



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

STANDING COMMITTEE ON COMMUNITY AFFAIRS

**Reference: Implementation of the recommendations of the Lost Innocents and  
Forgotten Australians reports**

WEDNESDAY, 8 APRIL 2009

CANBERRA

BY AUTHORITY OF THE SENATE

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**SENATE STANDING COMMITTEE ON  
COMMUNITY AFFAIRS  
Wednesday, 8 April 2009**

**Members:** Senator Moore (*Chair*), Senator Siewert (*Deputy Chair*), Senators Adams, Bilyk, Boyce, Carol Brown, Furner and Humphries

**Substitute members:** Senator Fifield to replace Senator Bernardi in place of Senator Adams from 10 March to 12 May 2009

**Participating members:** Senators Abetz, Arbib, Barnett, Bernardi, Birmingham, Mark Bishop, Boswell, Brandis, Bob Brown, Bushby, Cameron, Cash, Colbeck, Jacinta Collins, Coonan, Cormann, Crossin, Eggleston, Farrell, Feeney, Fielding, Fierravanti-Wells, Fifield, Fisher, Forshaw, Hanson-Young, Heffernan, Hurley, Hutchins, Johnston, Joyce, Kroger, Ludlam, Ian Macdonald, McEwen, McGauran, McLucas, Marshall, Mason, Milne, Minchin, Nash, O'Brien, Parry, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Stephens, Sterle, Troeth, Trood, Williams, Wortley and Xenophon

**Senators in attendance:** Senators Boyce, Humphries and Moore

**Terms of reference for the inquiry:**

To inquire into and report on:

Implementation of the recommendations of the *Lost Innocents* and *Forgotten Australians* reports

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**Committee met at 9.06 am****HAIG, Mr Harold, Secretary, International Association of Former Child Migrants and their Families****JOHNSTON, Mr Norman, President, International Association of Former Child Migrants and their Families**

**CHAIR (Senator Moore)**—We are continuing the hearings of the Community Affairs Committee into the implementation of the recommendations of the *Lost innocents and Forgotten Australians* report. I welcome Mr Harold Haig and Mr Norman Johnston from the International Association of Former Child Migrants and their Families. Before we start, I would like to assure you that we only have a few senators here today, but that does not reflect the interest in this inquiry. It is because of the number of inquiries that are going on at the moment and people have their calendars full, but all of the evidence you give will be considered by the whole committee. That is one of the joys of *Hansard*; we can be part of it even if we are not fortunate enough to be here for the hearing itself. Are you from Canberra?

**Mr Johnston**—I live in Perth and Mr Haig lives in Melbourne.

**CHAIR**—Thank you for travelling to be with us today. You have information on the protection of witnesses and evidence, and if you need any more information the secretariat can provide that for you. We have your submission. We almost have your beautiful banner up. We would now invite both or either of you to make an opening statement and then we will go to questions.

**Mr Johnston**—We appreciate this opportunity to contribute to the review of past decisions made by the Senate some eight years ago. The Senate recommendations were helpful in some areas but overall we felt disappointed that our request for a judicial inquiry was not granted. We asked for the time limitations statute to be changed, which would have enabled former child migrants to have access to legal remedy. We asked for adequate, long-term funding, for the specialist independent services of the Child Migrants Trust. Unfortunately, none of these crucial requests was accepted and they were by far the most important ones to us. Eight years later social justice still has not been delivered to us. In our view, the spirit of the recommendations was not accepted by the government of the day. Perpetrators of appalling degrees of childhood abuse remain free and escape justice.

On 13 February 2008 the world changed in relation to historical abuse, when the Prime Minister apologised on behalf of the government and the people of Australia to the stolen generation. This was an historic moment. We listened very carefully to the Prime Minister's sentiments. This was recognition, indeed, and long awaited. Our pain, suffering and injustice continues to this very day. We feel the degree of discrimination. Australia can no longer live in denial of a painful, shameful chapter of child and family abuse in relation to former child migrants and their families.

Child migrants lost everything. When we were deported as young, vulnerable, innocent children. We lost the lot. We lost our mothers, our fathers, our country, our childhoods, our identities, our dignity and our basic human right to a family life. They are just some of the things

we lost. We were told we were orphans, which was a very cruel lie. We were not orphans at all. Often mothers were told their children were adopted or dead. It is hard to believe that at 50 or 60 years of age we finally learned that we really do have families. What was it all for? This was all part of the deceit and corruption of that era. Sixty years without justice is a blight on both the British and Australian governments. The pain goes on and it is shameful. Every day without justice is another day of injustice to us.

**CHAIR**—Mr Haig, do you wish to add something?

**Mr Haig**—No. Mr Johnston has covered what we wanted to say.

**CHAIR**—Senator Humphries.

**Senator HUMPHRIES**—Gentlemen, thank you for presenting to us today. I have been looking at your poster. Is that produced by you or by another organisation that is under your umbrella?

**Mr Haig**—It is produced by the Child Migrants Trust on behalf of us.

**Senator HUMPHRIES**—What sorts of places has it been sent to for display?

**Mr Haig**—We take it wherever we can. We had it at the Senate hearings when they originally happened eight years ago. We think it is important for senators to understand what our mothers lost as well as child migrants in the way they were deceived.

**Senator HUMPHRIES**—I was looking at the things that you put to the original inquiry back in 2001. You record a number of things. You mentioned today the statute of limitations and the fact that there has not been much action to expand the statute of limitations arrangements. You also mention the pension entitlements and talk about the way in which former child migrants that are now permanently living in the UK to be with their families, although they spent a lifetime paying taxes in Australia, did not then have any entitlement to pensions when they were living in the UK. Do you know if that situation was reviewed at all?

**Mr Johnston**—My understanding is that nothing has changed in that regard. It is still a problem area for former child migrants. The nitty-gritty of what was passed on before, as mentioned earlier, was that we have said everything that we could say in the past on the detail of the subject. We are now trying to concentrate on the big picture of where we are at. Right now the big picture is the three major points we have just mentioned to the committee this morning. They are the issues that we now seek to be resolved. They are the three main core issues that we submitted to the previous Senate committee and, again, we put it to your committee: please look at these, because we need them addressed seriously.

**Senator HUMPHRIES**—Do you feel that the judicial inquiry you wanted is important for the sake of giving people who might not have taken advantage of the first inquiry to come forward and tell their story a chance to simply state what happened to them and put these things on the public record, or are you more concerned that this inquiry would be important in order to open up the possibility of prosecution of people who committed crimes against child migrants?

**Mr Johnston**—Without question, we would like to see the perpetrators brought to justice. You are right in regard to child migrants being brought before the committee. We feel the power required to be able to enact and have something positively done to address this question is going to help every former child migrant, whether they have come before the committee previously or otherwise. This will give credence to their grievances. This will give total belief in them in that suddenly now we have power behind us. We are now in a position to be able to seek justice across-the-board for all the issues. It can also bring the perpetrators in to ask questions. These are the people we want. These are the people that should be brought to account. The atrocities that were inflicted upon these children were atrocious, even for the day. We do not want to revisit that area. A judicial inquiry will give us the power, the drive and the incentive to be able to do this and achieve a good result for former child migrants. They will suddenly be believed and vindicated over everything that has happened to them. There would also be a sense of relief from seeing some of these beasts brought to justice. Some are still alive.

**Mr Haig**—I think the importance of a judicial inquiry is that it can look at the whole issue of child migration. It will have the legal power to interview everyone connected with it, including governments and politicians. It will be a transparent inquiry with the legal ability to deal with issues of reparation and compensation. We believe that if a judicial inquiry had been held 10 years ago, none of us would be sitting here today. We are about seeking justice. That is why we have appeared before the Senate committee. We appeared before the health select committee. We asked it for a judicial inquiry.

We cannot understand why it is not possible to have a judicial inquiry into the most shameful part of British and Australian history. As we said in our opening statement, we were deported. We are a unique group of people within the Australian population. We did not emigrate. We did not come here as refugees. As young, innocent, vulnerable children we were deported. We had no say in it. We were told our mothers were dead—a cruel lie that we have lived with for 60 years. We have spent 60 years seeking justice. We are still looking for justice today.

We believe that on 13 February 2008, as we said in our statement, the world changed in relation to matters dealing with past historical social injustices that happened because of government policy. We believe that was a very positive day in Australian history, but we are still waiting. I wrote to the Prime Minister on 21 February acknowledging the apology, explaining our situation and asking for a meeting. I wrote again to the Prime Minister on 11 January this year dealing with the same issues. On 30 March, I found out that once again funding for the Child Migrants Trust is uncertain. Mr Peter Templeton, who I believe is appearing before you later today, wrote a letter to the Child Migrants Trust. I met Mr Templeton in Canberra in late January about the issue of funding. The trust can fill you in on the finer details of that. We thought, ‘What can we do?’ I again wrote to the Prime Minister. Within that letter I raised the issue of discrimination and the growing fear among former child migrants about issues relating to discrimination, inadequate funding for the trust and whether there is going to be funding after every three years.

The Child Migrants Trust is the child migrant’s lifeline. They are the vital link between child migrants and their families. They provide a complete independent specialist family reunion and counselling service that child migrants need. They have been doing this for 20 years. They have the infrastructure in place to reunite families across the world, and they do. What we want to know is: when are child migrants going to receive the justice they deserve?

**Senator HUMPHRIES**—Did you receive replies to your letters in February last year and January this year from the Prime Minister?

**Mr Haig**—I received a reply to the first letter, not from the Prime Minister. Unfortunately, that letter was forwarded to the immigration department, so it was a very inappropriate reply. In fact, quite frankly, I could have written the letter myself. We have not received a response to further letters.

**Senator HUMPHRIES**—The usual arrangement for responding to recommendations of committees is that governments are supposed to respond within three months. They generally do not do that. It probably takes six to nine months for the governments to respond to committee inquiries. When they respond it sets the tone for whatever the government plans to do with respect to the issues. If they reject recommendations or do not propose to action them further then that is usually where the matter lies. You have raised a number of issues that arose out of the inquiry in 2001. It would not be normal practice for a government elected in 2007 to go back and respond to issues that were raised with by a committee in 2001, but we do know that they are looking at some of the issues that arose out of the *Forgotten Australians* report. They have, in fact, indicated in a submission to us that they are reconsidering some issues that arose out of that inquiry. In a sense, there is no other mechanism available for the government to formally respond to the issues that were raised in the original report. Would you like to see the present government formally respond to the recommendations of the report in 2001?

**Mr Johnston**—Yes. It would be appropriate. It would give us a level or a measure of how far the present government is prepared to take our cause. What needs to be put to the committee is the level of grief that is still being suffered today by hundreds of former child migrants. Many still have not met their families. Many have found their families only to find a grave at the other end, because the mother or the father had died some two months prior. In one case it was only a matter of two days. The child migrant got there in time for the funeral. It is a dreadful situation for us to find ourselves in considering that we were not responsible for it. To live a life for 60 years and not know that you have a family in Britain, not knowing because you were deceived all the way down the line and told, 'You're an orphan. You have no family'; that is me a thousand times over as far as the remainder of the child migrant community is concerned.

We see as nothing short of criminal the lack of support that we have had in trying to gain justice. The bottom line is we are seeking justice. We are seeking long-term funding for an organisation that, as Mr Haig has pointed out, is a lifeline to us and is the only independent professional service available. I do not want to go back to the church for counselling or advice on my family. They are the people that caused my problem in the first place. We have an independent organisation in place and they are struggling to receive funding from the Commonwealth in regard to their ability to undertake our problems—Australian problems—and it really is a shame.

**Mr Haig**—We requested a meeting with the Prime Minister, and that is what we would like, so that we can tell him directly what we feel needs to be put in place.

**Senator HUMPHRIES**—I would like to understand what you think are the important things that should happen. Do you want a judicial inquiry?

**Mr Johnston**—Yes.

**Senator HUMPHRIES**—Do you want proper resourcing of the Child Migrant Trust so that it can continue to do the work that you have been doing?

**Mr Johnston**—We need long-term funding for it. It needs to know that it is established. We need to know that they are going to be there.

**Senator HUMPHRIES**—Are they the two most important things you think that should happen?

**Mr Johnston**—There is also a very strong argument for some form of justice, in other words, the perpetrators of the abuse on us. They need to be brought to task. They need to be accountable and at the moment they are not. They are escaping justice because of the inactivity of the government to help us bring them to trial.

**Mr Haig**—What we need, and what we want to talk to the Prime Minister about, is a total reparation package that deals with the impact of social injustices, but will give child migrants back what was lost for 60 years. How do we get that?

**CHAIR**—How do you define that?

**Mr Haig**—A total package that deals adequately with the funding.

**Senator HUMPHRIES**—Do you mean funding for the Child Migrant Trust or funding for child migrants themselves?

**Mr Haig**—No, funding for the Child Migrant Trust to do the work that child migrants need them to do, and something that will give child migrants the choice to go back and see their families when they want to go back and see them. One visit is ridiculous. The travel fund, while it was helpful to many, was a lottery. Some child migrants were lucky that the trust could find their family within those three years and so they got one trip. Others since then have gotten nothing. When the trust finds their families they have to pay for it themselves. That is discrimination. Those are the issues that have to be addressed.

**Senator HUMPHRIES**—Thank you.

**Senator BOYCE**—What is the British government currently doing about this? You mentioned in your submission that you think it is unlikely the British government will continue to foot the bill without significant contribution from the Australian government. What are they currently contributing?

**Mr Haig**—I think the trust can answer that.

**Mr Johnston**—The British side of it is probably a question for the Child Migrant Trust. They would have far more accurate details than we could give you, and we prefer that you get the right answers first up.

**Senator BOYCE**—The other thing that I wanted to follow up on was the Centre of Remembrance and Learning, which I gather is a joint proposal between the two countries. You mention here that the plans have started. What has happened?

**Mr Johnston**—Not very much. Again, there is a funding issue. Because of the scarcity of resources to the Child Migrant Trust, most of these sorts of things have been put on hold, including research into families, the location of families and the organising of meetings. The whole lot has been restricted, which is part of our argument to this committee, namely, that the better the resources made available to the trust, the more child migrants are going to be able to get back and meet their mothers for the first time.

Most of us are in our sixties now, and we still have child migrants locating their families for the first time in their lives. In 2003 they found my brother—first time. That is the work that the trust is doing and it is restricted or curtailed in doing that because of the lack of resources.

**Mr Haig**—Once again, that would be part of the reparation package that we are asking for. This centre of learning would be invaluable to governments everywhere. Governments could learn so much from the work of the trust and their experience over 20 years of dealing with this issue. I am sure that the trust can fill in the finer details on that if you like. The funding for the trust to do their work is a separate issue from funding for the learning centre.

**Senator BOYCE**—Would you see this learning centre also seeking to identify alleged perpetrators of abuse against child migrants?

**Mr Johnston**—I think that is a job for the courts. Ours is not to point the finger, in that sense. We envisage the Centre of Remembrance and Learning to be something where, for example, students could come through and have a look at the progressive filming that will be going on at that time, and at the photographs and historical evidence that will be there and available to them.

**Senator BOYCE**—I was thinking about a model something like the Simon Wisental.

**Mr Johnston**—The message is going to be: do not let this happen again. That is the message that is coming out of that particular area: never let this happen again. Believe me, you would not want to live it.

**Senator BOYCE**—Would you see a judicial inquiry dealing with what happened to the child migrants once they came to Australia or the circumstances of their leaving Britain as well?

**Mr Johnston**—A judicial inquiry would encompass the entirety of the migration program, as it was called. They called it a migration program, but of course we are not migrants. We arrived here with no identity at all—nothing. How can you arrive in a country with no passports or birth certificates? Yet we got here.

**Senator BOYCE**—As the international organisation, have you raised the need for a judicial inquiry with the British government?

**Mr Johnston**—We have raised it not only with the British government; we raised it here as well to the previous Senate inquiry.

**Senator BOYCE**—What has been the British government's response to your request?

**Mr Johnston**—That is still ongoing. I believe there are still questions being asked about it. Perhaps the Child Migrant Trust may have more information on that issue. We do not learn too much about what is going on over there. Our problem is here. Our child migrants are here.

**Senator BOYCE**—I was just working from the name of your organisation. I assumed that you operated in Britain and Malta as well as Australia.

**Mr Johnston**—We have some members, yes.

**Mr Haig**—We write letters to politicians and so on in Australia, but we also have strong communication with politicians in Britain. We are pressing the same issues, if you like, with the British government as we are asking of the Australian government. When we were deported, the Australian and British governments cooperated fully. We cannot understand now, when it is all out in the open and we have had two major inquiries into it, why these governments cannot work together to give child migrants what we deserve, and that is justice. Why? Can you tell us? We would like to know. We are frustrated.

**Senator BOYCE**—I can understand your frustration. Unfortunately, our role here is to try to ask questions and not answer them.

**Mr Haig**—Yes, we understand that.

**Senator BOYCE**—You talk about the travel fund being restrictive and discriminatory. When you say 'restrictive and discriminatory' is that talking about what you have already mentioned, the timeframe that was set for finding your family and so forth? It discriminated against people whose families were not easy to find; is that what you are saying?

**Mr Haig**—Yes.

**Senator BOYCE**—Were there no other ways in which you saw it as restrictive and discriminatory?

**Mr Haig**—No. If you were fortunate enough, as I say, to win the lottery you went. We find it hard to believe anyone could possibly think that one trip back to see your family after a separation of 40, 50 or 60 years, with all the emotions, the expectations and the worries about rejection could be enough. We all know what it is like in making friends. You do not make friends in two weeks. Yet people expect child migrants to go back to their country of birth, be reunited with mothers, fathers, brothers and sisters and everything will be hunky-dory. 'We have given them a trip back.'

**Mr Johnston**—'Therefore, problem is solved.' The problem is a long way from being solved.

**Senator BOYCE**—Do you have any proposal as to what would be suitable? Obviously, we cannot say that you have unlimited travel, because that would never be funded by any government. In your view, what would be a reasonable proposal?

**Mr Johnston**—As Mr Haig pointed out earlier, there needs to be a reparation package where individuals can decide themselves how many times they want to go back, whether they want to stay here, or whether they want to continue the relationship, which is going to take a lot. The older we get the more difficult it is to bond, as you could probably appreciate. It gives them independence and also gives them the knowledge that they have said that they are sorry or they have said it was a flawed exercise bringing these children to Australia and they mean it, because they have given us restitution for what has happened as well. There are two major problems for child migrants. It would be a wonderful thing for former child migrants to say, ‘I’m going back to England tomorrow. I’m going to meet Mum.’ Most of us have difficulty even saying ‘mum’; we are just not used to it. That is the position we are in. That is where we have been placed by the circumstance of our deportation. We did not deserve that, and no child deserves to be treated that way.

**Mr Haig**—We ask: why can’t the governments deal with it now? They dealt with it then quite easily. These are things that both governments can deal with.

**Senator BOYCE**—One of the biggest flaws, from your perspective, is that governments had the sense that it was a one-off situation, recommendations were made, action was taken and it is fixed, and they have not accepted that the healing of it is a long-term issue; is that right?

