



Catholic Welfare Australia

A Submission by Catholic Welfare Australia to the Senate Community Affairs References Committee's Inquiry into Institutional Care of Children

There is a growing awareness of the sublime dignity of human persons, who stand above all things and whose rights and duties are universal and inviolable. They ought, therefore, to have ready access to all that is necessary for living a genuinely human life.

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1. EXECUTIVE SUMMARY

The care of children has been an important ministry for the Catholic Church especially a concern for children's wellbeing. Over time this ministry has been a forerunner in providing new initiatives in alternate care of children yet sadly there have also been failures both within the system and the effects this has had on those being cared for as well as the carers. One model of alternate care on which this inquiry is focusing is that of 'institutional care'.

Institutional care is provided for children who, temporarily or permanently, and either under the guardianship of their parents or the State, are unable, are not permitted, or are unwilling to live with their parents or adoptive parents. In this form of care, full accommodation is provided, together with at least some personal care.¹

The history of Catholic organisations involved in the care of children is indeed complex and as some women involved in research and study of Australian history² have claimed there needs to be a thorough and extensive study of why and how the Catholic Church in Australia has been involved in the care of children during the past 167 years. There are many components to this story depending on the historical, cultural, social, economic and religious context. Consideration must be made of the State/Territory in which the institutions were established; whether the establishment was based in an urban or rural area; the particular spirituality and practices of the various religious orders; what resources were available at the time; the extent and type of training for staff; and the value knowledge gained from experience and hindsight.

This of course means that current students and practitioners of welfare are not able to fully benefit from the lessons of history.³

Organisations in the Catholic Church became involved in institutional care of children to fill a void. A number of factors including the system lead to a less than satisfactory situation in many circumstances. The economic situation meant that there were many children needing care; at the same time the state had no infrastructure for handling the situation; there was no training, nor standards as to how people were to deal with the influx of children at risk. Like the state, church organisations had insufficient financial resources and were forced to operate in such stringent circumstances that the sisters and brothers after caring for children day and night often went out begging for donations of money. In order to handle the situation young untrained men and women were recruited to staff these institutions. With the benefit of hindsight this was a hazardous practice.

This submission provides an historical outline of the involvement of Catholic organisations in the care of children since 1836. Followed by a brief description and analysis of the historical, cultural, social and religious context in which these organisations ministered. In retrospect much is learnt from past policies and practices. The benefits of education, technology and developments in health and the social sciences especially psychology and childhood development have enabled a greater understanding of what are 'best' practices for the alternate

¹ The Senate Standing Committee on Social Welfare: Report on *Children in Institutional and other forms of Care*. June 1985:43.

² Dr Marion Fox; Sophie McGrath rsm; Lesley Hughes.

³ Hughes Lesley, ACHS Newsletter, Vol VIII, No 3, August 1997: 2.

care of children 'at risk'. It is now recognised that congregate living may be 'best' for some children but not for others who may benefit more from 'foster' care. Yet in most circumstances it is anticipated that the best care will be within the 'birth' family thus the emphasis is more on prevention and the development of relationships than removal of the child from his/her family.

Care for children in recent decades has seen many changes along with government funding as well as other necessary financial assistance thus enabling various services for children and their families. Yet there is much to be done and the future needs vigorous involvement not only from committed non-government bodies but a collaborative involvement from the Federal Government as well as the State/Territory Governments.

1. CATHOLIC WELFARE AUSTRALIA AND THIS SUBMISSION

Catholic Welfare Australia is the peak body representing Catholic welfare organisations. It is an organisation of the Australian Catholic Bishops' Conference and is responsible to the Catholic Bishops through a Board appointed by the Conference.

The network of Member Organisations including Centacare agencies and many social welfare agencies run by Religious Orders operate in local communities and at a diocesan level nationwide employing over 8000 people, providing direct assistance and support to many thousands of people each year through a diverse range of services to children and their families.

As a Commission of the Australian Catholic Bishops, Catholic Welfare Australia is committed to equitable public policy and advocates for the preferential treatment of the most vulnerable members of the Australian community in all matters of economic and social policy.

This submission, which has been written by Catholic Welfare Australia (CWA) in consultation with the Australian Conference of Leaders of Religious Institutes and members of the Australian Catholic Bishop's Welfare Committee, is generic in nature as it is not possible to provide a detailed and complete coverage of all aspects of the Church and its ministry involving care for children. However it provides a piece of the story in the hope that reconciliation and healing can continue for all involved. Other additional information is provided in submissions prepared by some individual organisations⁴ within the Catholic Church. Whilst these submissions may contain similar information to the content of this submission, each submission provides a more detailed account of the local situation and especially the new and better practices resulting from what has been learnt from inadequacies in past practices.

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⁴ MacKillop Family Services Victoria; Mercy Community Services Inc; Centacare Sydney; Congregation of Christian Brothers: WA/SA

2. INTRODUCTION

As bishops and leaders of religious institutes of the Catholic Church in Australia, we acknowledge with deep sadness and regret that a number of clergy and members of religious orders have abused children, adolescents and adults who have been in their pastoral care. To these victims we offer our sincere apology. *Towards Healing*. December 2000:1

Catholic Welfare Australia recognises the critical need for understanding, compassion and reconciliation for all people who have experienced institutional care and the possibilities of subsequent pain, trauma and struggle in their lives since leaving this care. Catholic Welfare Australia is also aware that this need has not always been acknowledged nor dealt with appropriately in the past.

