

# Closed worlds

## Reflections on institutional care and child slavery in Australia

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*This article deals with various implications arising from evidence of slavery experienced by children placed in orphanages and children's homes between 1910 and 1974. Slavery was an integral part of the day-to-day realities of many of these children who also experienced forms of sexual, physical and emotional abuse in institutions that were supposedly responsible for their care. It is argued that slave labour in care settings contravened various provisions contained in welfare legislation of the period and was used to supplement the incomes of care institutions. The end result was that children were often compelled to work rather than receive the education to which they were entitled, rendering them ill-prepared to deal with various challenges in later life. This largely hidden story of slavery among the 'Forgotten Australians' is one of crude exercise of self-serving authority over children – authority aimed at serving the interests of institutions rather than the children they were meant to help.*

I was made to work like a slave. At 4.30 am, my little sick sister and I were forced to carry two mops and buckets up steep stairs to the next floor and scrub toilets and bathrooms ...

— Witness submission 95 (Senate Community Affairs References Committee [SCARC] 2004, p.41).

I regard myself as being an unpaid slave as from an early age. I had to do all the housework while my friends were out playing ... I was placed with a family, and worked from the age of 14 to 18 for a room and food but no wages. I worked from seven in the morning until seven at night, six days a week. I call this slave labour.

— Witness submission 179 (SCARC 2004, p.113).

When I was seven I was taken to a home in Brighton Victoria run by Church of England Nuns, they were very cruel. We were used for slave labour. We had to scrub floors on our hands and knees, use heavy machinery to polish floors, peel spuds, wash and dry piles of dishes. If we did anything wrong our punishment was being locked in a cupboard. Most of the time we were locked there all night.

— Witness submission 279 (SCARC 2004, p.43).

Soon after he was appointed Governor of the new British colony of New South Wales in September 1786, Captain Arthur Phillip stated:

The laws of this country [England] will of course, be introduced in [New] South Wales, and there is one that I would wish to take place from the moment his Majesty's forces take possession of the country: That there can be no slavery in a free land, and consequently no slaves (Bartlett 2007).

In a recent interview, Geoffrey Robinson (cited in Bartlett 2007) noted of Governor Phillip:

He set down a standard of humanity, of compassion, of equality, that we Australians can be proud of.

Whether this 'standard' can be applied to Australia with such confidence is a matter of dispute.

In this article we explore the experience of slavery in relation to non-Indigenous Australian-born children who were placed in institutional 'care' over the past 100 years or so. We argue that the term 'slavery' is an accurate descriptor in that it reflects the particular range of power relations,

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institutional practices and conditions experienced by these children. The picture that emerges of child slavery in Australian children's homes and orphanages is a harrowing reflection of the way in which a vulnerable and powerless population was treated by those charged with the responsibility for their care and protection. The consequences of this treatment continue to be experienced in various ways by former residents (and their families) for whom the realities of institutionalised cruelty are all too apparent.

## WHAT IS CHILD SLAVERY?

Currently, the term 'child slavery' is reserved largely for a third or more of the estimated 27 million people worldwide who find themselves in positions of involuntary servitude. Although chattel slavery – the legal ownership of people – has largely disappeared, other forms of bonded labour, debt bondage and domestic and sexual servitude reveal that slavery still exists in many parts of the world, and is not confined to poorer nations (United Nations 2007). In Australia there are occasional references in the media and elsewhere to human trafficking and slavery although, by and large, these are seen as problems associated with 'developing' countries. Slavery and slave labour are generally viewed as something anchored in the past or in the histories of other nations, removed from the Australian way of life. The failure to recognise the presence of slavery in recent Australian history reflects particular ways of thinking about and representing the past (Human Rights and Equal Opportunities Commission 1997), as well as a sense that the word seems inappropriate and even alien when applied to the 'civilised' context of Australia. Yet, as we note, the history of institutionalised care of children in this country exhibits all the signs of slavery as set out in the relevant literature (SCARC 2004).

The meaning of the term 'slavery' is a matter of dispute, but generally is taken to refer to the involuntary submission to another person or persons in situations of extreme control, enforced by the actual or threatened use of violence and/or other means of coercion. There are many purposes for such servitude but mostly it occurs in relation to the procurement of unpaid labour (Federation of Maori Authorities 2004; SCARC 2004, pp. 140,152,164). As we point out below, the conditions experienced by many former care residents in Australian orphanages and children's homes over the course of the last century were tantamount to slavery in that they involved coerced, unpaid labour, the main purpose of which was to help fund the operation of institutions. This use of labour was not only in breach of existing child welfare legislation, but was also in breach of international protocols such as Article 5 of the Slavery Convention, drawn up by the Office of the United Nations High Commissioner for Human Rights (OUNHCHR) on 25 September 1926. The Article states:

... recourse to compulsory or forced labour ... shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence (OUNHCHR 2006).