**Mr Haig**—Yes, it is a long-term issue.

**Senator BOYCE**—Are the main components of the reparation package an apology and a lump sum payment?

**Mr Johnston**—I would see that as being probably the best way around it. We need to take into account the role that both governments have played. Both governments initiated this. A big hurdle we have faced is that we have the British government saying, ‘We handed you over to the Australian government’, and then we have the Australian government, such as Senator Smith, for example, several years ago saying, ‘They’re not our problem. We didn’t bring them here. They’re British.’ We have infighting at government level as well. That needs to be looked at, because the governments need to get together. It is a serious problem and a problem that most of us, who are now Australian citizens, are facing. We are stuck with a situation that we have no control over. We are hurting in our hundreds. We know what the problem is and yet we cannot seem to be able to get through to the people who are in the best position to help us get through it. We deserve that help.

It has taken us a very long time to get a voice because of what happened to us as children, but now that we have found who we are, what we are about and have woken up to what on earth happened to us as children we are saying, ‘For goodness’s sake! How can such brutality and cruelty have occurred in a country like Australia and just go totally unrecognised and be accepted as part of the norm?’ It is not fair. The lives that were destroyed by this process, by this illegal transportation of children en masse to another country beggars belief. It is incredible to realise the extent and the devastation it has imparted on so many Australian citizens, as we are now.

**Mr Haig**—It is the pain and the loss. I do not know what you think about when you get up. I am sure there are lots of different things. For the majority of child migrants, every day of our

lives when we get up we live with the pain and the loss. So many of us have never met our mothers.

**Senator BOYCE**—And never will.

**Mr Haig**—And never will.

**Mr Johnston**—It is too late.

**Mr Haig**—Our mothers never had the opportunity to hug their child. It is a disgrace. There is no other word for it.

**Mr Johnston**—The truth has always been known. The truth has always been here through the welfare departments of the various states and federal governments.

**Mr Haig**—I would like to make a point in regard to Australian government responsibility. The 1948 Commonwealth Children's Act states that the immigration minister had the overriding legal responsibility for all child migrants until they reached the age of 21. He delegated those responsibilities to different ministers in each state, but that does not take away his responsibility.

**Senator BOYCE**—No, that is right.

**Mr Haig**—I am just trying to point out the government involvement in what happened.

**Senator BOYCE**—You mentioned the First International Congress on Child Migration being planned. When is that to occur?

**Mr Johnston**—I am sorry?

**Senator BOYCE**—Your section 9 recommendations talk about that. Are they the previous recommendations?

**Mr Johnston**—There were the 2001 recommendations.

**Senator BOYCE**—I understand. Thank you.

**CHAIR**—Does the Western Australian state reparation scheme that they are currently working on cover people who had their care as child migrants in WA?

**Mr Johnston**—It covers the abuse that happened to these children because the state government failed in its duty of care to monitor the institutions that these children were placed in. That is not what we are seeking here. We are seeking the big picture here. That is an individual thing. The state, as well as the federal government, has responsibility to these children. The states are taking up their responsibility, but we are yet to see something from the federal government insofar as its role in this whole sordid affair.

**CHAIR**—The other reparation schemes in place in Tasmania and Queensland do not cover child migrants?

**Mr Johnston**—Yes, they do if they are applicable.

**CHAIR**—If they were state wards.

**Mr Haig**—If they were in the state, yes.

**CHAIR**—They are a designated group.

**Mr Johnston**—That is correct. There is an investigation going on in South Australia at the moment, too.

**CHAIR**—Clearly, in Western Australia it has been written in. You, as a group, are given that identity within their package.

**Mr Johnston**—Yes. This includes all Indigenous people, all Australian children and former child migrants.

**CHAIR**—They spelt it out, which is good.

**Mr Johnston**—That was the state's role. I admire that. It is certainly not going to take all the problems away from the child migrants.

**CHAIR**—No, but it is an acknowledgement.

**Mr Johnston**—It is an acceptance and an acknowledgement. To us, it is a huge acknowledgement, especially for us in Perth, because that is where the majority of the child migrants were sent.

**CHAIR**—We have run out of time.

**Mr Haig**—Could I just have one last word?

**CHAIR**—Yes.

**Mr Haig**—Once again, this raises the issue of discrimination. Child migrants in Victoria and New South Wales have no redress.

**CHAIR**—That is right.

**Mr Haig**—We have written to both governments. They refuse. They say we have to go before the courts.

**CHAIR**—On a case-by-case basis?

**Mr Haig**—On a case-by-case basis. We cannot. The statute of limitations stops us from going to the courts. It is another obstacle. It is another moment of discrimination for child migrants.

**CHAIR**—I would like to get something on record from you. In your previous evidence before the 2002 inquiry there were issues about citizenship. You said in your evidence this morning that most people now have sorted out their citizenship and they have chosen to become Australian citizens. I have read the response from the government of the day to the citizenship issue. Is there anything that you want to put on record on that particular issue this time around?

**Mr Johnston**—No. The nitty-gritty of what we are seeking would be part of the big picture or the big resolution. The address for justice and all those sorts of issues would come through in that.

**Mr Haig**—I think the issue of citizenship has been dealt with.

**CHAIR**—A gentleman who was deported a couple of years ago may not agree with that.

**Mr Haig**—That is true. I meant insofar as the child migrants do not have to pay to become a citizen. As far as that, child migrants were deported before that. We walked around for 40 or 50 years thinking we were citizens.

**CHAIR**—That was one of the things that came out in the first inquiry.

**Mr Johnston**—Actually believing that we were Australians.

**CHAIR**—You had no reason to think that you were not. You only found out if you wanted to leave the country.

**Mr Haig**—Or when you went to get social welfare payments.

**Mr Johnston**—After 1981.

**Mr Haig**—You could not prove who you were or how you got here.

**CHAIR**—Thank you very much for your evidence. We do appreciate your time and your continuing contribution to these inquiries.

**Mr Johnston**—Thank you.

**Mr Haig**—Thank you.

[9.52 am]

**HUMPHREYS, Ms Margaret, OAM, International Director, Child Migrants Trust**

**THWAITES, Mr Ian, Service Manager, Child Migrants Trust**

**CHAIR**—We now welcome Ms Margaret Humphreys and Mr Ian Thwaites from the Child Migrants Trust. I am sure you have the information on parliamentary privilege and the protection of witnesses and if you require more information the secretariat can provide it for you. We have your submission. We invite either or both of you to make an opening statement and then we will go to questions. The senators are coming in and out because of other commitments, but as I said before the full *Hansard* will be followed by all senators, so that does not reflect the interest in the inquiry.

**Ms Humphreys**—We understand. Neither of us has prepared an opening statement, because in a sense we have written quite a thorough response to your questionnaire. We would just like to say that the trust has offices in Melbourne, Perth and in the United Kingdom, and both Mr Thwaites and I work right across those three offices. I spent quite a lot of time working in Australia and Mr Thwaites also spends quite a lot of time working in the UK. What I am trying to say is that we are one organisation. Even though we operate in two different countries and under different jurisdiction we try to have a seamless service.

**Senator HUMPHRIES**—Thank you for appearing today. I was not involved in the previous Senate inquiry. I came to the Senate afterwards, so as I am not as familiar with these issues as the senators that were originally involved or are presently involved. I am trying to get a picture of what happened with child migration. Today, how many people have you identified as former child migrants to Australia? I realise the term ‘child migrant’ is something of a misnomer. How many of them are in Australia today and how many do you have contact with?

**Ms Humphreys**—Mr Thwaites is the service manager and knows the current situation in terms of numbers.

**Mr Thwaites**—During the last inquiry there was information sought from each of the state governments to clarify exactly how many child migrants were sent to Australia, because it was one of the issues where there was no reliable information. The figure that most state governments are satisfied with now is about 7,000. The majority came in the post-war period, but it does actually start from 1914. It is very difficult to say how many of those people are still living today. Certainly, the trust is in contact presently with around 1,000 former child migrants and we have had contact with at least that number again and probably more over the past 20 years.

**Senator HUMPHRIES**—I am sorry, I did not catch that. Did you say that there are 1,000 child migrants you are touch with?

**Mr Thwaites**—Yes, currently.

**Senator HUMPHRIES**—Where does the other 1,000 come from?

**Mr Thwaites**—We are currently in contact with around 1,000 former child migrants, but over the past 20 years we have had contact with many others and probably at least that many.

**Senator HUMPHRIES**—It is a bit of a moving feast, as it were. I appreciate this is a very hard question to answer, but do you feel that the needs of this group that you have identified are growing, stable or diminishing with the number of people who have been able to make use of the family visit scheme?

**Mr Thwaites**—That is a complicated question and I can answer it in a number of ways. There has been a range of initiatives over the past few years that have brought people forward who perhaps would not have come forward otherwise. Many people have felt stigmatised by their past experience and by the whole label of ‘child migrant’ and so they have not come forward, but there have been other issues such as the redress schemes in the three states that have brought people forward. The travel fund, some years ago, brought people forward. Once they have come and asked for assistance to deal with that specific issue we have then been able to work with them around the full package of our core services, which is continuing.

The Western Australian state government redress scheme has brought many more people forward, as well as people that we have not seen for years who have now come in. In asking for assistance to prepare their statements for redress, it has also become very clear that there are still missing family members. Some people did not ask at the time for their families to be found and so we are now engaging with them in core service issues that will go far beyond the end of the redress scheme.

**Senator HUMPHRIES**—I am trying to get at what you see the nature of the workload of the Child Migrant Trust being over the next five or 10 years. Do you see it tailing off, sadly, as some of these child migrants die, or do you see it growing because of the issues that have been run through the media and so on that are bringing more people into a system that they previously had not been part of?

**Ms Humphreys**—As to what are the long-term needs, it is always complex. Meeting your family after 50 or 60 years is a very complex encounter and not just for the child migrants but for the families as well. Imagine being 50 years of age and you are suddenly told that you have a brother. Not only have you a brother whom you have been separated from, but the circumstances of that separation is horrendous. It is not just providing complex services for child migrants here; it is for their families as well. There can often be perhaps three members of a family or up to 10 members of a family. You are working at both ends. It is not just the demand for the service here, but at the other end with families as well, wherever those families are. They are not always in Britain. They are sometimes in Ireland or America. They can be anywhere in the world, so there are complexities there.

I should return to your core question, what are the long-term needs and numbers? I am afraid it is long-term, because the damage is so profound to the child migrants and their children, the next generation. It pains me to say that and it pains me to say that when child migrants are sitting behind me, but there are issues for their children, who are Australians in midlife. They are beginning to learn what happened to their mother and father, and for some it is the first time. To

think that your dad, in particular, was subjected to horrendous abuse. I am not talking about abuse that we, in society, today have accepted goes on. We do not like it, but we know it goes on. We are talking about exceptional abuse and exceptional depravity. This is all coming about now for some people as they are moving into the end stage of their life, in their seventies and beyond. That is very complex and it is complex for their children. I raised that because the question was, in a sense, what are the longer term needs. There are long-term needs and they are quite complex. We should expect that after a scheme like this that really destroyed families, family life and community as we know it and would like it.

**Senator HUMPHRIES**—I will put this another way. Do you expect there is no rational basis to diminish the funding available to the Child Migrant Trust?

**Ms Humphreys**—Absolutely not. In fact, there is a strong argument for the funding to be increased and secured. I think not. We would tell you if it was any different. It would not give us pleasure to sit here and say, ‘These people require services for a very long time.’ We have provided services for 20 years. I would like to be here today saying, ‘We’ve done our work. Families have been reunited and that’s the end.’ Sadly, I cannot.

**Senator HUMPHRIES**—You are facilitating people to access the travel fund to make their visits. Do you think that the general experience is that such travel and such visits have been cathartic and positive? Are there many people for whom this has been a backward step in any sense?

**Ms Humphreys**—To answer the first part of your question, there is no travel fund in existence and there has not been for quite a long time. I just wanted to make that clear. There has not been a travel fund by the British or the Australian government since 2005. I will answer it that way. It does not exist.

**Senator HUMPHRIES**—I appreciate that. There is a suggestion, in some quarters, that it should be revived. The previous witnesses suggested that we should be ensuring access to it, so that is why it is a live question.

**Ms Humphreys**—Should there be a travel fund? There should, of course, be facilities for people under these circumstances to go home and meet their families. They are not here by choice. As far as our research goes, the majority of families did not give permission for their children to be sent to Australia or anywhere else. Under those circumstances I think people should be assisted to go home and meet their families.

What you were asking is whether reunions are successful for everybody or are there situations where it does not work. It is very hard to answer a question, ‘Are they successful?’, because in a sense it is what it means to each person and each family. I think I would like to answer it in this way. To know who you are, to move from darkness to light, is something quite special for this group of people. Things that we all take for granted, by and large, they do not. Is it beneficial? Of course, it is. To know who you are and to know where you have come from, to close your eyes for the first time in 50 years and be able to picture your mother or your father for the first time is quite something. On that level of course it is successful, but in terms of relationships, can we go back 50 or 60 years? Of course not, and that is why they are complex.

**Senator HUMPHRIES**—You do not recommend an extension of the travel fund. You recommend that we should address these issues through reparation.

**Ms Humphreys**—I think so. It would be another travel fund, and travel funds have restrictions. They impose limits. Of course they do. It is government money so they have to impose something. They impose deadlines and dates, which is quite hard. I would refer to 13 February 2008, which was quite a dramatic moral change in how we see historical abuse. I think that perhaps could lead forward to a reparation package that involves quite a few things. I suggest that could involve people making their own choices and their own decisions about whether they go back to family or not. It is quite hard for the government to impose those sorts of restrictions and deadlines. They have to do that, but unfortunately life is not like that for child migrants. We are dealing with a situation at the moment where somebody is going home on Sunday for the first time in 70 years. He missed the travel fund, because we could not find his family. We could not find his family because the agency that sent him out kept those details for 70 years. He could have met his mother during the travel fund.

**CHAIR**—Was it an internal agency decision to hold on to that for 70 years?

**Ms Humphreys**—We have had two inquiries, as you know. There was the British inquiry. We focussed years ago on records.

**CHAIR**—That is right. That was the bulk of your inquiry.

**Ms Humphreys**—The first inquiry was records, and then that drifted into the second inquiry because it was still not resolved. In this particular case it is someone that we have been working with for probably 18 years. In terms of the people that held his family records, we had case conferences, we involved the Irish, British and Australian governments, and we ourselves visited this institution on two occasions. The Irish lawyer subpoenaed information and it still was not given. Last December, for reasons unknown, a piece of paper like that was handed to one of my colleagues who went back for the last time to this institution and on the back was the name of the mother and the address, and that family still lived there and have never moved. His mother died during the period of these travel funds. He is going home on Sunday. I saw him just before I came here and he asked me to give you his name, but I think I probably will not. He asked me to tell you. He was refused use of the Australian travel fund, and he would have been refused with the British one as well, because as he said, ‘I couldn’t find a bloody grave.’ He did not want a grave. He wanted his mother. He was that mother’s only child.

**CHAIR**—The details of the original travel fund had a time limitation on it, did it not?

**Ms Humphreys**—Yes, they both did.

**CHAIR**—Did he actually apply to go home during that period?

**Ms Humphreys**—Yes. He could not use it the first time because his family was not found.

**CHAIR**—So, you had to have the linkage at home to use the travel fund?

**Ms Humphreys**—Yes.

**CHAIR**—He could not find that, through no fault of his own or the organisation. He has now found it, but because the terms of the original travel fund are over he cannot get support.

**Ms Humphreys**—No. That links in to feeling discriminated against and feeling unhappy. It really adds to the pain.

**Senator HUMPHRIES**—You have talked about the funding of the trust. I am aware that there is an offer on the table for some more money from the federal government at this stage or at least there is a negotiation going on where some money is likely to be available.

**Mr Thwaites**—We now have our funding for this current financial year until the end of June. It has now been negotiated after nine months without funding.

**CHAIR**—Nine months without it?

**Mr Thwaites**—We had no funding from July until March.

**CHAIR**—Do you now have funding until the end of June?

**Mr Thwaites**—Yes. It has been back paid to July, so we had a lump of cash that arrived, but after 1 July we are left with the correspondence that you have in front of you.

**CHAIR**—To start again?

**Ms Humphreys**—Yes, all the time.

**Senator HUMPHRIES**—I am aware that the correspondence from the Department of Immigration makes the suggestion that you might approach governments in a number of states, and they name some states, to seek funding. The South Australian government, in its submission to us, says that they provided \$30,000 in 2001 for a three-year period but there was no subsequent funding requested after the end of that period of funding. Are you in discussion with state governments about funding the activities of the trust?

**Ms Humphreys**—I will hand that to Mr Thwaites, because he tended to deal with state governments.

**Mr Thwaites**—We have current funding arrangements with both the Western Australian state government and the Victorian state government. We have been unsuccessful in negotiating funding in New South Wales or in Queensland, despite concerted efforts over a long period.

During the 2001 Senate inquiry we were invited to put forward a business plan, which we did. It looked at a sustainable realistic model for providing national services for child migrants, given the concerns about time running out for this ageing group. Not only are their families ageing; the child migrants themselves are ageing. Of course, we have always been concerned about being available to provide our specialist independent services to people across Australia. We have only one office in Melbourne with one social worker and one office in Perth with one social worker, dealing with something like 1,000 plus people. That clearly leaves some gaps and forces us to prioritise every day.

We put forward a plan that involved a federal funding package supported by state governments. It seems clear, not surprisingly, that this issue is caught up between federal and state governments. The issue of children being in institutional care is seen as a state government responsibility. Children being deported to Australia is seen as a federal government issue. I do not know that it is for this agency to sort that out.

**Senator HUMPHRIES**—You say ‘sort that out’. Making an approach to a state government is not a matter of sorting it out. It is simply asking whether they will provide funding of the kind they have already provided. You know that they are capable of making a provision. The South Australian government said that you have not asked them for any money since 2004.

**Mr Thwaites**—I do not think that would be true. Perhaps I could provide some correspondence to you after this meeting. We certainly have made representations to state governments, South Australia included.

**Senator HUMPHRIES**—You have approached them for money?

**Mr Thwaites**—Yes, we have.

**Senator HUMPHRIES**—They are appearing before us later this morning so I intend to ask them about this.

**Mr Thwaites**—I can provide the details of our contact when we approached for funding.

**Ms Humphreys**—In terms of state governments historically it has been very difficult for the trust. Many years ago I had meetings with state directors and forums for discussion, and they have always felt very strongly that this was a federal government issue. Of course, that has changed a little in Western Australia, which has been quite supportive. Many states truly believe that this is an issue that the federal government should pick up. It is quite difficult when we try to negotiate funding in various states. Victoria and New South Wales have been notoriously difficult.

**Senator BOYCE**—The states are quite good at thinking lots of things are federal government issues when it involves money. I guess coordination has never been one of their strong points. I wanted to check up on one particular point that you mentioned.

**Mr Thwaites**—I would like to add one point to the last issue in terms of state governments and that relates to Victoria, from which we receive \$30,000 annually. We have attempted to have that increased to a more realistic level to at least cover the salary and on-costs for one social worker. The argument that has come back all the time is that there were only about 400 child migrants sent to Victoria so it is not a big issue. I would have thought that 400 people would be more than one social worker’s caseload.