Whilst the responsibility for the care and protection of children was in theory a shared responsibility by government and non-government organisations, church or charitable welfare groups mostly carried out the onerous task. The need to place children in institutional care was due to poverty and its consequences hence these groups were responding to the needs of the time. However, the responses were often made with very little State/Territory infrastructure, no standards or professional knowledge and training, and very limited resources. Unfortunately circumstances brought about considerable pain and anguish for many involved both those in care and those providing care.

Catholic Welfare Australia appreciates this important opportunity to acknowledge those Australian children (state wards and others) who were separated from their siblings, parents and extended families for certain periods of time or in some cases permanently.

In hindsight Catholic organisations did play a role in the implementation of government policies and legislation, which meant children were placed in 'out of home care'. These organisations, under the circumstances, provided the best they could which unfortunately caused distress for some children. This inquiry is an opportunity for sincere recognition and a move towards closure of this segment of these people's lives so that through the process of reconciliation and healing the next stage of their life's journey can begin. This follows the approach undertaken in the previous two national inquiries into the institutional care of children⁵ who were Aboriginal children or child migrants.

The following pages outline a general history of the Catholic Church's involvement in providing care for children in Australia since early European settlement to the present day. This information regarding children in care must be viewed within the cultural, social and religious context of the times given that this milieu provided the beliefs and understandings that influenced the relationship between Church and governments, the legislation, policies and practices underlying care for children.

It is important to acknowledge that society benefits from what has been learnt from the past. Many changes and innovations have been made by Catholic organisations over the past half-century. This is not condoning any policies and practices that were the cause of hurt and trauma. In fact it is in recognising this hurt and trauma that alternative policies and practices

⁵ Care Leavers of Australia Network (CLAN) submission to the Child Migrant Inquiry. December 2000:1

were sought and implemented for children requiring care. Regrettably, these changes came too late to provide the necessary care for some children. However not all children experienced institutional care as harmful a former member of St Michael's Baulkham Hills orphanage from 1918 to 1921, John McNamara wrote the following regarding one of the Mercy sisters:

In addition to her complete dedication to the care, control and education of so many boys she managed to suggest that I should sit for a bursary and gave me considerable private tuition and assistance. My success, therefore, that I have had in life is directly attributable to her interest.⁶

⁶ McGrath, Sophie rsm, *Across the Decades St Michael's Baulkham Hills 1900s – 1990s*. Published by St Michael's Family Centre Baulkham Hills. 1997: 7.

3. HISTORICAL OVERVIEW⁷

European Settlement to 1900

From its earliest days in 1788 the Colony of New South Wales was faced with the problem of providing care for orphaned or neglected children as well as those children whose families were unable to provide for them due to hardship. The first children's institution, a school for orphaned girls, was established in 1802 and by the end of the decade the first voluntary charitable organisation, the Benevolent Society, was founded to assist the poor and the needy in Sydney Town.

During the early years of the colony the presence of the Catholic Church in the project was minimal, the role of the early priests was to minister to the convicts and the poor working men and women. This changed in 1834 with the arrival of Rev. Dr John Bede Polding, the first Catholic bishop to the colonies of New South Wales, Tasmania and Victoria. His influence on the affairs of the emerging nation were underpinned by his compassion for the disadvantaged members of early colonial life including abandoned children, unmarried mothers and Aboriginal people who were the outcasts in the colonial society.

Under his direction the first Catholic Orphanage School was established in 1836. Due to an increasing number of children requiring out of family care the orphanage was relocated to larger premises at Parramatta in 1844. At this time a Committee of Management, consisting of dedicated citizens including a clerical representative of the bishop, was the administrator. Then in 1859 three Sisters of the Good Shepherd (later known as the Sisters of the Good Samaritan), with the recommendation of the Archbishop were appointed by the Colonial Secretary to care for the children.

This pattern of the involvement of religious orders in providing accommodation and care for children in need was repeated across the country. From the 1840s on, bishops in order to serve the needs of a growing population of Catholics recruited religious orders from Europe, particularly Ireland. In colonies where there were no established education and welfare systems the religious orders undertook to provide schools and out of home care for neglected and destitute children.

By the 1860s orphanages administered and staffed by religious orders were established in all capital cities. Then by the 1880s, with the population expanding inland and a growing number of 'orphan' children transported from Ireland, more orphanages were founded in the cities and in regional centres including Bathurst, Goulburn, Ballarat, Geelong, Rockhampton, and Mackay.

By the end of the 1800s, as a result of the devastating effects of the 1890's economic depression causing desperate human needs, approximately 40 centres for the care of children were provided by organisations of the Catholic Church. Religious sisters operated most of

⁷ This section has been adapted from *A Piece of the Story* November 1999: 5-7. The information for this historical content was taken from an unpublished work by Sophie McGrath rsm: *The Care of children in Australian Catholic orphanages. An Historical Perspective.* 1997?

these centres, although religious brothers and priests were also involved in establishing some centres for boys needing care.

1900 to 1950

In the early decades of the 1900s, what with the consequences of World War I, the Great Depression, World War II, the needs of the time and increasing population due to immigration policies, the demand for further care facilities for children as well as support and care of families was great. Consequently new facilities were opened by religious orders including the Sisters of Mercy, the Sisters of St Joseph and the Poor Sisters of Nazareth, who were already involved in this ministry. Other religious orders also saw the needs of destitute children and poor families and so became involved in this ministry across various parts of Australia.

