was reached. *These were children for whom everybody abdicated responsibility - parents, state and the Home itself.*

### *Lack of records*

#### **i. state**

As far as we are aware, state governments have kept the personal records of state wards so that if a personal file is applied for it should in most cases be found (notwithstanding the 1974 Brisbane floods which seem to have swept away any number of records likely to cause trouble or inconvenience to authorities).

Obtaining state ward files through government departments can be very time consuming. Some Care Leavers have to wait up to 12 months to obtain their file. Where this is through the FOI section, as it often is, it is contravening even their own legislation, since records are meant to be obtained within 45 days. Only Western Australia, as far as we know, has a priority system for people over 55. Here is an instance where more funds need to be injected into the areas concerned with accessing records so that this can become the norm in all states.

To apply for one's records is often a huge step to take. Many people only do so after years of thinking about it. Others have only just become aware that they even have a file, and it is a painful experience to then wait months before getting a copy of it.

There also need to be better practices for helping people receive and read their files. One CLAN member found her file on a Friday night, left by the postman on a fence at the block of units where she lived. Anybody could have gained access to this highly personal information, or it could have been lost or stolen. Furthermore, there was no support service to help her read it, and there was also no concern on the part of the government department that sent it that she have someone to support her.

Many, if not most files from this past era contain value judgments about Care Leavers and their families which are shocking to read now: for example, 'high grade mental defective', a not unusual term applied to emotionally disturbed children who



appeared unresponsive to their 'carers'. Many people find out family information for the first time which they hadn't known: the reasons they were placed in care, the existence of other siblings, or even family secrets. Many, on the other hand, are deeply frustrated to discover there is almost nothing of personal interest about them on their file, it is merely a bureaucratic record of one child among hundreds. Given all of this, Care Leavers accessing their file for the first time need help and support from a caseworker or counsellor who can explain the thinking of a very different era.

## ii non-state

Agencies and organisations which ran Homes in the past do not appear to have felt the same obligation as governments to retain records. Records of many institutions are incomplete, poorly kept or apparently non-existent. CLAN knows of institutions which existed for many years and housed hundreds of children, for which there appear to be no records extant. In NSW, (and perhaps in other states, we have not done this research) it was possible to run a Home under licence from the state government. The records of these Homes have not been kept. One of CLAN's founders, Joanna Penglase, was in just such a Home, which operated from the second half of the 1940s until the late 1970s. There are no records for this Home of the hundreds of children who passed through it.

Last year CLAN received an email from a worker at the Melbourne City Mission in Melbourne, who wrote:

My name is ..... and I have come across a box of files in our archives related to state wards who had lived in a children's home. The records relate to children who lived at *Hartnett House* in Brunswick, Melbourne City Mission, from **1965 to 1991**. The files relate to assessments of children.

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

The disappearance of records, or poor record-keeping, means that many Care Leavers not only have little knowledge of their own family history, but also have no records of their own childhood history, including any photographs. It is very difficult to establish and maintain a sense of identity in the face of such apparent indifference on the part of the authorities who were supposed to 'care' for you.

The following story by a CLAN member, which appeared in one of our newsletters, is an example of what many Care Leavers experience when they search for their records. Mim, along with her sisters, was in care in Victoria but her story is typical of stories across Australia.



## MIM'S STORY

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

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

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

M.S. Born Dec 1957.

Sister of H.

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



have had more documentation of our lives? Was that as far as the state's duty of care went?

### *The significance of 'abuse'*

Too often this story of institutional care seems to be reduced to the word 'abuse'. Some people, so the story goes, as children in Homes were sexually abused. Where there have been inquiries, they have been about the *abuse* of children, for example, the 1999 Forde Inquiry in Queensland was called 'an inquiry into the abuse of children in institutions'. This seems to imply that where children were not abused, their situation was acceptable or even good, that there was otherwise nothing to be concerned about in institutional care.

It is important to understand that all children in 'care' in this era were abused. Children's Homes of this long era were an instance of what is now called 'systems abuse'. That is, they constituted a system of care which actually harmed the people for whom it was intended to care.<sup>5</sup> Any system of care which operates on the premise that its recipients have no emotional needs and will thrive in a closed institutional environment can only be described as abusive. The Forde Inquiry (1999) showed quite clearly that such an environment, in which inmates are deemed to have no value and no emotions, not only allows but facilitates the abuses which can be given names, such as sexual and physical abuse.

Furthermore, abuse is most commonly taken to be sexual abuse. It does not need to be said here that the rape of children by adults - to give it its correct name - is an appalling crime. The problem with focusing on sexual abuse - as being somehow 'worse' - is that it enables a distancing to occur. If we can blame a few perverts, pedophiles, 'bad apples', for these events we can comfortably feel that it wasn't 'us', it was 'them'. It wasn't the system of care, it was certain individuals who were at fault. These become histories of victimization by 'vicious' adults of 'innocent' children, in which the focus is on 'abnormal' adult behaviours. Perpetrators of abuse become pathologised as 'sick' or 'perverted'. This means that the social and political aspects of these events - how they are able to occur at all and to be invisible to others - becomes obscured. But pedophiles can only operate within a system which allows, condones, turns a blind eye, to their behaviours or is so structured that it can never be known by anybody outside that system. And if pedophilia can be hidden so well, we must ask what other unacceptable practices can also be hidden.

### *Sexual abuse by the state*

In this context it is important to mention one practice which was common for girls entering state care in NSW. It may well have occurred in other states, but we have knowledge only from interviews with, and stories from, women who were in care in

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<sup>5</sup> An excellent reference here is Cashmore, J., Dolby, R. & Brennan, D. (1994) *Systems Abuse: Problems and solutions*, NSW Child Protection Council, Sydney.