**Senator BOYCE**—As you know, we are also inquiring into Australian children who were put into institutions. We have had evidence that if you move interstate you strike serious issues in trying to get any sort of assistance, because it comes down to which state should be doing something about it and who has got the funding and so on. Have you struck problems like that or is there an argument that having a national focus is helpful to you?

**Mr Thwaites**—Yes. In terms of state governments, we have found that when we provide statistics of the number of people that we are providing services to, there is only interest in the people that were sent to institutions in that state.

**Senator BOYCE**—Would you be able to give us a list state-by-state of the number of people that you are providing services to?

**Mr Thwaites**—Yes, I can.

**Senator BOYCE**—That would be useful information for us to have. In your submission you talked about some former child migrants who returned to the UK as adults who are now unable to reside in Australia. Is that situation still going on, how many people are involved, and what needs to be done to rectify that?

**Ms Humphreys**—It does not involve many people. It is only about five.

**Senator BOYCE**—Are these people who have perhaps returned to the UK in their thirties or forties before the whole deal was sorted out?

**Mr Thwaites**—In the 1970s.

**Senator BOYCE**—Yes. It was before the citizenship issue was addressed. They went back to the UK and now have great difficulty getting back into Australia.

**Senator BOYCE**—If they had remained here they would have been able to become citizens.

**Ms Humphreys**—Yes, Australian citizens, of course.

**Senator BOYCE**—Are they actively asking you to assist them with this?

**Ms Humphreys**—What they are doing is asking for that to be dealt with. They see it as very unfair, which in a sense it is. They came here as very young children. They spent all their formative years here. They believe that they should be able to come back here as Australian citizens, given the circumstances of their arrival in this country.

**Senator BOYCE**—Presumably not everyone who went back would seek to become an Australian citizen.

**Ms Humphreys**—We would not necessarily know that. We would only know that if they came to us and they were specifically asking that question. I think it is a very small number.

**Senator BOYCE**—Do you have a sense of how many?

**Ms Humphreys**—I think it is less than five. In each case, at the moment, we would have to assist in a special individual kind of submission and pleading, presenting the circumstances. I do not think that we are doing that for anyone at the moment, are we?

**Mr Thwaites**—Not at the moment. We certainly have in the past two years. We have explored it for three people.

**Senator BOYCE**—What was the response?

**Mr Thwaites**—We got nowhere.

**Ms Humphreys**—We had a situation where a child migrant met his mother in London after 50 years. She had no other children, was living alone, and he wanted to bring her back to Australia to live with him on his farm. She came over for a short holiday to see if it would work out and went back to London and decided that she wanted to spend the rest of her life with her son and daughter-in-law. The process of getting her over to Australia as a permanent citizen has gone on for four or five years.

**Senator BOYCE**—She was not the child migrant?

**Ms Humphreys**—No. It was the mother. The mother came out to live with her son.

**Senator BOYCE**—This is perhaps where the concern comes in, that you have elderly and possibly unwell relatives who would want family reunions.

**Ms Humphreys**—Yes, of course, and they are not going to fit any criteria. They are all outside government criteria.

**Senator BOYCE**—Thank you for the story about the 70-year-old man going home. I wanted to explore some of the issues around what you have referred to here as faith based agencies that did not record details of any sort about people. I am assuming that there is possibly quite a lot of expense in trying to locate these. Could we get a quick picture of what is involved in trying to track down the details of someone who has no details?

**Ms Humphreys**—It is quite complex. It is certainly much improved on what it used to be. That is for sure. Both inquiries have made quite a substantial difference to the attitude about records. I think it is important for us to say that, because it has made a difference. There are procedures and protocols in place for the trust to work with all agencies that were involved in child migration.

**Senator BOYCE**—Is that within Australia?

**Ms Humphreys**—It is within Australia and within the UK, because most of the information that we require to find families is often, of course, in the UK. Some is here, but often it is in the UK. The first thing with anybody is to get the birth certificate. That is your first document. That is your starting point, to get the correct birth certificate for a child, who is now an adult, and to ensure that is correct. And to try to get some background information from the migrating agencies, of which there are many across all faiths and charitable institutions. As I said, there are protocols in place now to access that information, but I have already given you a situation where it has not been handed over, and those situations will of course still exist.

The information they usually have varies enormously from agency to agency. Some agencies will only have the scantiest of information, which is really more confusing than clarifying. Others will have quite detailed information, which is extremely helpful. The other side of that, of course, is that they have kept that detailed information for 50-odd years. There are issues even when you get a complete piece of information. In terms of the research process, our job is to find someone in the family, whether it is a mother, father, brother or sister. If there is some background information it can be very helpful for all sorts of reasons, but by and large we will start an independent search. Mr Thwaites, would you agree with that?

**Mr Thwaites**—Yes.

**Ms Humphreys**—We will start an independent search for the family.

**Senator BOYCE**—Do you use the internet or telephone?

**Ms Humphreys**—We would start off using more conventional search methods than the internet. The internet would probably be the last resort for us. We would use public records—births, marriages and deaths. We would use that route, because how you find a family is important in your first meeting with that family. One of the first questions might be, ‘How did you find us?’ It is not because they did not want to be found, but because that is about our ethics and our professionalism. We want to say, ‘We found you in an appropriate way.’ Of course, when searches get very difficult then you have to try to use all proper methods available to you and sometimes they are the internet, but we would prefer not to use that.

**Senator BOYCE**—What I was getting to was that I imagine the longer a search takes the more likely it is that you will need to do face-to-face visits.

**Mr Thwaites**—Yes, to exclude people.

**Ms Humphreys**—Absolutely. We could talk about DNA testing as well.

**Mr Thwaites**—The most complicated situations typically would be where we have only the child’s birth certificate, the mother’s name and no other details. Bear in mind that often children were born a long way away from where the family actually resided. If there is no information at all, it might be—and it often has been—that we have to identify every woman of that name between the ages of 16 and 45 who could have potentially been that child’s mother in a very large part of the UK and very often the Republic of Ireland as well, if it is during the war years. Those searches could take a very long time, but the essence of the search is to investigate and to exclude each of the families that we have identified, so that does mean making contact with them in the most ethical way that we can. There will be times when we simply cannot exclude that family, and if there are other factors that make it appear a good possibility we can, and have, moved into modern technology, such as DNA testing, which brings additional expense.

**Senator BOYCE**—In how many situations have you used DNA testing?

**Mr Thwaites**—Many.

**Ms Humphreys**—I would like to clarify the point you made. We always do face-to-face with families. We would never necessarily ring up anybody.

**Senator BOYCE**—I am not suggesting with families, but I am suggesting actually knocking on the door of an institution might be something you would do.

**Ms Humphreys**—We do that regularly.

**Senator BOYCE**—Your story demonstrated that. In fact, there may not simply be one visit. There might be several.

**Ms Humphreys**—There could be 10 or 12 visits. That is not exceptional.

**Senator BOYCE**—I am trying to tease out the complexity and the cost, and why finding one family could take five years.

**Ms Humphreys**—It could take five years and take a lot of money. The issue with the money, in terms of the search, is that once you make a commitment to a child migrant to find their family you have made that commitment. Whether it takes five weeks, five years or 10 years, we have made that commitment and we never close a case. It may not be given the priority all the time because it cannot be, but we learn things from other situations all the time so we will go back and review a long-term case in the light of something we may have learned from another case. We are always reviewing, and we never close a case. We have recently found families for people who have been looking for 15 years.

**Senator BOYCE**—For 15 years.

**Ms Humphreys**—For 15 years. There has been expenditure on these cases, of course. In terms of DNA testing, we have used it quite a lot recently, particularly where potential mothers have died and may have other children. We have to go and approach them, which is a terrible thing. We are suggesting that their mother or father had a child and that they have not told them about it, so it raises questions for them about their closeness to their parent that is no longer there, so that is very difficult, and then we are asking them for a DNA test to help us to help someone else. Most people cooperate.

In relation to the gentleman that is going home on Sunday, I think we have DNA tested three families and we have now had to go back to all three and say, 'Thank you for helping us. It was not your mother.' The consequences of child migration are wide and broad in the community as well. It does not stay with child migrants. It is with all of us. We are the community. It can be anybody's door that we are going to knock on.

**Mr Thwaites**—The costs associated with research in tracing families is primarily borne by UK operations.

**Senator BOYCE**—Your UK operations?

**Mr Thwaites**—Yes. The funding provided in Australia is for direct service delivery, so it is direct work with child migrants and our travel within Australia.

**Senator BOYCE**—Thank you.

**CHAIR**—Thank you. Is there anything that we have not covered? This is your opportunity. We have seen your submission and the key points that you have raised there. One of the points that came up yesterday was from Barnardos, who talked about the concern about records in the UK. The full records of Barnardos in the UK are now on microfilm, which is disintegrating and no-one has the ability or the funding to transcribe them. They are sitting over there and they know that they are actually being lost. Is that an issue? I know your submission to the first inquiry in England was focussed almost exclusively on records, the difficulties and so on.

**Ms Humphreys**—It was complete desperation.

**CHAIR**—Do you want to add something about the current state of the record situation in not just England but the UK, because we are talking about the wider area? It continues to be a major issue in Australia, and something on record about the situation in the UK would be useful.

**Ms Humphreys**—I would like to make a general statement about all records relating to children who are separated from their families, whether they be yesterday's children or today's children. One of the things that we learn about child migration from child migrants is that it is with you forever. The state cannot look after children. It cannot be a parent for the rest of the life of a child. As much as we may want to be and think we can be, we could do our best with policy and practice to be good state parents to children, but they grow up and they want their mum and dad as we all do. Those records for yesterday's children and today's children are vital. There should be no excuse for any agency that is dealing with the past, the present or the future. They are important records and my view is that they do not belong to them. It is only partly, in the sense of what they do and why.

**CHAIR**—Do you have a view about the next generation's ownership of the records? That is also an issue. Certainly, if the child migrant themselves is seeking the information I do not think there is any doubt that the records belong to them. There does seem to be some variation of opinion across-the-board about whether it is the child migrant's child, or brother or sister. It is that wider sense of family ownership. Does your organisation have any view about that?

**Ms Humphreys**—They are very complex ethical issues and we are battling with them, because we are facing the children of child migrants whose parents have died who are coming to us and saying, 'Tell me all about my mother and father.' We have to very quickly get some policy in place on that. We know professionally what it would be good to do. All of policy is about how it is managed and how it is delivered. They are the important issues.

We have started talking, but we are going to start talking more formally to child migrants about what they want to happen individually. We are doing that now with people who are terminally ill. There are a lot of child migrants who are terminally ill where we are saying, 'We must talk about what's going to happen when your son or daughter comes in here and says, "Tell me what happened to my mum".' We are dealing with it now on an individual basis, but we have to have a policy. That is clear as anything.

**CHAIR**—We had evidence yesterday in Sydney from a number of groups, including Barnardos, and one of the recommendations of the Forgotten Australians inquiry was having

wider access to records. You can read Barnardos' exact words in *Hansard*. They have had extensive discussion with their members or the people who have been caught up in this process. They strongly believe that records should not be available to families without the absolute approval of the person themselves. That was the only issue in the recommendations with which they disagreed. It came from discussion with people who had managed to make a new life, which may not have been fully verified by the actual data that was in their records. There was quite confronting evidence from one gentleman about that issue. In developing your policy—and I am sure people are talking to each other—I encourage you to have a chat to them.

**Ms Humphreys**—They are complex issues.

**CHAIR**—Thank you so much for your time and your ongoing effort. If there is anything that you think we do need to know, we have a few weeks with this inquiry and, if there is something we have missed that you think we should be aware of, please be in contact with us.

**Ms Humphreys**—Thank you.

**Mr Thwaites**—Thank you.

**CHAIR**—The committee will now take a break until 10.50 am, when we will have a telephone conference with Judge Mullighan.

**Proceedings suspended from 10.36 am to 10.57 am**

**MULLIGHAN, Mr Edward Picton, QC, Former South Australian Commissioner of Inquiry**

*Evidence was taken via teleconference—*

**CHAIR**—Justice Mullighan, this is Claire Moore. We met in Adelaide with the Indigenous committee.

**Mr Mullighan**—Yes, I remember.

**CHAIR**—I have Gary Humphries with me who was on the same committee. We will reconvene our committee. There is only Mr Humphries and me at the moment, but other people may join us. As you would understand, we have an ongoing issue of time, so I thought we would get started.

**Mr Mullighan**—I would just like to say that I am not a judge.

**CHAIR**—What would you like to be called?

**Mr Mullighan**—Something nice.

**CHAIR**—Mr Mullighan?

**Mr Mullighan**—Yes, that is fine.

**CHAIR**—We have a copy of your report. I have waded my way through it, but everybody has seen the summary at the start and the terms of reference. That is what we have in front of us, and we have also seen and heard various media comments about your report. In the room now is Senator Sue Boyce from Queensland.

**Senator BOYCE**—We met in Adelaide.

**CHAIR**—The three of us were there, so that was very useful. Would you like to make an opening statement and then we will go to questions?

**Mr Mullighan**—I am not really sure why I am here. I think you want to speak to me about something, so could you tell me briefly what it is?

**CHAIR**—This inquiry is looking into the recommendations of previous inquiries that the Senate Community Affairs Committee made in relation to child migrants and also to the term Forgotten Australians, where we released two Senate reports four years ago. One looked specifically at people who had been put into out-of-home care, and then the second one followed with a greater focus on foster care, as it was working, in the current times. Consistently, through the original inquiry, we kept hearing people saying that these abuses were continuing to happen to this day, so our committee thought it useful to have a quick look at it. It was quite quick, but it actually raised issues around foster care.

We thought that as a couple of years have gone by that it would be useful to see whether the series of recommendations that the committee made were being implemented and whether there were any actual changes to the conditions that we had heard about in 2004. In that context we had had hearings in South Australia and it was just before the state government decided to institute the inquiry that you were leading. They had talked about it in evidence that was given to our committee then; that there had been major issues in South Australia with allegations of abuse; there had been coroner's concerns; and that the state government was going to conduct an inquiry. Subsequently you did and we would like to hear from you about the sorts of recommendations that you made, which were many, what the key issues were and the specific issues raised around statute of limitations, ongoing pain and suffering by people who were in those circumstances, difficulty with records, which came up consistently, and so on. That is the background and I am sure the senators will have questions for you.

**Mr Mullighan**—I would begin briefly by saying that the Children in State Care inquiry in South Australia was limited to children who had been sexually abused whilst in state care, but in the course of the inquiry there was a good deal of evidence received from people who had been sexually abused who perhaps did not know whether they were technically in state care or not. It was anticipated by the parliament that the inquiry would take about six months, including the time for writing the report, but in fact it took about three and a half years. You will see in the beginning of the report, contained in the summary, some statistics about the number of people who came to the inquiry.

As to the way it was conducted, I saw everybody myself. There were over 1,000 witnesses, just under 800 of whom said they had been personally sexually abused. There were some hundreds more whom I heard about that did not give evidence but it was said that they had been sexually abused. It was possible to get a very good picture of what had happened in South Australia from the late 1940s up until 2004.

A very brief summary is that it became obvious that child sexual abuse, generally, was widespread. Evidence that was received from some experts indicated that probably at least one child in every five was sexually abused before the age of 16 and probably boys and girls featured equally in those statistics. Some people put the statistics different ways. Some groups say that, as far as girls are concerned, one child in every three would be sexually abused before the age of 16. What we learned was that the problem was enormous and was not restricted to children that were technically in state care.

We had a lot of evidence about where children had been placed. Up until about the early 1970s most children in state care had been placed in large and small homes. Foster care was not the predominant form of caring for children. Those children who had been placed in care with state homes, church homes and non-church homes, were not always children in state care but had often been placed there by parents or by the churches, kept for some years, probably up until the early teens or even the late teens, and spent most of their childhood in that form of care. They had many criticisms to make about that sort of care and some things became very clear; that authorities regarded churches and other people who ran these sorts of institutions as the sorts of people who would care for children properly, so there was very little inspection or scrutiny, and the children had no real opportunity to make any complaint or disclosure.

It also became obvious that the public knew very little about the problem of sexual and physical abuse of children and the problems that it causes moving on into the rest of life. That was the beginning of it as far as the inquiry was concerned. It became necessary to try to think about ways of reducing the incidence of physical, sexual abuse and mental abuse of children, if I can call it that. You will see in my reports that I looked at prevention, facilitating disclosure, identification of abusive situations, how to care for children better, how to care for adults who had been children that had been abused and the special problems that they faced. That is the basis of the recommendations made, all of which, with the exception of one, were accepted by the state parliament.

**CHAIR**—Which one was it?

**Mr Mullighan**—I recommended that every sexual offender sentenced to prison should be given treatment from the time of admission into prison and not as at present, which is in the last six to 12 months of the sentence. That was specifically rejected.

**CHAIR**—That seems odd.

**Mr Mullighan**—Yes.

**Senator HUMPHRIES**—Thank you for being with us today. I have not met a judge before who has ever declined to use the title of judge in retirement. You are obviously a modest man.

**Mr Mullighan**—No, I just do not want to misrepresent myself.

**Senator HUMPHRIES**—Good luck to you. Just on that last point that the chair raised, you said that you recommended that sexual offenders receive treatment in prison. Do you mean treatment for their sexual predilections?

**Mr Mullighan**—Yes. I am not sure what word you would use. There is a substantial body of expertise now in Australia, including in South Australia, for the treatment of people who are minded to commit sexual offences, or have that proclivity and those who have. As long as there is the right sort of treatment and it continues, it is thought that there is a reasonably good prospect of prevention of reoccurrence. My real concern—and I do not mind saying this about prisoners; I saw over 130 of them, I think—is that if they do not get any help then when they come out it is pretty obvious what is likely to happen. It is very difficult for people coming out of prison to function, anyway. We make assumptions that ex-prisoners have got supportive families and other supports to help them in the community, and those assumptions, in the main, are plainly incorrect. Sadly, generally, most offenders who come out of prisoner re-offend and go back into prison, despite what some statistics say.

The problem with sexual offenders is that there are real victims—people who suffer greatly if they are abused, be they adult or child. I think we need to break that cycle. I understand the New Zealanders have had some success by having treatment programs right throughout a person's sentence, and I do not think it is too expensive or difficult to do here.

**Senator HUMPHRIES**—Do you think that the idea of a prison sentence being a deterrent is not a valid concept in the case of these people, but that treatment might have a good chance of diverting them from further sexual activity of that kind on release?

**Mr Mullighan**—That was the information that I was getting. We might just put a couple of statistics on the shelf and see what you think of them. I am speaking from memory now, but some people working in these fields told me that 40 per cent of victims of sexual abuse as children were offenders in adulthood. Others said the level was 50 per cent. If anything like that is right, it suggests to me that you just cannot treat sexual offenders as people who have the ability to not offend and have control over themselves. In the interests of the public, we need to be getting to them as quickly as we can, seeing what can be done, following them up when they are released and continuing these programs for them whilst they are in the community.

