



**SUBMISSION TO THE INQUIRY INTO THE HANDLING OF
CHILD ABUSE BY RELIGIOUS AND OTHER ORGANISATIONS
FROM THE WHO AM I? PROJECT¹
SEPTEMBER 2012**

Introduction

The Who Am I? project commenced in 2009, and investigates the role played by archiving and recordkeeping practices in the construction of identity for people who experienced out of home 'care' as children (including Forgotten Australians, Former Child Migrants and members of the Stolen Generations). The project was funded by an Australian Research Council Linkage grant and brought together staff from the University of Melbourne and Australian Catholic University with a number of partner organisations including the Department of Human Services, past and current care providers, the Centre for Excellence in Child and Family Welfare, the Victorian Aboriginal Child Care Agency and representatives of support services including the Care Leavers of Australia Network (CLAN).

One prominent issue in our research and consultations for the Who Am I? project has been the criminal abuse of children who were placed in religious or other non-government institutions in Victoria, and the devastating impact that this abuse has had on the lives of so many people. While we acknowledge that the terms of reference for this inquiry go wider than the issue of abuse suffered by children in institutions run by religious and other non government organisations, we would like to stress that this is a highly significant category.

¹ This submission was written by Dr Cate O'Neill, University of Melbourne, with the Chief Investigators of the Who Am I? project: Professor Cathy Humphreys, Professor Shurlee Swain and Gavan McCarthy.

Our submission addresses the Committee's terms of reference as follows:

(1) Our submission contains information about how historical records can shed light on the practices, policies and protocols in religious and non-government children's institutions for the handling of allegations of criminal abuse of children. The response by institutions to allegations of abuse of children in their care since the late nineteenth century has been more or less consistent – acting to preserve the reputation of the organisation rather than to protect and help the child.

(2) There is evidence in the archival records of systemic practices to discourage the reporting of abuse to the proper authorities, and a tendency to deal with allegations 'in house'. Such evidence is to be found in record collections held by church and community service organisations, as well as by Victorian government agencies.

(3) Our suggestion for reform to ensure that allegations of abuse are properly dealt with is through measures to improve the standard of records management in all organisations holding relevant records. This includes encouraging every record-holding organisation to make available to the public information about what records are in its custody. All organisations should be able to provide supported access to records, within the limitations of privacy and freedom of information legislation, so that individuals wronged can pursue justice and healing. Removing the access barriers to historical records will contribute to a greater understanding of the history of abuse of children in 'care' in Victoria.

An historical perspective on abuse of children in institutional care

In 2007, Shurlee Swain wrote of how 'there is evidence in the archives both for the existence of institutional abuse and of individual and systemic responses to the problem', but stressed that such evidence 'is not always found in the obvious places'.² She went on to describe a case from 1875, where the superintendent of Geelong Protestant Orphan Asylum was found to be responsible for the pregnancy of a sixteen year old resident. Although the superintendent was removed from his position, the response of the orphanage's managing committee was sympathetic to his plight, describing him as having 'yielded to a temptation of no common order'. Newspapers reported that any further action was deemed undesirable by the orphanage committee, as it would call

² See Shurlee Swain, 'Traces in the archives: evidence of institutional abuse in surviving child welfare records', *Children Australia*, volume 32 number 1 2007, pp.24-31.

'unnecessary attention to the affair to the injury of the institution'.³ 'In many ways', she argues, 'this case can be seen as a microcosm of the treatment of claims of abuse in children's institutions over the next 130 years. The reputation of the organisation was to be preserved at all costs, stifling debate around the circumstances that provided such abuse and effectively silencing its victims'. Faced with allegations of wrongdoing by people meant to be caring for vulnerable children, those in control of the institutions have routinely acted 'to preserve the reputation of the organisation rather than focusing exclusively on the needs and indeed the rights of the child'.⁴

We believe that there is much to be gained from a fuller historical perspective on the issue of the abuse of children in institutional care. The Cummins Report (2012) stressed the importance of improving our knowledge of the historical context of the response to child abuse:

There is a strong public interest in the ascertainment of whether past abuses have been institutionally hidden, whether religious organisations have been active or complicit in that suppression, and in revealing what processes and procedures were employed. This is not a mere historical artefact. It can, and should, lead to present remedy of any deficiencies in the processes of investigation and to future prevention. Further, people who once were abused would be accorded proper acknowledgement and respect by being able to discuss and disclose their concerns about any deficient private processes. The Inquiry considers that is a most significant rehabilitative matter. Finally, it should not be forgotten that although the abuse may have occurred in years long past, the suffering of victims continues to this day, often most grievously.⁵

In 2006, the Australian Institute of Family Studies pointed out that organisational abuse in Australia 'is not just a historical phenomenon': the inquiries into the Stolen Generations (1997), child migrants (2001) and Forgotten Australians (2004) demonstrated not only the historical prevalence of abuse in children's institutions, but also that such practices still occur.⁶

³ Swain, 'Traces', p.26.