Some religious orders ministered to specific needs of people. The Good Samaritan Sisters and the Good Shepherd Sisters ministered to girls and women and the Christian Brothers provided orphanages and residential training opportunities for boys. These are but some of the many Catholic organisations that have contributed to the provision of welfare for Australia's children over the past 167 years.

Although religious orders were invited and authorised by bishops to establish orphanages and other centres in their diocese, the dioceses and archdioceses were usually not involved in the direct ministry until the 1930s onwards. An example of this involvement was the establishment of the Catholic Social Services Bureau in 1935, which managed all voluntary admissions of children to Catholic children's homes in Melbourne. In the main, bishops confined their involvement of direct ministry to children by supporting the mission of specific religious orders operating within a diocesan region.

Religious orders faced enormous burdens. Moreover religious superiors felt obliged to meet the expectations of their local bishops. Very few religious superiors would challenge the bishop's authority in relation to taking on more children even when the individual sisters/brothers who were looking after the children were under enormous stress.

During the mid 1930s and 1940s dioceses began to take a more direct role in welfare issues and establish diocesan social welfare agencies originally known as the Catholic Family Welfare Bureau, now known as "Centacare". These early agencies became involved in Catholic children's homes offering assistance and specialist professional services to some religious orders. Today Centacare agencies are operating in each of the Catholic dioceses across Australia.

1950 to 2003

In the late 1950s some consideration was being given to alternate models of care and consequently St Anthony's in Kew Victoria opened its first family group home. Then in the 1960s some institutions run by Catholic religious orders in New South Wales and Victoria began to move children from congregate care into group homes within the same grounds as the original institutions. This enabled a smaller more natural setting with children often living with siblings and others across age groups, being cared for by adults acting as 'house parents'. This model was eventually replaced by individual homes being established within the local

community thus signifying the shift in focus to children as vital members of the local community living in a more natural setting.

During the 1970 and 1980s through to the present day with the declining number of religious personnel available to maintain residential services to children, a number of religious orders closed their centres or transferred the management to other Church organisations, often a Centacare agency. Consequently these agencies are increasingly dependent on government funding to cover operational costs including staffing costs.

One such example is MacKillop Family Services in Melbourne, which in 1997 was formed by the coming together of seven Catholic Welfare agencies sponsored by three religious congregations - the Christian Brothers, the Sisters of Mercy and the Sisters of St Joseph.⁸ Its establishment embodies the desire not only of MacKillop Family Services but also of all present Catholic welfare organisations to provide the best possible services to children and families.

⁸ MacKillop Family Services, History of Catholic Child Welfare in Victoria 1841-1997.
<http://www.mackillop.org.au/html/services.html>

4. HISTORICAL, CULTURAL, SOCIAL AND RELIGIOUS CONTEXTS⁹

4.1 Placing this piece of the story in context

In history there can be no single authorial voice...in the story they have all been elided¹⁰ into one. At one extreme is the search for order and discipline among children, at the other a burning desire to free and rescue them from intolerable outrages on childhood, whether at work or in the street.¹¹

The work of Dorothy Scott and Shurlee Swain portrays the complex issues and often lengthy and passionate debates by some very committed citizens in the nineteenth century, who held strong views around children from poor homes, those who roamed the streets seeking food and possibly shelter and how best to rescue them and care for them.

To recognise children as both victim and threat, savage and waif suggests a more complex context for historical research. It does, however, provide a way of coming to terms with the disturbing image ... and hence a basis on which to build an understanding of the history of child protection in this country.¹²

The underlying motives behind such images of these children were based on society's beliefs at the time that the parents of these children were not responsible, nor capable of training their children to be the good citizens that the state needs.¹³ In the late 1800s the needs of the state and society's protection from children rendered dangerous through neglect were the basis of the existing child welfare legislation requiring regulation of the children and discipline of the parents. This was followed by a change in motivation as other members of society began to be more concerned about the cruelty experienced by children and so wanted to rescue children from this plight often caused by parents living in poverty and without parenting skills to care adequately for their children.

In the early part of the nineteenth century welfare policy was based on the traditions and practices of British 'poor law'¹⁴ and was dominated by the concept of indoor relief through the establishment of reformatories, workhouses and industrial schools where children were trained in habits of industry and order.¹⁵ In this era there was an attitude that children who needed care came from 'bad' backgrounds or were immoral in their behaviour. They had to be removed from the corrupting nature of their parents and given care as well as training to be better citizens. The retreat from this viewpoint has taken time and may not yet even be complete today.

⁹ Parts of this section have been adapted from material prepared by CWA for the inquiry into the separation of Aboriginal children. 1996.

¹⁰ *elided* taken from the word *elide* meaning to omit.

¹¹ Quote from Victoria's Parliamentary Debates 1887: 504-505 in Dorothy Scott and Shurlee Swain. *Confronting Cruelty Historical Perspectives on Child Abuse*. 2002:10

¹² Dorothy Scott and Shurlee Swain. *Confronting Cruelty Historical Perspectives on Child Abuse*. 2002:10

¹³ *Ibid.* 2002: 21.

¹⁴ These were legislative attempts to control vagrancy and pauperism while improving the social conditions of the labouring classes <http://www.kennyscollections.com/History/KPORL.pdf> *The Poor Laws*

¹⁵ Report by the Senate Standing Committee on Social Welfare. *Children in Institutional and other forms of Care A National Perspective*. 1985: 13

As described in section 3 of this paper, Catholic organisations became involved with the care of children because of the needs of the times often responding from social and cultural beliefs and practices that have been previously illustrated. Religious beliefs and practices also underpinned the response of these groups, as it was the duty of Christians to care for the poor and those in need.

