

Personal Records and the Stories They Tell
© Frank Golding Draft April 2009

I have described the details of my family story in my book, *An Orphan's Escape: memories of a lost childhood*, (Lothian 2005) and am working on another book, a prequel, that will deal with two older generations of my family with members who were also incarcerated in children's institutions.

Although I had what I thought were perfectly good parents, most of my childhood was spent apart from them - from the time I was two until I was fifteen. During those long years, I was in three orphanages and also in the 'care' of three foster mothers though I can remember only one of the orphanages and one of the foster mothers.

Like many older care leavers I was not even aware that files were kept about me until I was in my mid-fifties. As soon as that awareness dawned, in 1993, I started on the long negotiation for the retrieval of my record. I was amazed at what I found – including the two mysterious institutions and two unremembered foster mothers – one of whom took us back to the Welfare Department after nine days unable to look after my brother and me 'because of their habits'. (That is what the file says, but it does not tell us what these infantile 'habits' were). I did not expect my records would still be there after the best part of 50 years. But I was glad to find them, and to learn a great deal about my lost childhood. And to find clues in them that indicated there was also much more to the story than what was recorded in those files.

Like most inmates, no one ever told me what was going on, why we weren't living with our mother and father, why we weren't a normal family. Then, when the miracle reunion occurred - a bolt out of the blue when I was 15 - my parents refused to discuss the matter. It was a black book never to be re-opened as far as they were concerned. And they took their secrets to the grave in 1984 and 2002 respectively when I finally became a lawful orphan.

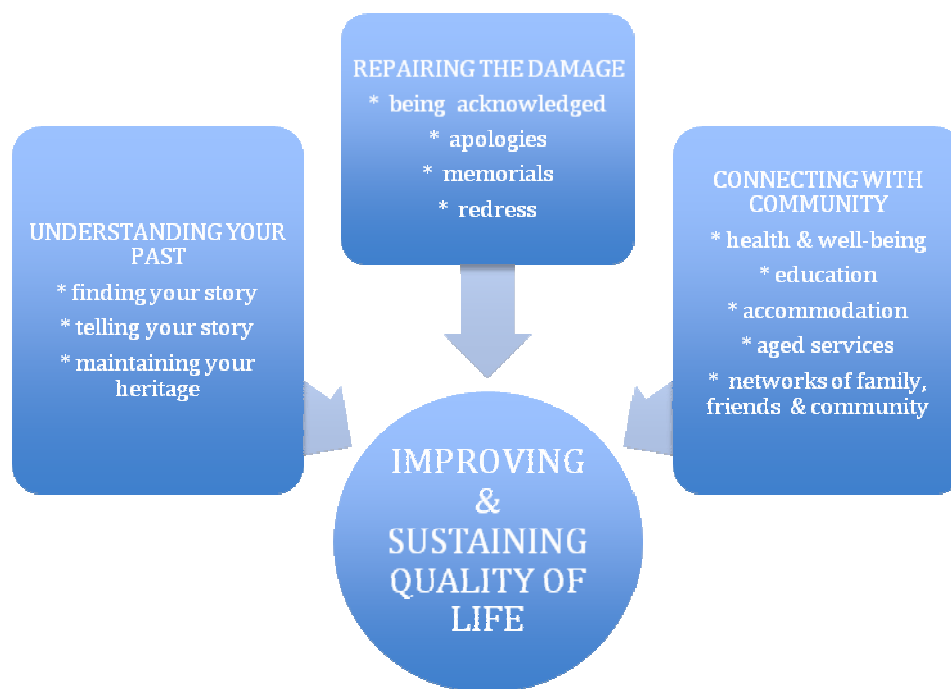
I recall my never-ending childhood puzzlement about the whereabouts of our parents and why we were in the Ballarat Orphanage when we were not orphans at all. I have vivid memories of sitting on the Orphanage wall waiting... waiting for some news...waiting for my parents to step off a tram at the end of the line...waiting for an end to what must surely have been a monstrous mistake made in the secret world inhabited by adults. ...Waiting for something, anything, to turn up. And all that time unbeknown to me, a dossier was being built up that would one day 50 years later tell me a story that was always important to me. Hallelujah!

Why was it so important to me?