Whilst children in orphanages and children's homes may have resided there for long periods, the use of their labour for institutional purposes was tantamount to a breach of the Slavery Convention.

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## 'FORGOTTEN AUSTRALIANS'

Published in August 2004, the report of the Senate Inquiry into Children in Institutional Care, *Forgotten Australians*, documented the experiences of Australians who, as children, experienced institutional care in orphanages, children's homes and other out-of-home 'care' such as foster care (SCARC 2004). Some were state wards, and others were placed in care by parents or relatives unable to care for them in an era of almost non-existent community or government support for families in crisis. The 700 people who gave evidence to the inquiry constituted a fraction of the over 500,000 people who, as vulnerable and powerless children, passed through the doors of various institutions over the course of the last century. Many of the 700 witnesses to the inquiry were in their sixties or seventies and have only recently begun to tell their harrowing and tragic stories. The Inquiry revealed that the cruelty inflicted upon these people as children was systemic and systematic, and involved – in addition to the devastating loss of their own parents – physical, emotional, sexual and other forms of abuse and neglect. Such experiences have resulted in many adverse consequences including suicide, fractured relationships, unemployment, social isolation, depression, anxiety, post-traumatic stress disorder, alcoholism and drug addictions (Advocates for Survivors of Child Abuse 2004; CLAN 2007; Gordon 2006).

The lack of love and affection and the excessive and cruel regimes of control and regulation (matched by an array of harsh punishments) displayed a callousness and disregard for children by so-called 'carers' that, even with the most

generous hindsight, is difficult to comprehend. At the very least, as noted by Penglase (2005), the conditions endured by these children breached many of the provisions set out in state and territory government laws of the time and constituted a breach of the religious and moral precepts claimed by the overseers of institutions.

The *Forgotten Australians* report also touched on another, less documented, feature of this 'care'. Child slavery in the Australian context is sometimes talked about in relation to domestic labour that was undertaken by many of the 20-25,000 Indigenous children of the 'Stolen Generation' (Human Rights and Equal Opportunities Commission 1997), and by the upwards of 10,000 'migrant children' (Human Rights and Equal Opportunities Commission 1997; SCARC 2001). The *Forgotten Australians* report shows that child slavery was also widespread amongst the over 500,000 children who were predominantly white, Australian-born citizens.

*Here we have the unedifying spectacle of 'charity' children working to enrich organisations which, as charities, were exempt from paying any taxes to the state whose child welfare legislation they were flaunting.*

## EVIDENCE OF SLAVERY

What form did this slavery take? Appendix 7 of the report (SCARC 2004), under the heading 'Child Labour Exploitation', documents a range of ...

... complaints as to the workload of chores, to daily work related to the running of the Home, to physically demanding work in laundries and on farms, to work of any nature that many described as slave labour.

Nearly eight per cent of the submissions to the Inquiry spoke of this. Previously, the 2001 Senate Inquiry into Child Migration had uncovered a similar story of exploitation to the point of virtual slave labour: for example, that the notorious Christian Brothers institution in Western Australia, Bindoon, had been built entirely by the labour of the boys who lived there, from the very quarrying of the stone used in its construction, to the erection of the building itself (SCARC 2001).

Similarly, the 2004 *Forgotten Australians* Inquiry reported that it 'received numerous stories outlining experiences of child labour in institutions'. A former Victorian state ward in

the Salvation Army Boys' Home at Box Hill in the 1950s recalled:

Work, floggings ... floggings, work was my whole life at the homes, which now seem to me nothing but concentration camps.

A former Queensland ward said:

Just before I turned 12 years old I was sentenced to Westbrook Farm Home for boys near Toowoomba in country Queensland ... We were treated as slave labour under the harshest conditions, working from dawn to dusk each day in the fields, the quarry, the farm, the kitchens, bathrooms and laundries.

Children were rarely, if ever, financially remunerated for such labour that was often undertaken at the expense of their education (Penglase 2005).