With hindsight these organisations often sought to address these needs the best way they knew how as they were so moved by the poverty and deprivation at the time. Given that government funding was slow to evolve for the care for children there were no other alternatives at the time: who else would look after these children? Children were often voluntarily placed in these facilities by parents wanting help and care for their children that they could not provide because of death, or illness which was often exacerbated by poverty.

It is possible that spiritual ideals may not have been sufficiently grounded in practical considerations. The often limited and overstretched resources of a religious order were supported through strong faith, and a firm belief that all would work out. Members of a religious order were often living with children 24 hours a day, especially when the children were infants or preschoolers, being available in the evenings, early mornings and weekends with no free time must have placed many people in difficult and stressful situations. Often sisters/brothers had to care for the children during the night and teach classes during the day.

Too few people with too few resources meant finding ways for the carer to survive and this meant control by regimentation and order. Consequently unhealthy situations occurred and bad things happened.

There was limited scope to appeal to the generosity of the local people in providing food and other necessities. The local communities were unfortunately often poor and lacking in resources as well. Yet people often gave from their meagre possessions as these institutions received very little government funding until the 1980s and so had to find other sources of financial support. Fetes and other forms of fund raising became necessary activities in order to keep these institutions running. Volunteers also assisted with cooking and other chores because of the inadequate numbers of staff. In some situations the children (not unlike children in their biological family) were required to do their share of duties around the 'home' to assist with the everyday running of the place.

During the 1940s and the following decades the importance of keeping the child within his/her 'birth' family was gradually being recognised. Studies emerged showing the potential adverse effects of institutional care on child development.

Institutions within the Catholic sector in New South Wales, Queensland, and Victoria in the 1940s showed a growing presence of professional welfare workers, social workers and psychologists working within the social welfare area.

The Catholic welfare sector in New South Wales, Victoria and Western Australia were some of the first to begin the move towards de-institutionalisation with an emphasis on the practices of fostering and adoption.¹⁶ During the 1960s de-institutionalisation of residential care meant the

¹⁶ See submissions from MacKillop Family Services; Mercy Community Services Inc.; and Cenatacare Sydney for further details on this important change.

establishment of smaller living units such as family group homes (included scattered homes and clustered homes) to campus homes. These homes had house parents caring for a group of children in a family setting often supported by other professional staff such as counsellors and psychologists as well as volunteers.

Although some models of care were beginning to change, the underlying concept was still very much one of 'rescue'. This type of 'rescue' thinking was certainly valid in situations where actual physical and/or sexual abuse was occurring within the child's home/or family. However, for less drastic cases, increasingly welfare theory and practice was moving towards a model of supporting children 'at risk' within their family and neighbourhood environment as much as possible.¹⁷

While some would argue that Australia's current child welfare system presents a marked attitudinal shift away from the Dickensian child care policies practised earlier this century, others could argue that nothing has changed from our colonial days where control and authority over children and families was the order of the day. There are a number of Australian child welfare and social policy analysts who have argued the history of state intervention in the area of child welfare has been one of control rather than the provision of assistance that might be in the best interests of the child or his/her family¹⁸.

New child welfare initiatives were aimed at increasing the influence that the state could exercise over children who were regarded as being 'at risk'. From the outset the concept of 'at risk' was very much a subjective opinion and child welfare workers and those employed by the Children's Courts were given considerable leeway in their interpretations of this term¹⁹. In fact it is only in relatively recent times that child welfare itself became a high priority in State and Territory administrative structures departmental status for child welfare did not arrive until the mid-1960s in New South Wales and South Australia, 1970 in Victoria, 1976 in Tasmania and even later in Queensland.

The relevance of this information is that it provides a brief picture of the social mores and government priorities that have influenced the development of child welfare services in Australia during the past century. These mores were inculcated into earlier child welfare legislation and practices. This, in turn, has had an effect on the current child welfare laws, their administration, and the collective or corporate conscience of government officers with the responsibility of implementing the child welfare and protection laws.

Catholic welfare organisations have been influenced by and involved with these child welfare changes as well as significant changes within theological and spiritual dimensions of the Catholic Church in the past forty years. These, in turn, have greatly influenced practices in ministry with a stronger emphasis on Catholic social principles especially that of human dignity and respect. In spite of difficulties and challenges Catholic welfare organisations have

¹⁷ See Australian Catholic Social Welfare Commission's submission for the HREOC inquiry into the separation of Aboriginal and Torres Strait Islander Children from their Families. 1996:34

¹⁸ Dickey, B., (1987). *No Charity There: A Short History of Social Welfare in Australia*. Sydney: Allen & Unwin.

¹⁹ Ramsland, J., (1986) *Children of the Backlanes: Destitute and Neglected Children in Colonial New South Wales*. Sydney: University of New South Wales. Mason, J., (1993), (Ed.), *Child Welfare in Australia: Critical Perspectives*. Sydney: Hale & Ironmonger.

been intensely involved in the care of children and have taken many opportunities to initiate changes learnt from past policies and practices.

5. LEARNINGS FROM THE PAST

In hindsight much can be learnt from past policies and practices. The benefits of education, technology and developments in health and the social sciences especially psychology and childhood development have enabled a greater understanding of what are 'best' practices for the alternate care of children 'at risk'. It is now recognised that congregate living may be 'best' for some children but not for others who may benefit more from 'foster' care. Yet in most circumstances it is anticipated that the best care will be within the 'birth' family thus the emphasis is more on prevention and the development of relationships than on removal of the child from his/her family.