**Senator HUMPHRIES**—That is a very coherent argument. The inquiries that the Senate committee has done have focused on bringing justice and restitution to those people who were abused as child migrants or as children in institutions. Some would argue that we have a higher duty in front of us, and that is to ensure that whatever factors in our society led to these sorts of abuses cannot reoccur. In the summary of your findings, in that respect, you make a rather chilling statement:

The Inquiry heard evidence to suggest that the State's child protection system, like its counterparts elsewhere in Australia, is in crisis, largely because of poor past practices. The number of children being placed in care has increased; there is a shortage of foster carers and social workers; children tend to be placed according to the availability of placements rather than the suitability; and serviced apartments, motels and B&Bs are used for accommodation because there is no alternative. Such a system cannot properly care for an already vulnerable group of children, let alone protect them from perpetrators of sexual abuse.

Obviously you can only give us an insight into the South Australian system, but is it your assessment that the system is in such a state in South Australia that the sorts of stories that we have heard in an historical sense are being rehearsed for an inquiry in the future, because those issues are being replayed today in different contexts but in much the same nature as what occurred historically in institutions in the past?

**Mr Mullighan**—That is probably a sound conclusion. All I can say to you is that the problem is desperate. It is so serious. We know in South Australia that over the last four years the number of children in state care has increased by 39 per cent. The number is around about 2,000, which does not sound like a lot of people, but it is. It is an enormous number of people. It is the increase, and the rate of increase, which is very disturbing.

Secondly, it is said that 20 per cent of children going into state care have very serious issues, probably mental illness in many respects, psychological deficiencies and so on, and they are very difficult to care for and most are not being cared for properly. Foster care cannot cope with those sorts of children unless the foster carers are specially trained and have enormous supports. We are finding that those 20 per cent are always going to be children. Twenty per cent of something like 2,000 is a lot of children.

The other thing is that about 80 per cent of children are cared for in foster care and it is feared that the foster carers, as a group, are getting older, finding it more difficult to cope, and the

percentage of foster carers available is reducing. I met with a lot of them. I had some group meetings with foster carers and they are fantastic people. They do a tremendous job, but they do not get the support that they need, because of the lack of resources, and that is a very serious issue.

I might just throw in my bottom line about all of this. I do not know whether the states can handle this financially. I think the Commonwealth should be doing it. It should be making a major financial effort to assist the states to get the resources that they need. That is a long answer to a simple question.

**Senator HUMPHRIES**—You have made one suggestion to answer the question that I am about to ask. As a Senate committee, what should we be recommending to address the very serious situation that you described?

**Mr Mullighan**—The first thing that we should be doing as a society—and that I respectfully suggest that you as the Senate committee should consider—is that we should be developing prevention of the abuse of children. I have said a bit about that in the reports, which you have probably seen. It is about education not just of the children or just of the educators, the people who care for children, but also of parents and of the community generally. Hence, I recommended that there be an extensive public education program undertaken by government. The Australian Childhood Foundation has that view. Dr Tucci is the CEO and he has tried to do that at times and strongly advocates it now. It is a very good idea.

The second thing is early identification of those families that are in trouble, those parents who are not coping, and those children who are experiencing difficulties at whatever age. There should be intervention by government agencies but not in a punitive way and not of taking children away, unless it is necessary, but in assisting families to solve their problems. It might be a gambling problem, an alcohol problem, a violence problem or it might be a problem from a step-parent. If we can solve those problems then we might stop a lot of children going into care.

I am sure you have heard and read that most of these children that get into trouble in their homes, through the homes being dysfunctional, say, ‘I want to be with my mum’ or ‘I want to be with my family. I don’t want to go with another family. I just need some help.’ We have made those recommendations and the government here in South Australia has set up early child centres or something like that, which are adjacent to schools. They are supported by a range of experts and it is hoped that those problems can be picked up through the schools and through these centres, and the children and parents helped so as to avoid their going into care. I would like to see the Senate support that not only by endorsing it but by recommending extensive funding of these sorts of centres in every public school or near every major public school.

The next thing we need to do is improve our response to the victims, to the children who have been abused, particularly those who have been sexually abused. Our focus, at the moment, is to tip this problem into one of our well respected institutions, namely, the criminal justice system, which does not work for many people. It prevents disclosure, on many occasions, because children do not want to get involved in that, and they do not want to see their fathers or brothers go to prison. They are disbelieved if the spectre of the criminal justice system is around. They are disbelieved by, say, their mothers. Then it takes so much time and involves a child having to give evidence, I think I expressed it as, in front of 18 or more strangers in a courtroom.

We understand from the information that we got that over 80 per cent of cases involving the sexual abuse of children occur in the home or involve a close or remote family member, and the other children are abused elsewhere. If that statistic that I gave you is right—about one in five—and there are something like four million people in Australia who have been, are being, or will be sexually abused, then we have to find a system that is better than the criminal justice system in the right sort of case. I recommended that there should be the use of a properly constructed restorative justice system where the focus is on the care of the victim, the treatment of the offender, the protection of the victim, and above all the acknowledgement by the perpetrator of responsibility for what has happened with a proper apology and support to the child. That is nothing new. It happens in America and a few places. There are a couple of smaller programs, with one in Sydney called CEDERS, and one in Western Australia which has just started. We would not only save an enormous amount of money, but we would really do some good for the victims, which is the important thing, and we may well stop perpetrators from perpetrating elsewhere.

The last thing I wanted to say is that we now have to find resources for adult victims. We have to find ways of helping people who are still suffering enormously through this abuse. There is just too much evidence now to push them aside and say, 'Get over it.' They cannot get over it. Nearly every person that I took evidence from was an adult who suffers and continues to suffer, and there was no reason for me to reject that evidence.

What do we do? Queensland and Western Australia have set up some ideas. Tasmania had a reparation system, which is also being considered in South Australia. We need to be able to ensure that the people get the treatment and care they need throughout life when they need it. We do not have any problem about doing that for veterans, who incidentally are people who were injured in the course of the service of their country, but we do not do it for people who were injured in the course of being cared for by their country. I really have some difficulty in understanding why we make a distinction. That does not demean veterans. It merely acknowledges that the people who were abused in care have suffered equally at least. There are lots of ways of refining that. To me it is absurd that one type of benefit is available in, say, South Australia but if that victim moves to Queensland then that benefit is no longer available even though there are benefits available in Queensland. I think we need to have a national system that provides not a lot of money for individuals, but good treatment, care and resources. We should better finance people such as CLAN and ASCA, which you have no doubt heard about. They are voluntary organisations that try to look after people who have been in care and have suffered. That is a snapshot of what I was trying to say in the reports.

**Senator HUMPHRIES**—I think you are right in referring to reparation schemes when we look at the ways in which we can provide some justice and some closure to those who have been mistreated. This committee recommended that at a national level in its last inquiry. We also explored the question of a royal commission, in part, to allow people who wanted to put their experiences on some kind of public record and have them validated by that process a chance to do that. Do you think there would be value in a royal commission into treatment of children in care?

**Mr Mullighan**—I have no doubt that if one of its functions is to provide a forum for people to be able to disclose what happened to them it would be of great value. We found in our third year that there were people who were still making up their minds whether to come forward, and when

they did without exception they all said that it was such a positive experience for them, even though it might have been difficult, because someone had listened. They had been able to make a disclosure. I would strongly support that. It is very important that people are respected in that way. Then, of course, we get more information about what is needed.

**Senator BOYCE**—Did you make any recommendations regarding the statute of limitations for bringing alleged perpetrators of abuse to justice?

**Mr Mullighan**—No. That had already been done in South Australia. There was an amendment to the law in 1982 or thereabouts. The effect of it is that in 1982 it was operating as some sort of bar or limitation and that was removed, and now a lot of these historical cases are getting into the courts. In fact, we had one yesterday where there were convictions for offending in the 1940s and 1950s.

**Senator BOYCE**—Could you speak generally on your view, following the inquiry, into the need for victims of abuse to see justice done to their perpetrators? How helpful or not helpful would that be?

**Mr Mullighan**—I think it varies a bit. I did not refer one matter to the police unless the victim authorised it and wanted it done. I did not see the point in it because the police could not do anything unless the victim cooperated. There were a significant number of them who said, 'It happened a long time ago. He's too old. I don't want to go on with it now.' There were some who just would not front up to a system, and there were some who said they wanted to think about it. It is nearly a year now since the inquiry reported and some of those people who said they wanted to think about it have now gone on with it, so there are a sizeable number of people who say, 'Yes, I do want him to be accountable and I want him to be accountable in court and publicly.' There are some who say, 'If I got a personal apology and a personal recognition from the perpetrator then that would satisfy me.' There are others who probably do not have a view about it yet.

**Senator BOYCE**—Thank you for that. Did you have the opportunity to identify anyone who came forward to your inquiry as the people who are described in our current inquiry as the Lost Innocents, being people who were brought to Australia from the UK as child migrants who were often told that they were orphans when they were not?

**Mr Mullighan**—Yes. We had quite a lot of that evidence. There was an arrangement. I do not have the detail of it in my mind at the moment, but I think it is mentioned in our report. There was an arrangement between the British government and the Australian government at Commonwealth level for the care of those children in Australia. The Commonwealth made arrangements with the South Australian government, and no doubt the others, for the state governments to take up that responsibility. We looked at that from the point of view of determining whether these people came within the definition of 'state care' in our inquiry. A lot of people that we saw came here and were put into church homes like orphanages, and those experiences were absolutely traumatic, according to them.

There was a group who had come from a Catholic orphanage in Plymouth or Portsmouth run by the Magdalene Sisters and I heard that they had had a fantastic life with these nuns in England. There was a big emphasis on music and those sorts of activities. When they came here

they were brutalised. Some believed their parents were dead. Some found out later that they were not and very few got back to England in time to be able to be reunited. But the answer to your question is, yes, we did get a lot of that evidence.

**Senator BOYCE**—We have had evidence this morning from the Child Migrant Trust, who still attempts to assist child migrants to find and then meet their families in the UK. There seem to be some suggestions around who should bear the financial responsibility for this to happen. What would be your view on that?

**Mr Mullighan**—It is not something that gets me very excited. Obviously someone should definitely pay for it, and that probably has to be government. Depending on the circumstances, it may well be the Commonwealth government. I keep saying that about the Commonwealth government, because I think the states in this area are so cash strapped they really cannot do very much more than what they do without some considerable assistance. I would like to see the Commonwealth much more involved. That is the best answer I can give you.

**Senator BOYCE**—In both the groups that we are currently looking at—the Lost Innocents and the Forgotten Australians; they describe themselves as the White Stolen Generation—it would seem from the evidence that we have had to date that the churches were very involved in the initial care but have not been as involved as they perhaps should be in follow-up with these people. What evidence did you have around church involvement in South Australia?

**Mr Mullighan**—Quite a lot actually. There were a number of orphanages that were run by the Catholic Church and some homes that were run by the other churches, in particular, the Salvation Army, Anglicans and Methodists, that took the children that were placed there perhaps by a widowed parent or whatever. They just went through the system. I think the Catholic Church tried to place girls at the age of about 14 or perhaps a little older into homes often in the country and often in isolation and, they always hoped, with good Catholic families, but it was not always the case, and then nothing more happened. That was the story I was getting, that once children reached an age fixed by the church they left that type of care and went to a different sort of care or finished up struggling and finding their own way in life. I think that is a pretty safe thing to say from the evidence that I heard, and they really suffered and a lot of them still do. Hence these two organisations that I mentioned, CLAN and ASCA, that are trying to help them. There should be facilities created for those people now.

**Senator BOYCE**—What about the levels of activities by the churches to redress those past actions?

**Mr Mullighan**—I do not know that I can say much about that. I have a very strong suspicion about it.

**Senator BOYCE**—So do I. That is why I am asking you.

**Mr Mullighan**—The reason I am a bit reluctant is a natural justice issue. That was not one of my terms of reference and so I did not get the churches in to give evidence about it. I think it is different in Queensland, where the Forde inquiry or the other inquiry looked into that. I suspect very little has happened, and that should not be the case. The churches probably, in their own

way now, try to give pastoral care to the sort of people that we are talking about, but not tangible financial or material care, which is what a lot of them need. That is my suspicion.

**Senator BOYCE**—Thank you.

**CHAIR**—Who is ASCA? You said CLAN and the other one.

**Mr Mullighan**—ASCA is Adult Survivors of Child Abuse.

**CHAIR**—We are trying to keep a record of any group that works in this area.

**Mr Mullighan**—I have spoken to them a number of times. They have meetings every now and again and ask me to go and talk to their members. They are a small group in South Australia, but we have been able to organise a little bit of financial assistance from the state government for a computer, a desk and so on. The people who belong really are struggling. They provide services in the sense of counselling, social working and so on. That is one end of it. The other end is that a lot of them would like to have a healing centre or a refuge where they could go from time to time. I suppose you have heard about the one in the Hunter Valley?

**CHAIR**—Yes, we have.

**Mr Mullighan**—They run a wonderful place. They are terribly important and I do not think they need to be very expensive.

**CHAIR**—We had evidence yesterday from people in New South Wales. They were going to come back to us and tell us exactly how expensive they are, but they have not been able to get funding from their state government beyond the first experience. It all comes back to getting approval for funding. I have another issue. One of your recommendations was about redress schemes. The next witnesses we have are the South Australian government and we believe that they have groups working on that. Your recommendation also said to investigate the possibilities of a national redress scheme. That was particularly to the South Australian government. In their responses to you have they talked about any action they have taken to discuss a national scheme?

**Mr Mullighan**—They did not make any responses to me. I made my recommendations. I got a response in the sense of what was and what was not accepted. I think that one, in part, was still being considered.

**CHAIR**—Yes, it was a vague response.

**Mr Mullighan**—To be blunt, I do not think much has happened.

**CHAIR**—We are interested in the response from the next witness about that, because there was some expectation there would have been a response made in parliament by the end of last year and it has not happened. We are waiting for that. Is there anything that you would like to add that you do not think we have picked up on, or anything in particular you think we should have on record?

**Mr Mullighan**—What I really want to say is that I still get stopped in the street by people who did not come to see me but I suspect were probably abused themselves who talk about the value of the inquiry generally. Not so much the recommendations-type value but someone to listen or someone people could go to. You talked earlier of a royal commission. It does not have to be a royal commission, but I think it needs to be something that is independent—a parliamentary inquiry or similar commission. I did not recommend that in the end because I thought I should not be recommending the indefinite continuation of the inquiry, but I do think people need somewhere they can go that is independent, where people will listen and where anything that they have to say will be considered. I guess your view about how that should be done is as good as mine. It is absolutely critical. The fact that I saw the people myself—whereas I do not know that many other inquiries have done that—has given me the opportunity of understanding how important that is to the people. I would really like to see some focus on that.

I mentioned just obliquely the transportability of benefits. I think that is important. We have two organisations that have done a fantastic job for people who have suffered in the past. One is the veterans' affairs organisation of government, and the other is Legacy. Legacy has been a fantastic model for providing sympathetic assistance to children who are in need. I would like to see those models applied to children who have been abused when in state care, the people who need that sort of assistance as children, and also people who need the assistance as adults like you would get from veterans' affairs. Should we be giving them preference in getting loans or finding education and so on? The state government here has made the statement that it is placing all state children at the top of every queue. I think that is an important thing to happen, not just in words but in practice, because a lot of these kids did not get an education.

**CHAIR**—It also involves an effective process of identification.

**Mr Mullighan**—It does.

**CHAIR**—That is a very sensitive area with some because of the lack of data in terms of any government programs about people who are claiming, whether they have come from care, and some people not wanting to be identified again and be singled out. For every issue there are more layers to investigate.

**Mr Mullighan**—You are quite right. Then there are those people who, as you say, do not want to be identified and those who do.

**CHAIR**—Very much so.

**Mr Mullighan**—You need a very sensitive way of attending to that problem. People will not go into a government department. They will not go into a police station; well, some do, but they need to take a few steps first.

**CHAIR**—Logistically, how did you have 1,900 interviews?

**Mr Mullighan**—It was not 1,900; it was 792.

**CHAIR**—Yes.

**Mr Mullighan**—I used to try to see three a day. We would sometimes see more or less. I just kept at it. The way we worked is that I had a member of professional staff with me on each interview who would then pick it up, take it on, and do the work afterwards that had to be done, like get files and those sorts of things.

**CHAIR**—It was logistically a big effort, but we have consistently heard back from people that the process that was used was valued. People felt it was personal and gave them a confidence that there was some care in the process. That has been the feedback we have had.

**Mr Mullighan**—I did not sit in a court room. We sat around a table.

**CHAIR**—And yarned.

**Mr Mullighan**—I did put a collar and tie on because I thought it looked a bit like a uniform. I think that is important.

**CHAIR**—There could well be other questions that come out as we continue to go through this process because it is so important that we get as much evidence as we possibly can. We may well be in contact with you again.

**Mr Mullighan**—I would be only too happy to help if I can. I would like to say that I think the work you are doing is critical. As I said in my report, I had no idea what this was all about when I started. I used to say that the problem of the Aboriginal people was the greatest social issue in our history. I think this one is as great.

**CHAIR**—It is. Thank you very much.

**Mr Mullighan**—Good luck.

[11.49 am]

**PETERSEN, Ms Julieanne, Manager, Policy and Strategy, Alternative Care, Families SA, Department for Families and Communities**

**RAMSEY, Mr Steve, Deputy Executive Director, Families SA**

*Evidence was taken via teleconference—*

**CHAIR**—Welcome. You would have information on the protection of witnesses and evidence. If you have any questions on that the secretariat can provide information to you. As public servants, you are not required to answer questions of opinion on policy. I can never guarantee that senators will not ask you those questions, but as public servants you would be well skilled at what you can and cannot answer. We welcome your submission and also your appearance in this hearing. It is so important that we have evidence from state governments and the departments that operate in those areas. So far, we have had great support, with the exception of the Victorian government. I keep putting that on record consistently in our hearings. Do either of you have an opening statement?

**Ms Petersen**—I do. Senator Moore, do you mind if I press the hands free button?

**CHAIR**—Please do. That would be much easier for you. How is the clarity of sound?

**Ms Petersen**—Thank you. That is fine.

**CHAIR**—The other senators in the room are Senator Gary Humphries from the ACT and Senator Sue Boyce from Queensland. You can now make your opening statement.

**Ms Petersen**—I understand that you have just taken evidence from Commissioner Mullighan and hopefully I will not be repeating his evidence. The South Australian Children in State Care Commission of Inquiry that Commissioner Mullighan headed had a number of recommendations that were in keeping with those from the *Lost innocents* and *Forgotten Australians* reports. The South Australian government is committed to implementing those recommendations, as Commissioner Mullighan hopefully would have already told you.

In light of the recommendations from the Children in State Care Commission of Inquiry, the Premier, on behalf of the South Australian government, made a formal apology on 17 June 2008 in the parliament to those who had been harmed whilst in state care. The government and the churches—the churches being the Archbishop of Adelaide, the President of the Lutheran Church, the Chair of the Uniting Church and the Auxiliary Bishop of the Catholic Archdiocese—signed formal apology parchment. There were 100 people who had been abused in state care who attended the apology ceremony and met with members of parliament. They received a plant and a laminated copy of the apology parchment.