The Senate committee described a scenario that was all too common across Australia:

It appears that in government institutions children were not put to employment insofar as they were not used to provide free labour through farming or laundry work. However, children in government institutions were often used to perform the day-to-day labour of running the Home by assisting with kitchen, garden or other domestic duties that were a form of free labour. This form of labour was common to all institutions [that is, state and Church], with many descriptions of harsh domestic duties including constant cleaning, scrubbing and polishing floors and furnishings; of scrubbing bathrooms and toilets; cleaning windows; of working in the laundry; of hours spent peeling vegetables and other kitchen duties' (SCARC 2004, p. 112).

It is no exaggeration to say that without the labour of children, many institutions would not have been able to operate at all. A former inmate of the Ballarat Orphanage observed:

Homework at the Orphanage did not mean study and unfinished schoolwork. It was the unpaid labour we were required to do outside school time. The management had good reasons for teaching basic skills outside the schoolroom. Once trained, the older inmates were cheap supplementary labour. The girls were used for child minding, sewing, washing, cooking and cleaning for the younger children and the staff. The boys worked the farm and the vegetable garden, cut wood, swept the outdoors, raked the gravel and washed the staff cars – the traditional gendered tasks.

Using children in this way, as unpaid labour, contravened the law of all states of Australia. In all the Child Welfare Acts of the time (1920s-1980s) there were comprehensive provisions relating to the regulation of work by children (SCARC 2004, p.125). The main concern of Child Welfare Departments was street trading and public performance since the type of labour performed by children in institutions was never envisaged, but what is obvious from the legislation is

that the employment of children was meant to be both limited and quite strictly regulated (SCARC 2004, p.173). In some cases employment was remunerated and rewarding in the sense that it enabled children to gain important supervised work experience which would stand them in good stead for the future. For example, Fairbridge school farms such as Molong NSW instituted training programmes which would prepare inmates for jobs in dairy, poultry, piggery, wheat and sheep farms (Hill 2007, p. 53; SCARC 2004, pp.113-114).

In addition, in many cases children were also used not only as unpaid labour to run the institutions, but also as unpaid labour for commercial purposes. As *Forgotten Australians* noted:

The exploitation of children as 'slave labour' – a term used in many submissions – often at a very young age, was a common means to gain income for the institution. This included working in commercial laundries, on farm plots or in other ventures that would create income for the institution (SCARC 2004, p.113).

This exploitation is borne out repeatedly in the accounts of many care survivors. Former inmates of the Westbrook training institution in Queensland (mentioned above) provided some indication of the extent of the brutality associated with this labour:

The warders ... were sadistic and brutal. We were treated as slave labour under the harshest conditions, working from dawn to dusk each and every day in the fields, the quarry, the farm, the kitchens ... (SCARC 2004, p.60).

Other submissions to the inquiry told similar stories of the arduous and harrowing conditions that were associated with children's care and 'training' establishments throughout Australia for decades.

A former resident of a Tasmanian home stated:

The Home resembled a workhouse; we were made to work every day and all day in dreadful conditions. The Home laundered sheets for the local hospital. Some of the girls were intellectually disabled. They were forced to wash soiled sheets in large machines like coppers ... I remember the hunger, the work and the attitude of contempt from the staff (SCARC 2004, p.113).

In some cases, very young girls worked in the laundries of the Catholic homes, one woman relating how she was stood on a box at age 10 to iron sheets; this was her work for the next four and a half years.

A former resident of a South Australian home recalled that the home had a huge woodheap, the wood transported in as 8-foot long off-cuts to be chopped up for firewood and sold for the benefit of the institution.

We had to unload the truck of long lengths and stack them then cart the shorter pieces and ... load the truck with them ... it was

hard work [for a ten year old]. No talking, just work (SCARC 2004, p.113).

In a poignant commentary on the status of children in such situations, one man related in his submission how, in the Westbrook institution in the 1950s, the boys were reduced to stealing the fodder from the troughs of the animals they raised for the home, because 'even though we worked hard for our food, we were always kept near starvation point'. The animals, he observed 'were better fed than us boys'.

All the girls and boys who worked like this instead of attending school were doing unpaid work for which the institution, usually run by a religious organisation, received payment (Human Rights and Equal Opportunities Commission 1997, p. 34; SCARC 2004, pp.113-114). In many instances this defrauded the children of payment for their labour. The children, of course, could not be paid even had institutions wished to do so (and there is no indication that they did) because this would have exposed the illegality of the operation. Here we have the unedifying spectacle of 'charity' children working to enrich organisations which, as charities, were exempt from paying any taxes to the state whose child welfare legislation they were flaunting. The resulting lack of education in most cases condemned these children, as adults, to low-paid work, and caused them embarrassment and shame (SCARC 2004, pp. 140,152,164).