Why is access to personal records so important?¹

I think there are three main reasons why people who grew up in institutions or foster care place such importance on getting their records. And they interconnect one with the other as shown in this diagram which is an attempt to summarise the complex needs of older care leavers.

Figure 1: Needs of former care leavers



1. To bring about delayed justice

The Senate Report *Forgotten Australians: A report on Australians who experienced institutionalised or out-of-home care as children* (2004)² expressed astonishment at the copious evidence about the brutality of life in orphanages and children's homes and the lasting impact of growing up in those places. The abuse and criminal neglect of children is a raw, painful topic; but physical and sexual assault of children and varied forms of neglect leading to life-long harm warrant restitution and justice, however long delayed.

When crimes against children occur, records are essential in bringing about belated justice. Redress payments to compensate victims of sexual and other extreme forms of abuse or prosecutions of paedophiles will not take place without some form of documented evidence. Queensland, Tasmania and Western Australia have introduced redress schemes – and South Australia is contemplating such a scheme - but the Victorian and NSW governments are

¹ There are useful discussions of the reasons access to records are important to care leavers in Horrocks and Goddard (2006); Murray, Malone and Glare (2008); and Murray, Murphy, Branigan and Malone (2009).

² Hereafter referred to as the *Forgotten Australians* Report.

resisting doing the right thing. It is not in their interests to make it easy for victims to gain full and unfettered access to records whose testimony is vital for victims seeking redress. One wonders if some files that seem to have gone missing in some instances have been cynically 'disappeared'. One of my brothers – who was abused in 'care' - was told that his records had been damaged in a flood. We found that hard to believe because my records were intact (or nearly so). We entered 'care' on the same day, shared the same surname and were just a year and a half apart in age. You could reasonably assume our records sat side by side. What flood could be so conveniently discriminating as to have damaged his file and left mine high and dry?

2. To repair personal damage and help with identity

Many former institutionalised children still live on the margins of society and have ongoing problems - homelessness, welfare dependency, mental and other health problems, difficulties with relationship and parenting, and substance abuse are very common. Tragically, many have suicided. Sometimes the effects of harm are transferred to the victims' children, thus creating generational social problems.³

Most survivors of institutional 'care' have lived or continue to live with unanswered questions about much of their lives – as I have - questions that go to the heart of who they are. A common thread for those who of us have been institutionalised or placed in 'care' is that at some critical point in our childhood, an event or circumstance cut our attachment to our family, our home and our past. And for most, that attachment was never restored. Many of us have been obliged to live our adult lives under a cloud of uncertainty about why we had that childhood and not a 'normal' one.

As we grow older, many of us begin the search for that past to understand why things happened the way they did. This means we need to see the records – however meagre they may be. Records from childhood are a vital means of trying to connect with our past, to try to understand why we are the way we are as adults. Often the search is intense and difficult; but the process can also be healing and restorative.

3. To re-connect with family

The *Forgotten Australians* Report reveals the enduring legacy of losing contact with family. Many submissions describe recollections of having siblings but losing contact with them through institutional separation during their childhood - geographical and psychological separation. If you grow up with 200 other inmates grouped by chronological age for the convenience of staff, the very idea of brothers and sisters can lose its meaning as the years roll by. Some children, for whatever reason, were told deliberate lies about the existence or whereabouts of parents or siblings. "Your parents are dead."

³ Careleavers of Australia Network (CLAN) Survey 2007.

Your parents don't want you." "You have no brothers or sisters." Or they were told nothing. In hindsight, it's hard to understand why, but many officials at the time consciously disconnected those who were in-care as much as possible from their former lives. Often, attempts by family to contact their children in orphanages were obstructed. Parents or relatives were denied access. Letters were not passed on. Significant life events went unmarked: my mother's sister died in the Ballarat Orphanage aged 12 but her family were not notified and there was no inquest, no death notice in the local paper and no funeral. Belated access to the records and the goodwill of Ballarat Child and Family Services enabled us, in February 2008, to hold a memorial service for Auntie Joyce and the 25 other children who died over the years while in the 'care' of the Orphanage.⁴