NSW. This is the practice of routine vaginal examination of girls coming into state care. In the recent ABC TV program *NSW Stateline* (May 30, 2003) on the Parramatta Training School for Girls, (a NSW departmental Establishment), women spoke of this experience, for example Coral Pombo, who said:

After I first went there, I was put in a white gown and taken to the doctor's surgery. The doctor, we had a nice name for him -- he was called Mr Fingers, this doctor. He really enjoyed what he had to do, examine young girls.<sup>6</sup>

Penglase documented this practice in her 1999 PhD thesis, "*Orphans of the Living*": *the Home Children NSW 1939-1965*. Penglase calls it 'state-sanctioned rape'. She writes (pp. 237-239):

[I]n the [NSW] state system it appears that girls could be routinely tested for sexual activity and/or VD. The 1939 Child Welfare Act (NSW; s.134) stipulated that no ward should be boarded out (fostered) without being certified free of venereal disease. All girls who came into the care of the Department were then presumably routinely subjected to testing. Julie Harris remembers this routine, and how they used to 'do a scrape or swab, no drapes, just on the couch, pants down'.

It also appears that thousands of girls were given vaginal examinations on the pretext of testing for 'promiscuity'. One of the CWD<sup>7</sup> Field Officers that I interviewed gave a detailed account of this routine procedure. A girl picked up as neglected because 'exposed to moral danger', he said, would be subjected to a vaginal examination whilst on remand awaiting court appearance. If she objected she 'got a whiff, an anaesthetic, and (was) put under'. The examination was used as evidence, that is,

When the matter came back before the court, the court would hear the 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's how many fingers you could insert into the vagina. Now the theory was that if you had three fingers, then you'd been highly promiscuous. Quite often the report would say things like 'appearances suggest frequent penetration' - that's a common phrase that you'll find on hundreds of reports (Field Officer 3: 1993).

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<sup>6</sup> ABC transcript, available on their website.

<sup>7</sup> (NSW) Child Welfare Department.

Penglase comments:

As a mode of assessment this had absolutely no scientific basis at all, yet it was a - if not *the* - major feature of cases such as this, and could be used to warrant a term in the *Training School for Girls*, Parramatta. And the means of obtaining it, as this officer commented, 'was just a straight assault, there's no doubt about it, it's a wonder somebody hasn't complained about being assaulted all those years ago'.

**This was in fact a criminal act routinely perpetrated on young girls in NSW state care for decades.**

### *Adult cruelty to children*

Although sexual abuse is the most publicised aberration of institutional care, one of the most consistent impressions which we have at CLAN, as we talk to people and read their letters and emails, is the extent and degree of gratuitous adult cruelty to children in institutional care. Until recent decades, physical punishment of children has been a taken for granted norm and it would be surprising if children in institutions, as in schools, of this era had not been physically punished. In institutions however, this often took the form of quite extreme physical violence - what, if directed to another adult, could be described as criminal assault. What is difficult to comprehend in these accounts is the *degree* of cruelty exhibited by adults to vulnerable and often very young children. This is perhaps one reason it is so difficult to have this history heard: the degree, extent and type of often premeditated (and often sexualised) cruelty perpetrated on children in this situation is extremely unpalatable to acknowledge. Perhaps it is too confronting to even think about, let alone believe.

It is interesting that in a recent work by two respected academics called *Confronting Cruelty Historical Perspectives on Child Abuse*<sup>8</sup> there is no mention at all of the cruelty of adults to the children entrusted to their care outside their families, for example in institutional care. It does not appear to have occurred to the authors to consider it, although this phenomenon has been amply and recently documented in the histories of the Stolen Generations and the Child Migrants, and in the many newspaper and other written reports of the abuse scandals surrounding the Christian Brothers Homes in Western Australia.

In addition to physical cruelty, CLAN members also describe mental and emotional cruelty from their 'carers', for example locking children in dark and confined spaces, depriving them of food as punishment, and public and often ritualised humiliation and shaming (particularly for bed-wetting). Rather than encouraging children's connection with family, institutions often denied visits to children as punishment, regarding it as a privilege to be withdrawn rather than a right. Staff also taunted

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<sup>8</sup> Scott, D. & Swain S. (2002), MUP.



children with the loss of their parents and with their own worthlessness. A child who asked "when is mummy coming back?" could well be told "she's not coming back, she doesn't want you". This appears to have been standard behaviour from many - although obviously not all - adults in the institutional environment.

### *But they meant well.....*

A common response to stories of institutional neglect and abuse is that nevertheless, those children were better off than they would have been with their own families. Churches, charities, the state, all meant well and had they not stepped in, where would those children have been? Undoubtedly, the majority of the children in institutional care did require care, and benefited materially from being fed, clothed and in most, though not all, cases, educated. But to use this as an argument to deny the effects of institutional care is to conflate two aspects of the story that do not go together. Children were emotionally neglected in institutional care regardless of the intentions of the organisations which set up the institutions, and the effects of that emotional neglect continue to have profound consequences for on those who experienced it.

Apparently good intentions do not cancel out bad outcomes, nor can they be used to excuse blatant abuse of children. A child who would have starved if left with his poverty-stricken parents is nevertheless not well off in an institution in which he is emotionally neglected, beaten and sometimes sexually molested. Or even in an institution where he is well cared for physically, and not raped or sodomised by his carers, but where he is totally deprived and neglected emotionally. A child who suffers at the hands of his parents, such that he has to be removed from them, is all the more entitled to a caring childhood which attempts to compensate him for that devastating loss. It does not mean that he should be grateful that he is cared for at all and should therefore put up with whatever else comes along with that care, subject to the whim of his carers.

