

Address in Reply: Senator Andrew Murray March 2008

I commence by thanking my Liberal senator colleagues for allowing me to jump the queue as I have a later chamber duty which I cannot avoid. I take this opportunity in making my address-in-reply speech to follow on from the issue of the apology, which was raised by the Governor-General. I want to revisit the issue of apologies and compensation or redress for those referred to as the forgotten Australians. These are most of the 500,000-plus people who experienced institutional and other forms of out-of-home care in 20th century Australia. Now regarded as a conservative estimate, this number is made up of 7,000 to 10,000 child migrants, 30,000 to 50,000 Aboriginal stolen generations children and the 450,000-plus Australian-born non-Indigenous children raised in orphanages, children's homes and foster care. Sadly, it is the case that, as vulnerable children, these people endured childhoods bereft of the nurturing and stability that family life can provide. It is also the case that many were subjected to ongoing humiliation and systematic abuse that was often criminal in nature. No matter what the race and no matter what the ethnic background of the child, their experiences were all too similar. Whatever the reason and whatever the rationale underlying government policies concerning the removal and so-called protection of children last century, the downfall has undoubtedly been in the execution of those policies.

The contemporary consequences of these past practices have been profound for the survivors of often traumatic childhoods and also for their subsequent generations. There have been three national inquiries that have produced four reports that attest to this reality. These are: the 1997 [HREOC](#) stolen generations report, *Bringing them home*; the 2001 Senate Community Affairs References Committee report on child migrants, *Lost innocents: righting the record*; and the two Senate community affairs committee reports on children raised in institutional and other forms of out-of-home care, the 2004 [Forgotten Australians](#) report and the 2005 *Protecting vulnerable children: a national challenge* report. All of these reports unanimously recommended that a national apology was required to acknowledge the hurt and distress suffered by many of these children and for the harm and loss of opportunity endured well into their adult lives.

During the last parliamentary sitting, Prime Minister Rudd delivered the long-awaited apology to the Indigenous stolen generations. It was indeed a fine and moving speech, a historic moment that I trust will be the beginning of a new way forward for [Indigenous Australians](#). I am already on the record as welcoming this apology. However, in speaking to Senator Evans's motion on it, I stressed the need for another national apology to be delivered to former child migrants and to those non-Indigenous Australian-born children raised in care, people who often refer to themselves as the white stolen generations. I also raised the issue of compensation or reparations as the next necessary step.

Just as the *Bringing them home* report recommended an apology so too did the child migrant and *Forgotten Australians* reports. Although I recognise the political dimensions to another apology of this nature following on so soon, quite simply it is just the right thing to do. I do acknowledge that the timing, content and presentation of that apology will matter greatly and consultation is necessary. It is the right thing to do because the race based past policy of removing Aboriginal children from their families has its counterpart in the race based child migrant schemes from Britain, Ireland and Malta last century. This history was also race based, as the policy was motivated by a desire to populate Australia with a potentially healthy and productive white workforce. The phrase 'good British stock' was actually used.

The evidence of the Senate Community Affairs References Committee is that most children arrived in Australia under the misguided idea that they were coming here for a holiday or an adventure. Most were not orphans, as commonly believed, and more often than not were shipped here without informed or actual parental permission. Not only did they lose the chance of maintaining family contacts; they also lost their country. Many had their names arbitrarily changed or were referred to by number.

While not race based, the removal of hundreds of thousands of Australian-born non-Indigenous children had its foundations in families doing it tough. Children were made wards of the state after being charged in the courts with being uncontrollable, neglected or in moral danger. Notice what I just said: 'charged in the courts'. Children were charged as being neglected. It is just unimaginable today. It was not because they had done anything wrong but because they had been born into poverty, been born to a single mother who was often a teenager, been born into a home plagued with domestic violence or born to a parent who was unable to cope and the like. Some were indeed orphaned.

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So many submissions to the Senate inquiries told of how their family lives had been terrible, but what they experienced in care—unfortunately, for so many of them but not, I should emphasise, for all of them—was far, far worse. There were children who were well cared for by caring people. One only has to read the submissions and *Hansard* evidence to gain a sense of the almost complete lack of a duty of care for far too many of these children. Not only did the state fail—and by that I mean broad state, federal and state governments—so too did the churches and other receiving agencies charged with providing care for vulnerable kids. The despicable crime of ongoing sexual assault was all too common. Rape, sodomy, oral sex and even bestial acts were all revealed in evidence to the Senate inquiries, as were systemic floggings and beatings with a variety of weapons for the most minor misbehaviours. All these acts amounted to criminal assaults punishable by law at the time. And that is the important point. These things that were done to the children were not lawful at the time and yet there was a conspiracy of silence between churches, health authorities, police and others which mostly kept these incidences under cover.