Some survivors reported they had found that they had siblings only when, many years later, they got to view their records as mature-aged adults. Some remembered having parents, but as in my case, still did not know why they had been placed in 'care'. Especially when the parents - as ours did on the occasional visit - told you that they were trying to get you returned to them. A typical story from the *Forgotten Australians* Report is from a man placed in ten institutions from the age of two who commented that while he was growing up he didn't think that he had a mother or father until they visited him when he was twelve. He then found out he had a brother and sisters. He lost contact with all his siblings, but established regular contact with one in 2003. He wrote: *My life has been terrible, I've been lonely all my life until I was 62 years old.*⁵

For a variety of reasons, many of us who grew up in orphanages and children's homes have never told our own families, our spouses and children, about our childhood. Or we did so belatedly, only after we came into contact with others in the same boat through organisations like CLAN. Sometimes it's because we feel ashamed of our childhood (a sentiment not warranted but strongly felt). Sometimes we haven't the stomach to re-visit a past we would sooner forget. But sometimes it's simply because we don't know our own story and don't want to feel like a goose when the unanswered questions are raised. ("Why did Nana and Grandpa put you in the Orphanage?" "Didn't they love you?" "What went wrong?")

⁴ *Ballarat Courier*, 27 February 2008, p. 9.

⁵ Submission 283 to the Senate *Forgotten Australians* Inquiry.

What has been the experience of accessing the records?

I can speak best about Victoria but I'm confident that the issues raised in that context would resonate in other jurisdictions. Here I deal first with content and then process and then conclude that official records supply necessary but not sufficient details of a childhood story. We need much more information in most cases, and to properly understand what facts we can find, we need the historical context.

1. What you find is a lottery

Many former inmates of children's institutions have found their records profoundly disappointing - or alternatively thoroughly shocking. One care leaver opened her files only to discover they contained letters to her from her father that were never passed on, and letters she had written that had never been posted.

In some cases, a whole childhood could be summed up in a line or two. A real e.g. contains just these words: '*M.S. born Dec 1957 Sister of H.*'⁶ That's it; that's her childhood. Three short words, a date and her initials and that of her sister. And this woman came all the way down from Queensland to Melbourne in the expectation that her childhood story would be revealed to her. By contrast, in the case of the Goldings, the files were voluminous because, as it turned out, there had been problems.

My records were posted to me – and I have no personal complaint about that. But you can find confronting and distressing remarks in your files; and counselling is important in many instances. One person showed me this memo in her records. It's about her parents who came to ask for their children (two boys and three girls) to be put together in one orphanage instead of remaining scattered.

The husband did all the talking. He is a very dark person who classifies himself as Polish. He speaks English very well and is very urbane. He admitted that the children would not know each other. He says he is Polish. He looks like a Turk to me. He is very dark.

...

He said he understood the child [x] was in [B]. I let him continue to think so and said it might be two to three years before a transfer could be arranged if at all.

That's pretty malicious and mean-minded. Although my own files were not anywhere near that level of malevolence, it's disturbing to discover that way back when you were a heart-broken child missing your parents that they asked repeatedly to have you returned but that, in reply, they were denied custody and instead were threatened with not being allowed even visiting rights. And I was never told! And how I wish I did know! It would have made

⁶ Qu. in Joanna Penglase, *Orphans of the Living*, 2005, p. 325.

all the difference – not just during my childhood but in the long decades that followed.

Of course, you should expect to be distressed by the quality of what was recorded in the first place. My files and my brother's files, like many, are full of misspelled or incorrect names, incorrect dates of birth and more fundamental misinformation such as reporting our father to have deserted us when they themselves cite his Army unit and his ID number. My records show that authorities relied on unreliable information and failed to check even when the lies were exposed. They ignored letters from our parents giving their address and, instead, asked the police to track them down as if they were fugitives deliberately avoiding being caught. They created fugitives of their own making and then came to adverse decisions based on their own construction of our parents as villains.

They made decisions that affected us on the basis of their own value judgements and personal preferences, instead of acting in the best interests of the children in their care. Examples litter the files. A file note - about whether to allow us to complete Year 10 - says this:

Undoubtedly, all the boys will return to the mother and Golding in due course and it is just a question of whether he should be retained and given an education at the expense of the State when his future earnings will probably be collected by the mother.

It was not just the welfare authorities who mean-spirited and prejudiced. A CLAN member allowed me – having regard to her privacy - to copy and use this example of a letter sent to the Child Welfare Department by her foster mother:

Just a line to ask you if you would move Baby [R] as she has become a ward of the State.