Although the philosophical approach has changed many of the causes requiring alternate care for children remain the same. The focus of current child welfare practice has moved away from nineteenth century charity, control and 'Victorian' approach to morality. It now embraces an emphasis on individual psychological development. However, the reasons why many children require alternate care remain largely unchanged. Studies have shown the main reason for entry into alternate child care is the 'inability to cope' arising out of poverty, rather than just the factors of physical or sexual abuse or unwillingness to provide on the part of families.²⁰

The 'Best Interests' of the Child

A child residing in Australia can be placed under a care and protection order if:

- the child has been abandoned or his/her parents are dead and no other suitable person can be found to care for the child;
- the child is being or is likely to be physically, sexually or emotionally abused or neglected;
- there are inadequate provision being made for the child's proper care; or,
- there is an irretrievable breakdown between the child and his/her parents.²¹

Again, these provisions are difficult to define and apply precisely. The assessment made by child welfare officers regarding the quality of care received by the child, at least in the first instance, remains very much in the eyes of the beholder.

Moonkin, an often cited author in the field of child rights, proposes that societies in general lack any *clear-cut consensus* as to those values which might be used to determine what is in the best interests of the child. He has questioned the very validity of the relationship between the state and its citizens because the intervention by the state in the lives of its citizens should be clearly defined and predictable²². If the state provides such values this immediately raises the

²⁰ Sweeney, T., (1989) 'Inequalities in our provisions for young children' In Richard Kennedy (Ed.), *Australian Welfare: Historical Sociology*, Macmillan: Sydney. pp. 304-328.

NSW Association of Child Welfare Agencies, (1978) *Statistics on Children? Results of the 1978 Survey*, Sydney.

Szwarc, B., (1986) *Particular Care Reconsidered*, The Children's Bureau, Melbourne.

²¹ In submission on Separation of Aboriginal children.

²² Moonkin, R., (1975) 'Child custody adjudication: Judicial functions in the face of indeterminacy'. *Law and*

question as to whether judicial rulings on referred matters would simply reflect the majority's view, or indeed the judge's personal view.

The practice of contemporary child welfare in all Australian States and Territories (as prescribed by legislation) ensures as far as possible that a child is raised by his/her own family. State and Territory child welfare legislation across Australia is based on the premise that the removal of a child from the care and custody of his/her family is considered only as a last resort²³. This principle is generally enshrined in State or Territory child welfare legislation to guarantee the 'rights' of children and their families and is an operational aspect guiding the work of state child welfare employees.

Clearly a balance is required between the responsibilities of parents and the role of the state in the care of children and, this is articulated through various child welfare legislations in each State and Territory. For example, the objects of the New South Wales *Children (Care and Protection) Act 1987* include:

1. not only that the welfare and interests of the child be given paramount consideration;
2. but that *except in exceptional circumstances or pursuant to legal proceedings, there should be no interruption of relationships between children and their parents contrary to the wishes of the children and their parents;*
3. and that contact should be encouraged and maintained between children and their parents in those instances where it is necessary to separate children from their parents²⁴.

Every child has a right to grow up in his/her own race, culture²⁵ and country with regular contact with his/her natural parents²⁶. The operation and practice of Australia's present child welfare and 'alternate care' of children are interpreted and administered within the spirit of this principle. Catholic welfare organisations uphold this principle as the underlying criterion upon which all policies and practices are fashioned.

Role of Australian Governments

The Commonwealth Government has supported, signed and ratified a number of international agreements concerning the rights of the child.²⁷ It has established and maintained family

Contemporary Problems, Summer, p. 226.

²³ See for example New South Wales Department of Community Services, *Annual Report 1993-1994*, Sydney.

²⁴ NSW *Children (Care and Protection) Act 1987*, Part 5.

²⁵ United Nations, *Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, Nationally and Internationally*, 1986, Articles 8 and 9.

²⁶ c.f. United Nations, *Convention on the Rights of the Child*, 1989, Article 9, Paragraph 3.

²⁷ Such as the United Nations, *Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, Nationally and Internationally* (1986); *UN Convention on the Rights of the Child* (1989)

support initiatives which provide financial assistance and other forms of intervention which seek to support children identified as being 'at risk' within the natural family. Many of the family support programs initiated by the Commonwealth have been devolved to the States and Territories which, at least in theory, should allow the States and Territories to develop a comprehensive range of support services to families in crisis.

Notwithstanding the array of possible family support services available to families, it is also recognised by the state and social welfare service workers that a child's natural family may not always be the best place for a child to be raised. There are occasions when the removal of Australian children from their families may be warranted as part of a social welfare intervention initiated by the state in an effort to look after the best interests of individual children. In these instances, the views of children may be overridden by the primary objective to provide a safe and secure environment.

A small minority of families do not have the necessary resources and skills to ensure that children are provided with a safe environment. With the support of State or Territory legislative mechanisms and child welfare procedures, when there is an irretrievable breakdown of a family in Australia, the removal of the child from the family is generally planned where absolutely necessary. Child welfare departments may assist parents and courts to make the decision (which is often too slow) as to whether a child requires temporary placement away from his/her family (i.e. fostering, respite care or temporary family care) or whether permanent placement, including adoption, is necessary. In both of these instances, appropriate access and contact between the child and the natural family are actively encouraged and planned for as an integral part of the child's placement plan.