⁴ Swain, 'Traces', p.30.

⁵ Report of the Protecting Victoria's Vulnerable Children Inquiry, State of Victoria, 2012, p.356, available at <http://www.childprotectioninquiry.vic.gov.au/report-pvvc-inquiry.html>.

⁶ Irenyi et al, 'Child maltreatment in organisations: Risk factors and strategies for prevention', *Child Abuse Prevention Issues*, no 25, Spring 2006, Australian Institute of Family Studies, p.4.

The records created and kept by the various organisations involved in child welfare in Victoria are valuable evidence, not only of past wrongs and injustices. They can also provide a basis for a review of the responses made by different organisations, and identify which policies and practices have worked better; to support victims, to deal with allegations, improve reporting procedures and prevent child abuse.

The surviving historical records relating to the provision of child welfare in Victoria – in the archival collections of government, church and non-government organisations – are a rich, and under-researched, source of knowledge about how allegations of abuse of children have been handled and responded to over time. These collections hold important historical information which can inform current and future legislation, policies and protocols to prevent criminal abuse of children. They also contain evidence of the abuse suffered by children in institutions, and how organisations responded. However, these records can be difficult to locate and access. Several reports in recent years have highlighted the critical need for more to be done to ensure that the records relating to child welfare in Victoria, and other Australian jurisdictions, are being managed appropriately, and made accessible.⁷

In Victoria in early 2012, the Ombudsman drew attention to the unsatisfactory storage and management of ward records by the Department of Human Services (DHS), and the impact that inadequate recordkeeping practices were having on former wards wishing to access their files.⁸ The child welfare records at DHS relate to the management and operations of many church and charitable institutions in Victoria. The management of child welfare records in the custody of Victorian government agencies has implications for this Committee's capacity to inquire into cases of historical abuse in religious and non-government Victorian institutions.

⁷ See for example Chapter 9 of the 'Forgotten Australians' report (2004) available at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/report/c09.htm, and the Find and Connect Service Scoping Study, September 2010, available at http://www.fahcsia.gov.au/sites/default/files/documents/find_connect_scoping_study.pdf

⁸ Victorian Ombudsman, 'Investigation into the storage and management of ward records by DHS', 2012, available at http://www.ombudsman.vic.gov.au/resources/documents/REPORT__Investigation_into_the_storage_and_management_of_ward_records_by_DHS_-_Mar_2012.pdf

Victoria has long had a heavy reliance on orphanages and children's homes run by church, charitable and other non-government organisations. The Ombudsman's report stated that over half of the more than 100 homes and institutions that housed children in Victoria over the last 150 years have been privately owned and operated. The vast majority of these homes were managed by religious organisations. Victoria's history is also distinguishable from other jurisdictions in Australia in the prevalence of institutional care (in large, congregate care settings like orphanages or children's homes) as opposed to other models like foster care or boarding out.⁹

Many of the children in these non-government institutions were wards of state. Even where children were not wards, the Victorian government contributed funding towards their maintenance in non-government Homes. Although there was little supervision of these institutions before the 1930s, records of inspections and other oversight can be found in the archival records of agencies like the Hospitals and Charities Commission and the Children's Welfare Department.¹⁰ From the mid 1950s, the Victorian department assumed more responsibility for the supervision of children in approved children's homes, and also established state-run homes.

This historical context is relevant to the issue of what archival evidence remains of the abuse of children in Victorian institutions. The government's 'contracting out' of child welfare to church and non-government organisations left a wealth of records documenting the interactions between the Department (in its various incarnations) and the 'voluntary children's homes' it funded and oversaw in Victoria. The Ombudsman's report of 2012 discussed one particular collection of records in the departmental archives that contain numerous references to the alleged abuse of former wards in Victorian institutions. An examination of six (out of a total 48) boxes in this collection identified seven documents relating to abuse, including the investigation of sexual assault allegations made against a staff member in a children's Home.¹¹

It is our belief that records in the custody of Victorian government agencies contain evidence of the response to child abuse in Victorian religious and non-government institutions, and that further

⁹ See for example the Victorian Government Submission to the Senate Inquiry into Children in Institutional Care (Submission 173), 2003, available at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/submissions/sublist.htm

¹⁰ These records are now managed by the Department of Human Services and Public Record Office Victoria (PROV).