Will you send out a nice fair baby you know the kind I like one that will pay Fifteen Shillings a week as I only keep the one baby.

A nice baby boy if you have one but move the other one first.

Yours sincerely

Those are issues of content – and we can't do much about what people recorded in the past. (Although I wonder where we'd stand under privacy laws that allow a person to challenge and have changed erroneous statements found in their personal files. That might be fun!) Hopefully, welfare officers are more professional and caring now and more prudent about what they record.

2. What about the process?

In the beginning, most former institutionalised people don't know the rules of the game. Many, lacking both confidence and trust in dealing with authority figures, do not like approaching service providers. While seriously curious to find what their records will tell them, many are apprehensive not only about the process but also about what they will find. When they finally make a start, they can find themselves being shunted between government and non-government past providers, or being told they can find nothing anywhere.

The processing of FOI requests is problematic in a number of ways. Long and disheartening delays occur often in breach of the rules. It requires tenacity and resilience to carry on. FOI rules are generic – they were made in the 1980s for government departments across the board, from Treasury to Roads, Agriculture to Planning. They are not well suited to welfare records.

For some years, I was limited literally to access to my records. It was only after a number of requests that the Department agreed to look in my two brothers' records to see if there were references to information about me there. Subsequently, I was sent a further 15 pages and parts of another nine pages from my oldest brother's dossier because they were about me. This cross-referencing should be a matter of routine.

A particularly crucial problem arises in the provisions of the notorious section 33(1). Under 33(1), information about another person, even if it's your parents or siblings, and even if they are dead, is exempted from 'unreasonable disclosure' even if that information was placed on your file because it was bore relevance to your case at the time.⁷ Consider the meaning of the phrase 'unreasonable disclosure'. As is the way in the conservative culture of the public service, the word 'unreasonable' is taken to mean just about any disclosure about another person. Yet for care leavers the crucial thing is family. Do I have one and who's in it? What does my record disclose about my family? These restrictions can mean that when people finally access their records they discover that significant information is censored or withheld altogether.

Were it not for a strong drive to persist, and some developed understanding of my rights, I too would have accepted the many white-outed s33(1) entries. When I requested reviews, and got back some (but not all) of the censored bits, many of these censored passages referred to my father who had been dead for a decade. But even if he were not dead, his actions as reported in the files bore direct causal connection to my incarceration as a child. I needed to know what sort of man he was and why the Welfare Department wouldn't let him be my Dad for all my formative years.

⁷ "A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person)."

There is one letter from my mother in the files – the only one she ever wrote directly so it's a precious letter – that has a whole paragraph censored under s 33(1). Again, this raises the question: why collect all that information and keep it, if the people concerned are never going to be allowed to see it? What's the point of all those inert records? Am I being unreasonable to ask: What right does a perfect stranger have to read my mother's letter and decide that I have no right to read it? I can't tell you how exasperating and frustrating it is that some faceless bureaucrat can read all the files about my childhood - but I still can't. What or who are they protecting from events that occurred 60 years ago? Why can't they be used now in all their completeness to help the person who is the subject of the files with the very information they need to identify family members and to re-establish family links.

It is clear, that privacy rules remain a significant hurdle for care leavers. When the rules were made, they were not made with institutionalised children in mind. Only legislative and administrative reform can address this problem. These reforms were called for in the *Forgotten Australian* report five years ago (Recommendations 12-18). I know that NSW is currently reviewing its FOI rules but I'm not sure anyone is drawing the review's attention to the matters I've been discussing today. I understand that the Commonwealth is also reviewing its FOI legislation with a view to being more open and accountable.⁸

You can make a good argument for a compensatory approach to records for families fragmented by childhood institutionalisation. Regular families shared birthdays, Christmas, Mother's Day and Father's Day, family holidays, photos, all manner of family events like school reports, parent-teacher nights. Family records are shared. No one in regular families is debarred from seeing the family photo album, the genealogical tree in the family Bible or other family memorabilia. I think it reasonable that files about any member of the family ought to be made freely available for any other member of the family as part of the process of recovering and reconnecting to family.