### *Times were different then*

Another common statement when care histories are discussed is that those were different times, people thought differently then, people didn't know what they know now about what children need. It is of course true that attitudes to children and their needs were different, as they differ in every era. This difference of thinking does not however either explain or excuse the behaviours we have documented above and which can only be correctly described by such harsh words such as neglect, cruelty, sadism, rape and sodomy.

This history is made up of tens of thousands of individual - and at times so appalling as to be almost incredible - histories, but it is also a social and political history: it tells us a lot about our society. Understanding how this happened might also throw some light on why we still, in 2003, can't seem to get substitute care right. The sociologist Zgmunt Bauman (1991: viii), in his study of the Holocaust says that



we can see such inexplicable events as either a picture or a window. A picture is static and finite. A window offers many possibilities, he says, depending on where you choose to look. We could see institutional care of this period as a picture on a wall. Or we can think of it as a window, through which, as Baumann says, 'one can catch a rare glimpse of many things otherwise invisible'. This is actually a useful metaphor to apply to childhood itself, in any period. Childhood is a window through which we can see the values and beliefs of any society, including the value of children relative to other people - **but also the value of certain children in relation to other children**. (A contemporary example might be children in Australian refugee camps who apparently can be allowed to undergo experiences we would never sanction for 'our own' children. There is a more than passing analogy here to children in institutional care in this past era.)

Children in state care were children taken from parents considered to be 'not good enough'. How did it come about that, after their removal, they did not have the 'better life' that was the intention behind their removal? (That question was not asked about the Stolen Generations, either, or about the Child Migrants). Institutional care, by the post-war decades, had been discredited. It was known how much it damaged children. But in most states of Australia it was the norm. Why was this? It is a question that perhaps this Inquiry could address.

## CARE LEAVER NUMBERS

When we talk about older Care Leavers, CLAN is frequently asked by journalists and by politicians, 'how many people are we talking about?' To which the only honest answer is, 'we don't know, we can only guess'. It is likely however that state wards (including those fostered) and Home children make up the most numerous of all the groups of children disadvantaged by the child welfare policies of 20th century Australia.

The reason it is impossible to be explicit about numbers is a reflection of both the poor record-keeping and the lack of research in this area which is typical of all Australian states. This may be reflecting a judgment that this history is unimportant; it is difficult otherwise to explain it. We would urge this Inquiry to make recommendations about addressing this lack of knowledge.

### *State Wards*

Numbers of state wards in each state, over time, are not readily available and when obtained are probably inaccurate. They have to be dug out of the annual reports of the relevant department, or assessed by studying child endowment figures over decades. CLAN has little time for research, but, by application to the relevant Minister, we have chased up state ward figures for some, though not all, states, as follows:





### **New South Wales**

1883-2001: 135,000, broken down into

1883 -1936: 60,000

1936 -2001: 75,000

### **Victoria**

1891 - June 1950: 69,118

1950 - 1990: 39,194

Since this makes about 110,000 state wards up to 1990, perhaps we could assume something like 95,000 up to 1975.

### **Queensland**

The Hon. Judy Spence, Minister for Families, Queensland, in a letter to CLAN dated 30.7.01 said that "regarding the figures for state wards it is not possible to provide the data for the last ninety years. However the figures that are available are the numbers of children admitted to institutions in the period 1900 to 1980. During that period there were 72,000 admissions. If a child was admitted to more than one institution they would be counted more than once". The figures broken down into decades are as follows:

1900s: 4,766

1910s: 7,620

1920s: 8,740

1930s: 7,286

1940s: 9,265

1950s: 10,210

1960s: 12,540

1970s: 11,196

### **South Australia:**

A letter to CLAN from the Minister for Social Justice, Hon. Stephanie Key, 6.7.03, gives "the total number of children placed under the Guardianship of the Minister /as a State Ward in South Australia since records exist. Data dates back to 1925." [It is not stated whether no earlier figures were kept.]

Figures are given for each year singly, from 1925 to the present. Taking the cutoff point of 1975, the annual figures vary from 1,007 at the lowest (1950) to a high of 3330 (1970). It is impossible to get a true overall figure since, as the Minister herself points out,

1) "when children ceased to be under Guardianship of the Minister, end dates of those orders may not have been recorded between the years of 1925 and 1984"; and



2) from 1962, but not before this date, the figures include children who were in what is termed 'secure care'(presumably juvenile detention centres). This indicates that before 1962 the figures do not include all guardianship children, i.e. do not include those in 'secure care' who were, nevertheless, also under the guardianship of the state.

It is clear that for all states there are no accurate figures since it seems as if in all cases the figures are not broken down into children already in care, new admissions, departures from care, or any other variations. The accounting has not been done which would match new admissions against discharges from care, and come up with an overall total in which each child was counted only once.

### *Children who were not state wards*

It is essential, in assessing numbers, to remember that not all children in institutions were state wards. Indeed, far from it. In the most populous state, NSW, for example, the policy of the Department of Child Welfare (now Department of Community Services) was that state wards were not to be accommodated in non-government institutions. This did occur at times, especially for Catholic children, but it was not standard policy or practice.<sup>9</sup> In 1961, a calculation based on child endowment figures indicated that for this year, the number of children cared for by non-government Homes, most of them not state wards, was 3, 890 - almost exactly the same as the number cared for by the Department, which was 3, 893. The NSW government made no financial contribution to the non-government sector Homes until 1960, the reason being that the state did not approve of institutional care and did not want to be seen to condone it by financing it (Penglase 1999: 151-152). It should be obvious that had the non-government sector refused to care for the children it took in, these children would have fallen on the care of the state. The situation was different in other states, where the government placed state children into Homes it subsidised run by charities and churches. However, in all states there were children in institutional care who had been placed there by family members and who were **NOT** state wards.