The question as to just how the welfare and interests of the child are determined, in cases where an alternate care placement is considered necessary, is indeed a complex process from a legal and social welfare perspective. The parameters of what constitutes and determines the 'best interests' of the child in Australian contemporary society²⁸ is underscored by Australia's approach to child welfare in the past as much as it is shaped by the courts' and by social welfare and adoption practitioners' attitudes to, and interpretation of, contemporary society and current global child care philosophies.

Catholic welfare organisations are presently grappling with these factors to provide the 'best policies and practices' for children and their families.

Crucial issues for adults who were former children in institutional care and their families

Whilst there have been many changes towards 'best practice' for the care of children 'at risk' it also important that adults who were former children in institutional care be recognised and the issues affecting their health and wellbeing be addressed. The *Care Leavers of Australia Network*²⁹ and others have expressed many such issues, which this inquiry will hopefully acknowledge.

²⁸ See Australian Catholic Social Welfare Commission. (1997) *The Heart of Our Nation. Towards A National Commitment to Caring for Children and Young People*. Discussion Paper No. 12.

²⁹ CLAN Newsletter - <http://www.clan.org.au>

All human beings have the right to be respected and be empowered to participate in life to the best of their ability. Institutional care has been a mixture of positive and negative experiences depending on the individual person and the circumstances involved. For some people the sheer volume of numbers, less than optimum facilities and limited resources impacted on individual lives. Consequences for some people have been the lack of confidence and self respect which in turn impacts on one's ability to acquire an education, sometimes affecting one's ability to find a suitable job or to stay in employment. Often there are health issues such as depression, other mental illnesses or addictions.³⁰

Another concern is everyone's right to know one's personal history and identity – as life progresses many people wish to reconnect to their past; to know more about their family background; their own personal stories and development. Often this has been limited or not possible for those who have been in institutional care.

For many reasons some institutions did not kept minimal records or in some cases people have not been able to access their records and this has been a source of great pain and frustration. There appears to have been a deliberate choice in some cases not to have too many details of a child's life recorded so that the child could "start afresh" without the stigma of illegitimacy, or broken relationships. Of course, that has meant that people have often felt devastated because the records that they have been able to access are so scanty and superficial. Also the sheer pressure of the day to day work must have also contributed to not writing up records not to mention the issue, of what kind of information should have been kept which was not e.g. medical and dental records. As stated previously no uniform standards applied until recent decades.

Hopefully these issues will be acknowledged and it is important to note that the long term care of adults who were former children in institutional care need a particular sensitivity. Unfortunately not all helping professionals are aware of these needs. May these adults through new and creative responses, be supported and assisted to address these and many other critical issues.

³⁰ See Walsh, K., (1998) *Understanding Child Abuse within an Institutional Context*. (A discussion paper – The Esther Trust) <http://www.esther.merivale.org.au/library/public/items/00005-upload-00001.doc>

6. PRESENT RESPONSES BY CATHOLIC ORGANISATIONS

6.1 Changes in policies and practices

An orientation towards the family and the family within a community context is viewed as the most appropriate perspective for child welfare policy planning and service delivery. This approach is being reflected in the development of preventative strategies aimed at providing support for families at the local level to prevent family breakdown and avoid the need for children to be removed from their homes and placed in substitute care.³¹

Having looked at past policies and practices regarding the protection and care of children it is now important to acknowledge changes both in policy and practice for care of 'children at risk' in Australia today. This is due to various developments in research, knowledge, practice, understanding and skills especially in the areas of human development, psychology and social theory, which have in turn influenced changes in legislation, policy and practice. As stated earlier the emphasis is more on prevention, the role of family, children's needs and what is best for addressing these needs.

Unlike the early years of care for children in Australia the State and Territory Governments now provide some funding along with some assistance from the Commonwealth Government. This funding assists service providers both government and non-government to run programmes and services such as counselling, relationship education, and self-development courses.

6.2 Alternatives in care for children and families today

Many member organisation of Catholic Welfare Australia having reflected on the past and with learning and new insights are now providing alternative models in care. One organisation is MacKillop Family Services in Victoria, which has a variety of services catering for certain needs of families and children.

One such service run by MacKillop Family Services is St Anthony's Family Centre, which provides a range of family preservation family support and disability services for children and their families in the Western Metropolitan Region. Its services mostly aim to provide preventative in-home support to children and their families. In this sense service provision is diversionary to avoid the necessity of children being placed in out of home care.

Other MacKillop services include:³²

- Temporary and longer term accommodation for neglected and at risk children and young people;
- Emergency accommodation and support;
- Adolescent residential services;

³¹ *Children in Institutional and other forms of Care – A National Perspective*. Report of the Senate Standing Committee on Social Welfare. 1985: 15

³² <http://www.mackillop.org.au/html/services.html>

- Foster care, residential and specialised home-based care programs for babies, children and young people;
- Supported residential options for young people about to move into independent living;
- Aboriginal liaison work;
- Services for families with a child with a severe or profound disability and complex needs;
- Specialist education services;
- Furniture restoration training; and
- Heritage and information service.

Another organisation is Centacare, which, as stated earlier, consists of agencies found in Catholic Dioceses across Australia. These agencies whilst similar in their mission and philosophy are also working within the legislation of individual States and Territories as well as the confines of limited financial and personnel resources. The programmes below indicate that Centacare agencies have the health and wellbeing of Australian families as the centre of their ministry.

The following outlines some of the services offered by Centacare Sydney³³ to assist children and families.

Adoption Programme: This provides counselling for parents considering the placement of their child/infant, education/assessment of prospective adoptive parents, post adoption support and origins counselling. It is a statewide service co-ordinated from Sydney.

