



CARE LEAVERS AUSTRALASIA NETWORK

CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.

Submission to The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings



CLAN - Care Leavers Australasia Network is a national, independent, peak membership body which represents and advocates for those who were raised in Australia and New Zealand's Orphanages, Children's Homes, Missions and Foster Care. There were more than 500 000 children in Australia who grew up in 900 plus Orphanages, Children's Home, Missions and foster care. CLAN's main objective is to assist and support Care Leavers and their families through the wide variety of work we do including but not limited to advocacy, counselling, casework, records searching and publishing Care Leaver's stories.

CLAN must say that while we are grateful for the opportunity to provide information to your Commission of Inquiry, we are incredibly disappointed with how limited the scope of your Terms of Reference are. It is said that you do not want to repeat the work of the Royal Commission, yet that is exactly what you are doing, and doing in a way which provides even further limitations and exclusions. The focus on sexual abuse once again is disappointing and is a repetition of the Royal Commissions work. It is interesting that other countries like Scotland and New Zealand who have conducted inquiries and are setting up redress schemes for abuse in care are inclusive of ALL types of abuse.

Furthermore, the refusal to examine historical cases or those involving church and charitable institutions is beyond puzzling. The states of Australia have always overseen child welfare, and the very fact that abuse occurred in non-government institutions is as much a reflection on the Tasmanian Government as if it occurred in a government institution. Excluding historical abuse from your inquiry once again proves to Care Leavers that the Tasmanian Government does not care about their experiences, and that they are not willing to learn from the past. At least the Royal Commission acknowledged that there is no point trying to fix current conditions without learning from the mistakes of the past.

Whilst many of the Care Leavers we deal with have experienced historical abuse, the responses to this abuse are current. Moreover, the lessons that past abuse can teach us in dealing with future abuse are invaluable and give us tremendous insight into how and why the system needs to be changed. Not only in its responses to child abuse but also in the prevention of child abuse within the system.

CLAN would also like to outline how the current National Redress Scheme (NRS) is failing as a response to Care Leavers who were sexually abused, and as things stand should not be the Tasmanian Governments fallback response to Care Leavers and other abuse victims. CLAN will outline how the NRS is only serving to further retraumatise Care Leavers with its many barriers and red tape. If the Tasmanian Government is serious about providing an adequate Care Leaver and Trauma informed response, there are a great many changes that need to be made to achieve this ideal.

Experiences of Care Leavers

Inexplicably in Australia, the Royal Commissions limited focus on ONLY sexual abuse has created a trend that it is the only abuse that seems to matter. The ignorance by those in power as to the long lasting effects of ALL abuse to children in care (and in general) is concerning and alarming. The current focus on sexual abuse almost normalises and justifies children continuing to be physically and psychologically abused and neglected. Studies and anecdotal evidence points to other forms of abuse creating the same long lasting trauma and lifelong effects as sexual abuse does. However in an aim to be efficient, Australia and its states and territories pretends that other abuse does not

matter. CLAN and our members are both disgusted and ashamed of this trend and the ignorance of those in power.

CLAN would like to outline a few examples of Tasmanian Care Leavers who have suffered abuse under the Tasmanian child welfare system. Whilst it may not fit neatly within your Terms of Reference it is vital that your Inquiry understands the context in which many children were abused and neglected, the response by government departments, and the lifelong effects for these individuals.

- **Allan**

Allan was placed in the Northern Tasmanian Home for Boys at 4 years of age. In 2017 when Allan got in contact with CLAN he was trying to access his file from the Tasmanian government and was told that they couldn't locate it. This caused him a lot of distress as he felt his entire childhood had no validity and was frequently abused and mistreated whilst in the care of the state.

CLAN was able to then locate his records when we applied and assisted him through them. A lot of important information was missing, particularly the states failure to document when Allan disclosed mistreatment. As a result of the care system he was not taught to read or write, which has severely disadvantaged his life. The fact that he could not even read his own records was very upsetting and could only truly understand them if someone else read them to him.

Allan has struggled with housing and finances his entire life as a result of his literacy skills. He has not been able to hold down jobs and finds it very difficult to complete even the most simple of necessary paperwork. Allan has always been in government housing.

The department removed him from his parents at a young age and put him in Northern Tasmanian Home for boys. Allan was frequently sexually, psychologically, physically and emotionally abused. Allan finds he 'Rolls around in bed every night' and believes it started when he was a child. Allan says he does this because they used to get at him at night, drag him from bed and take him to the closet to abuse him. If he keeps moving he feels like no one can sneak up on him and grab him. Consequently, Allan has found the only way he sleeps well is if he has something to drink. This has been an issue Allan has faced all his life, and requires sleeping tablets.