The Department of Families and Communities, Families SA, for whom I work, now provides comprehensive support, advocacy, counselling and referral services for care leavers from 18

years of age with no upper age limit. Post Care Services provide specialist support, when required, to assist care leavers to access and view both state government and non-government records of their time in care. Post Care Services continues to consult with consumer reference groups to ensure that the service is of high quality and responsive to the needs of care leavers.

I do not have the 2008-09 figures completed for Post Care Services, but in our 2007-08 figures we helped over 300 people who were in state care as children and who are now adults with therapeutic, medical, education, advocacy information or assistance, and we have also processed in that year 300 freedom of information requests for historical records.

The South Australian government has demonstrated its commitment to children and young people in care through Rapid Response whole-of-government services. Rapid Response is an innovative model to ensure care leavers receive coordinated and holistic services so that they can achieve their potential in accordance with the recommendations of the *Forgotten Australians* report. Rapid Response was identified by the CREATE Foundation as 'outstanding' in its commitment to improving educational opportunities—it is not only educational opportunities, but health services and so forth—for care leavers.

Care leavers in South Australia had access to Respond SA, which is a dedicated counselling service to adults who were identified as having suffered abuse whilst in out-of-home care. This service is and was free to those persons who participated in the Children in State Care Commission. Post Care Services, as delivered by the Department of Families and Communities, continues to provide ongoing support and referral, and these remain a free service. That is the end of my address.

**CHAIR**—Thank you. Mr Ramsey, do you want to add anything at this stage?

**Mr Ramsey**—No, that is fine.

**CHAIR**—Senator Humphries.

**Senator HUMPHRIES**—I would like to thank Ms Petersen for that opening statement and commend the South Australian government for a number of things that it is doing. Mr Mullighan was flattering of some of the initiatives that have been taken by the government. They do appear to be steps in the right direction, so I commend you on those.

**Ms Petersen**—Thank you.

**Senator HUMPHRIES**—He spoke particularly about the child centres. I am trying to find the name. I understand five have been set up or funded already, and another 15 are expected.—

**Ms Petersen**—Children centres.

**Senator HUMPHRIES**—That is the one. Can you tell us a bit more about those? Are they operational yet?

**Ms Petersen**—Yes, they are. I think we have eight operational and there are another 12 or 13 to come. They are a joint initiative of the South Australian government. The three main

departments are Health, Education and the Department of Families and Communities. They are located in schools. They are an early intervention process where they are available to children that are not attending schools, through kindergarten and other things. They are a community hub. They provide health care, education, and disability services and advice. They are staffed by a family support worker that will help connect families into any services that they might need to strengthen the family. These 20 centres will all be located in socially disadvantaged economic locations. The first one has been going for about two years now and we are starting to see good connected care results. It is a similar concept to the federal government's Communities for Children. Is that enough information?

**Senator HUMPHRIES**—That is a good basis for understanding what is being done there. We are interested in ways of preventing the sorts of abuse of children that this inquiry has largely dealt with. Thank you for that initial information. We would like to find out more about it, and perhaps it is possible, not necessarily in the context of this inquiry, but in later work to obtain more information.

**Ms Petersen**—Would you like the South Australian government to provide you with some further written information about the centres?

**Senator HUMPHRIES**—Yes, that would be useful. I would like to visit one of these centres and perhaps we can organise that when I or the committee as a whole are next in South Australia. Some written information would be very useful in the meantime.

**Ms Petersen**—I will provide you with written information and provide you with a contact.

**Senator HUMPHRIES**—Thank you very much. We understand that the government in South Australia is still formally assessing what to do about recommendations arising from the Mullighan report and the task force that was established.

**Ms Petersen**—The government has made a commitment to a number of the recommendations and some of those processes are in place. For example, as I mentioned in my address, a formal apology has been made on behalf of the government and there are a number of other things like that that have been done. I know one, for instance, is the guardian for children. The South Australian government has appointed a guardian for children and now all incidents or complaints have to be reported to the guardian. She becomes the child's advocate. Those processes are in place.

**Senator HUMPHRIES**—That is good. There seems to be a wide expectation that a reparation scheme will be set up in South Australia, along the same lines as Queensland, Tasmania and Western Australia.

**Ms Petersen**—There is currently a task force investigating that. I cannot tell you where they are up to, but they are exploring a number of different options. They are exploring what the Tasmanian and Queensland governments have done, and I think they are also looking at what the Irish government did a number of years ago. They are exploring those options to see what fits best.

As we put in our submission, and I cannot remember exactly which recommendation we were addressing, but the state government has set up a guarantee to access children in state care who have been abused to the Victims of Crime Fund and they are not needing a conviction, prosecution or criminal process before they can access the fund.

**Senator HUMPHRIES**—That is right. It is recommendation 6 in the response on page 3.

**Ms Petersen**—Thank you very much.

**Senator HUMPHRIES**—You also refer in that same part of the report to investigating the possibility of a national approach to the provision of services. I assume that there is some sympathy on the South Australian government's part to the recommendation for a national reparation scheme that was recommended by the original Senate inquiry and that, if that occurred, you would be willing to consider cooperating in making it work?

**Ms Petersen**—We would certainly be willing to have discussions with the other states and the Commonwealth government.

**Senator HUMPHRIES**—You mentioned further on that Families SA has permanent staff to assist those who have been in care to locate and access predominantly state records.

**Ms Petersen**—Yes.

**Senator HUMPHRIES**—How many staff do you have doing that?

**Ms Petersen**—I think there are seven staff.

**Senator HUMPHRIES**—Has there been a lot of activity to access records since that facility was established?

**Ms Petersen**—I do not have the current figures. I am getting them next week for estimates. In the 2007-08 year we processed over 300 requests for support, whether they be education, therapeutic care, counselling or medical, and we also provided over 300 people with access to their historical records. That was only in that one calendar year. I would think that the numbers would be quite similar for this year.

**Senator HUMPHRIES**—On the subject of the statute of limitation legislation in South Australia, Mr Mullighan mentioned that you amended that some time ago to make it easier for an out-of-time prosecution to be taken against people who abused children. Can you give us a description of how that works? Is it actually expressed in those sorts of terms or is there a general exemption for crimes against children? How does that operate?

**Ms Petersen**—I am sorry, but the Attorney-General's Department facilitates that part and the legislation. I am happy to ask them to provide that to you in writing, but I do not have that information immediately in my head.

**Senator HUMPHRIES**—I understand that. I would be grateful if you could ask the Attorney-General's Department to give us that information. It would be very useful. Thank you.

**CHAIR**—When you get that information can we find out how many people have taken up that option? Certainly, one of the things that we heard from some governments at the last inquiry is that they were concerned about doing that legal amendment because they could be ‘flooded’ with people trying to bring actions. I am always interested when you have that kind of statement to see when someone has done it, whether in fact you have been flooded by people. When you get the information from the Attorney-General’s Department can we see how many cases there have been in the long term and what the response has been to that change?

**Ms Petersen**—Certainly. I will request that from the Attorney-General’s Department and supply it to you in writing.

**Senator HUMPHRIES**—We had some discussion earlier today with the Child Migrant Trust about its operations. It was making a pitch for ongoing federal government funding. It also made reference to having had negotiations with state governments to support its work. I cited to them part of your submission on page 5 where you say that the South Australian government provided a grant of \$30,000 in 2001, but that no subsequent funding was requested after June 2004.

**Ms Petersen**—Yes.

**Senator HUMPHRIES**—When I put that to them they reacted strongly and said that was not so, that they had made requests for funding. In fact, they have offered to forward us the correspondence where they made their pitch for some money. I think we would say that the trust still has a large workload in front of it and that its work is worthwhile and valuable.

**Ms Petersen**—I would need to check that. My staff would have checked that source before making that statement, but I will go back and recheck it. In the following paragraph of our submission you will see that we provide funding to Anglicare South Australia to provide the services that the trust actually provides to the child migrants. Those services are available to them, but it is just through a different source. We could contact the trust or they could contact us and we could pursue it further. Would you like us to do that?

**Senator HUMPHRIES**—I would appreciate if you could make contact with the trust. They mentioned that they were having difficulty in negotiating with the governments around Australia because there is a bit of responsibility shifting between Australian governments and the British government for responsibility for child migrants and some of the same thing happening between state and federal governments. They seemed to believe that they ran up against a brick wall in South Australia, but I take it from your tone that you are not ill-disposed to further funding, that you simply have not had any request from them. I would appreciate some contact with them.

**Ms Petersen**—I am certainly not making a commitment to extra funding. I am making a commitment to having discussions. As I said, most of those services are available. We are happy to have a conversation and try to understand what impediments they are having to accessing the services that we are currently funding.

**Senator HUMPHRIES**—I would appreciate getting some feedback from you on where that leads. That would be most useful.

**Ms Petersen**—Certainly.

**Senator HUMPHRIES**—Thank you.

**Senator BOYCE**—I wanted to ask you a couple of questions regarding the Loss and Grief Centre which I believe you funded Anglicare to establish.

**Ms Petersen**—Yes.

**Senator BOYCE**—We did have some evidence along the way that a lot of people did not want to re-engage with any church, but certainly with church organisations that they thought were responsible in some way for their abuse as children. How have you overcome that issue with Anglicare?

**Ms Petersen**—The Anglicare of today, as you would know, is a very different organisation than the organisations of the past. I know that does not help perceptions.

**Senator BOYCE**—I do not think that would be the view of some of the people who have given evidence to us.

**Ms Petersen**—I would just add that we have a particular problem in South Australia in attracting other non-government organisations, particularly non-church ones, to the state. The population basis here is quite small for a number of community services. We do have large problems attracting very different ones, but we do fund Relationships Australia, who are a secular community service supplier, to also provide those services. They are our main supplier of counselling services.

**Senator BOYCE**—Is the Loss and Grief Centre specifically aimed at former child migrants?

**Ms Petersen**—Yes. That is for the child migrants. Relationships Australia is funded to provide services for children who have previously been in state care.

**Senator BOYCE**—I must admit that in other contexts I have heard about organisations, for instance Lifeline, who were funded to do quite specific counselling and discovered that, in fact, they refer that counselling on to much smaller organisations to do. Whilst you have to applaud the efforts to make sure it is done by someone who is a specialist in the field, it would appear that sometimes organisations are claiming to do counselling and they may not be.

**Ms Petersen**—Again, I point out that we have a problem in attracting a large range of professions and organisations in this field to provide services. We have visited the eastern states and tried to encourage other services. We just have not been able to do that. It is a smaller population base and obviously the other non-governments along the eastern seaboard are not really interested in coming to South Australia.

**Senator BOYCE**—Some of them are probably quite stretched in providing what they already provide.

**Ms Petersen**—We do fund the private psychiatrist and psychologist supports and visits as well, on application. We make referrals to them.

**Senator BOYCE**—You mentioned earlier the task force that is looking at a redress scheme. When is that due to report?

**Ms Petersen**—I understand it is next year. I know that it is a high level task force and they meet every six weeks at the moment.

**Senator BOYCE**—Do they have a reporting date?

**Ms Petersen**—They do, but I am sorry, I do not know that.

**Senator BOYCE**—If you could provide us with that in the next week or so, that would be helpful. You mentioned that, in the interim, people can claim victims of crime compensation. How many people have claimed under that?

**Ms Petersen**—Again, I have offered to supply that advice in writing from the Attorney-General's Department. That is not within my field of expertise so, I am sorry, I do not know the answer. Senator Humphries asked that question so I will provide that information.

**Senator BOYCE**—Thank you. Recommendation 16 is about releasing information. There certainly have been concerns put to us by victims about the difficulty in getting any meaningful information and the amount of time and effort it might take from people who are often ill-educated because of their childhood experiences to access information. You have stated that you 'identify family background as much as possible without releasing information that contains the personal details of other people'. I am just interested in what constitutes family background if it does not have details of other people in it?

**Ms Petersen**—That would be governed by the freedom of information and what information we could release.

**Senator BOYCE**—Can you give me a practical example of what that might mean?

**Ms Petersen**—I am sorry I cannot, but I can ask the officers who support the migrants through this process to provide an example, if you wish.

**Senator BOYCE**—It seems to me that if I was someone wanting information about my family background and I was getting information that had no personal details about other people in it, then I would not be getting very far down the track.

**Ms Petersen**—I can provide that information in writing, as much as we can.

**Senator BOYCE**—Does your service seek to write to people to ask them if it is all right for their details to be given out? How interactive are you in attempting to find family information for people?

**Ms Petersen**—I am sorry, I do not know that. That is in relation to child migrants. I would assume that a lot of the people whose background was researched are now deceased.

**Senator BOYCE**—I am talking about what you have referred to here as Post Care Services.

**Ms Petersen**—Post Care Services are different. I thought you were referring to recommendation 16 of the *Lost innocents*. Are you referring to the *Forgotten Australians*?

**Senator BOYCE**—Yes. Our inquiry is into both and I sometimes find the issues are so similar that I cross backwards and forwards.

**Ms Petersen**—Post Care Services have seven officers that support care leavers in exploring their family background if they wish. We are governed by the Privacy Act and so forth, as you would be aware. They would be providing and supporting post-care leavers to find out as much as they could within the acts. Yes, they would write and ask if people would give consent to be contacted in circumstances where that was appropriate.

**Senator BOYCE**—We have had evidence, not necessarily relating to South Australia, that sometimes the attitude towards being as helpful as possible is less than desirable. I guess that is a polite way of putting it.

**Ms Petersen**—I am disappointed to hear that. The team that we have working at Post Care Services are all well qualified social workers with a particular empathy to people that have left care. I have not heard that from South Australia.

**Senator BOYCE**—As I said, it does not necessarily relate to South Australia. The other area where we had evidence regarding *Forgotten Australians*, but in some areas it could equally apply to *Lost innocents*, was the issues that happened if you had moved away from the state where you had been in care as a child. How is South Australia dealing with that matter?

**Ms Petersen**—We have had a number of inquiries from people who have since moved interstate for their background records, support or in fact therapeutic counselling or medical care. It makes no difference to us where they live now. If they were in care in South Australian then they are fully entitled to the support services from Post Care Services.

**Senator BOYCE**—When you are speaking to the Attorney-General's Department would you mind asking them if there are any people who have received compensation from the Victims of Crime Fund who fit that category?

**Ms Petersen**—Who currently live interstate?

**Senator BOYCE**—Yes, who were victims as children in South Australia, but now do not live in South Australia.

**Ms Petersen**—Certainly.

**Senator BOYCE**—Thank you. The other issue that has come up is virtually all the reports around the topics of the *Lost innocents* and *Forgotten Australians* speak a lot about what is sometimes referred to as the faith based agencies, the churches' involvement in this. I noticed that one of the recommendations in your report talked about funding from the churches being included along with federal and state government funding.

**Ms Petersen**—Was that to do with the memorial?

**Senator BOYCE**—Yes, there was the memorial, but I am also looking at recommendation 9, which talks about the churches publishing data and the amounts of compensation paid to complainants.

**Ms Petersen**—We have not replied to recommendation 9, given that we cannot speak on behalf of the churches.

**Senator BOYCE**—That is the point I am getting to. The churches appear to be wiggling their way through this without a lot of accountability on the basis that the government cannot speak on their behalf and yet, as it is pointed out, churches receive a vast amount of federal and state government funding to undertake their activities. Is there any requirement in South Australia for the churches to report in any way about what they are doing in regard to complaints of sexual abuse?

**Ms Petersen**—Absolutely. Every service contract that we have, regardless of the organisation, has very clear complaint mechanisms.

**Senator BOYCE**—Is that regarding a current claim of abuse?

**Ms Petersen**—It is. Commissioner Mullighan took evidence from all of the church organisations and recommendations were made in his report on how we go in the future in collecting or taking complaints and so forth to guard against that happening again, regardless of who the service provider is. We have addressed that. Commissioner Mullighan took evidence from the churches on that. They certainly were not able to not commit to their responsibility to provide information to Commissioner Mullighan's inquiry.

**Senator BOYCE**—Is there any government body in South Australia that would know what the churches and their agencies have done about abuse complaints from people in the child migrant and Forgotten Australians category, and what that action was?

**Ms Petersen**—Yes. Again, Commissioner Mullighan would have collected evidence on that for children who had been in state care, but not for child migrants. What actions the churches have done to recompense or whatever will have been recorded in Commissioner Mullighan's evidence.

**Senator BOYCE**—Would that include figures?

**Ms Petersen**—Yes, that would include figures if they were made available to him.

**Senator BOYCE**—Again, that is my point. Would they have been made available to him? Is there any requirement for the churches to provide those figures?

**Ms Petersen**—They were bound under the evidence acts to give evidence to the commission. Commissioner Mullighan's report is a very weighty document and, I am sorry, I cannot answer that.

**Senator BOYCE**—That is fine. In your view is there currently a body in South Australia, whether it be a government body or another body, that is overseeing how accountable the

churches are being for their behaviour regarding the child migrants and the Forgotten Australians?

**Ms Petersen**—Not for historical child migrants.

**Senator BOYCE**—I am sorry, I am speaking about the group called the Lost Innocents, the people who were sent here post-war. They often believed they were orphans being sent to Australia.

**Ms Petersen**—I understand, but I do not know the answer to the question.

**Senator BOYCE**—Are you saying that you are not aware of an organisation?

**Ms Petersen**—No, we are not.

**Senator BOYCE**—Thank you.

**CHAIR**—Thank you. I have a couple of questions that relate to the FaHCSIA submission. Have you had a chance to have a look at that?

**Ms Petersen**—No, I have not.

**CHAIR**—It is on the record and it has, from their point of view, what has been the current status across a number of the recommendations. They say against recommendation of Forgotten Australians 22 that state government funded services for care leavers be available to all care leavers regardless of their states, which is always an issue. It says that a template was provided from all state governments to Queensland. I am just wondering whether you are aware of the South Australian involvement in providing information to Queensland on that issue? There is no date on the FaHCSIA information.

**Ms Petersen**—I understand that we provided information to that template in late 2006 or early 2007.

**CHAIR**—Has there been any action across the states since the template was completed?

**Ms Petersen**—The Forgotten Australians working party that was brought together in Sydney in 2006 or 2007 have met since.

**CHAIR**—That was the AFA conference

**Ms Petersen**—They have had some written communication in gathering the information that was requested from there.

**CHAIR**—There is a similar response against recommendation 18, which was the access to information, and a similar action was that information was provided to Queensland. We are following up with the Queensland department on both those issues, but I was just wondering, from your point of view from the state, whether you were aware of what had gone forward?

**Ms Petersen**—We would have supplied the information at the time. Queensland were just the collectors of the information on behalf of the group of states, territories and Commonwealth that got together to discuss the issue.

**CHAIR**—To the best of your knowledge, has there been further discussion amongst all the state governments about those issues since that time?

**Ms Petersen**—No.

**CHAIR**—The one thing that I did want to ask you relating to your state, which is in the same FaHCSIA report, was that when we had hearings in your state we were talking about the appointment of Professor Scott to the University of South Australia's Chair in Child Protection. There was going to be consideration about the whole issue of research and study at institutions; that was going to be taken up as well. The FaHCSIA response, which we will be taking up with them this afternoon, says that they were seeking input from Professor Scott but it was on hold because of the death of Professor Scott's mother. I take it that was in 2006 as well, so I am just wondering whether there has been any update? I would imagine the South Australian government would be part of any discussion with a statutory officer of your department. Are you aware of any further discussion between South Australia and Professor Scott?

