

SUBMISSION

THE SENATE COMMUNITY AFFAIRS
REFERENCES COMMITTEE
INQUIRY INTO INSTITUTIONAL
CARE OF CHILDREN

FROM
THE CONGREGATION OF
CHRISTIAN BROTHERS (WA/SA)
JULY 2003

SUBMISSION

SENATE INQUIRY INTO CHILDREN IN INSTITUTIONAL CARE

1. Executive summary and recommendation:

This is a very brief submission which does not in any way attempt to examine all the aspects of Institutional Care. It is to inform the Inquiry that the Christian Brothers participated in a very significant way in the institutional care of boys and adolescent males for over eighty years. The submission indicates that the Christian Brothers believe that they made a very positive contribution to the lives of the majority of people who were resident in those institutions.

The submission also recognizes that those who have experienced institutional care, even at its best, have not grown up in an ideal situation and therefore there is a subsequent lifelong need for aftercare and support.

The Christian Brothers also make it clear in this submission that some horrific acts of emotional, physical and sexual abuse took place in particular institutions in particular eras. There have been very public steps taken to openly acknowledge this, and strategies have been put in place on the advice of the former residents and a wide range of professional advisers, to assist those affected to move forward in their lives in a positive way.

The Christian Brothers recommend:

- (1) That all agencies involved in the delivery of institutional care to openly and publicly acknowledge instances of abuse whenever it has occurred.
- (2) That State Governments, and any other agencies that had a role in monitoring the quality of care in agencies which were/are providing institutional care for children, publicly acknowledge when there have been failures, and subsequently share the burden of healing, reconciliation and lifelong aftercare.
- (3) That the Commonwealth Government fund a series of seminars around the country to promote the sharing of best practice with regard to the ongoing support of former residents in children's institutions.

While this is not a detailed submission, the Christian Brothers, through the current Province Leader, Br Kevin Ryan, would be available to appear before the inquiry to provide more detailed information and to speak to the recommendations.

2. Source of this submission.

- 2.1 This submission is written on behalf of the Christian Brothers of Holy Spirit Province (South Australia and Western Australia). The Christian Brothers are a Religious Congregation within the Catholic Church. They were founded in Ireland in 1802 and first worked in Western Australia in 1894.
- 2.2 The Christian Brothers conducted four Residential Care Institutions in Western Australia, they were:

Clontarf 1901 - 1983
(From 1897 - 1901 the Brothers had previously cared for the boys at St Joseph's Orphanage in Subiaco, an institution conducted by the Sisters of Mercy).

Castledare 1928 - 1983

Tardun 1928 - 1965

(While the date of the transition from an "Institution to a Year 8-10 Agricultural School is difficult to determine, it would have been completed by 1965).

Bindoon 1936 -1967

(As for Tardun, the date of transition from an "Institution" to an Agricultural School is difficult to determine but was completed by 1967).

- 2.3 It is also important to note that the Christian Brothers are a part of the Catholic Church submission being made by Catholic Welfare Australia. The Christian Brothers also wish to express support for the submission being made by Christian Brothers Ex-Residents and Students Services (CBERSS).

3. Some key points in the history and development of Christian Brother institutions.

3.1 Clontarf:

- 1901 First students/residents transferred from St Joseph's Subiaco to the Clontarf site (approx 6 years to 14-15 years)
- 1929 From this time on residents were 12 years or older.
- Property taken over by Commonwealth Government for Airforce use.
- From approximately 1950 until 1967 some Clontarf students supported into post compulsory education at a nearby school while continuing to be resident at Clontarf.
- From the early 1970's more professional programmes and planning were introduced and resident numbers were reduced. This was to respond to the behavioral and emotional difficulties of the residents. This was done with the support of Catholic Family Welfare Bureau and the Department of Community Welfare.
- 1975 Introduction of social work/psychological services on the staff of Clontarf.
- 1978 Reduction to 5 day/week residential programs to strengthen family involvement and responsibility.

3.2 Castledare:

- 1929 Opened as an institution for the 'mentally deficient' (sic)
- 1933 Decision taken for Castledare to become a junior orphanage for Clontarf.
- In the late 1960s more professional programmes and planning were introduced and numbers of residents were reduced. This was done to respond to the behavioural and emotional difficulties of the residents. The Catholic Family Welfare Bureau and the Department of Community Welfare assisted with this transition.
- 1975 Introduction of social work/psychological services on the staff of the institution.
- 1978 Reduction to 5 day/week residential programme to strengthen family involvement and responsibility.