The day he turned 17, he was put straight in the army.

Allan felt it was hardest when his kids found out about what he had been through – they accused him of lying. Over the years they have come to understand these things did happen in care, and frequently. This hurt Allan a lot, as he felt all through his childhood he wasn't believed, then his own children found it difficult to comprehend. Allan was also supported to write his story by CLAN to the Royal Commission.

Allan's experience in care continually destroyed his self worth. In the Northern Tasmanian Home for Boys, he was hit in the face on a number of occasions, being reminded by the man who ran the home that he was useless and would amount to nothing. This has been a continual thought for Allan throughout his adulthood. For being caring and kind to other

children in the home, he was punished and beaten. For some time after care he had no contact with his brothers, he had to make an effort to ensure they were in touch as the Home did not assist with this.

Allan has nightmares about the boys who abused him in the home, he wakes up frequently, crying.

After support to complete his Redress, and waiting 2 years he received a Redress payment, which Allan was pleased about, however feels it would never be enough to account for what he suffered as a child and the lifelong impact.

- **Sandra**

Sandra, 71, was fostered as an infant by a couple in Prospect, Tasmania. She was never given any details about her biological parents or family and has never been able to find any information. Sandra was not the only child that Mr and Mrs Cheshire were fostering, however there are NO records regarding Sandra's time in care, or any information about these fostering arrangements.

Sandra was deprived of an education, and instead, she and her foster siblings were required to work around the clock taking care of the animals and maintaining and upkeeping the house and grounds. Sandra recalls going to school less than 100 days in her life, but despite this fact the Tasmanian education system never enquired or checked up on where Sandra and her foster siblings were.

Furthermore, Sandra remembers the police and welfare officers being involved with the family. Two of the children were taken by welfare, yet Sandra and the others were kept there and their wellbeing was never considered.

At the age of about 8 Frederick Cheshire began to rape Sandra whenever it was her turn to work inside, and when she protested he would threaten her with being shot. Sandra endured this for the rest of her childhood.

Sandra was recognised by the Tasmanian Redress Scheme, but has been deemed ineligible by the National Redress Scheme due to the lack of records proving she was in 'care'. This has devastated Sandra and has compounded the injustice of her life, the neglect of all those in the welfare system, and the feeling of being an 'invisible Tasmanian'.

Sandra now lives with the trauma of not only being a Care Leaver who was physically, sexually and psychologically abused, who was deprived of an education and who was used as forced labour, but of being 'invisible' with no answers as to who she is, where she came from and how she ended up in the care of this deprived couple.

- **Craig**

Craig was in West Wind Boys Home for 15 years and was taken away from his family at a very young age. Craig applied for his records through CLAN, where multiple redactions were present, and many pages were duplicated, seeming as if the records were more plentiful than they in fact were. Further, Craig wanted information regarding the foster families he was shipped out to on weekends, and none of this information was present to help him answer the many questions he had.

Craig was very hesitant to apply to the National Redress Scheme. He had applied to the Tasmanian Redress Scheme a number of years ago and was told directly that he was lying and making it up. He was only offered \$8000 for the abuse and neglect he suffered over 16 years. Craig was told if he did not accept it, he would get nothing. Consequently, he was extremely fearful of Redress, and it took the CLAN counsellor a number of months to convince Craig otherwise. Unfortunately, this was also a negative experience, as his claim took far longer than expected; affirming his thoughts that he wouldn't be believed. Craig contemplated withdrawing his Redress application on a number of occasions. Craig eventually received an outcome almost 2 years after the submission.

Craig was sexually abused by 3 different abusers while he was in the home, who all worked in separate sections. It was ongoing, and frequent. Craig tried to tell the superintendent and was beaten for 'lying'. The physical abuse and psychological abuse was continual, Craig was made to feel worthless and was never appropriately educated and requires assistance to read documentation or complete it.

Craig has never returned to Tasmania due to his harrowing childhood. He found his brother after 50 years when CLAN helped him. The institution never allowed them to have contact. Craig found out approximately 4 years ago both his parents were dead, he did not know when they died or how, as no one ever told him when he was in the orphanage.

Craig suffers from Complex PTSD. He doesn't sleep and has nightmares frequently. He has spent the entirety of his life making up for crimes he committed upon his release from "care" as he was thrown on the street with nothing but his clothes and needed to make money and figure out how to survive as a 17-year-old.

As a result of Craig's experiences in Care, he has been committed to helping vulnerable children in the same position and provide them with the support the Government was unable to provide him.