**Ms Petersen**—Our executive director for Families SA meets with Professor Scott fortnightly, I think.

**CHAIR**—Because of the way it was presented I knew that there was a very professional and positive relationship there. Are you aware of any further action from the national level as a result of the following: The Australian government agreed with the state and territory governments as a group to write to Professor Scott to seek her input and guidance on this issue. I was just wondering whether you were aware of any further interaction between the Australian government and Professor Scott about research?

**Ms Petersen**—On this particular issue I am not sure. Professor Scott is involved in a whole range of issues on child protection. Hopefully the Commonwealth will be able to answer that this afternoon. We certainly have a range of conversations with Professor Scott and her whole study in the institute on these issues.

**CHAIR**—Thank you for your evidence. If we can get the information back that we requested from the Attorney-General's Department that would be really good. If there is anything else that you think has come up that you need to provide further information on, then please give that to the secretariat.

**Ms Petersen**—Will the secretariat provide me with written records so I will know exactly what is required?

**CHAIR**—Absolutely. We will do that next week.

**Ms Petersen**—Thank you.

**CHAIR**—The committee is now adjourned.

**Proceedings suspended from 12.31 pm to 1.31 pm**

**MONTGOMERY, Ms Sophie, Director, Settlement Planning and Information Section, Department of Immigration and Citizenship**

**TEMPLETON, Mr Peter, Assistant Secretary, Settlement Branch, Department of Immigration and Citizenship**

**CHAIR**—Our first witnesses are from the Department of Immigration and Citizenship. I welcome Mr Templeton and Ms Montgomery.

**Mr Templeton**—I am pleased to be here today to provide you with an update on the outcomes of recommendations relevant to the Department of Immigration and Citizenship in relation to the *Lost innocents* and *Forgotten Australians* reports. These important reports outline a number of issues but, most importantly, issues to do with hardship and mistreatment experienced by many post-World War II child migrants and children in institutional care. The reports contain 33 and 39 recommendations respectively. The former Australian government responses to these reports identified that some of these recommendations were directed to state governments, sending and receiving agencies and those organisations that ran institutions in which former child migrants were placed.

A range of recommendations were also directed to the Australian government. Some of those, mainly from the *Lost innocents* report and a couple from *Forgotten Australians* became the responsibility of the immigration portfolio. Just to clarify, at the time of the report's publication the immigration portfolio was the Department of Immigration, Multicultural and Indigenous Affairs or DIMIA. As you rightly point out, we are now known as the Department of Immigration and Citizenship, or DIAC, and for ease of reference in my statement, I refer to the portfolio by its current name. Obviously that means anything to do with the portfolio under its previous name relates to DIAC.

You would be aware that DIAC lodged a formal submission to this inquiry in February. The submission provides an update on the department's implementation of relevant recommendations. I propose just to provide a general statement on DIAC's activity since the publication of the reports, rather than address each recommendation individually. I am happy to help with any specific questions following that.

Before I discuss DIAC's activities in implementing relevant recommendations of the report, it is worth noting that DIAC's responsibilities have related only to issues relating to former child migrants, rather than the broader group of people who were placed in institutional or out-of-home care. For this reason, DIAC's responses relate mainly to the recommendations contained in the *Lost innocents* report, as I said previously.

Since the committee released the *Lost innocents* report, some seven years ago now in 2001, and the Australian government's formal response in 2002, there have been some significant developments in the area of providing assistance and support for former child migrants. Since 2002 the Australian government has committed some \$6.5 million to a package of assistance and support for former child migrants from the United Kingdom and Malta. This package included funding for family tracing and counselling services, contributions to state initiated memorials to

commemorate former child migrants, and the establishment of the Australian travel fund to provide financial assistance for travel and accommodation expenses for former child migrants wishing to return to their country of origin to reunite with surviving family members or to visit family grave sites.

The initial package of assistance, when delivered in 2002, totalled around \$3.5 million over three years. However, due to continuing demand, additional funds to the order of \$3 million were allocated in the financial year 2004-05.

The Australian Travel Fund was established in 2002 to assist former child migrants undertaking reunion visits in the United Kingdom and Malta. Three million dollars was initially allocated and, due to continuing demand, an additional \$2.5 million was allocated in 2004-05, bringing the total Australian government funding to \$5.5 million. Over its period of operation, the Travel Fund assisted 771 former child migrants, with 703 reunion visits completed. That was approximately twice the number of equivalent United Kingdom child migrant travel supported by that fund, which facilitated 325 reunion visits for British former child migrants in Australia. The Australian Travel Fund's higher access rate may have been due to its eligibility criteria, which were significantly less restrictive than those set by the United Kingdom Child Migrant Support Fund.

Following the first three years of operation the time period for travel under the fund was extended to 31 May 2006. However, between 1 September 2005 and 31 May 2006, of 77 applicants approved to travel, only seven completed their travel for myriad reasons, including health and some concerns over the security situation in London. With the decline in the number of approved applicants travelling, the Australian Travel Fund was ceased by the former government in June 2006.

The Australian government committed \$100,000 in total to erect memorials in the six states that received children under the child migration schemes, noting that the Territory did not receive any form of child migrants. State governments committed funding and also consulted with former child migrants on the form and locations of the memorials. All six memorials have been completed and unveiled.

The Australian government committed \$375,000 over three years in 2002 for the Child Migrants Trust to provide family tracing and counselling services for former child migrants who were sent to Australia up until 1967. In 2004-05 additional funding of \$450,000 was allocated over the next three financial years to bring the Australian government's contribution to \$825,000. That contribution was mentioned in our submission to the inquiry. It should be noted that reports earlier this year from the Child Migrant Trust indicated that 845 former child migrants accessed its services in 2007-08. In recognition of that client demand, further funding of \$150,000 has been allocated to the Child Migrant Trust this financial year. This funding has been allocated following DIAC's lodgement of its submission. In total since 2002 some \$975,000 has been provided to the Child Migrant Trust and the total assistance package in response to the *Lost innocents* report is \$6,575,000. Thank you.

**CHAIR**—Thank you. Ms Montgomery, do you wish to add anything at this stage?

**Ms Montgomery**—No.

**Senator BOYCE**—There was one query that came up out of the evidence given earlier this morning by the Migrant Child Trust. They brought to our attention the cases of five people who went back to the UK before the inquiry and so missed out on the citizenship requirements that were available then. Are those five cases known to the department? These are people who are seeking to come back to Australia as citizens.

**Mr Templeton**—I do not have details of that. Their circumstances may well be known to the department. I do not have in-depth knowledge of those individual cases. I may be able to talk generally about something, or if I have the names I can go back and get some information.

**Senator BOYCE**—I do not have the names. I am trying to verify if these are under active consideration by the department?

**Mr Templeton**—I am not aware if they may or may not be.

**Senator BOYCE**—Is it possible for you to find that out?

**Mr Templeton**—With names I could, yes.

**Senator BOYCE**—We will attempt to give you that.

**CHAIR**—Because of the sensitivity of the issues around child migrants and the fact that we have had these serious concerns for many years, is there a protocol within the department that all issues to do with child migrants are noted by any particular area, or do they just take their chances when they ring through with any inquiries?

**Mr Templeton**—There is not a specific area that deals with it in terms of active individual casework. Yes, to a degree they take their chances. If they are applying for visas under the Migration Act, as with everyone else, they are considered on a case-by-case basis against the criteria set out in the Migration Act.

**Senator BOYCE**—Would there be no sense of these people having the opportunity to put forward their special circumstances?

**Mr Templeton**—It depends on the case that they may be lodging. Certain cases in the Migration Act and regulations attract review rights that can be heard through the Migration Review Tribunal. Should a case be refused, the Migration Review Tribunal can be appealed to. Beyond that appeal, there is an appeal to the minister over specific individual circumstances.

**Senator BOYCE**—I need to know the process of it.

**Mr Templeton**—There is not a specific pathway for former child migrants, per se, through the Migration Act and regulations.

**Senator BOYCE**—I will approach your offer with some caution, because at this stage I do not know if these people want their names to be made known. We will see where we go with that. Probably in the same line in terms of the process, you note in your report that you did offer to undertake special citizenship ceremonies for former child migrants, but that none have been

requested. Again, would you be confident that you would know about every former child migrant who became a citizen?

**Mr Templeton**—Yes.

**Senator BOYCE**—Are they categorised as such?

**Mr Templeton**—Yes. Since 1995, for instance, British child migrants have been able to seek citizenship with fee waived. Following the *Lost innocents* report, Maltese former child migrants were able to access the same. There would be a way to identify that. With the issue of special ceremonies, the department was prepared to do special ceremonies should the need arise and should the request be made, but the records do not hold any evidence to suggest that such a thing has been sought.

**Senator BOYCE**—Are you confident that anyone who came into this criteria would have been aware that they could ask for special citizenship ceremonies?

**Mr Templeton**—Part of the work that the Child Migrant Trust has been doing is in relation to citizenship. I cannot be 100 per cent confident, obviously, but I would like to think that information was available.

**Senator BOYCE**—How many former child migrants have become Australian citizens?

**Mr Templeton**—I do not have that figure with me, but I can take that on notice and try to get that for you.

**Senator BOYCE**—We have received in evidence your letter to the Child Migrants Trust talking about future funding arrangements.

**Mr Templeton**—That is right.

**Senator BOYCE**—Can you give us any update on your letter of 3 March?

**Mr Templeton**—My letter of 3 March indicated that I am unable to provide surety about ongoing funding for the Child Migrant Trust. The matter of ongoing funding is under active consideration and I would like to think that we would be in a position well before 30 June to let the Child Migrant Trust know.

**Senator BOYCE**—What needs to happen for you to be able to tell the Child Migrant Trust what the answer is?

**Mr Templeton**—The matter is something that would be—

**CHAIR**—It would be subject to the budget deliberation.

**Senator BOYCE**—Thank you, Chair.

**CHAIR**—That is the answer I kept getting.

**Senator BOYCE**—From what you have just told us in your opening statement, any funding under the travel fund stopped in June 2006.

**Mr Templeton**—That is right.

**Senator BOYCE**—Am I right in summarising what you said as there was no call for the service any longer?

**Mr Templeton**—The demand for the service had dropped away. As I said, less than 10 of the 70 or so approved in that last 12 months of the travel fund actually were able to make the trip, so the government of the day took the decision that the travel fund would cease.

**Senator BOYCE**—Did you not think that the other 70 might want to travel at a later time?

**Mr Templeton**—I do not have the papers with regard to the background.

**Senator BOYCE**—You said that some of them were concerned about the security situation, so presumably if that has settled down then they would change their minds.

**Mr Templeton**—Some of them did not travel for reasons to do with ill health. Some of them had passed on. There was definite fear of travelling after the London bombings and there were some other emotional reasons. There was nothing that would make you confident to say why people did or did not take up the opportunity. Clearly, in that last year the demand for travel dropped away and there was a decision taken, I imagine, in a budget context.

**Senator BOYCE**—The other point is that, by its very nature, as you point out, by the age of the people involved and by the fact that the ones who could fairly readily find their families did so quite quickly, so you were left with a group who were having great difficulty tracking down families. Was there any sense that some of these people would want to travel for perhaps years into the future, albeit very small numbers?

**Mr Templeton**—I am not aware of whether that thought process was applied at that point in time. It is not something I was intimately involved in. It is something that bears consideration.

**Senator BOYCE**—Yes.

**CHAIR**—My understanding was that the travel funding was linked to actually tracing family. It was a two-part step, that you had to have traced family or found out that family had deceased, so you had a grave to visit. I know that was the difference between your scheme and the one that was handled by the English government. The thing that we are aware of is that the issues around tracing family can take extraordinary amounts of time and if you had not been able to trace your family up until 2006 and if you were still seeking that process, it could well mean that you could become eligible now when you were not eligible up until 2006.

**Senator BOYCE**—For instance, the 70-year-old man that we heard about earlier.

**Mr Templeton**—Yes, I heard that case.

**CHAIR**—The eligibility could have been an issue as well.

**Mr Templeton**—Just in response to that, my understanding is that the travel fund was slightly less restrictive than the UK travel fund, and it was subject to some criteria. There is no doubt about that.

**CHAIR**—You put in your submission how the criteria worked.

**Mr Templeton**—It was not means tested. It was available for former child migrants, including child migrants from Malta, who may have undertaken previous visits at their own expense. It did permit visits to a broader range of relatives, including aunts, uncles, cousins, nephews and nieces. It did encompass a situation where there was a visit to a family grave site. It did provide, in exceptional circumstances, for a spouse, child or other person, as an accompanying carer, to travel with the applicant. They were the criteria at the time the fund was in existence. As I said, it is no longer there.

**CHAIR**—To apply for the travel fund two main criteria were to be met: firstly, the applicant arrived in Australia under an approved child migration scheme and, secondly, the applicant had either successfully traced surviving family members who welcomed a reunion visit or had traced family and had a grave site to visit.

**Mr Templeton**—Yes.

**CHAIR**—It would be seemingly that most people would be able to fulfil part one, simply by tracing what available records there were. The killer would be part two if the trouble with records, of which we have been made aware in our submissions, was as deep as we have been led to believe. That could have been a reason. All of the other things would be right, but you could not do that. We know that you cannot make an opinion on policy, and it was a government decision to cease the funding, but it just seems to me that we are finding more and more people now in the other group of people who were in care, not necessarily child migrants, but we heard the story this morning of the child migrant that there were these issues around records. They were not eligible in the period that the scheme was running. The scheme has now ended and they have found they are now eligible and they miss out.

**Senator BOYCE**—That is a point.

**CHAIR**—From the evidence we have already taken, it would seem that there will be quite a long tail of people who would now meet those criteria if the fund currently existed, but it is a tail of much smaller numbers.

**Mr Templeton**—What you are saying is quite clear. Madam Chair, you identified that not everyone who applied for travel at that time was actually approved. The vast majority were, but there were some that were not approved. I would assume that they were not approved because of failure to meet one of those two critical criteria. One is either that they could not identify the actual person or a grave site.

**Senator BOYCE**—Do you have any records or knowledge of funds expended in this area by state governments and by other agencies that may have had the care of the child migrants at some juncture?

**Mr Templeton**—Not to any degree of certainty, no. I am aware that the Child Migrant Trust gets some additional funding from a couple of state governments and has got some funding from the UK, but I am not familiar with the entirety of funding that may have been made available through state governments in the last number of years.

**Senator BOYCE**—In some ways when the travel fund stopped you lost any ability you might have had to have knowledge of other funds that were being made available to people. Is that the case?

**Mr Templeton**—When the travel fund stopped it ceased to be there and we moved on to other work that we do in the settlement field.

**Senator BOYCE**—Presumably, if you were applying for the travel fund you might have also been asked to tell the government or the department what other funds were available to you from other organisations?

**Mr Templeton**—I am at a bit of a disadvantage because I did not work with the scheme. My understanding was that it was not means tested and the government picked up the tab if you were eligible, so I do not think they would have gone into other funding sources. As I said, part of it was that you could be funded under the travel scheme even if you had previously travelled at your own expense.

**CHAIR**—You could not go if you had access under the UK system.

**Mr Templeton**—Yes, as I said, if they travelled at their own expense.

**Senator BOYCE**—One of the issues that I am coming to terms with in regard to both the child migrants and the Forgotten Australians is that there does not appear to be any body that has an oversight of the amount of funding that is put in by respective governments and agencies towards assisting people in these categories. I realise that it is a rather odd activity for the department of immigration to be involved in, and you have no formal or informal ways of collecting information in this area.

**Mr Templeton**—No. That is right.

**Senator HUMPHRIES**—You respond to recommendation 6 of the *Forgotten Australians* report which refers to the ‘Commonwealth government establishing and managing a national reparation fund for victims of institutional abuse in institutions and out-of-home care settings’. You then go on in response to that to say that in relation to former child migrants ‘the amount of reparation for former child migrants who were victims of institutional abuse was for the consideration of state and territory governments, religious orders and sending and receiving agencies’. That does not arise out of the *Forgotten Australians* report. I assume that is a reference to what was in the *Lost innocents* report rather than the *Forgotten Australians* report. Our recommendation was for a national reparations fund established and managed by the

Commonwealth. I do not know whether that section was accidentally transposed into this answer or not, but we were obviously looking at having some kind of national oversight of reparations and in the case of up to three states, at this stage, there is no such reparation scheme. Is it possible to get a more direct response to that recommendation?

**Mr Templeton**—We can try. The recommendation for Forgotten Australians encompasses a lot of people and the child migrants is a subgroup of it.

**Senator HUMPHRIES**—Not really.

**Mr Templeton**—We may have misinterpreted it, but we did see what we thought was a link there and we thought that it was important to say that this sort of issue was part of the previous report as well, and that is why our response is as such. Can we refine it and come back to you on it? I think the answer is that we can try our hardest.

**Senator HUMPHRIES**—All right. Thank you.

**CHAIR**—What is the rationale for your department funding the Child Migrant Trust?

**Mr Templeton**—That is a very good question. Historically, we have had a lot to do with the Child Migrant Trust over a number of years. I think it might go back as many as 30 years. It might be linked to that in some way. You would know that our settlement funding programs are really focused heavily on the newly arrived migrants these days, and we try to work in a five-year spectrum.

**CHAIR**—And majorly focused on language, which I would have thought was not a particular issue for this group.

**Mr Templeton**—There being majorly focused on language is a reflection of the change in the migration program over the years.

**CHAIR**—That seems to be a large bulk of the funding and the ongoing support.

**Mr Templeton**—As I said, I think it is a really critical question. We have been taking on that role for a long time. There are parallels. We used to take on a great role with aged care work in well established migrant communities, but that has now been dealt with and recognised.

**CHAIR**—I was just wondering if there was anything apart from history. I will ask FaHCSIA the same thing. It seems to me, from the work that has been done by the scheme now, that it is much more a FaHCSIA responsibility than an immigration one. I will talk to them about that as well.

I am interested in the issues around citizenship. I know that had been finalised well before this particular look at the process. What was the rationale behind the government's response for not providing automatic citizenship to anyone who had been a child migrant? I am still struggling with that. I would like the formal government reason as to why that was not applicable.

**Mr Templeton**—In the report we talk about the fact that it may have impacted. Only people borne in Australia automatically attain Australian citizenship. That is the starting point. There are people who do have a nationality. If you automatically override it with an Australian citizenship you may in fact disadvantage them. That does not necessarily apply to UK migrants, but it may have applied to the Maltese group in terms of things that they might have been entitled to and loss of citizenship. If I could I would rather take that question on notice.

**CHAIR**—I am really interested to get the rationale. This is not just to do with child migrants, but we consistently get cases in our offices from people who are UK citizens who have lived here for a long time and for whatever reason were not aware of the changes that took place, which actually changed that interaction between governments, and have been caught out when they have been trying to go home. We have heard cases from child migrants with similar stories, and the one public case of the person who was deported as a result of the deportation processes after a criminal conviction had lived in the country and had served in the Australian armed forces. I am at a loss as to how someone can live in the country for that long, serve and fight in the Australian army, and still not be considered to have the right to Australian citizenship.

