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The Family and Community development Committee
Parliament of Victoria
Spring St
EAST MELBOURNE
Victoria 3002

INQUIRY INTO THE HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER NON-GOVERNMENT ORGANISATIONS

To The Committee

I am forwarding onto you my submission for the inquiry. I am a former state ward, I have worked in foster care for many years and have had contact with Care Leavers over a long period of time. I have been a member of Care Leavers Australia Network for ten years, I also have been involved with several working groups representing care Leavers, namely Find and Connect Service for Forgotten Australians and Child Migrants, this was recently launched in Melbourne. Improving Aged Care for Care Leavers, DOHA. The Forgotten Australians National Education Package to go into all schools for year 10 and up and the Victorian working group for Forgotten Australians conducted at the Centre for Excellence where I was also part of the sub committee working on the Memorial for Victorian Care Leavers.

I am more than qualified to make comment in a submission discussing Care Leavers and the trauma many individuals have suffered as a result of their time in various Institutions within Victoria.

Yours sincerely

Phyllis Cremona

SUBMISSION TO THE FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE.

INQUIRY INTO HANDLING OF CHILD ABUSE BY RELIGIOUS AND OTHER NON GOVERNMENT ORGANISATIONS

INTRODUCTION

As previously stated I was a state ward. My siblings also state wards and I were removed from our parents in 1960 and taken by police car to the receiving centre at Royal Park Melbourne where we stayed for two months before being placed in the Ballarat Orphanage June 1960. Why were we removed? Because my mother was the victim of an alcoholic husband who thought domestic violence was a national sport. There was no support for her from society or the police and there was no government income for single parents until 1973 .My mother like other women from that time were further victimized through having their children removed from their care, and interestingly, the police were able to take us from the court house and drive us to Melbourne but not able to protect my mother from the unrelenting domestic violence she was subjected to.

I have no memory of the trip from Melbourne to the Ballarat Orphanage, what I do remember even today is being in the large foyer and feeling very distressed, unable to stop crying. This continued into the night where my distress was intensified after seeing the large dining room with so many children there and then the large dormitory with so many beds. The other girls were trying to reassure me that it will be alright. After ignoring a staff member telling the girls several times stop talking I was removed to another even larger dormitory, I stopped crying as I didn't want anyone else to be in trouble.

Being admitted to this large institution will always be etched in my memory along with the dreadful shock of having to stay there. I was 10 years old when first admitted to 'care' and 15 .1/2 when I left in December, 1965. I was more fortunate than most when leaving the Orphanage. Mother visited on a regular basis and I went to Melbourne for holidays on a regular basis. The transition from the home to Melbourne was not traumatic for me in fact it was welcomed. For many others who had little or no contact with mainstream society outside of the Orphanages and no planning or transition on leaving and having to now work, manage their wages, deal with banks and do their own shopping . They felt alone, isolated with no one to turn to for support, I am aware of some who went back to the very home they had just left. There were others who were returned to their parents only to find the circumstances for which they were initially removed still existed, there had been no changes. The lack of role models, the loneliness and for some the horrific abuse the suffered,, turned to crime, prostitution alcohol, drugs and so on. Some Care Leavers had difficulty forming relationships and or maintaining them, often going through multiple marriages. Institutionalisation has a lifelong impact on Care Leavers

INSTITUTIONALISATION

Institutionalising children was wrong at every level. For children to be admitted to Orphanages, Children's Homes etc, over the previous century was a recipe for disaster. There was a LACK OF DUTY OF CARE and we know there were no checks and balances, anyone could find work in these places. We also know this form of 'care' attracted paedophiles and anyone thinking children were there for them to exploit sexually, physically and psychologically. Placing babies and older children no matter what age into 'care' has lifelong consequences for many, particularly for those subjected to abuse. For some Care Leavers being admitted to other institutions up to several times where they were abused in more than one, for others it was being boarded out or being fostered out more than once and each time returned to the Orphanage. Care Leavers discuss how they were abused and used as slave labour while in foster care.