¹¹ See the Ombudsman's report, 2012, pp.13-15.

investigation into the contents of these records should be pursued by this inquiry. These records are vital, not only as legal evidence of alleged wrongdoing, but can help us to reconstruct the context in which such abuse was able to take place.¹²

Important archival collections in Victoria

In addition to the records at DHS archives, many of the religious and charitable care providers, past and present, have their own archival collections which contain information about abuse in children's institutions.

Members of the Who Am I? project team are now involved in a federally-funded project to develop a web resource documenting the history and heritage of institutional care in all Australian states and territories. The 'Find & Connect Victoria' web resource contains information about the archival holdings of many community services organisations and other relevant records in Victorian cultural institutions.¹³ The project team will continue to work with community services organisations and other record-holders to further improve the documentation of this archival heritage on Find & Connect. We are happy to assist the Committee in compiling a list of relevant archival collections in the religious and non-government sector.

Today, the organisations holding records relating to children in institutional care have a much better understanding of the vital significance of these records, and most agencies have implemented changes to improve the management of these records and make them accessible to former residents. The importance of providing 'supported release' to these records is now more widely understood.¹⁴ Accessing records can have a significant emotional impact, bringing up feelings of anger, hurt, fear, but also sometimes feelings of nostalgia or relief.¹⁵ These records are of great importance to people who grew up in institutions, as a way of constructing their identity, coming to terms with the past, and possibly reconnecting with family members. As Christine Kenneally recently wrote in *The Monthly*:

¹² Swain, 'Traces', pp.30-31.

¹³ See www.findandconnect.gov.au/vic

¹⁴ See Suellen Murray and Cathy Humphreys, "My life's been a total disaster but I feel privileged": care-leavers' access to personal records and their implications for social work practice', *Child & Family Social Work* (forthcoming)

¹⁵ See 'How will I feel when accessing records about me?' in *What to expect when accessing records about you*, <http://www.findandconnect.gov.au/vic/access004.html>

Most Australians live their lives firmly embedded in a web of information. They know where they were born. They know whether their parents liked each other. They know what it looks like when an adult brushes their teeth. They belong to interconnected groups, like a family, a neighbourhood, a religion, and they have experiences that constantly reinforce what they know. Together, these bits and the threads that bind them add up to an incalculably crucial body of information, providing not only a medical history but a sense of self. It's almost impossible for most of us to imagine not knowing these facts about ourselves, and yet this information was systematically taken from children in twentieth-century Australia. Even now, in the wake of Rudd's apology, much of it has not been given back.¹⁶

These records also can serve the purpose of legal evidence in claims for compensation for abuse. It is rare for these records, created by staff members and managing committees, to contain 'hard' evidence of incidents of abuse. However, in writing the history of the Methodist Homes for Children, Swain and Howe uncovered records relating to the sexual abuse of female children living in cottage homes in the 1940s. The institution had introduced a new policy of employing married couples to live in the cottages with smaller groups of children (previously, this role was performed by a 'cottage mother'). The new policy resulted in three cottage fathers being dismissed. The historians write of how the girls were all punished and sent to 'rescue homes', but their abusers were not charged.¹⁷

Records like case files and correspondence can also contain evidence – for example, records from the St John's Home for Boys (a predecessor agency of Anglicare Victoria) contain letters from mothers, complaining of the harsh treatment of their sons, who had been placed in the Home. One letter from 1931 reads, 'The more I think of the state of misery and unhappiness in which I found little John after three months of your tender care, the more enraged I feel that such a man as you should have the care and responsibility of little children'.¹⁸ In their history of the founding agencies of MacKillop Family Services, Barnard and Twigg used a variety of sources to uncover how corporal

¹⁶ Christine Kenneally, 'The Forgotten Ones', *The Monthly*, August 2012.

¹⁷ Howe and Swain, *All God's Children: a centenary history of the Methodist Homes for Children and the Orana Peace Memorial Homes*, Canberra: Acorn Press, 1989, p.53.