**Mr Templeton**—Without going into that specific example—

**CHAIR**—I understand, but it was highly publicised and that is the reason I used it as an example.

**Mr Templeton**—The acquisition of Australian citizenship is something where there needs to be an active role. For children that is very difficult, and for lots of children it is done with their parents. Child migrants were not in that position, so they did not have that option. To become an Australian citizen, it is not by virtue of living here, it is by virtue of seeking. That is part of the underlying principle. The background to the issue of people who are not citizens being removed from the country after years of residence is section 501 of the Migration Act.

**CHAIR**—I know section 501 awfully well.

**Mr Templeton**—It does not have a time limit on it.

**CHAIR**—It is a confronting thing. I know it was an issue in the *Lost innocents* report. I think people have come to grips with it more and that has not been as big an issue in this second round of looking at recommendations. In reading the *Lost innocents* report and seeing the submissions that came to that inquiry, there was a great deal of angst about the fact that these children did not have parental consent. They were sent here without their consent. If they had been part of a family here and the family had chosen to be Australian citizens they would automatically become Australian citizens. They were actually in the care of state premiers who did not take the effort to make them Australian citizens. Certainly, for me, it is one of the most confronting things out of the original report.

**Mr Templeton**—I was listening this morning when Mr Johnston was speaking. I think you were asking a question about citizenship. It was slightly reassuring to hear him say that citizenship is not the pressing issue that it once was. That does not mean it is not an issue.

**CHAIR**—Unless you are not one and you do not realise that you are not one. One of the ongoing issues in this inquiry, and I think it happens everywhere, is the clear fact that no matter what process you do to provide information people will always miss out on it. It does not matter what efforts you make to publicise a change or to try to get people engaged, you will have people who have no idea until they are in trouble. Because we have such appalling records, and we cannot be assured at all that we know exactly the numbers and where they are, I have this sense that somewhere bubbling is a potential citizenship issue. I would like to get that formal rationale for the government decision.

**Mr Templeton**—Yes.

**Senator BOYCE**—Some would say the current citizenship question worked quite well in the case, particularly of the convicted paedophile who was deported to the UK after living here for more than 40 years.

**CHAIR**—Thank you Mr Templeton and Ms Montgomery.

[2.02 pm]

**ESSEX, Ms Allyson Elizabeth, Branch Manager, Department of Families, Housing, Community Services and Indigenous Affairs**

**McKENZIE, Ms Cate, Group Manager, Department of Families, Housing, Community Services and Indigenous Affairs**

**CHAIR**—Welcome. You have information on protection of witnesses. As public servants you will not be asked your opinion on government policy. As I always say, I cannot guarantee that you will not be asked it, but you do not have to answer it. We have your submission. Can you tell me when this submission was sent?

**Ms Essex**—November of last year.

**CHAIR**—There could well be some updates, but it is a November submission. Does either of you have an opening statement?

**Ms McKenzie**—I do. FaHCSIA welcomes the inquiry into the implementation of the recommendations contained in the *Lost innocents* and *Forgotten Australians* reports. The importance of these inquiries to the healing process cannot be overstated. I am confident that this inquiry will highlight where further action is needed. Beyond the payment of child endowment the Commonwealth was not involved in the administration of institutions. The Commonwealth has no legislative power over child protection. However, Minister Macklin recently said that the protection and safety of Australian children is one of our greatest responsibilities and is an important part of the Australian government's child centred approach to the delivery of family policy.

As a nation we are attempting to safeguard our children and do all we can to ensure that the abuse and the neglect, the lack of love, nurturing and affection experienced by the *Forgotten Australians* never occurs again. The government is leading the development of a national framework for protecting Australia's children, a framework that will help reduce abuse and neglect of all children.

In February this year Minister Macklin also noted that increasing the capability of service providers to understand child protection and related issues is an important part of developing the framework. As we develop the framework the input of *Forgotten Australians* will be vital in ensuring children are protected and that those leaving care are supported. Perhaps their greatest legacy can be ensuring that the mistakes of the past do not become the policies of the future. In addition, as the government develops the guidelines for its new family support program, *Forgotten Australians* will be consulted to ensure their experiences and needs are recognised. This will ensure that the family support program will provide more accessible flexible counselling and support to *Forgotten Australians*.

Given state and territory responsibility for child protection issues, it is important to note that individual jurisdictions are responsible for the development of policies and service delivery

processes. As such, to fully implement the report's recommendation work needs to occur across all jurisdictions. However, as Minister Macklin said on 28 March, the government understands that more needs to be done. The experiences of the Forgotten Australians and former child migrants deserve better recognition. Understanding this, the Rudd government have stated their commitment to acknowledging the past hurt caused by government actions, along with providing practical assistance for the future.

The minister said that this recognition needs public awareness and education, ongoing support and services for affected people and families, and real engagement from the community services and health sectors. The needs she spoke of are highlighted by the many hundreds of letters and personal stories she has received. To help address these needs, the minister continues to support Alliance for Forgotten Australians, which continues to develop a national voice for Forgotten Australians. This national voice will enable Forgotten Australians to share information across state boundaries and, as there remains some variability in responses, encourage states to respond more consistently.

Also, noting the important work CLAN does to enable care leavers to tell their stories and confront the trauma of their past, Minister Macklin recently approved \$50,000 funding to CLAN to continue this important work. Consistent with recommendations 12, 37 and 38, and recognising the importance of uncovering lost and incomplete personal histories, the Australian Research Council, a statutory authority within the government's Innovation, Industry, Science and Research portfolio, has provided a \$550,000 grant to assist several organisations to undertake the 'Who am I' project. I understand senators were provided with an overview of this project at the Melbourne meeting.

I am also aware that last year CLAN were able to negotiate an agreement with the National Archives of Australia, an agency of the Australian government, to receive a number of relevant Defence service records free of charge. Also, the Commonwealth's response to recommendation 34 remains ongoing and we maintain regular contact with state government departments regarding the \$100,000 allocation for the development of state memorials.

As outline in the department's submission, \$658,000 funding will be provided to the Australian Institute of Family Studies, AIFS, in 2008-09 to maintain the Child Protection Clearinghouse. The clearing house disseminates information on child protection activities and research to professionals and organisations in this field. The clearing house has written a number of papers and resource sheets about, or with reference to, children in institutional care, including *Getting the Big Picture*, a synopsis and critique of Australian out-of-home care research 2007; *Child Maltreatment in Organisations, risk factors and strategies for prevention 2006*; *A History of Child Protection 2001*; *History of Child Abuse Bibliography*; and *Traces in the Archives, evidence of institutional abuse in surviving child welfare*.

Consistent with recommendation 25 our minister is funding the Personal Helper and Mentors program, PHaMs, with up to \$20 million in 2009 to deliver additional community based mental health services. Forgotten Australians are one of the priority groups for this program, which provides increased opportunities for recovery for people whose lives are affected by a severe mental illness. PHaMs helps people overcome social isolation and increases their connections to the community. In developing PHaMs's funding, FaHCSIA has consulted with the Alliance for

Forgotten Australians and CLAN to identify the mental health issues faced by Forgotten Australians.

Outside these specific or related responses, Minister Macklin and the government also support Forgotten Australians more broadly. Recognising that young people leaving out-of-home care face many challenges, our minister recently announced a \$165,000 grant for the CREATE Foundation to provide more support and help. The Australian government is providing \$507 million through the Medicare Benefits Scheme for the Better Access to Psychiatrists, Psychologists and General Practitioner's program, a program that increases community access to mental health professionals and team based mental health care.

In addition to the responses to recommendation 28 outlined in our submission, the government provides a range of services for young people leaving care, including assistance with housing, life skills programs, access to brokerage funds, employment and education, and the transition to independent living allowance. The government also recently issued a white paper, the *Road Home, a national approach to reducing homelessness* that recognises the high rate of young people leaving child protection systems into homelessness. Under the national partnership on homelessness, state and territory governments are implementing a policy of no exits into homelessness for those at risk of homelessness.

As outlined in our submission, the Department of Innovation, Industry, Science and Research has committed \$10 million over a period of 10 years for a chair in child protection at the University of South Australia. That is over 2004 to 2013. Consistent with recommendation 29, the chair leads and promotes research into child protection and assists researchers working to combat child abuse across disciplines.

On 3 April 2009 Senator John Faulkner launched the draft exposure bill for the freedom of information reform. Consistent with recommendation 18, the amendments proposed in the two draft bills represent the first significant reform to the FOI Act since its commencement in 1982. It is a reform which will reposition the act as a cornerstone law in Australian government accountability legislation.

Government support for Forgotten Australians also extends to a range of Commonwealth payments. In addition, Forgotten Australians are able to access a broad range of Commonwealth funded or provided services, including health, housing and counselling support, and a range of concession cards.

Again, I would like to thank senators for their time and ongoing concern for Forgotten Australians. We are happy to speak to any matter in our written submission that requires explanation or elaboration.

**CHAIR**—Thank you. Ms Essex, would you like to add anything at this stage.

**Ms Essex**—No, I do not.

**Senator HUMPHRIES**—I would like to start at the end of the background section of the paper. I saw a formulation or a disclaimer which I have not seen before on a submission. It says:

This submission has been approved by the responsible FaHCSIA Deputy Secretary, Ms Glenys Beauchamp. The Minister for Families, Housing Community Services and Indigenous Affairs, the hon Jenny Macklin MP, is aware of its content.

**Ms Essex**—That is simply to indicate that the submission is the department's; it is not the minister's submission. I understand that was a form of words we were advised to use. I was not aware that it had not been used before. My understanding is that it is used by some departments. It is just to clarify that it is the department's views in the submission.

**Senator HUMPHRIES**—I do not recall seeing it before. Maybe we have had submissions like that. So this is the department's view?

**Ms Essex**—This is the department's view.

**Senator HUMPHRIES**—We assume that it is not starkly at odds with the minister's view.

**Ms Essex**—I do not suspect so.

**Senator BOYCE**—What on earth would lead you to that assumption?

**Senator HUMPHRIES**—If it is not at odds with her views, I do not know why she has not endorsed it. I note, with interest, that unusual formulation. I know the various programs that you have outlined to us. I would like to go, first of all, to the recommendations of the *Forgotten Australians* report. You say that the report was responded to by the former government and it rejected a number of recommendations because they were matters for state and territory governments, not within the power of the government and so forth. You then say:

It is worth noting that in the relatively short period since the last federal election the government has made further responses to the *Forgotten Australians* in several areas as indicated in its commitment to a healing process.

That is this government. You then go on to say:

It is in the process of examining previous responses to the report's recommendations to determine areas which are appropriate to make improvements and that improvements will be implemented.

Was that process a publicly announced one?

**Ms Essex**—No. That is part of the ongoing policy process.

**Senator HUMPHRIES**—Is there any sort of pattern here of policy with respect to the recommendations of committees to which previous governments have reported? There is also a report on *Lost innocents*. Is the government going to look at that and revise responses to that report?

**Ms Essex**—The department of immigration has the lead on the *Lost innocents* report within the Commonwealth, so they would be able to answer what is happening in that regard. The statement in the submission was simply to indicate that there had been a response and we thought the committee would be interested in the fact that further work had gone on since that response, which was relatively recent work. My understanding is that we were asked specifically

to address whether any additional information was available as to progress from the government's last response.

**Senator HUMPHRIES**—Indeed, we are grateful. Given that the original report was a unanimous report, we would all have been disappointed by some of the positions taken by the former government, so I cannot pretend that I am not pleased that these issues are being looked at again. I am just wondering whether this connotes that there is a policy in place in the government to review recommendations of committees that the former government responded to, or is this just a one-off?

**Ms Essex**—I do not think there is an intention to indicate that at all.

**Senator HUMPHRIES**—Indicate what?

**Ms Essex**—That there is any kind of policy to review recommendations. It is simply an explanation that there has been some recent work in this particular area.

**Senator HUMPHRIES**—You indicate that the government is currently working with key stakeholder groups and several government members in both the house and the Senate to progress matters further. I am pleased to hear that. I again note that this was a bipartisan report and there was support of all the recommendations by all of the members who took part in the inquiry, not merely government members. That is a piece of commentary that you might take back to the minister when you are considering that matter. I wanted to ask about the framework for protecting Australia's children. You state:

The Framework will be practical and will aim to ensure nationally consistent approaches to the protection of children and the services needed to support victims of abuse.

Obviously that connotes a level of cooperation with state and territory governments about how this would work. What can you tell us about this process, such as how long has it been going on, what stage has it reached, and when do you think we might have some outcomes from it?

**Ms McKenzie**—The development of the national framework for protecting Australia's children has been something that has been progressed through the Community and Disability Services Ministerial Council at the request of COAG. There have been a number of items that have gone to COAG over recent meetings, including information sharing to enhance child protection, particularly child safety. We are expecting that COAG will be able to consider a child protection framework early in 2009, which was their decision on when they wanted to do it.

**Senator HUMPHRIES**—Is it anticipated that process would lead to state, territory or federal governments changing laws so that there is a level of alignment between the framework that is provided for the protection of children?

**Ms McKenzie**—The exact content of the national framework has not been finalised in negotiation between the Commonwealth and the states, so I am really not at liberty to be able to discuss that.

**Senator HUMPHRIES**—I appreciate those answers. What you are saying to us is that there is some review going on of the government response to the recommendations of the earlier Senate report. They have not been finalised so we cannot ask you about those. You have a framework, which has been worked out, but you have not got to a stage where you can tell us about that, either. You have listed the responses to the *Forgotten Australians* report, but for virtually all of them you simply refer to FaHCSIA not being aware of any further action, or you describe other processes which are known to us already. It is hard to ask many questions of you because I really do not have much to work with in that respect. I would say that I welcome a focus on coordinating and developing a stronger framework for the protection of children. We have had some very exciting things happening in places like South Australia, which I think are worth picking up and using as a model. I assume there will be an opportunity in estimates or other contexts to ask you questions when that framework is fleshed out, but for the moment there is not much else I can ask you, so thank you.

**CHAIR**—Senator Boyce.

**Senator BOYCE**—I wanted to initially go forward to your tables where you talk about funding the Australian Research Council to assist several Victorian based organisations to undertake a study on children and adolescents who formally lived in foster or institutional homes.

**Ms Essex**—Can you help me with the page number please?

**Senator BOYCE**—I would if I could. There are no page numbers.

**Senator HUMPHRIES**—It is the second last page before the table.

**Senator BOYCE**—It is the second last paragraph of the second last page before the tables. The last sentence of your submission reads, ‘The Australian Tax Office has ruled ...’ If you go to the page prior to that—would it help if I just read it out to you?

**Ms Essex**—That would be very helpful.

**Senator BOYCE**—It states:

In response to elements of Recommendations 12, 37 and 38, and to acknowledge the ongoing need to help uncover lost and incomplete personal histories, the Government has provided an Australian Research Council grant to assist several Victorian based organisations undertake a study on children and adolescents who formerly lived in foster or institutional homes. This project is providing information to people who have been in care, offer a history and set of resources to people currently in care, and inform current organisations on best practice models.

**Ms Essex**—Yes.

**Senator BOYCE**—I understand the money has gone to look at Victorian based organisations. Is it only to study children in care in Victoria?

**Ms Essex**—It is a localised project. My understanding is that was the project methodology. It was funded in this particular location. There is a range of reasons why you would do a location

based project, including access to participants in the project, resources and confining it to the issues of a particular institution or set of institutions, bearing in mind that state regulations and state experiences vary from state to state. My understanding is that it was a desire to have that kind of methodology that led to it being only about Victorian participants. It was not funded on the intention that it should only be Victoria. I can get you some more details about the participants and outcomes of that project.

**Senator BOYCE**—Is that project still ongoing, or is it completed?

**Ms Essex**—I will need to check that.

**CHAIR**—I will just break in. We have a request for filming from SBS and they also work for ABC and others. SBS has been following this committee around. Is there any problem with that? No. Go ahead.

**Senator BOYCE**—I am wanting to get to when we might expect outcomes from this project and how they might be made useful to other organisations in the area?

**Ms Essex**—To give you a full answer to that it might be most helpful if we took it on notice.

**Senator BOYCE**—That is fine. Ms McKenzie, during your opening statement you spoke about encouraging state governments to fulfil their responsibilities in regard to the Lost Innocents. Could you tell us what that encompasses? What has been done in terms of encouraging state governments?

**Ms Essex**—I can answer that for you, if that is acceptable.

**Senator BOYCE**—That is fine.

**Ms Essex**—There is a range of processes within government that are used to encourage progress on particular issues. We have regular discussions with our state and territory colleagues about these issues.

**Senator BOYCE**—What do you mean by ‘regular discussions’?

**Ms Essex**—I can get the exact frequency for you on notice.

**Senator BOYCE**—Is this some sort of departmental officer—

**Ms Essex**—No. It is officer-to-officer communication, which is the way these things normally progress. There is an officer in my branch who has issues relating to the Forgotten Australians as his primary focus. So he maintains contact with state and territory departments. He maintains contact with the relevant stakeholder organisations and keeps a watching brief over what is happening; for example, in memorials or counselling, what facilities are available to particular Forgotten Australians and what options they might be able to pursue in relation to each state and territory.

**Senator BOYCE**—By ‘options’ do you mean services that are available?

**Ms Essex**—Services that are available, which, I understand, varies from state to state.

**Senator BOYCE**—Do you have an overview of that?

**Ms Essex**—We have an overview of that.

**Senator BOYCE**—We might send hundreds of people to talk to your officer. If someone understands it, that is great.

**Ms Essex**—What we could do is provide for you, on notice, a summary of the process that we undertake to ensure that we maintain contact with the states and territories.

**Senator BOYCE**—Also, could you give us an overview of the services that are available in each state?

**Ms Essex**—We can give you an overview of what we are aware of.

**Senator BOYCE**—Thank you. The other question I had was also about what a particular phrase means. You spoke about the Forgotten Australians being a ‘priority group’ within the next funding round for PHaMs. What does being a ‘priority group’ get you?

**Ms Essex**—I understand that the next funding round for PHaMs has not been finalised. Let me talk about why Forgotten Australians would be a priority group for PHaMs. The department is aware that Forgotten Australians and Australians who leave institutional care are significantly represented in those people who access and use the PHaMs service. The feedback the department has received is that they have particular needs in relation to services. Priority groups are about those groups being able to access the appropriate services. My understanding is that the department also has feedback that Forgotten Australians and people leaving institutional care benefit from the Personal Helpers and Mentors Program. It is about ensuring that the right people get the right access to the right program at the right time.

**Senator BOYCE**—If I were a Forgotten Australian I am more likely to get funding from PHaMs than otherwise?

**Ms Essex**—You are likely to get an appropriate response for your particular issues.

**Senator BOYCE**—I am trying to tease out what you might get if you are a priority group that you would not otherwise receive? It is all very well to say someone is a ‘priority group’, but as a recipient of a service would I have a sense that people were prioritising my needs?

**Ms Essex**—You would have a sense in two respects. One is that we would not link you up with a service that was likely to cause difficulty for you because it was linked to the previous institution that you had lived in, for example. That is a very important thing for people. We will get some advice from the relevant policy area in our department about what priority access group means in this particular context and we will provide that to you on notice.