Many Care Leavers are now living with health problems, some are very serious, to list a few ie . Alcoholism, Drug Addictions, Self Medicating, Unemployment, inability to problem solve and rationalize and unable to resolve conflict. One of the biggest problems for many Care Leavers is the underlying issue of Mental Health where it permeates through all aspects of their lives. This has led to some being homeless for others a transient lifestyle where they try to survive on Disability and Unemployment Benefits. Through no fault of their own these Care Leavers have lived on the edge of society and continue to live in poverty. "The costs for many individuals, families and society of the impact of their time spent in institutional care is profound. As described above, the harm done to children while in care has resulted in harmed adults " This is a significant cost to the individual and a massive long term social and economic cost for society which may be compounded when badly harmed adults in turn create another generation of harmed adults" p166 Senate Report 2004.

ABUSE

This submission does not make the distinction between Government and Non-Government Institutions when discussing Care Leavers and the type of 'care' they received.

We know many Care Leavers were subjected to all forms of abuse while they were in 'care'. We know the different types of abuse were sexual, physical, psychological and emotional. This Inquiry is prepared to look at sexual abuse, however other forms of abuse can have a traumatic impact which can also have life long effects. The Senate report 2004 discussed "Similar arguments can be made in relation to acts of child physical abuse in that they are criminal acts and often cause longstanding damage. Cases of physical abuse usually involve a series of acts continuing over an extended period of time with consequent long term psychological and emotional effects, as in cases of sexual assault. Studies have shown that adults who have experienced childhood physical abuse display symptoms that parallel those who experience child sexual assault" p204. 8.21.

This same report also discusses bedwetting as a sign of a distressed child. "Yet the greater the incident of bedwetting the greater the incidence of abuse and trauma the child was subjected to. A variety of punishments were inflicted including beatings, cold showers in winter [often combined with a beating] and a range of humiliations so traumatic and severe to a young child that the condition was exacerbated" pp 97-98, 4.33.

Children being used as unpaid labour was another form of abuse "Home work at the Orphanage did not mean study and unfinished schoolwork. It was the unpaid labour we were required to do outside school time. The girls were used for childminding, sewing, washing, cooking and cleaning. The boys worked the farm and the vegetable garden, cut wood swept the outdoors raked the gravel and washed staff cars" sub 18 Senate report 2004, p 112. Children were often used as slave labour to create income for institutions.

One of my siblings had to work on the farm at the Ballarat Orphanage. He discusses how he was always tired, he had to get up earlier than others, have an early breakfast then go to work on the farm. He would come home from school, have an early tea and go back to the farm to carry out more work. He was constantly tired, had difficulty concentrating in school and felt his education was compromised.

Work was also used as a form of punishment as in my case where I had to polish a very long passage on my hands and knees because I chose not to smile at the Superintendent.

It was this same Superintendent that caused a lot of havoc in the very short time he was at the Ballarat Orphanage. Several girls went to the police to report that this person was sexually abusing them, they were taken back to the orphanage by the police where they were confronted by the Matron and the Superintendent. They were not believed and told not to be so disgusting and not to tell dreadful lies. This person was not only believed over the girls but was also supported by the Matron.

I have also seen the file of a person who was raped by the same Superintendent, the file discusses how she was the seducer of this man, therefore he was not responsible. This girl aged 13 when the first rape occurred was removed from the Orphanage and sent out to work by the time she was 14 years old. This Superintendent remained and went on to rape many other girls, when there is a reunion or social get together of past residents of the orphanage, we will hear a stories from other persons where they discuss the sexual abuse of not only the superintendent but also other staff members both male and female . Some were threatened with being sent to Winlaton if they said anything. One of my siblings was sexually abused at the age of 9 years old by another male staff member, yet he did not reveal his abuse until into his fifties nor did he report it to the police. This is typical behaviour of Care Leavers in keeping the abuse to themselves and not reporting it to the police. We don't know how many Care Leavers still do not talk about their childhoods and their time in Orphanages and if they were subjected to abuse. Many have been able to disclose the abuse as they are now middle aged and older, knowing they are one of many and that they are not alone and that there are some Care Leaver support services available There has also been some very public apologies from State and Federal Governments and Non-Government Organisations, these have been well received by many and considered part of the healing process, however some see the apologies as meaningless and do not lessen the horrors of their childhood abuse, nor does it take away the demand for Redress for Care Leavers.

Care Leavers Australia Network is also sending a submission with several attachments including a list of State run homes and two surveys carried out by CLAN, the results of the surveys clearly points out the impact of institutionalisation of young children over the last century and now as adults they are still left with the effects of this form of 'care'.