The numbers of children who were not state wards but who were housed in Australian children's institutions over the decades of the 20th century can never be known. Although the major agencies or churches which provided Homes for children are still operating (such as Barnardos, Anglicare, Centacare etc.) and some idea of their inmate numbers can be obtained, other smaller agencies, as well as many one-off Homes, have long since disappeared, along with their records.

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<sup>9</sup> For example, Penglase (1999: 141-142) notes that in the *Burnside* Ladies Visiting and Admission Committee Minutes files, which cover eleven years, from February 1951 to December 1962, there are only four cases of children placed by the NSW Child Welfare Department. This was in a Homes complex where the average number of children accommodated during this period at any time was between 320 (in the early 1950s), and 260 from the (mid-1950s to the early 1960s) (Burnside archive: BRG1/45).



Records of Homes run by the large agencies still operating are also not necessarily accessible. The Salvation Army for example claims it has no records for some of its Homes.

Here is an indication of research that must be done if we are to have an accurate picture of the numbers of Australians affected by this care experience.

### *Approximate Number of Homes in Australia over this period*

Again, we have not the resources to do this research. We do know that in NSW, there were close to 300 Homes in 1956. This figures does not include all Homes however, since in NSW, only Homes that took children under age 7 had to be licensed. In Queensland, according to the Forde Report, in the same period there were apparently around 150 Homes.

This inquiry could perhaps use its research resources to discover these figures.

### *The effect on families*

It must be remembered that each child represented in these statistics had parents, siblings and other relatives who were affected by their removal. Their stories will never be told. In particular, the stories and the feelings of parents who lost their children to state care - often because they were too poor to look after them adequately - will never be recorded. When the Report on the Aboriginal Stolen Generations (HREOC 1997) was released some years ago, Senator Rosemary Crowley remarked<sup>10</sup> that this was a report which, along with recording the histories of these children, also "lists the broken hearts of thousands of women, of thousands of families".

Alongside these Aboriginal families we must put the thousands of non-indigenous families whose children were, similarly, lost to them forever through state interventions.

### *The effects of institutional care*

Although there are a number of (mostly clinical) papers on aspects of the care experience and its effects, there is no sustained account of the effects of growing up in institutional care. The best place to start for an understanding is Dr John Bowlby's famous monograph for the World Health Organisation in 1951, *Child Care and the Growth of Love*, which has substantial passages both on the effects on children of loss of mother/parents and on the effects of institutional care. In one of the most telling passages Bowlby, referring to the results of several studies, says:

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<sup>10</sup> Bird (1998: 132); Senator Crowley was speaking in Parliament on 28 May 1997.



That one-third of all those who had spent five years or more of their lives in institutions turned out to be 'socially incapable' in adult life is alarming, and no less alarming in the light of the reflection that one of the principal social functions of an adult is that of parenthood. For one may be reasonably sure that all the 34% of these institution children who grew up to be 'socially incapable' adults were incapable as parents.....Yet, incapable as parents though they may have been, it is unlikely that they were childless. On the contrary, many must have had children and many of these children must have been neglected and deprived. Thus it is seen how children who suffer deprivation grow up to become parents lacking the capacity to care for their children, and how adults lacking this capacity are commonly those who suffered deprivation in childhood. The vicious circle is the most serious aspect of the problem (Bowlby 1953: 77).

As a useful summary of more recent literature we have attached an edited version of a discussion paper on institutional care, *Myths about Orphanages*, from the website of the US organisation CHILDREN'S RIGHTS <sup>11</sup> [Attachment 1].

What we can offer here are some insights from our contact with hundreds of Care Leavers through CLAN.

## OUTCOMES

Working in CLAN we can tell from the current histories of our members that this childhood in care has had far reaching effects on our members' lives. Although this is anecdotal evidence - through histories related, letters, emails and verbal communications - it is precious, since research in this area is so inadequate. It suggests that older Care Leavers are disproportionately represented in the national statistics for relationship breakdown, drug and alcohol addiction, mental and emotional problems, incarceration, early death, and suicide. At the extreme end of the spectrum, Care Leavers make up approximately 30% of prison populations. Care Leavers who become parents are likely to have their children removed or to seek parenting relief or have children who themselves cope poorly with life challenges because their own parents, through no fault of their own, have been unable to provide them with functioning models of adulthood. Drug and alcohol dependence, depression, anxiety and other mental and emotional illness (including suicidal ideation) are common in this population, with corresponding use of public assistance in these areas and also dependence on income support and public housing. It is also clear that a significant number of people, especially men, do not marry or have other long-term relationships - including friendships - and many make a conscious decision not to have children.

People from fractured families, having lost contact with siblings and parents, and often having had no children, do not have family bonds to sustain them through crises in their lives. Age brings further problems. For most people, the capacity to

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<sup>11</sup> <http://www.childrensrights.org/index.html>

cope and remain independent is compromised by getting old. This is exacerbated for people who have felt marginalised all their lives and thus unable to build up financial, emotional or social capital to support and sustain them in their later years.

People who as children were emotionally neglected and abused in Homes when vulnerable through their youth come full circle by ending up more vulnerable than most when old. Once again they may well end up in a Home. Members often express their fear of this happening to them, and their determination not to let it happen – although through lack of resources they may well have no other option but an Aged Care Home run, as in their childhood, by a church or charity. Although we have no statistical evidence, we have the impression that Care Leavers die relatively early; certainly some of our members have suffered the loss of siblings through early death, including suicide.