As you can see, **there is more than one way to harm a child**. In fact there are many ways, all of which were perpetrated upon children in care. Many of these harms were, in fact, crimes. Physical abuse, torture, psychological abuse, neglect, child slave labour, the loss of family and identity, and yes, sexual abuse. All of these heinous crimes were committed upon our most vulnerable children. Children who had no one to turn to; no one to tell. These crimes can be charged and prosecuted, and therefore SHOULD be inquired into and also included in a redress scheme.

Furthermore, and as evidenced in our examples, children in care and under the supervision of the Tasmanian state Government were continually deprived of an education. The Tasmanian Abuse in

State Care Inquiry report, outlined how many children were commonly deprived of schooling as a punishment. In Wybra Hall boys were placed in 'The boob' as punishment, an isolated room in a tower where they were left cold and hungry and were not permitted to go to school. Many other Care Leavers were forced into labour within the Homes like commercial laundries and farming and in foster care. This was commonplace within Tasmanian Homes and has resulted in a generation of Care Leavers with low levels of literacy and as a result low self-esteem and self-worth. Obviously being deprived of an education has had huge impacts upon these Care Leavers lives, not just their mental health and feelings of worth, but understandably their job prospects and as a result their financial security.

Additionally, Care Leavers were thrown out of care at a certain age with no support and no belongings except for the clothes on their back. This in turn led to many Care Leavers being homeless and enduring further abuse on the streets, as well as committing crimes to survive. As can be evidenced in our case studies above, abuse can take many forms and being left homeless and deprived of educational opportunities has prevented many Care Leavers from attaining any form of financial security in their lives and has left them to rely on the social welfare system.

So how does all of this relate to current conditions? Firstly, we hope that your Inquiry cares not only about child sexual abuse responses but responses to ALL abuse in institutional settings. By focusing on sexual abuse, it is almost as if other forms of abuse are condoned and accepted. This has to change! Preventing ANY abuse and responding to ALL abuse is the aim to keep the next generation of children safe from the harm previous Care Leavers endured. It is obvious from our examples that the lifelong effects many Care Leavers suffer with is the result of different forms of abuse, neglect and deprivation being allowed to occur.

Oversight was such a huge issue in the past and continues to be a main factor in child abuse today. No one was there regularly checking on children in care, ensuring they were going to school and providing a 'safe' presence to report to. Many children in care simply fall through the cracks and complete trust is given to either foster carers, group homes or other institutions that their care is entrusted to. In the past the Tasmanian Government placed this trust in Homes both government as well as church and charity run, and in the majority of cases this trust was misplaced and children were taken advantage of. No matter what policies are in place, no matter what background checks are done, children need to have a physical presence regularly, routinely and ad-hoc check ups to ensure their welfare.

In the book 'Not of my Choice' by Frederick A Coppleman, Frederick a Tasmanian Care Leaver recounts the welfare checks that were carried out. He describes how a welfare nurse would come 'every fortnight, at the same day at the same time'. Although he recounts the nurses being nice to them and enquiring as to their wellbeing, he also describes how the foster mother would be sitting in the same room, directly opposite them listening to all their answers. Obviously not ideal circumstances for children to disclose or report incidents to. Furthermore the routine of the welfare checks is something that occurred in many places quite frequently allowing those in charge to prepare children for the check.

Additionally, the education system failed these children continuously. Time and again CLAN are privy to the stories like we have shared with you where children barely attended school and nothing was done about it.

Similarly, as in Sandra's story, there are also occasions where the police have been involved with foster families, or have returned absconders back to the Home they ran away from without doing proper welfare checks and ensuring these children were being properly cared for.

As seen in Allan's story he had disclosed his abuse to adults in the Homes, yet none of this was documented. Similarly for Craig he reported his abuse to be given a beating for 'lying'. These adults were completely aware of the abuse that had taken place and decided to beat innocent children into submission and discourage reporting. This was commonplace for Care Leavers and in the majority of Care Leavers files that we come across. None of the abuse, mistreatment and crimes committed against Care Leavers were ever documented. Records are so important to children in care and adults once they leave care. Unlike other people in society, Care Leavers can't go to their families and say 'tell me about the time this happened', or 'can I have a photo of this' etc. Records and files from their time in care is literally the only record of their childhood that they may ever have and knowing that the majority of these records are a lie (or omitting half the story) can be extremely distressing for many Care Leavers. Ensuring that children's records are kept as detailed as possible, documenting each and every placement no matter how fleeting and including ALL their disclosures and responses to these disclosures is of the utmost importance.