This appalling treatment of vulnerable kids has its match in prisoner of war camps. Places like Bindoon in [Western Australia](#), Goodwood and [The Pines](#) in [South Australia](#), Westbrook in Queensland, [Box Hill](#) and Bayswater in Victoria, and Parramatta and Hay in [New South Wales](#) were akin to concentration camps that incarcerated and brutalised far too many young people in 20th century Australia. Some beatings even resulted in physical impairments later in life. A former child migrant wrote:

Some of the scars of Keaney's brutality still remain with me both physically and emotionally ... his actions would have warranted criminal charges had he not ... exerted influence over the law in Western Australia.

This man Keaney was a [Christian Brother](#) who publicly possessed considerable public relations skills that he put to good work in creating a mythology about himself. He became known as 'the orphan's friend' and in 1953 was awarded an Order of Australia. Despite the best efforts of the committee and of members of the committee, regrettably that order is still standing, and I hope that the new government will make every effort to have it cancelled and removed. Every word read and uttered about Keaney during the child migrant inquiry revealed just what an evil monster he was. The committee report recommended his [MBE](#) be cancelled and annulled but the Howard government would not agree to this, nor have my and other people's efforts since been successful. It is shameful that Keaney's name continues to sully the list of deserved award recipients. I hope this government—and I direct my remarks to the attention of the Minister for Human Services, at the table—will address this matter.

Another former child migrant vividly recalled a vicious beating she received from a nun at Goodwood Orphanage. She wrote:

I felt the strap come down across my body. It was the most painful thing I had ever experienced. She continued flogging me, ranting and raving, until I could take no more ... She was like a woman gone insane, showing no mercy at all.

That was submission 68. A former state ward who spent time in the infamous Westbrook institution in Queensland wrote:

This man seemed to take great pleasure in humiliating us publicly, flogging us with his heavy leather belt while we knelt naked at his feet. You could receive anything up to 60 lashes and you always ended up bleeding profusely. Sometimes boys lost consciousness. They were the lucky ones.

That was in submission 141. By the way, these are children. A former Parramatta girl wrote in submission 280:

I had my hands held behind my back, hair held and my head bashed into a lot of sinks in the shower block and lost quite a few teeth.

I know that particular woman; she is a very fine Australian, but she bears the emotional and mental scars of that experience. I could go on and on because the evidence to the Senate inquiries was very

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extensive, but these typify the widespread physical assaults inflicted on powerless children. They literally lived in fear and terror. And I will repeat: these assaults were not distinguished by what sex or gender you were, they were not distinguished by what race you were or what your ethnicity was or what country you came from. These assaults were applied across the board: white, black, male, female, Maltese, British, Australian—it did not matter. If you were a kid, these particular kinds of horrors were visited on you. That is why I say to this government that an apology is due in the same form as was rightly given to the stolen generations.

Neglect and brutal treatment occurred in all states, in all institutions and in many foster care situations. Mostly the predators were staff members, including religious and lay workers. I will stress again that of course there were many staff members, many religious people and many lay workers who did care for the children as best as they were able. Not everybody was a monster. The covering up of crimes perpetrated on vulnerable children was widespread among the institutions, as was the lack of belief exhibited by adults and the various health, police and welfare authorities when children reported what was continually happening to them. [The Senate](#) inquiries were well exposed to evidence that the inspection and supervision regimes were very poor.

Even if kids in care were lucky enough to escape sexual and physical assaults, they still had to endure general neglect, inadequate clothing—rarely were shoes allowed—hunger, lack of education and the exploitation of them as slave labour, in either construction work for boys or laundry work for girls. The other day I drove down to Bindoon—it gives me the horrors; I cannot bear the place—and the stations of the cross are on the hillside. They were built by these children as slave labour. The woman with me at the time happened to be religious and she thought these stations of the cross were marvellous. Then I explained how they were built and what an abomination it was for them to be built by slave labour in the name of [Jesus Christ](#), who, in himself, exhibited the finest characteristics. These were built by monstrous people who pretended that they were doing this in his name. It is just unbearable.

Some children were used for medical and drug experiments, which have been reported in medical journals. Some were unfortunate enough to end up being placed in mental homes or asylums for continual absconding or bad behaviour. Many of them, thousands of them, have since committed suicide. Add to all of this the complete lack of love and nurturing so important to a child's development and it is no wonder many have been condemned to lifelong scars and troubles. As adults, they have endured lives tarnished by welfare dependency, substance abuse, mental and other health disorders, and relationship and parenting problems.