A recent story of abuse in 'care', is instructive in this respect. This story, which came out of the recent Ombudsman's inquiry in Tasmania, appeared in the *Hobart Mercury*<sup>12</sup> and relates the story of a man who had been suing the state for its failure of duty of care. He died in his sleep at the age of 41, before his case could be concluded. He was suffering heart disease, and was frail and unwell due to psychiatric illness and drug use after a childhood of psychological battering through abuse at the hands of his various 'carers'.

## CLAN TODAY

\*Please check out our website [www.clan.org.au](http://www.clan.org.au) for an overview of what we offer.

CLAN is still operated primarily by the two women who set it up, Leonie Sheedy and Joanna Penglase. Both have families and work part-time outside the home. Leonie is the first point of contact for anybody getting in touch with CLAN. She listens to people's stories, and advises on possible avenues of help, answers most emails, and contacts agencies and government departments on behalf of members.

Telephone contact and email correspondence would amount to more than a 40 hour week for Leonie. It is also an emotionally draining job. As well as this core work, Leonie also spends considerable time lobbying all sections of the media, and politicians. She is the secretary of CLAN and receives all mail and memberships.

Joanna prepares the newsletter, writes submissions, articles and official letters, answers some of the daily emails and letters, deals with financial matters and addresses forums where CLAN is invited to do so. We attempt to answer all emails and letters. All telephone calls are returned, and all queries are dealt with. A good half of the people who contact CLAN do not join, nevertheless we try to provide them with the information they require since we know there is nowhere else to go.

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<sup>12</sup> *Hobart Mercury* 18.7.03, "Abuse Hell of Tassie state ward" by Ellen Whinnett.



On average we deal with from 5 to 15 calls in a week, but this varies tremendously. When there is publicity of any sort the calls increase. Our recent advertisement about this Inquiry, in Melbourne's *Herald Sun*, brought 25 calls and 5 emails in the space of 48 hours.

CLAN has a management committee which meets every two months. One of the committee members is the librarian, Clare, who sends out and receives back the books requested by members. The library has an important function for members, who can seek help from the hundreds of books (collected mostly by Leonie from secondhand bookstores) on topics of interest to Care Leavers but often not generally available. In addition one of our members, Pamela Vernon, is an experienced events facilitator and conducted our First Anniversary Celebration in October 2001 and the two-day First Mental Health Conference on the Effects of Separation from Family, in which CLAN played a major role, in October 2002. CLAN also has an Advisory Committee composed of those members of the NSW Association of Children's Welfare Agencies (ACWA) who have been most supportive of CLAN. This committee meets four times a year to offer advice and assistance as required but has no voting powers.

### *Types Of Inquiries Clan Deals With*

CLAN receives many types of inquiries. The most common reason people ring up is to share their story. This is an extremely important decision to make, and is the first step to healing for many people. Often it is the first time that somebody has spoken about their past, too ashamed and stigmatized to talk about it freely even to immediate family. It is very difficult to speak up when you come from a background in which speaking up was prohibited. People are often surprised that there is a support group for Care Leavers because "nobody ever talks about these things". We also get calls from the adult children of Care Leavers, seeking help with understanding their parent who grew up in care, and their fractured family history.

It is crucial that Leonie, who takes these calls, has a care background herself because it is also true that Care Leavers don't speak of their history because they are afraid they will not be believed. Often this is what has happened to them when they have dared to talk of their experiences before. Taking these calls is a more than fulltime job since talking and telling their story is what most Care Leavers want most. Making this call to CLAN is often a very emotional step for a Care Leaver. Each phone call may take up to an hour or more. The first step is to gain people's trust, and this can take time. A lot of people are suspicious of who we are and what we are doing and the ice is broken when Leonie says that she, like them, is a Homie. Each call may also lead on to one or more further calls as Leonie attempts to find assistance for the caller. State wards who ring CLAN often are not aware that they will have a file, and that they can have a copy of that file, and CLAN will tell them the steps to take here.



Since we do not have a 1800 number a lot of these calls have to be made, or returned, after hours when rates are cheaper. People wanting this sort of support are usually unable to afford daytime STD rates. Some people on very restricted incomes have had bars put on their phone so they cannot make outgoing calls. This means they ring us from a phone box and we have to ring them back at home. If people ring us on our mobile number we call them back.

Others common requests are for help in tracing family. State wards, like the Aboriginal children of the 'stolen generation', often lost their parents through state interventions such as forcible removal and fostering. Where children were fostered their own parents were often, in fact usually, discouraged from contact, children frequently had their names changed, and they were often separated from siblings. Children who grew up in Homes also often lost contact with family members because they were in different Homes from their siblings and because they were never given any information about their family. Children in care were rarely or never told about things that concerned them and they were punished for asking. We have spoken to more than one person who had no idea that one of the other Home inmates was their sister or brother until they discovered it by chance. Since visiting of Homes was tolerated rather than encouraged and was generally allowed infrequently (often only monthly) parents who were unable to visit often quite soon became strangers to their children. We know of more than one CLAN member who has employed detectives to find family members, including a parent. Care Leavers, when they left their institution would have no information about their own history, their parents' lives or indeed any aspect of their own history that could help them start to put together a picture of their own identity. The withholding of information from children, the indifference to the demands of identity, are yet another feature of this history which contributed to the shattered adult lives of people who grew up in care.

Other queries we get at CLAN are from people who want historical details about institutions, or who had a relative many decades ago who they think was in care - but how would they find out? We often spend considerable time helping people piece together this history, regardless of whether they join CLAN or not.