3.3 Tardun

- From its inception boys were involved in farm training as well as education.
- 1935 First former resident placed on a farm which had been part of the Tardun property this. This continued until 1953 when difficulties with the implementation led to a decision to discontinue the scheme.
- In the early 1960s the transition to a conventional boarding school had begun.

3.4 Bindoon

- 1941 The high level of the behavioural difficulties of the residents was a source of contention from the beginning of this institution. Staffing was not adequate to cope with the situation. This is not a criticism of the residents but a comment about inadequate planning for the project by the State Government, the Christian Brothers and the Catholic Archdiocese of Perth.
- Boys were consistently involved in both farm work and extensive building programmes into the 1950s, along with their school work.
- From the early 1960s the transition to a conventional boarding school commenced.

4. Past and current responses to the needs of former residents.

- 4.1 Over the last forty years, individual Brothers and former Brothers, have provided ongoing support to former residents of all these institutions. This support has included:

Personal support and mentoring:

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

Former residents from these institutions have provided mutual support to each other. This has occurred to a greater or lesser extent depending upon the era in which they attended the institution.

- 4.2 Subsequent to the surfacing and researching of physical, sexual and emotional abuse in some eras in the histories of these institutions in the late 1980s and early 1990s, a more systematic response has been made to address the needs of former residents.

These responses have included:

- 4.2.1 After three years research, a book by Br Barry Coldrey entitled "The Scheme" was published on the history of the Christian Brothers involvement in the four institutions. This history of the four institutions does not back away from the difficulties experienced by residents, staff and leaders at various times. The research also highlights that like all children's institutions they were subject to regular government inspections. On most occasions these reports were positive and complimentary. However, this was not always the case and particular leaders, for example Br F.P Keaney, were singled out for being uncooperative in relation to recommendations. Having said that, Coldrey also highlighted two state welfare reports and one state education report in Keaney's time at Bindoon between 1948 and 1953 which highlighted the positive health and attitude of the boys. This is not to deny cases of physical, sexual and emotional abuse in that

institution or elsewhere, but it is clear that the real picture of these places is complex and difficult to grasp.

It is clear that this was the case for all Institutions in Western Australia in the 1950's. The Hicks report, commissioned by the Western Australian State Government, was highly critical of all children's residential facilities. They were described as primitive and backward.

It is important to note that the two institutions which continued on to 1983 went through very vigorous and professional updating in their last twenty years. These changes were made in the light of carefully researched best practice from Australia, Great Britain and the United States of America, and with very open accountability to the Catholic Welfare Bureau and to Government agencies.

4.2.2 During late 1992 and early 1993, representatives of the Christian Brothers held meetings with the Executive of V.O.I.C.E.S (Victims of Institutionalised Cruelty and Exploitation and their Supporters) a lobby group representing some of our former students, and residents, who alleged widespread physical and sexual abuse in our institutions. The meetings were an effort to find some common ground and a constructive way forward, but unfortunately they became increasingly acrimonious. Due to this acrimony and the poor processes at the meetings they had to be abandoned.

4.2.3 In mid 1993, the Christian Brothers gave an unreserved apology for the abuses of some Christian Brothers and staff in the four institutions (see Appendix 1). This statement made a commitment to constructive action to promote healing and reconciliation.

4.2.4 The first step in this commitment to action was the establishment of a "Helpline" (telephone counselling service) and the commissioning of a panel of independent experts (consisting of senior public service professionals with relevant expertise in psychology, social work and medicine) to take submissions from any interested parties and to profile the needs of former students of our institutions (including former child migrants). Known as ISERV (Independent Services for Ex-Residents and Victims), the panel published an Interim Report in March 1994 and a final report in October of that year. This report was immediately made public. It recommended the consolidation and extension of the services already begun with the Helpline facility. Christian Brothers' Ex-Residents' and Student Services (CBERS-S) with its own Management Committee, was set up in December 1994 to implement these recommendations. It continues to this day.