REDRESS AND CURRENT LEGAL PROCESS

The State Government of Victoria has no Redress system for abused Care Leavers instead prefers and relies on case by case through courts, a legal process that puts individuals through a harsh and a disbelieving method that will only lead to very limited success for some. This preferred method allows many to fall between the cracks because they don't meet the legal requirements, there's a lack of collaboration and no existing prove of abuse and we also know that legal firms will look for cases that will more than likely succeed as they need to take care of their bottom line financially . There are a few solicitors who care and very dedicated but make it clear they need to take a percentage of any successful payout to cover their costs and that of the legal firm they work for. Care Leavers receiving a payout are also required to reimburse Medicare for any medical/counselling treatment they had as a result of any abuse or injuries that occurred while in 'care' For those brave enough to go down this road usually find they are left with an insignificant amount of money that does not begin to compensate for the crimes committed against them. After having to prove their

case of childhood abuse over many times, documenting their abuse and finally believed, often find that after opening up the old wounds and scars and recounting the abuse contributes to their life spiralling out of control, for some a considerable long time after the legal process has finished. For my sibling who did receive a payout through the above process, it took him three years to get his life back into some order where he could function on a day to day basis. They commented “there has to be a better way than this, it just too traumatic” In the case of my sibling there were many both males and females abused by the same perpetrator, I agree there has to be a more humane way for Care Leavers to be compensated.

Churches and Charities have a legal process where a Care Leaver may also have to go the very organisation responsible for the abuse against them and for those who make it through and receive compensation usually a very limited amount a quite scathing of the process in particular those who had to sign documents silencing them.

Clearly the legal approach of the Government and Non-Government Organisations is unfair and unjust and is responsible for contributing to and compounding the abuse of Care Leavers who make a courageous decision to seek legal justice. For those who were not able to meet the legal criteria required to make a case are left with anger where they feel this has added their ongoing distrust of anyone in a position of authority.

We need a Redress system that enables Care Leavers to tell their story ONCE only to persons who are trained skilled and understand the issues involved and long term impact of childhood abuse on adults.

ROYAL COMMISSION

I STRONGLY RECOMMEND A ROYAL COMMISSION INTO HISTORICAL ABUSE OF CARE LEAVERS

We are aware of the Senate Report 2004, where Care Leavers were able to present a submission, for many Victorian Care Leavers there was not the opportunity to do this as they were not aware of their right to do so. There was over 500,000 children placed into the various forms of ‘care’ in Australia the previous century, seven hundred Care Leavers placed submissions to the Senate Inquiry, there was only 102 Victorian Care Leavers included in this figure.

A Royal Commission would allow Care Leavers in Victoria to provide their story in a written submission and for them to be finally heard.

A royal Commission has the potential to have wide reaching criteria where it may involve issues around the following:

1. The legal process for Government and Non-Government Organisations
2. The impact of the legal process on Care Leavers
3. The reasons why Care Leavers do not meet the legal criteria for compensation
4. To hear and understand all forms of abuse
5. For compensation payments to reflect the reality and impact of abuse
6. To remove the hard ball tactics on individuals when making a claim
7. To approach the Australian Government to have the reimbursements to Medicare removed.
8. To look at the behaviour of Institutions both Government and Non-Government
9. To look at the boarding out and foster care
10. To look at the establishment of a Historical Policing Unit for reporting of abuse
11. To educate and train Police in understanding Historical abuse

12. To examine the Statutes of Limitations as in South Australia
13. To refer perpetrators/abusers to Police
14. A Redress system with a panel of trained and experienced persons

A Redress system with an experienced panel with an understanding of Historical Abuse would be more respectful of Care Leavers and the stories of abuse they will discuss. It would also remove the need for the present legal system that is harsh unjust and excludes a lot of possible cases. We need a Redress system for all Care Leavers inclusive of Government and Non-Government Organisations. A Redress system could look at a way for the Churches and Charities to accept the decisions of an independent panel.

CONCLUSION

In this submission I have discussed all forms of abuse in both Government and Non-Government Organisations. I have discussed the inept legal system we currently need to work within. I looked at Institutionalisation and how this has had a life long impact on Care Leavers. I have also strongly recommended a Royal Commission for Care Leavers to contribute their stories as many missed this opportunity with Senate Report 2004. I have discussed many other areas a Royal Commission use as part of the criteria most importantly the real need of a fair and just Redress process that considers all Care Leavers and their need for compensation not just that those meet the criteria of a very adversarial system.

I am happy to appear before the Inquiry and expand further on this submission