#### *A recent example of CLAN's service:*

A recent event provides an example of both what CLAN provides, what it is not able to provide, and how great the service gap is.

On May 30, June 6 and June 27 the ABC program NSW *Stateline* broadcast a series of programs on the Training School for Girls, Parramatta, known to its inmates (as they call themselves) as "Parramatta Girls". The first program featured the reminiscences of women who had returned there to lay the ghosts of their traumatic experiences as young girls incarcerated in this state correctional facility. CLAN was interviewed for the second program and a CLAN member who had been in PTSG was also interviewed. *Stateline* received more calls about these programs than they have



received for any other program, around 100. CLAN was also overwhelmed with telephone calls, since the CLAN contact details were given to anybody who contacted the ABC. Leonie was on the phone day and night throughout these weeks, listening to the stories of these women and offering support and understanding. Leonie was in effect doing the work of the NSW Department of Community Services. These women were not able to ring up a DOCS service set up to deal with experiences such as these, for no such service exists<sup>13</sup>.

Had these women been adoptees they could have contacted the NSW Post Adoption Resource Centre (PARC) and received counselling and information. Most significant of all, however is that they would have received official acknowledgment that what happened to them as children has had far-reaching repercussions on their lives. Any adoptee who rings up PARC is contacting a funded, government sanctioned organisation established both to acknowledge and to attempt to address the consequences of the ill-conceived policies and practices of a past era. The very existence of PARC acknowledges that these had consequences that demand to be addressed.

### **Why is the same service not available to state wards and Home children?**

The women who rang Leonie received comfort and knew their story was believed and understood. Some, not all, joined CLAN and in the bi-monthly newsletter they will receive further confirmation of the significance of their life experiences. If they are looking for family members, CLAN will try to help them. CLAN however can offer little more than that.

Parramatta Girls Training School was but one Home in one state of Australia.

### ***Many Care Leavers will not contact this Inquiry***

This Inquiry needs to be aware that probably the majority of Care Leavers will not send in their story. They cannot write it down because it is too painful, they cannot believe anybody would be interested, and they think they won't be believed anyway. They may not be comfortable putting pen to paper, or they may not be able to read and write. For every person who does send their story, there are probably at least a thousand others who cannot bear to open up the wounds.

We conclude with a some recommendations for outcomes from this Inquiry which we believe would go some way towards addressing the issues of both healing and reparation for the survivors of these experiences.

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<sup>13</sup> Except for the limited Helpline service described on p. 4. None of the women who contacted CLAN had any knowledge of this service.

## Recommendations

### Recommendation 1

That this Inquiry recommend the establishment of a Royal Commission into institutional care and fostering practices of this era. The issues raised by this Inquiry are far-reaching and involve a significant degree of criminal activity which can only be addressed by a Royal Commission. In particular, there were institutions for children across Australia whose practices, from what we hear from Care Leavers, were notorious for their inhumanity and criminality and should be exposed to public scrutiny. Some relevant names here are Hay and Mt. Penang (NSW), Winlaten (Victoria), Vaughan House (SA), Westbrook (QLD), Bridgewater (WA). In Queensland, some female adolescent state wards were housed with psychiatric patients in the mental hospital Karrala House at Wacol.<sup>14</sup>

The remainder of our recommendations, like this submission, relate predominantly to the Inquiry Term 1(b): *the extent and impact of the long-term social and economic consequences of child abuse and neglect on individuals, families and Australian society as a whole, and the adequacy of existing remedies and support mechanisms.*

It is clear that existing remedies and support mechanisms are totally inadequate since they are almost non-existent. We begin by giving you the 'wish list' of people who attended the very first public meeting of CLAN, on October 20, 2000. Suggestions and comments made by people included:

- \* tell people about CLAN, publicise it and encourage people to join, there is a need for networking,
- \* we need concrete and practical ways to get our stories told - like publishing them
  - \*we should find a champion to be identified with us and support us, somebody well known. Also look into the background of politicians and see if any were in 'care', to help us get our issues on the political agenda. It's also good to have a journalist on side who will help us deal with the media and also help us get our concerns into the newspapers.
- \* many people said they want more information - e.g. about how to find family members, search for records
- \* there should be a Royal Commission
- \* people who ran Homes should be made accountable for what they did
- \* organise a rally - **we are the government's children**, let them see us and know how we feel
- \* we should all send a letter about these issues to our member of Parliament.
- \* we need somebody in the Department of Community Services whose job is just to liaise with and help state wards
- \* we need counselling services, family support services, after care services

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<sup>14</sup> See the Brisbane Courier Mail, 27.2.2003



a powerful way of getting our issues recognised is to talk about what happened. Everyone at the meeting should give a copy of the CLAN newsletter to their doctor or anybody else who is in touch with a lot of people

- \* we should set up self-help groups with a facilitator
- \* we should talk to professional bodies about CLAN and try to enlist their membership.

## **Recommendation 2**

That CLAN be funded as a national service for older Care Leavers. Although child welfare was the obligation of states, not the Federal government, the system of care and the outcomes it gave rise to were the same throughout Australia. This service should be actively and proactively promoted in all community services, in nursing homes and in gaols across Australia. A national service could consist of:

- a small National Secretariat, based in Sydney, of which CLAN could provide the nucleus
- a co-ordinator in each state, employed by CLAN and answerable to the Secretariat, with each co-ordinator located in premises which serve as a point of contact for that state. The premises must be on neutral territory (i.e. not attached to a particular agency or past provider). In the initial stages, some funds would be allocated to researching the situation in each state - demographics, type of services required, and so on. Although there will be local variations, the overall services that such an organisation would provide are as follows:

**Information and Search Services** in all states specifically targeted to state wards and Home children to help locate both family members and their own history. Existing services are inadequate and do not acknowledge the needs of this group. These would include

- Assistance with accessing their file(s), i.e. dealing with government or agency authorities. This is often a very daunting task for a Care Leaver: it is the first step to acknowledging what happened to them and there is often also apprehension about what the file will contain.
- Mediation with the agency which raised them. Many people are reluctant to have any further relationship at all with their agency, where in their opinion it failed in its duty of care, or allowed abuse to occur. In these instances CLAN would act as go-between.
- Support in reading the file from somebody familiar with the attitudes and practices of the past care system.