3. Welfare records never tell the whole story of a childhood

Every snippet of information in the files is valued. Some is vital in triggering an alert that something more could be investigated (e.g. the hastily scribbled notes on a torn-off date pad, almost certainly made during a telephone call). To make real sense of my story, I had to pick up the clues that told me I should go to military records and police records and then trawl through a range of other sources, such as electoral rolls, street directories, coroners' reports and contemporary newspapers in a number of States. Bit by painful bit, using many of the skills I learned as a history student, I was able to put together a coherent account of my lost childhood. Many care leavers don't have the time, education and skills to do this. Almost all of them would like to do so. I know many who would like help to find and then to tell their stories.

⁸ Dan Harrison, 'Fol changes to free up data' *The Age*, March 25, 2009, p. 3.

Putting together the story of my own family is a matter of intense interest to me – as it is to thousands of other care leavers - in understanding how we got on the welfare treadmill and couldn't get off. In my own case I have discovered that my family first got on the treadmill in 1865 when my great grandfather was found guilty by a Ballarat magistrate of the crime of being neglected. Aged 11, he was sentenced to four years, absconded from the hulks twice and finally served five years. We then skip a generation to my mother who may have been involved herself as a child before she got involved in the system as a mother. Her three sisters all spent time in the welfare system but her brother died too young to be caught up in it.

The first of my aunts, Jean Adams, was a child of WW1, born while her mother's husband was overseas at the War. When he returned, domestic war broke out because Jean could not possibly be my grandfather's child. He'd been away more than three years. From public sources well outside Departmental records, I discovered that Jean was made a State Ward, but when I made inquiries, I ran into difficulties getting any information about her. There was a further complication. After she was made a ward, she was adopted and the rules say that once a person is adopted their wardship files becomes closed to access unless I could prove I was Auntie Jean's next-of-kin. It was impossible to do that because I had no way of finding out if other people had a prior claim – her adoptive parents? her husband? or any children if she were married? To cut a long story short, to get any further information about Jean Adams, I had to make an application to the County Court first in Ballarat and then in Melbourne under s100 of the *Adoption Act* – supported by an approved Counsellor as required by law - to have a limited amount of *non-identifying* information released to me. What I got from that process was her date of birth, and the fact that she was 'boarded out' to an un-named family on 29 July 1919 and that she was made a Ward of State prior to her adoption on 2 May 1933. So, again after many months of to-ing and fro-ing, I have been able only to confirm most of what I could already glean from other public sources which are not subject to such tight restrictions as apply under FOI or Adoption laws (e.g. Police Gazette, baptisms, death and marriages, etc).

I have already mentioned my auntie Joyce Sinnett, who died as an inmate of the Ballarat Orphanage way back in 1933 when she was aged 12. The files are flimsy to say the least. She appears not to have been made a ward of state. Ballarat Child & Family Services could provide not much more than an admission file with her name (not even her full name) her date of birth and the names of her parents and grandparents. That's all. Oh, and a terse note to say she died while in the Orphanage. There is nothing to indicate why she was admitted. It is probable that her father's mother placed her in the Orphanage without her own mother's consent or knowledge. The father of the Orphanage Superintendent buried her without any family member being notified. Her official death certificate states, incorrectly, that her grandmother was her mother. To understand why Joyce was an inmate of the Ballarat Orphanage, since there is nothing on her records which explains that decision, I have made a successful application to the Supreme Court for records related to her parents' – my grandparents – divorce to better

understand the context of the decision to place Joyce in the Orphanage. Although this legal process took forever and there were costs to pay, as there were with the County Court, this information about her parents divorce has been most enlightening.

The third aunt was named Minnie Marguerite Sinnett. I have to report that DHS has just this month been able to disclose most of the contents of Minnie's very thin records to me including her de facto adoption, her four-year residency in the Ballarat Orphanage, and her being made a ward on the grounds of being a neglected child at the ripe old age of nearly 17. DHS did that courteously, promptly and having regard to the purpose of my request. Are they getting better, or am I also getting sharper about how to play the access game?

At the request of the Senate Community Affairs Committee I have summarised all the many FOI and related requests that I have made for personal and family information. I have not included

- many telephone conversations relating to my requests and seeking advice on what may be accessible and where
- email correspondence (with the odd exception) because these have usually been followed up by hard copy letters
- many searches – successful and unsuccessful - in official Births, Deaths and Marriages listings, which have cost me many hundreds of dollars
- searches in contemporary newspapers (some assisted by archivists), street directories, electoral rolls and other public records not subject to privacy laws. These have all been time intensive.