A.L.I.V.E. (Adolescents Living Independently Via Empowerment) Program: Assists young people, (15 - 25 years who are homeless or at risk of long-term homelessness) to live independently and achieve a fulfilled lifestyle. This service operates in the inner city, and inner-western suburbs.

A.L.I.V.E. Leaving Care / After Care Program: Assists Department of Community Services, agencies and young people with leaving care plans. Assists young people who have left care who are in need of service.

Community Placement Program: Young people 12 - 18 years, who are no longer able to live at home, are given the opportunity to live in a variety of supportive accommodation options, with intensive caseworker support.

Family Network Program: Structured program for parents and children providing foster care placements for up to 12 months, whilst parents focus on achieving goals in order for them to resume caring for their children. Referrals are via the Department of Community Services for children aged 0-12 years from Inner West and South Western areas.

Melanie's Program: Long term foster care for children, 0 - 12 years, who have moderate to severe physical and/or intellectual disabilities.

³³ Centacare Sydney, http://www.centacare.org/help_children.shtml

Permanent Placement Program: Permanent foster care for children, 0 - 12 years, who are unable to live with their family of origin. This program covers metropolitan Sydney.

Pregnancy Support Program: Assisting pregnant young women and young mothers (16-25yrs) via casework support and group programs.

Sibling Placement Program: A medium-term foster care program specifically for sibling groups, 0-12 years, in the Inner-Western Suburbs.

Temporary Family Care Program: Crisis and weekend care for children, 0-12 years, in the inner-western suburbs and the Fairfield and Liverpool areas.

A.L.I.V.E. & Free Program: Joint Tenancy Accommodation Program with Dept of Juvenile Justice, Dept of Housing, SWISH Housing Co-operative to assist young juvenile offenders with accommodation and support.

Child sexual Assault Counselling Services: Counselling for children, young people and their family members to assist in dealing with sexual abuse and its consequences.

Family skills and Parent Education: Workshops and group programmes for parents and step-parents with babies to adolescents.

Family Support Services: Programmes provide opportunities for families with children to experience positive changes, resulting in a better quality of life, safety and improved parenting. Staff assist families through intensive casework (home and centre based), group work and community networks.

6.3 Support and Healing for Adults who were former children in care

A vital section of the Australian community – adults who formerly were children in care and their families - are now being acknowledged, supported and assisted in telling their stories as well as being encouraged to participate in opportunities for reconciliation and healing. Whilst the Catholic Church has regrettably been implicated in past practices that have caused some people great pain and in some cases possible severe trauma there are now strategies and programmes that are being put in place to help towards reconciliation and healing for all involved. The Catholic bishops and leaders of religious orders have initiated some of these while other services have been provided by organisations within the church.

6.3.1 Towards Healing

*Towards Healing*³⁴

In December 1996, the Catholic Church published a document, *Towards Healing*, setting out the principles that must form the basis of the Church's response to complaints of abuse and the procedures to be followed in responding to individual complaints. This document was revised

³⁴ *Towards Healing* Document, http://www.catholic.org.au/statements/sexual_abuse_th2001_1.htm
See attachment as pdf. File.

and published again in December 2000 following feedback and the experience of the previous four years. Moving 'towards healing' is an ongoing process for the Church.

The Church recognises that while a publication such as *Towards Healing* will never take away the pain of anyone who has experienced any form of abuse, it does represent the Church's active response to complaints of abuse and to putting in place all measures possible to prevent abuse occurring in the future.

For any person who considers that they experienced some form of abuse while they were living in an institution run by a sector of the Catholic Church, *Towards Healing* provides a comprehensive outline of the processes and structures that the Catholic Church has established to compassionately and honestly respond to any allegations of abuse.

Again, the Church recognises that healing is an ongoing process and the December 2000 publication of *Towards Healing* will need to be reviewed and revised to reflect the learning and experience of victims and representatives of the Church in how to more effectively and compassionately respond to this sad and tragic issue. The Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes are currently engaged in reviewing and discerning how best to build upon this healing process.

6.3.2 A Piece of the Story

*A Piece of the Story*³⁵

In November 1999, following the culmination of two years' research, the Catholic Church published a book titled *A Piece of the Story: National Directory of Records of Catholic Organisations Caring for Children Separated from Families*. This publication was first conceived by a number of national organisations of the Catholic Church as a response to the recommendations contained in the Human Rights and Equal Opportunity Commission *Bringing them home* report into the separation of Aboriginal and Torres Strait Islander children from their families.

Bringing them home called on the churches that had provided institutional care to Indigenous children removed from their homes, to identify all records relating to Indigenous families and children and arrange for their preservation, indexing and access, in consultation with the relevant Indigenous communities and organisations.

In September 1997, the Australian Catholic Social Welfare Commission (now Catholic Welfare Australia) in conjunction with the Australian Conference of Leaders of Religious Institutes and the National Aboriginal and Torres Strait Islander Catholic Council, commenced a project to respond to the recommendations of the *Bringing them home* report.

As this project developed, it became apparent that distinguishing Aboriginal children's records in Catholic institutions in many parts of the country was not possible. The project was then

³⁵ *A Piece of the Story Document*, <http://www.catholicwelfare.com.au/publications/directory.htm>
See attachments as pdf. File.

widened to include the records of all organisations of the Catholic Church that had been involved or that continue to be involved in caring for children.