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## POWER, 'CARE' AND SLAVERY

Ultimately, this form of labour could be explained as the crude imposition of domination in which children in 'closed' and 'total' institutions were constantly at the mercy of so-called 'carers'. Without proper outside regulation, and infused with a sense of religious propriety, the overseers in these institutions exercised forms of control that exhibited an utter disregard for the complex needs and requirements of children. One of the most frequently reported experiences by witnesses to the Senate Inquiry into institutionalised care was the almost total absence of warmth, love and comfort on the part of 'carers' who were variously described as 'cold', 'heartless' and 'cruel'. The practice of slavery was undertaken in this context, in which children had no effective rights, few protective safeguards and little, if any,

recourse for complaint (complainants were almost invariably harshly punished). As the author of a recent article on the practice of institutional care in the same period in Ireland observes, a striking feature of the institutional care system is 'the unquestioned and apparently unquestionable moral authority of the care providers', and that 'wider society shared and colluded with such perceptions' (Ferguson 2007, p.137). Inspections by state authorities would not have revealed the operation of such practices and, in any case, inspection of institutions, though legislated, was often honoured more in the breach than the observance (SCARC 2004, p.35). This is one of the meanings inferred in the Senate Inquiry's finding that in all states of Australia there had been 'serious and repeated breaches of statutory obligations' (SCARC 2004, p.xvi).

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It would, however, be a mistake to view the power of carers as 'granted' in any sense by the children to their overseers. Such were the circumstances of their 'care' and their treatment at the hands of carers, that children often came to think of this as 'normal' and/or a reflection of their human worth. The resulting 'mortification of self' (Goffman 1960) meant a lifetime of having to come to terms with the many cruelties inflicted on them. The experience of slavery suggested that these children could not only be arbitrarily brutalised, but that hard physical labour was all that they were fit for and that education was reserved for others. The negativity and callousness which institutionalised children experienced as a matter of routine was to prove decisive in the development of many long-term psychological problems, the full extent of which are still the subject of inquiry (Commission of Inquiry South Australia 2004; Forde 1999, p.xi). Slavery was practised in a context in which children were regarded by their carers as little more than inadequate beings who were 'fit for the gutter' or destined for a 'useless' life (SCARC 2004, p.44; see Ferguson 2007). Thus coerced physical labour served many purposes, ranging from a confirmation of the lowly status of inmates, a demonstration of inherent character deficits, and free labour for both the financial upkeep and the day-to-day operation of institutions (SCARC 2004, p.112). It also met the practical and pragmatic requirements of under-funded institutions that

were, in effect, largely unaccountable to any external regulatory authority.

## CONCLUSION

In this article we have argued that child slavery was an enduring and endemic feature of the experiences of many children in Australian children's homes and orphanages throughout the last century. This counters the widely held assumption that slavery is alien to the Australian way of life and that 'care' institutions attended to the needs of those children in their charge. Child slavery existed because of the lack of accountability among care institutions and because it was felt to be quite acceptable for institutional overseers to exploit children in order to pay for the upkeep of homes and orphanages. The result was that children were often severely brutalised and exploited and, crucially, they missed out on nurturing and a decent education. Child slavery also contributed to a general sense among many care survivors of worthlessness, as if they were fit only for the most menial of physical labour.

The claim that slavery occurred in children's homes and orphanages warrants more attention, especially given the possibility that others will view such claims as subjective exaggerations. Having said this, there is sufficient information contained in the Senate Inquiry report to suggest that a very strong case exists for redress, not only in respect of unpaid labour stretching, in many instances, over a number of years, but also in terms of the numerous lost occupational opportunities that resulted from the lack of a proper education. Additionally, the deep and long-term psychological wounds that were inflicted as a result of child slavery in institutions – and which have impacted on the victims' immediate and extended families – also requires consideration of adequate redress (see Mathews 2004).

More research in the area of child slavery in care institutions will contribute to the developing picture of institutional care practices that led to considerable pain and suffering among tens of thousands of poor and powerless children. The specific lasting effects of slavery are yet to be fully documented and further research could usefully be directed towards this area. At the very least, it would seem appropriate in this bi-centennial year of the *Abolition of the Slave Trade Act* that Australian governments acknowledge the historical presence of slavery in this country among children in the care system. ■

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