*A CLAN member has only recently received his state ward records from the Tasmanian State Government. He **waited four years** to receive these records and in this time has had his National Redress Scheme application assessed and has received an outcome. Upon receiving his records it was evident that the majority of the records were redacted and labelled 'out of scope' or were 'duplicates'. His birth certificate was included, however, his parents' names on his birth certificate had been redacted. Please see Appendix 1 for a copy of this Birth Certificate – the Care Leaver's name has been deleted to protect his privacy. Furthermore, since he had received an outcome from the NRS, some NRS paperwork was included in his Tasmanian records. This comprised of a letter from the Independent Decision Maker (IDM) who are anonymous in the NRS, however the identity of the IDM had been disclosed in the records released by the Tasmanian State Government.*

The amount of redactions that agencies carry out on Care Leavers files is appalling. This is their own information about their own life (however skewed it may be). It is not acceptable for the majority of these files to be redacted and labelled out of scope, or for numerous duplicates to be included making the files appear more plentiful than they actually are. The way in which these files are presented to Care Leavers shows a complete lack of respect for their right to their own information.

Furthermore, the fact that currently a Tasmanian Care Leaver may have to wait for **years** to access their file is appalling. CLAN in our role as a find and connect agency has applied for Tasmanian Care Leaver's records on many occasions only to be told at times that the waiting period can be up to 4 years as evidenced in the previous Care Leaver's case. How can it take this long to provide records to Care Leavers? In doing so the Tasmanian Government is denying Care leavers the right to access their own information in an acceptable time frame. Many Care Leavers are waiting on their files to complete their NRS application, yet when it can take up to 4 years to receive this information many are deciding to bypass this, possibly placing them at a disadvantage. Something needs to be done to expedite the processing and providing of Tasmanian Care Leavers records to them.

CLAN were also extremely saddened to hear, in Craigs case the fact he was told he was lying and was not believed by the Tasmanian Abuse in State Care Inquiry. Whilst your Commission of Inquiry may think Tasmania has adequately inquired into the abuse of the past, it most definitely has not. Craig was not the first Care Leaver to be told they were lying, and the narrow reach of the Tasmanian Abuse in State Care Inquiry back in 2003 meant it was extremely limited in its approach. The general

understanding of those in Government and in mental health about just how pervasive and extensive the abuse of children in care actually had been was minimal to say the least. At this point in time many did not believe these individuals who had been in care as children and had no idea about how far it extended and the trauma that was associated with this abuse. Furthermore, almost 20 years later, the ability of social media and the internet to reach many more affected Tasmanians would be enormous. We implore this commission to apply a contextual understanding of how and why the 2003 Inquiry which examined historical abuse in Tasmania was just not adequate to give the most accurate understanding of the extent, effects and responses to child abuse in state care.

The role of CLAN as a support agency

The Commission asks about experiences of services which have supported 'survivors' or Care Leavers. CLAN felt it necessary to discuss our role as a major support agency that has been recently ignored by the Tasmanian Government.

CLAN currently have 24 Tasmanian Care Leavers as members and have supported countless others with information, referral, advice, support, advocacy and even counselling which they do not have to become a member to access.

CLAN run socials or peer-support groups in both Hobart and Launceston for the last 21 years we have been operating and currently in line with Covid restrictions.

CLAN have also assisted 12 Tasmanian Care Leavers thus far to complete their redress application forms.

Over the years we have also assisted many Tasmanian Care Leavers to attend the Royal Commission private hearings and supported them throughout that process.

For any Care Leaver who requires or requests our assistance to report their abuse to the police or to pursue civil litigation we help and support in any way we can. We have felt over the years there has been particular reticence from Tasmanian Care Leavers to report their abuse and pursue criminal justice. Many Tasmanian Care Leavers have discussed that they are scared and fearful about reporting to the Tasmanian police.

CLAN are often used as a resource by many detectives and police departments around Australia as we are a national support and advocacy network with a large reach to many Care Leavers. We have however, had no contact from police in Tasmania in an attempt to reach other Tasmanian Care Leavers who may be victims or witnesses of crimes in Homes. There was a case in 2016 involving Kennerley Boys Home where a man who worked there 'Mr Masters' was charged for sexually abusing many boys in the 1970's and 1980's. Unfortunately CLAN have been unable to follow up and get any more information about what happened to this case and inform relevant Tasmanian Care Leavers about its outcome. We also had no requests from Tasmanian police or detectives to reach out for other possible victims or witnesses.

As said previously, CLAN have been operating for 21 years, and in that time have supported and advocated for many Tasmanian Care Leavers. We currently receive no funding, assistance or acknowledgement from the Tasmanian State Government for the work we do with Care Leavers, and are not used as a state resource or a support network to refer Care Leavers to. CLAN hopes that this may change in the future and that the Commission and the Tasmanian Government can see the potential of having a nationwide network such as ourselves as a service to assist more Tasmanian Care Leavers.