The completed directory is now intended to be of use by all adults who as children were placed into residential care with organisations of the Church and their families. It provides details about all Catholic Church institutions that were involved in care, the contact details and history of each organisation including the dates of operation and the type of care that was provided. The book contains information about the types of records that are available and provides readers with guidance about how to find out information for themselves or their family members. As the title of the book reflects, the publication of this book is a piece of the story of Catholic organisations involved in the care of children separated from families. It is the hope of the Catholic Church that *A Piece of the Story* has assisted and will continue to assist at least some inquirers in their search for pieces of their story and in reconnecting with their family.

6.3.3 Heritage and Support - MacKillop Family Services

*Heritage and Information Services*³⁶

As stated previously MacKillop Family Services formed in 1997 with the amalgamation of seven Catholic Welfare agencies sponsored by three religious congregations - the Christian Brothers, the Sisters of Mercy and the Sisters of St Joseph. An innovative feature of their program is the Heritage and information Service, which is a specialist service set-up to assist former residents and clients of the founding agencies to access personal information now held by MacKillop Family Services.

Whilst MacKillop Family Services acts as custodian of all founding agency client files, the files remain the property of the respective religious congregations. However, former residents or their relatives are encouraged to apply for information about their personal history and will be assisted by staff in all steps of the process. The staff provides personal assistance which is confidential as they assist with the interpretation of written material. MacKillop Family Services seek to act in the spirit of the Freedom of Information Act (Vic) and within any guidelines prescribed by the respective religious congregations. These services are provided free of charge and there is no obligation to proceed beyond the initial enquiry.

6.3.4 Other support and services

Individual Catholic organisations have set up funds for assistance with grievances and healing for children who have been in care. One such organisation is Centacare Sydney, which is presently providing some funding for the *Care Leavers Australia Network*.

Other forms of support have been through activities such as reunions, which provide opportunities that may be painful for some yet for others can be a healing of memories and possible reconnecting with past friends. Some religious orders that were involved in care for children in past decades have initiated such events as well as other forms of support.

³⁶ MacKillop Family Services, <http://www.mackillop.org.au/html/services.html>

Over the last forty years individual Brothers and former Brothers have provided ongoing but not coordinated support to former residents of all these institutions. This support has included:

Personal support and mentoring:

- Emergency financial help;
- Referral to welfare agencies;
- Networking (i.e. placing former residents in touch with each other);
- Coordinating former resident gatherings (reunions); and
- Assistance with the search for employment.

(Congregation of Christian Brothers: WA/SA submission to this Inquiry. P.3)

There have been occasions for sincere apologies and in some circumstances other support through companionship, networking, or financial assistance for specific needs. Whilst support and assistance is happening it must be acknowledged that there is need for further development and co-ordination in some areas. Once again, the Catholic Church with sincere humility ‘acknowledges with deep sadness and regret that a number of clergy and members of religious orders have abused children have abused children, adolescents and adults who have been in their pastoral care. To these victims we offer our sincere apology.’³⁷ We also acknowledge the inner strength and courage of many adults (former children in care) who have told their stories and experiences. The memory of what was a ‘happy and protected life’ yet for others often ‘painful and traumatic’. It is in the telling and the listening that reconciliation can begin.

³⁷ *Towards Healing*. December 2000: 1

7. DIRECTIONS FOR THE FUTURE

Whilst recognising that much has changed over the past 167 years in legislation, policy and practices in the protection and care of children there are many things that require further change to improve the lives of Australia's children as well as assisting the adults who were former children in care. Such assistance may well be required in areas such as further education, health needs, housing, employment, family support, personal development through counselling and programmes.

Individual organisations need further encouragement and ongoing support to continue with the developments already started as well as being assisted in new and further innovative services. This submission strongly supports the recommendations provided in detail³⁸ by MacKillop Family Services in the areas of: Heritage and Support Services; Reducing Multiple Placements and Attending to Identity and Attachment Issues; Improving Processes for Young People Leaving Care. The recommendations proposed in detail by Centacare Sydney³⁹ are also endorsed through this submission. As well as those prepared by Mercy Community Services Inc.⁴⁰

However, we may ask what are the State and Territory Governments doing to address the trauma and hurt being experienced by adults who were former children in institutional care given that this care was the ultimate responsibility of these governments. This is not overlooking the responsibilities placed on those organisations, which had 'a duty of care' in the day-to-day policies and practices that affected the quality of life for the children. But as has been stated earlier these organisations were often left unsupported both financially and professionally. During the past decades much has and is being done by many non-government organisations to help heal past hurts and bring about reconciliation and new life.

Will the State and Territory Governments join in this healing and reconciling by acknowledging past policies and practices that have caused distress and trauma to former children in care? Will these Governments assist with funding so the present needs of adults who were former children in care as well as their families can be helped and supported through various services and programmes?

Clearly families and children in Australia are receiving more support and assistance than previous generations yet it is also obvious that much still needs to be done.

Journeys across time can put a different light on the pathways of the present as well as those of the past. Perhaps it is even possible for a journey across time to illuminate new pathways that may take us in a different direction in the future.⁴¹

³⁸ See Mackillop Family Services' submission to the Inquiry into Children in Institutional Care. July 2003. Pp. 31-32.

³⁹ See Centacare Sydney's submission to the Inquiry into Children in Institutional Care. July 2003.

⁴⁰ See Mercy Community Services Inc.' submission to the Inquiry into Children in Institutional Care. July 2003.

⁴¹ Scott, D., & Swain, S., (2002) *Confronting Cruelty Historical Perspectives on Child Abuse*. Melbourne: University Press. P.188.

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