- Meetings and/or mediation with persons identified from the file, for example a sibling or ex-carer. Support and facilitation services may be essential for people who wish to meet with and challenge ex-carers about issues still affecting them today. This is an option that should be available for Care Leavers who wish to have some closure with their past

### **Therapeutic Services**

We strongly urge the need for specialist therapeutic services for Care Leavers who wish to access this type of help, particularly since many will not return for help to the agency which operated their institution. Some research is required to determine how best to help Care Leavers in this respect. It may well be that self-help groups, facilitated by a specially trained therapist, may be a viable course and funds should be allocated to establish this once a suitable model is identified. Alternatively, therapists trained in these issues could be made available through additional appointments to existing community health services.

### **Peer Support**

There is ample evidence that people from abusive backgrounds benefit from peer support. Establishments of groups to share and support are key to the improved social functioning of the ex care population. This can include regular local meetings but may also involve facilitated reunions for people from a particular care facility. CLAN would obviously continue to play an important role here.

### **Education Services**

Many Care Leavers were prevented by their background from reaching their potential and this issue should be addressed through facilities to help Care Leavers access both educational and life skills courses. Some Care Leavers from this earlier period left the system unable even to read and write. Most of us grew up with no role models and as "parentless people" we have had little idea how to be parents - or grandparents - ourselves. Also, as we know from our own experience, having children often raises unresolved issues from childhood, particularly around abandonment and neglect.

**Outreach work** is necessary to offer counselling and support services to regional clients.

A **1800 number** has to be part of any service.

### **Recommendation 3**

That all state government departments responsible for children and families today employ at least one person whose sole task is to liaise with older Care Leavers and to facilitate whatever assistance they require. A primary task is obviously accessing state ward/guardianship files, and advising on other services available to Care Leavers. Linked to this is a further recommendation which is designed to make visible the existence of Care Leavers:



#### **Recommendation 4**

That state government departments dealing with former state wards, foster children and Home children have their names altered to reflect their responsibility for older Care Leavers. Currently, state ward and related issues are usually subsumed within the Adoption Services arm of the department. Adoption is of no relevance to Care Leavers and they do not relate to this word as having any application to themselves. *That these issues have equal importance with adoption issues should be reflected in the name of the department which services them.*

#### **Recommendation 5**

That research be carried out to establish the economic and social costs of the system of care which prevailed up to the 1970s. As noted above, we suspect that this cost will be found to be extremely high in use of public services in the areas of health, including mental health, housing, child and family services, drug and alcohol services and income support. There is no judgment implied here. The point we want to make is that research which points up the link between childhood neglect and abuse and the cost to government through services to the adults produced through such childhoods, is essential if we are to learn from the past, and put in place in the present, interventions which will reduce the social and economic cost of family disruption and care experiences.

#### **Recommendation 6**

That research be carried out to search for and locate records, collate histories of care locations, and perhaps establish a centralised records service for care leavers. This is a fragmented history whose pieces must be pulled together as an important part of Australia's social history. NSW DOCS has an excellent publication called *Connecting Kin A Guide to Records* which lists all government and non-government institutions with guidelines on how to access records held by them. This is an example which all states should follow.

Some funds should be allocated to advertising nationally for records since in some cases records have simply ended up in the basement of agencies or in an individual's spare room. Poor record-keeping combined with the incomplete retention of records by many organisations (noted previously) means that resources need to be allocated for proactive record searching to help fill in the gaps. Proactive searching may well turn up many more 'lost' or forgotten records, than those currently available.

#### **Recommendation 7**

As a contribution to putting this history on the public record, the Museum of Australia should have a permanent exhibition of the care history and experiences which affected so many thousands of Australian citizens for over a century.

### **Recommendation 8**

That having a care background should be grounds for priority consideration in all government services. In the same way that official forms ask whether you have a non-English speaking background, or are of Aboriginal or Torres Straits Islander descent, so there should be a box for 'did you grow up in care?'. People who grew up in care should receive priority in housing, dental and health care and other relevant services which put pressure on individual financial resources.

### **Recommendation 9**

*In relation to terms 1 (d) whether there is a need for a formal acknowledgement by Australian governments of the human anguish arising from any abuse and neglect suffered by children while in care,*

It is not an apology that is needed but an acknowledgment by both state and Federal governments that these events did take place, that policies were misconceived, and that the effects of this care system were pernicious and caused lasting and often irreparable damage to the children who suffered it.

There are two recommendations concerning term 1(e):

*In relation to 1(e) in cases where unsafe, improper or unlawful care or treatment of children has occurred, what measures of reparation are required;*

### **Recommendation 10**

There should be a tangible acknowledgment of this history in every state capital city in the shape of a memorial to all children who grew up in care. Many of the Homes and institutions have disappeared or been demolished, along with the histories of their inmates. This could be a measure of reparation. Adults are quick to point out how well their organisations meant towards the children they cared for and their version of history is the predominant one. If we are, as we like to think, a child-centred society, here is an opportunity to acknowledge the alternative history of care - as seen through the eyes of the children who suffered it.