Among other services, CBERS-S provides counselling, a no-interest loan scheme, literacy and numeracy assistance and advocacy. (CBERS-S is providing a submission to this Inquiry and will provide further detail about its service).

It needs to be noted that while it is funded by the Christian Brothers, CBERS-S acts as an independent service. The Christian Brothers organisation, through this service and in a variety of other ways, have endeavoured to work with former residents and other experts to get a clear idea of, and respond to, the needs of former residents.

- 4.2.5 In August 1993, civil legal action was begun in the Supreme Court of New South Wales against twenty-one Catholic Church defendants, though proceedings were eventually discontinued against all except the Christian Brothers. The approximately 250 plaintiffs were mostly, but not exclusively, former child migrants. The case was complex legally and included matters of jurisdiction, statutes of limitation, and a lack of corroborating witnesses. Most events under consideration took place in the 1940s and 1950s.

The time lapse and other issues meant that neither side would be able to establish what actually did or did not happen. Consequently, an out of court settlement was reached in August 1996. The Christian Brothers provided \$5 million of which \$1.5 million was for the plaintiffs legal costs and \$3.5 million was placed in an independent trust to be distributed, against agreed criteria, to the plaintiffs who signed on.

- 4.2.6 In October 1999 approximately \$80,000 remaining in the Trust was moved to an "Ongoing Treatment" Trust for the continuing care of approximately sixteen of the plaintiffs.
- 4.2.7 Since the early 1990s, individual former residents have met with the leaders of the Christian Brothers to tell their stories. When needed and when possible, the Christian Brothers have responded to the practical needs of these former residents. These needs have included health crises, education for them and their dependents, and assistance with legal and housing matters.
- 4.2.8 Since 1996, when the Catholic Church began establishing what is now known as the "Towards Healing" Process, our meetings, apologies and mediated settlements have been done through this protocol. At the time of writing there have been approximately sixty individual meetings both outside of and within the Towards Healing Process.

5. The Learnings of the Christian Brothers

- 5.1 These learnings are based upon the benefit of hindsight. The learnings have also been made within a changing historical context which includes:
- Markedly different economic circumstances within Western Australia between the 1950s and now.
 - A change in societal expectations with regard to the raising and education of children and a consequent change in social welfare policy.
 - A different educational context which has seen the development of a wide ranging curriculum and different techniques and strategies for the education of young people, especially boys with learning difficulties.

5.2 Risk Management.

The need for both internal and external management of risk with regard to the emotional, psychological, physical and spiritual well-being of children has become clear. All schools and welfare works of the Christian Brothers are currently being audited with regard to our policies and practices (including staff training) with regard to these matters.

5.3 After-Care.

It is clear that even for some men who had a safe and happy time in our institutions, after-care needs can be a lifetime journey. Some of this can be related to dealing with family issues prior to institutional care, institutional care issues themselves and post institutional care issues. For some, these are basic life skills which need to be dealt with such as; housing, financial advice, numeracy and literacy. For others, there are deeper issues related to family and personal identity and dealing with family and institutional abuse.

5.4 Shared responsibility among institutional care providers and agencies responsible for accountability.

It is clear to the Christian Brothers that the majority of men who passed through our institutions received a quality of care appropriate to the era, obtained a good education and moved on to a good family life and good employment. However, it is also clear that the ideals of care even by the standards of another era were not met. The Christian Brothers have, within the limits of our capabilities both openly and publicly acknowledged this, and are attempting to provide the necessary practical support to those offended-against and to walk a journey of healing with them.

It is of concern and considerable regret that the State Government which had responsibility for a significant level of accountability for a large number of the young people in Christian Brother institutions has never made any public acknowledgement of this, and has over the last ten years offered a minimal level of support to these men who are currently suffering at least partially as a result of failures of the accountability process.

5.5 Healing and reconciliation.

The Christian Brothers in the last ten years, firstly on their own and in latter years in partnership with many others, have learnt much in relation to the practical skills of healing and reconciliation. These are centred around:

- Hearing of the story.
- Acknowledgement of the story in all its dimensions (including the pain).
- Apology for hurts caused when that is required.
- A gesture made (in practical terms) to assist with the person's current and future needs.

This is the basis of the Catholic Church Towards Healing Process. It is acknowledged, also, that there is still much to learn with regard to the practice of healing and reconciliation.