The search for records

- has so far extended over more than 15 years from 1993 to 2009 and my family's story is not yet completed to my satisfaction
- entailed lengthy delays, sometimes in breach of government FOI rules
- involved applications to five State government agencies, three Commonwealth agencies and four private agencies (in addition to the public sources mentioned above).
- demonstrated that sometimes a repeated request or a 'left-field' request results in new information
- showed that considerable costs are involved and that agency fees vary and concessions are allowed inconsistently
- revealed that advice about alternative sources of personal or family information is not always offered.

Making sense of the records, and understanding the stories they tell, as you can see, is never going to be easy. You have to be

- patient and persistent in the face of delays
- able to live with frustrations and blind alleys
- knowledgeable about how the system worked in those days – and how they work now

- tuned in to the special language of welfare system (e.g. 'boarded out', "voluntary placement")
- aware of other public sources to explain the context, and fill the gaps
- prepared for the unexpected – to be confronted, confused, disappointed, bewildered, amused and excited.

Professional and personal support is necessary in most cases; and innovative projects like 'Who Am I?'⁹ are essential in providing pathways through the records maze and the necessary context for care leavers to make sense of what might become available to them in the archives.

References

Australia, Senate Community Affairs References Committee, *Forgotten Australians: A report on Australians who experienced institutionalised or out-of-home care as children*, August 2004.

Careleavers of Australia Network (CLAN), *A Terrible Way to Grow Up: The experience of institutional care and its outcomes for care leavers in Australia*; An overview of some findings from the CLAN Survey 2006-7, updated November 2008 (accessed on-line 30 November 2008) at: http://www.clan.org.au/www.clan.org.au/pdfs/CLAN_Survey_Findings_Overview_Nov_08.pdf

Golding, Frank, *An Orphan's Escape: Memories of a lost childhood*, Lothian Books, Melbourne, 2005.

Harrison, Dan, 'Fol changes to free up data', *The Age*, March 25, 2009, p.3.

Horrocks, Christine and Goddard, Jim, 'Adults who grew up in care: Constructing the self and accessing care files', *Child and Family Social Work*, No. 11, 2006, pp. 264–272.

Murray, S., Malone, J., and Glare, J., "Building a Life Story: Providing records and support to former residents of children's Homes", *Australian Social Work*, vol. 61, no., 3, 2008, pp. 239-255.

Murray, Suellen, Murphy, John, Branigan, Elizabeth and Malone, Jenny, *After the Orphanage: Life beyond the children's home*, University of NSW Press, Sydney, 2009.

Penglase, Joanna, *Orphans of the Living: Growing up in 'care' in twentieth-century Australia*, Curtin University Books, Fremantle, 2005.

'Who Am I? Making Records Meaningful', A multi-disciplinary action research project funded by the Australian Research Council and chaired by Prof Cathy Humphreys, University of Melbourne.

⁹ See <http://research.cwav.asn.au/AFRP/OOHC/WAMI/default.aspx>

Attachment A

Relevant Recommendations from the *Forgotten Australians* Report

The *Forgotten Australians* report made recommendations to improve access to records, most of which were referred by the then government to the states on constitutional grounds. These were:

Recommendation 12: That government and non-government agencies holding records relating to care leavers, implement and fund, as a matter of priority, programs to find, identify and preserve records including photographs and other memorabilia.

Recommendation 13: That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

Recommendation 14: That all State governments and non-government agencies, which have not already done so

- provide dedicated services and officers to assist care leavers in locating and accessing records, both government and non-government; and
- compile directories to assist in the locating and accessing of records relating to care leavers and the institutions in which they had been placed.

Recommendation 15: That a dedicated information and search service be established in each State and Territory to:

- develop a complete register of all records held by government and non-government agencies;
- provide assistance to care leavers to locate and access records;
- provide advocacy and mediation services to care leavers accessing records; and,
- ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.

Recommendation 16: That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:

- the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;
- the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;
- the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and

- the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.

Recommendation 17: That all agencies, both government and non-government, which provide access to records for care leavers, ensure adequate support and counselling services are provided at the time of viewing records, and if required, subsequent to the viewing of records; and that funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency.

Recommendation 18: That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families.