The National Redress Scheme

Lastly, CLAN would like to highlight some of the current limitations of the National Redress Scheme (NRS) in responding to and delivering redress and justice to Tasmanians.

Unfortunately, the current National Redress Scheme (NRS) in Australia is not meeting these objectives. It is creating its own harm by retraumatising Care Leavers by poor set-up, management and defective administration. The red tape surrounding the NRS has been enormous and policy has been created on the go causing immense delays leading to the decline of Care Leavers mental and physical health, with many Care Leavers dying before they have received their outcome/payment.

Some of the biggest issues with the NRS hindering fair and equitable access to the scheme for Tasmanian Care Leavers are the following:

- The opt-in methodology where many church and charitable institutions did not and have not opted in, leaving the Government to only address sanctions now, two years later. This has meant huge delays in processing applications causing immense anxiety for many Care Leavers. Whilst the Commission may not believe this is an issue in terms of its inquiry, it must be remembered that the Tasmanian Government licenced these institutions and placed state wards in these institutions and then failed in their duty of care towards them.
- The exclusion of crimes and abuses which are not sexual abuse. As discussed earlier this practice of only inquiring and redressing sexual abuse is backward, flawed and ignorant.
- The indexing of prior payments. Whilst it is important prior payments are taken into account the practice of indexing these payments is only rewarding the system which has delayed the introduction of a redress scheme, the delays in opting in and the delays of the NRS itself. This is not a fair and just practice, it is simply beneficial for all other financial parties involved.
- The practice of forensically investigating Care Leavers accounts instead of basing it on a reasonable likelihood has been disgusting. The NRS is supposedly aware of the limitations of ALL states and the historical child welfare records they kept. However, they continue to go back to these records to prove or disprove Care Leavers accounts. As in Sandra's case, a record couldn't be found and as such she was deemed ineligible. We are well aware that records were not always kept, that records were destroyed either due to natural disasters or poor record keeping practices. Yet the NRS seem to place blind faith in government departments and institutions that if a record isn't there or differs to a Care Leavers account, the Care Leaver must be lying or mistaken.

Conclusion

CLAN hope that in reading our submission it is evident to the Commission of Inquiry the importance of understanding the historical context in which ALL abuse took place in Tasmanian Homes, both government and church and charity. Furthermore, the Tasmanian Government's responses to Care Leavers are current when considering issues such as records and the Tasmanian Government being party to and endorsing the NRS as a fair and equitable scheme for Tasmanian Care Leavers. Who was responsible for the human rights of these children in Tasmanian care? Who is responsible for the ongoing human rights violations of these adults who were abused in Care? These are questions which are more than relevant and need to be answered by the Tasmanian Commission of Inquiry. Care Leavers who have been abused, neglected and deprived in countless ways throughout their childhoods have not been properly acknowledged or responded to by the Tasmanian Government,

the ones who were responsible for the welfare and care of ALL Care Leavers in Tasmania, whether they were state wards or not.

Appendix 1

TASMANIA

The Births, Deaths and Marriages Registration Act 1999

RECORD OF BIRTH

Registration No.

207/1957

1. Surname 2. Christian or other names 3. Date of birth 4. Born at 5. Sex	[REDACTED] 12 JUNE 1957 Hospital, BEACONSFIELD Male
6. Name change (if any)	S.16 CYPFA
FATHER- Stated particulars 7. Surname 8. Christian or other names 9. Occupation 10. Year of birth or Age 11. Birthplace	S.16 CYPFA
MOTHER- Stated particulars 12. Surname 13. Christian or other names 14. Maiden name 15. Occupation 16. Year of birth or Age 17. Birthplace	S.16 CYPFA
MARRIAGE of father and mother - Stated particulars- 18. When and where married 19. Previous Issue	17 AUGUST 1955 MELBOURNE Living males 1 Living females Deceased males Deceased females
20. Date registered	18 JUNE 1957
21. Registration officer/district	MANZONEY

ENDORSEMENT(S)
Formerly recorded as: B C 0015 1957 M in District BEACONSFIELD No 0158/1957

I CERTIFY THIS TO BE A COPY OF AN ENTRY IN A REGISTER OR RECORD KEPT BY ME, GIVEN IN PURSUANCE OF THE ACTS OF PARLIAMENT OF THE STATE OF TASMANIA THIS 22 JULY, 2004.

S.16 CYPFA

REGISTRAR OF BIRTHS DEATHS AND MARRIAGES

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