Moreover, so profound has been the loss of contact with siblings, with family and with place of origin that their sense of self and identity has been irreparably harmed. You are where you come from; you are who you belong to, and they have had that severed—as had the stolen generations. Although some have triumphed over their adversity and found their own healing, they still live with the memories of these tragic childhoods. And there are far too many who have not been so fortunate. I will stress, again and again, that there were many who were fortunate, who were better cared for in these homes than they would have been if they had been left at home. However, one care leaver wrote:

The cumulative effect of this experience is so pervasive that today I'm 52 years old and still a state ward.

That was submission 321. Here is another:

I can't get some of the terrible things he did to me out of my head, they look in the shadows of my life and haunt me. [He] took my virginity, my innocence, my development, my potential ...

That was from submission 239. And a 70-year-old survivor poignantly wrote:

A door opens in the memory bank and the ghosts escape to make us lonely children again.

Committee members and all those involved in these Senate inquiries know only too well that, if you hurt and break the spirit of a child, the result will be a harmed adult. Unfortunately, it is also the case that many survivors of childhood trauma do go on to produce another generation of victims because if

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you have been harmed as a child your expression of self is often damaged, and that comes out in relationships with your partners and with your children. In submission 267 a daughter of a care leaver wrote:

My Mum ... spent years in psychiatric institutions due to the atrocious physical and mental abuse that herself and sister endured for many years at the cruel hands of the 'so called carers' at the [Salvation Army](#) children's home.

If the measure of a society is the extent to which it protects and nurtures its children, then, historically, we as a nation have little to be complacent about. If the Prime Minister, if cabinet ministers, if all members of parliament took the time to read the submissions and reports of these three inquiries, I imagine there would be almost total support for the Prime Minister to apologise to all our citizens who suffered as children in care and who continue to carry these scars. Unfortunately, it is the case—we all lead busy lives—that most people have not read the reports or the submissions.

If they read those reports, I also imagine that there would be little resistance to the need for the Commonwealth to follow up an apology with the establishment of a national redress scheme. There would be widespread recognition that an apology is only the first step to righting the wrongs of the past. If we compensate victims of crime and trauma, so too should we compensate those who experienced childhoods of fear, neglect and criminal acts in the care of the state. The state allowed the harm to occur; the state should correct that harm. We should do so because the restitution of past harm through ex gratia payments is a measure of justice often denied these children through the civil and criminal courts and by resistant churches and agencies.

We should do so because of the utter failure of a duty of care by state welfare authorities, the churches and other receiving agencies charged with caring for these defenceless children. Accordingly, the monetary cost of a national redress scheme would need to be shared proportionally by various governments, churches and receiving agencies and it should be capped. Moneys would most likely be expended over a number of years, taking into account the application and decision-making process. It is an obscenity that one or two people who succeed in court can get millions of dollars when the ordinary people would be much better off with tens of thousands of dollars from a redress scheme.

Churches would certainly need to substantially contribute as far too many of their religious and lay workers were perpetrators of sexual and criminal assaults. Some have already been through the courts, while others have escaped prosecution either because they have died or because the lapse of time has presented evidentiary problems. In the United States a recent newspaper report indicated that the [Catholic Church](#) in 2007 alone paid out \$665 million for child sexual assault cases, which was a 54 per cent increase on 2006. So this is not just an Australian problem but an international problem.

An apology to all those harmed in care last century is only the first symbolic step. Although powerful, it is not sufficient to provide the long-awaited justice due to these people. It is neither too hard nor unaffordable, as is evidenced by the international redress schemes in Canada and Ireland, and here in Australia in Tasmania, Queensland and Western Australia. I stress it is neither too hard nor unaffordable. New South Wales, Victoria and South Australia need to follow suit, as does the Commonwealth with a reparations fund that tops up the state schemes. Shared out proportionally we can afford these redress schemes.

Although redress was an important and unanimous recommendation of the *Forgotten Australians* report, the then Howard government would not agree to it, nor would it agree to most of the other 38 recommendations. Its poor response dispelled the widespread belief amongst all the forgotten Australians that justice and targeted services would be forthcoming once their government had been presented with the evidence of systemic failures in the duty of care to vulnerable children.

We can no longer deny the collective social record we now have of a less enlightened period of history and its effect down the generations. It is time to address once and for all these hurt childhoods and ruined adult lives through a national redress scheme.

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The nation has been set on a path of healing by the Rudd government. More is yet to be done. The real test for a more empathetic Rudd government will be in what it does in a more meaningful way to overcome the national shame not only of the stolen generation but of all the shattered lives of all those who experienced harm when they were in state care as children.