¹⁸ Swain, 'Traces', p.26.

punishment was used in Homes run by the Christian Brothers, as well as cases of sexual and other abuse of children in Catholic institutions in Victoria.¹⁹

The State Library of Victoria's Manuscripts Collection holds the records of the Victorian Society for the Prevention of Cruelty to Children (founded in 1896, and later known as the Children's Protection Society).²⁰ The VSPCC initially investigated cruelty and neglect in private homes in Victoria, but after the death in 1933 of a boy living at the Seaside Garden Home for Boys in Newhaven (the boy had recently received a 'severe thrashing' from the Home's Superintendent, who was tried for manslaughter but not convicted), the Society proactively investigated claims of abuse. Allegations of 'mental cruelty' by staff in St Martin's and St John's Homes for boys were investigated in 1936. Between 1939 and 1941, the VSPCC investigated 'unduly severe thrashings' at Bayswater Boys' Home, allegations of solitary confinement at St Paul's Home in Newhaven, and allegations of children being mistreated at Andrew Kerr Memorial Home in Mornington. The records at the State Library of this investigatory activity show that in each case the allegations of abuse were proven. But as Swain writes, the reaction was always the same: 'the children involved were removed, the administration was reformed and the incident was explained as an individual aberration rather than a systemic problem'.²¹ This response by the VSPCC to incidents of abuse may well have been influenced by the Society's dependence on religious and non-government institutions to provide a Home for the neglected children needing placement.

Other sources of evidence

The Committee will no doubt receive submissions from individuals who are prepared to tell their stories in the hope that this inquiry will help to raise awareness of the incidence of abuse and help victims to achieve justice. In addition to these contributions, we would like to draw the Committee's attention to existing collections of testimony that have been created in the course of past inquiries into similar areas. Within these submissions there are allegations of abuse by religious and charitable organisations, as well as details of the response to such allegations.

¹⁹ Jill Barnard and Karen Twigg, *Holding on to hope: a history of the founding agencies of MacKillop Family Services 1854-1997*, Melbourne: Australian Scholarly Publishing, 2004, pp.192-93.

²⁰ MS 10384, State Library of Victoria. Children's Protection Society (Vic) Records, 1896-1972.

²¹ Swain, 'Traces', p.29.

In our work on this project, we have learned that the emotional toll of telling one's story to an inquiry cannot be underestimated. As such, we encourage the Committee's investigations to go beyond the submissions received in this inquiry, and to consult other collections of testimony. The Parliament of Australia website contains copies of submissions from former child migrants and Forgotten Australians, many of which relate to experiences of abuse in Victorian institutions.²² The National Library of Australia has several oral history collections relating to the experiences of Stolen Generations, Former Child Migrants and Forgotten Australians which are potentially important sources of information for this Committee. We believe that people should not feel compelled to have to tell and re-tell their stories to several different inquiries, and know that their stories are seen as relevant evidence beyond the life of a particular inquiry.

A number of the submissions to the Senate inquiry of 2004 relate to abuse of children in Victorian institutions. For example, Submission no 371 related a man's experience of reporting abuse suffered as a child in a Catholic institution, and the response by the Church:

I was also told I had to sign a document which I couldn't read, but didn't realise at the time that it was a shut-up document. Not only screwed again, but silenced again ... I believe that they used my education level against me, in not being able to read the document.

Another submission (no 451) relates to an employee at St Cuthbert's Home in Colac in the 1940s and 1950s. Digitised copies of newspaper articles available through the National Library of Australia's Trove website indicate that the Principal of the Home, Mr Treadwell, was charged for his violent treatment of children. In 1953, a Victorian MLA claimed in Parliament that the Principal was not a proper person to be in charge of a home, after the magistrates' court had heard the case of a St Cuthbert's boy being caned, and still displaying bruises eighteen days later. After this case, Treadwell offered to resign as Principal, but the *Argus* reported that the board of management at the Home refused to accept his resignation. The Bishop of Ballarat declared that Treadwell had his full support.

²² Submissions to the Forgotten Australian inquiry are available online at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/completed_inquiries/2004-07/inst_care/submissions/sublist.htm. Submissions to the Child Migrant inquiry are at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/completed_inquiries/1999-02/child_migrat/submissions/sublist.htm

Treadwell made a statement to the press that 'I am now the best of cobblers with the lad concerned in the case. We do not bear grudges here. We are one happy family'.²³

In conclusion, we submit that the archival collections of government, religious and charitable organisations in Victoria are a valuable source of evidence of how allegations of the abuse of children in 'care' have been responded to over time. A fuller understanding of the historical context of this issue will be valuable to the Family and Community Development Committee, and for the Victorian community as a whole to tackle the issue of historical abuse, which continues to have a major impact on the lives of many individuals and families. Our team would welcome the opportunity to provide any further information or assistance to the Committee if required.

²³ "'You have our fullest confidence" Clergyman who caned lad asked not to quit', *The Argus*, 2 April 1953, p.5
<http://nla.gov.au/nla.news-article23236804>