It is so clear from our work in CLAN that to have your experiences acknowledged is the beginning of healing.

### **Recommendation 11**

That a trust be set up, and substantially funded, to offer financial assistance to Care Leavers. This could be a government/past provider fund, matched dollar to dollar.



The 1999 Queensland Forde Inquiry provides a salutary lesson in this regard. Following the inquiry, a \$2 million fund from government was established to assist Care Leavers and the interest is now used to make small one-off grants to applicants who qualify by reason of their past history for the money. The past providers of

care, that is, the non-government organisations who provided care in the past, were invited to contribute to this fund but they declined. To date, it appears that only the Uniting Church have seen fit to contribute a further \$15,000.

On the ABC 7.30 REPORT on 1 July 2003, the head of the Jesuit order, Father Mark Raper in an interview in relation to compensation for people who considered themselves victims of abuse by employees or religious personnel of the Catholic Church said that "assets are not as important as the people that we seek to serve .....what's the point of doing what we're doing if that's not the case?"

**THIS SHOULD BE THE STANDARD OF RESPONSE THAT CARE LEAVERS CAN EXPECT FROM THE AGENCIES RESPONSIBLE FOR THEIR CARE IN THE PAST.**

Past providers of 'care' have shown an extreme reluctance to be held responsible for the consequences of this system of care, even where the grossest of abuses have been proven.

We urge this committee to make specific recommendations about contribution to a reparations fund by non-government entities *as a matter of course, not choice*. This does not have to imply the blaming of current officeholders or individuals involved with these organisations, or indicate any value judgment about the worth or the intentions of these organisations at the present time - or even in the past. It is an acknowledgment of the consequences of a past system of care for which all of its providers - state, church and charity - are equally responsible.

One way to obtain this commitment would be to mandate that the current funding of all past providers of care who now operate child and family services be tied to an ongoing commitment by these agencies to funding services for past recipients of care. In other words, a percentage of the resources of all agencies who ran Children's Homes, institutions or fostering services in the previous care system must be allocated to older Care Leaver services. The penalty for not making this commitment would be the withholding of ongoing funding for current services until the commitment is demonstrated.

**Recommendation 12**

*In relation to 1(f) whether statutory or administrative limitations or barriers adversely affect those who wish to pursue claims against perpetrators of abuse previously involved in the care of children;*

We strongly urge that legislation be changed in all relevant jurisdictions to remove the statue of limitations in all cases where charges are brought relating to the histories being examined through this Inquiry. The law was not designed for cases such as these where the consciousness of harm done, and the ability to face that knowledge, is often not possible until middle age.



We would support the idea, further, of a Tribunal being established to hear cases relating to past care experiences, so that Care Leavers should not have to engage in litigation to obtain acknowledgment and reparations for what happened to them in care. The adversarial court system is not designed for experiences such as these.

**There is a further issue related to term 1(f) which arises from current privacy laws:** Children as adults should be able to get access to state held or non-government agency files about their families. Currently, this is debarred on the grounds of privacy of other family members. This is a difficult issue but not insoluble and since Australia is a signatory to international conventions on the rights of the child – which acknowledge the right to identity information – we must find ways to change this.

## **IN CONCLUSION: FAIRNESS, SOCIAL JUSTICE, NON-DISCRIMINATION**

The policies which governed child welfare through the decades of the twentieth century are as inexplicable to current thinking as those which governed Aboriginal people. We seem to be able to accept that we were 'wrong' in our policies towards the Aborigines, towards adoptees, towards the Child Migrants. We cannot yet seem to be able to begin to think about how wrong we were about these other vulnerable children over these same decades.

When the *Bringing Them Home* report on the Stolen Generations was released, a reader wrote this letter to the national newspaper *The Australian*:

My best mate in primary school, a bright, intelligent, happy kid, disappeared one day. I never saw him again. Because his father and mother were separating, welfare took him away and fostered him out. I later heard he rebelled, was sent to reform school and has since spent much of his troubled life in and out of jail.

No journalist, academic or human rights commission president, smug in their self-righteous public concern for the 'stolen children', has openly grieved for the tens of thousands of these 'forgotten children' or called for compensation and national apologies, for the simple fact that they were white (*Weekend Australian*, 24-25 May 1997: 20).

We quite often hear this same remark from CLAN members. It is not meant to be a denial of the entitlement of Aboriginal people to recognition and reparation for their tragic history. What people are saying is, 'it happened to us too, it's not fair'. This is a matter of social justice. It's also a discrimination issue. If there is recognition and support, quite rightly, for groups in the Australian population with similarly traumatic childhood experiences, why is it denied to older Care Leavers?

Perhaps one reason this history has not been told is that governments do not want to recognise that the standard system for looking after children in 'care' for so many decades was both abusive itself and also a harbour for abusers. It has produced several generations of extremely damaged Australian citizens who have passed that damage down the line. The inmates of Australia's gaols today are often the product of it; the rest of us have got on with our lives as best we could against heavy odds and many of us are dead before our time.

The Australian citizens who grew up in this older system of 'care' are as emotionally disabled as the Aboriginal Australians stolen as children from their parents, and the Child Migrants exported across the globe. The reason in all cases is the same. Children are deeply and often irrevocably wounded psychologically by the loss of their parents and kinship ties; and they cannot thrive in an institutional environment. Aboriginal people were further damaged by the stigmatisation of their colour. For many thousands of older Care Leavers the status of state ward and Home child is as ineradicable as the pigment in a dark skin, and shapes in a similar way the disabling self-perceptions of the person who carries it.

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