**CHAIR**—I have been following the PHaMs program closely and I have not seen anything on the website that identifies care leavers. I may not have seen the appropriate stuff, so I am really

interested to get from the department any information that clearly identifies care leavers as being a particular group that is being looked after by PHaMs. Also, your opening statement commented on the consultation that had taken place with organisations. I would like to get details of that as well.

**Ms Essex**—We will provide that for you.

**CHAIR**—I have just been through your website and I cannot see anything.

**Ms Essex**—We will raise that with the relevant area.

**CHAIR**—A huge issue with people was that they could not find themselves in the white paper on housing and yet what we see in the white paper on housing is young people leaving care. That is absolutely true.

**Senator BOYCE**—And a focus on preventing homelessness.

**CHAIR**—I have heard about homelessness in the PHaMs program, but what this group of people are saying is that they have a sense of identity as being people who were affected by care in the past; they are not young people leaving care, per se. I am interested because I think it is a natural thing, and I cannot find it. I would like to see where the department has actually used a strategy of identifying this group and engaging with them.

**Ms Essex**—We will provide that on notice.

**CHAIR**—Thank you.

**Senator BOYCE**—I asked questions earlier in regard to a point you just touched on, which is the number of people who have serious concerns about being confronted in any way by organisations that are somehow associated with the previous institutions; for example, perhaps having a Salvation Army counselling service when they were in a Salvation Army home. You mentioned one way that you are trying to assist people in that area. What else is happening in that regard?

**Ms Essex**—I do not have policy responsibility for the PHaMs program in terms of the detail.

**Senator BOYCE**—I am not being specific.

**Ms Essex**—In relation to Commonwealth government programs, by providing a diversity of providers and choice of provider—allowing people to choose the provider that they access—we hope to give people a range of choices that allows them to choose a suitable provider and a suitable range of services. It is important to recognise that Commonwealth funded services also work with state and local government funded services, and some services that are funded by the third sector. It is important to see those services as a whole that are available to people.

The Commonwealth has an investment in services in the broader family relationships and family support space. That is very much about all people, but with a focus on people who have particular challenges in either their relationships, their access to the community or perhaps in

money management. There is a range of programs that are funded that aim to support people in a range of different ways. Those programs are not restricted to any one provider. In a geographical location, using the combination of state and local government services—Australian government services and other services, we see that there is a variety of choices open to most people. There are geographical areas in which that might not be the case. For example, it is difficult to have choice and multiple providers in some rural and remote areas, but wherever possible we seek options for people.

**Senator BOYCE**—We also had evidence this morning from Families SA that they had great difficulty in getting help organisations, for want of a better word, other than church organisations to set up in South Australia. Have they approached you at all about assistance to get some non-religious ones?

**Ms Essex**—Not to my knowledge, but there are some non-religious providers.

**Senator BOYCE**—I realise there are. They are saying that in South Australia they have problems in getting people to set up in Adelaide.

**Ms Essex**—We would welcome a discussion with them to see if we can assist them in any way.

**Senator BOYCE**—Ms McKenzie, you raised in your comments the changes proposed to the Freedom of Information Act. What would these mean for the Forgotten Australians in terms of their ability to access information?

**Ms Essex**—I can answer that. One of the things that Forgotten Australians speak about regularly is the difficulty of accessing their own records, or records that are relevant to them, particularly in relation to siblings, their history and their identity. Our understanding is that the changes proposed to the freedom of information laws may make that process simpler for them, less costly, and give them better access to government records. We are continuing to work with our colleagues who have responsibility for that legislation to better understand how that might be useful and to provide that information.

**Senator BOYCE**—How would it be simpler?

**Ms Essex**—I do not have the detail in front of me, but I am happy to give you some information on notice.

**Senator BOYCE**—I will ask this question, although I suspect I already know the answer. Would this affect access to information in the records held by non-government agencies?

**Ms Essex**—My understanding is that the Freedom of Information Act would not do that. There may be certain circumstances in which the Privacy Act is of assistance, but the Attorney-General's Department and the Prime Minister's department would be a better place to provide assistance on that.

**Senator BOYCE**—I was musing earlier with some of the other members of the committee as to why DIAC continues to have responsibility for the Lost Innocents, the child migrants group.

Have any discussions taken place as to whether the responsibility for that area should be switched over to FaHCSIA or not?

**Ms McKenzie**—I am not aware of any discussions like that.

**Senator BOYCE**—The other concern that is evident from the evidence that we have taken to date is that there is no one organisation that appears to have the responsibility for overseeing how well the Commonwealth, the states, church agencies and other institutions are performing in terms of even adhering to the recommendations that have been made or responding in any way to the recommendations. Has that issue been raised with the department?

**Ms Essex**—No. To my knowledge it has not been raised with the department.

**Senator BOYCE**—Not by any of the groups?

**Ms Essex**—I am happy to go and check to see if it was before Ms McKenzie's or my time, or if it has been raised with more junior officers and we are not aware of it, but we have no personal knowledge of it.

**Senator BOYCE**—What would your view be about a process for overseeing progress from all of the organisations that are involved?

**Ms McKenzie**—At this stage I do not think that we would have a view.

**Senator BOYCE**—I thought that might be what you would say. Thank you.

**CHAIR**—I asked someone earlier these questions. It is about the graphic you provided with the updated responses to all of the recommendations. I was particularly interested in the ones that said that it had been discussed between states. Queensland had a template and we were waiting to see what was happening. It is recommendation 22, which says that jurisdictions were to complete a template and that it was going to go to Queensland and they were not aware of any further action. The witnesses from South Australia said that they believed that they did provide information to that process. There was another one with exactly the same process where a copy of it had gone to Queensland and we were not aware of what was happening out of that.

**Ms Essex**—We are happy to review the *Hansard* and clarify those things for you.

**CHAIR**—It is 18. It is exactly the same thing. Obviously, when these recommendations came out there was some action taken to look at interstate coverage of care leavers, which was an incredibly sensitive area. That was 22 and then 18, which was clearly about access to information. Both of those things indicate that there was some action. Disappointingly, that the attorneys-general did not take up the discussion, but certainly some work had been done and I was wondering what had happened to that.

The other one is recommendation 39, about tertiary institutions, where we are looking at particular training. I think we had spoken with Professor Scott in South Australia during the inquiry. We definitely had discussions with people about that. The chair had been very recently appointed when we had these recommendations and it seems that there was going to be some

discussion between the government and the chair. It was put off because of a personal issue, but we do not know what happened after that.

**Ms Essex**—I will take on notice to give you an update on what has happened in relation to that.

**CHAIR**—That would be useful. The other thing I want to talk about is AFA, the funding for AFA and the role of AFA. Whilst there have been particular issues about funding generally from the evidence we have had in the submissions, the fact that the department did have the inaugural conference and that AFA came out of that conference, my understanding from reading minutes was that the call for AFA was actually something that the people who had attended the conference had agreed on, which was a very positive move. My understanding is that the ongoing role and funding of AFA is, at this stage as with most budgetary things, only until the end of this financial year.

**Ms Essex**—Yes.

**CHAIR**—It would be part of an ongoing response whether that would continue with funding and its role as an advocacy group, not a service provision group?

**Ms Essex**—We are not in a position today to be able to give you an answer on that.

**CHAIR**—The other issue is consistently about calls for funding for CLAN. In your submission you said the original money was given around the time of the report. I remember that. It was 2004. Even before the recommendations were put forward there was funding given to CLAN to keep it going. There has been one further injection and then one very recent injection. That seems to be stimulant funding rather than ongoing funding. Is that how the department would see it?

**Ms Essex**—My understanding is that there have been two types of funding available to CLAN. One has been in relation to particular projects, particularly around dissemination of information to care leavers, and some funding has been around supporting the ongoing, more reactive work that CLAN undertakes. We continue to discuss their needs with both CLAN and AFA, and continue to be engaged in conversation around that. We would certainly be always open to discussions with those organisations about their funding needs.

**CHAIR**—The other issue was from other groups that feel that at times the only Commonwealth funding is going to CLAN and that there is a range of organisations that work in providing support, counselling services and those kinds of issues to care leavers. Particularly in evidence yesterday there was some concern that it was focusing the funding into one area without calling for tenders and without having an open availability of organisations. It is the difference between acknowledging one group as a national group, which they claim to be. There are differing opinions from some of the evidence that we have had but, nonetheless, CLAN is the group that has the highest profile. But there are a number of them and there were suggestions made that if you are looking at funding support services for people who are care leavers then it needs to be clearly identified and open that a number of organisations are able to put themselves forward. That has not happened until now, has it? My understanding is that the CLAN funding has not been part of the tender process.

**Ms Essex**—I will need to check, particularly around the communication project funding, because I was not in the department at the time.

**CHAIR**—If you could get that clarified it would be very useful. Thank you very much.

**Proceedings suspended from 2.44 pm to 3.13 pm**

**HOBDAY, Ms Una, Manager, Adoption and Permanency Services, Department of Health and Human Services**

**JACOB, Ms Alison, Deputy Secretary, Human Services, Department of Health and Human Services**

**WAGNER, Ms Leica, Manager, Child Abuse Assessment Team, Department of Health and Human Services**

*Evidence was taken via teleconference—*

**CHAIR**—It is Claire Moore here. In the room I have got Senator Gary Humphries from the ACT and Senator Sue Boyce from Queensland. We have your submission. As you know, as a public servant you will not be asked opinion on government policy. We will try to keep to that. We always make that statement and then we ask you questions that are particularly your opinion on government policy, but you do not have to answer them.

**Ms Jacob**—I appreciate that.

**CHAIR**—Do you have an opening statement?

**Ms Jacob**—We would like to emphasise the fact that Tasmania, particularly in relation to the Forgotten Australians, has tried to implement many of the recommendations of the original report. We are now in our third round of applications for ex-gratia payments. We have also made a commitment recognising that there would still be some people who, for whatever reason, have not made an application during the first three rounds of compensation. The government has also established a trust fund that would allow an ongoing process for any person who subsequently comes forward to be able to have an application dealt with according to the same processes, although those payments would be capped at the average payment that has been made up to date, which is \$35,000. I thought it would be useful to update the committee on that.

I would also like to emphasise that the memorial that was unveiled by our minister in November last year, which is a rose garden at our botanical gardens, has been a very successful recognition of the pain and suffering of Forgotten Australians. Certainly, the feedback that we have had is that gesture, if you like, of providing that memorial as a contemplative place for people to go if they want to just see the garden or they want to see this memorial, it is up to them, but that it has been a very suitable memorial to those people. We just wanted to acknowledge the contribution of the Australian government to that as well.

**CHAIR**—Thank you.

**Senator HUMPHRIES**—In your submission you do not provide a lot of detail about the way in which your redress scheme works. You said that you are capping payments to \$35,000. Is that the previous average payment?

**Ms Jacob**—I should clarify that. I probably skipped over it too quickly. At the moment we have a third round of applications being processed, but applications for that round closed on 31 July in 2008. We are in the process of assessing those claims, and those payments will be made according to the independent assessor's assessment of what those people might have a claim to. Recognising that there might be people who did not apply, the government has established a trust fund for dealing with any subsequent claims which might come forward, and those claims will be capped at \$35,000.

**Senator HUMPHRIES**—Was it the government's original announced intention to have three rounds of applications for this process, or has that been an ad hoc decision that has been made as time goes by?

**Ms Jacob**—It certainly was not the original intention to have additional rounds. I suppose what it heard was that applicants continued to come forward after the rounds had been closed and the government was persuaded by their legitimacy and thought that in the interest of fairness and equity they really needed to be able to offer a process for people who might have not have heard about the initial round for some reason.

We are also aware that there were some people who had been either out of the country, in hospital, prison or whatever else. There were some very good reasons for allowing people who may not have known about the first rounds to then come forward. One of our learnings has been that, however widely you publicise such programs and however many claimants you might have, it always seems that there are more there who will come to the fore when that process has finished.

**Senator HUMPHRIES**—Indeed. That is a quite likely experience to be replicated in other places. It leads me to ask that if for some reason a national reparations or redress scheme were to be adopted, as was the original recommendation of this committee, I presume that there is some potential for Tasmania to participate in that on the basis that, firstly, it would deal with states where there has not been a redress scheme and, secondly, deal with that mopping up exercise in the states that have had a scheme but where people have come forward later who might not have known or had a good reason not to approach the government about the grant.

**Ms Jacob**—That is a difficult one for me to comment on. The only response I could really make to that is that we now have in place a continual process, if you like, for being able to take applications from people who may have missed out in official rounds. In a sense, to use your words, we already have in place a mopping up process that will continue to exist.

**Senator HUMPHRIES**—Who can apply under your scheme? Is it the people who have only been in state care? Can it include people who have been in care of non-government organisations? Does it include child migrants? Does it include children of the stolen generation?

**Ms Jacob**—I will ask Ms Wagner, who is the manager of that program, to answer that question because she can do that in a more detailed way than I can.

**Senator HUMPHRIES**—Thank you.

**Ms Wagner**—The answer to your question is yes. We look at cases of migrants, children who have been placed in non-government, in particular church-run organisations, and other institutions. However, we would only look at those cases where those children were placed there by the state. The underlying criterion is that they were placed in state care. The state may then have put those children into one of those institutions.

**Senator HUMPHRIES**—I assume that means that, as you have had these various rounds of applications open in Tasmania, people have come forward who have been placed in care voluntarily by parents or relatives or who otherwise do not fit the criteria where you have had to say, ‘I am sorry, but we can’t entertain an application from you.’

**Ms Wagner**—That is correct. Children that have gone into those institutions under what we call a private placement were often the avenue that they would find themselves in, and they would not be eligible under our scheme.

**Senator HUMPHRIES**—These are the sorts of gaps that a national scheme might be able to pick up. Do you also provide services to people who have been in care through state government agencies that are on an ongoing nature and do not hang off making a grant of redress to those individuals?

**Ms Jacob**—We do have an ongoing process which we call our After Care Support Program, which is run out of our Department of Health and Human Services. It really does provide for file review, an initial capacity for any applicant to be able to see their file, to be walked through the information in their file and to be referred on for counselling and support if that is deemed necessary. Obviously, that does not involve any ex-gratia payment.

**Senator HUMPHRIES**—Do you provide a service to help care leavers obtain access to records in either non-government hands or in government archives?

**Ms Jacob**—Yes, we do provide that service.

**Senator HUMPHRIES**—Is that in the nature of advice or is there a streamlined access pathway to government records? Is it only online? How does that work?

**Ms Jacob**—Is it all right if I ask the manager of the service to answer that question?

**Senator HUMPHRIES**—Yes, it is.

**Ms Jacob**—Ms Hobday can answer that question.

**Ms Hobday**—Our After Care Support Program works in two ways. First of all, for people who are 19 to 24 we have support for them after they have got their Commonwealth grant, and that support can go to some funds up to \$2,000 for them to be able to access education and training that maybe they did not want to access when they first left care. For those who are older, after 24, we can search their records for them. We can try to find family members, if that is what they want. We can give them copies of their full records. We can talk them through the kinds of differences there were in communities at those times, which seems to be the thing we do most. We talk to them about what it was like in the sixties and seventies for families, so that we put

their file into context, if you like. Then we offer them opportunities to go and get more thorough counselling, if needed, through a raft of psychologists or counsellors around the state.

**Senator HUMPHRIES**—These are people who offer a support service to care leavers to help them fish out information in the files and generally provide them with some guidance and counselling?

**Ms Hobday**—Yes. Our staff does that fully, whether you are in the north, south or west, so all of their information will be received from us, but any ongoing support they would need to be purchasing through counsellors outside our staff.

**Senator HUMPHRIES**—Is that support to people in all kinds of care, or only those that were referred by the state into care?

**Ms Hobday**—Yes, for those who have been referred by the state into care.

**Senator HUMPHRIES**—Do you know if equivalent services are provided by non-government organisations and churches of the same general nature?

**Ms Hobday**—If they were referred to care through Centrecare then they are, but I am not sure about other agencies.

**Senator HUMPHRIES**—Centrecare is the Catholic agency.

**Ms Hobday**—Yes.

**Senator HUMPHRIES**—Roughly how many homes for children were there in Tasmania in the twentieth century?

**Ms Hobday**—I am trying to get an assessment of that.

**Senator HUMPHRIES**—I do not need an exact figure. An approximation will do.

**Ms Hobday**—Probably 10 or 12, with some very small group homes as well.

**Senator HUMPHRIES**—We did have some evidence in Victoria, which I must say was in the nature of hearsay and was not very clear, so you might not be able to respond to it. We were talking about access to records. Someone made the assertion that in Tasmania there was particular difficulty with care leavers being able to access their records, with some point blank refusals to make access available. It sounds as if this might have been access to non-government records. Are you aware of concerns expressed by care leavers about getting access to their records in relation to any agencies that are or have been in Tasmania?

**Ms Jacob**—Yes. We are aware of some concerns. I might ask Ms Hobday to respond to that.

**Ms Hobday**—We have had that said to us, but if someone came to our office we would enable them to access their records, and always have done that. Sometimes people go to the wrong

place or they are not sent to the right place by other communities. Certainly, in the last two years or so I have not heard that complaint at all.

**Senator HUMPHRIES**—Are you saying that it is not a big issue in the care leaver community down there?

**Ms Hobday**—No, not at all.

**Ms Jacob**—I would have to say that as deputy secretary who would normally see any complaints or any of those issues or concerns that came through any channel, I am not aware of anything that has come through officially in that regard.

**Senator HUMPHRIES**—Are you aware of people attempting to use the FOI system to access records or some other means of accessing records about not necessarily themselves but siblings who might have also been in the care system and who have been denied access for privacy reasons? If so, is there any consideration being given in Tasmania to amending your FOI legislation to provide an exemption for people in those situations who are seeking identifying information about their own past?

**Ms Jacob**—Again, I am not aware of any particular examples, but that is not to say that they did not occur. I can say that there is no current proposal for a specific amendment, although I am aware that there is a general review of our FOI Act being undertaken at the moment. It is possible that issue might be raised during that review.

**Senator BOYCE**—If a complaint was brought to you about a non-government agency that was not willing to provide information, what would the department do?

**Ms Jacob**—That is a good question. Given that has not occurred, to my knowledge, I am not sure what our channel would be. I assume that we would contact the non-government agency and just see if there were any particular issues that could be resolved and to try to provide some negotiation on behalf of whoever raised it. At the end of the day it would really be up to that non-government agency and whatever rules governed their processes.

**Senator BOYCE**—We are seeing that as part of the problem, that it is unfortunately up to those individual agencies. Are you saying that to the best of your knowledge that situation has never occurred in Tasmania?

**Ms Jacob**—I am saying that it has not been brought to my personal attention. I am not aware of that. Obviously, I would not be privy to any complaints or issues that might have been raised with non-government agencies. That simply would not come through my office.

**Senator BOYCE**—Thank you.

**Senator HUMPHRIES**—Thank you very much indeed.

**Senator BOYCE**—Perhaps I could follow up on that. You said the information about non-government agencies and their dealings with people does not come to your office. Is there any

mechanism whatsoever within the Tasmanian government to oversight what happens with regards to people approaching non-government groups?

**Ms Jacob**—Ms Wagner might have a comment on that.

**Ms Wagner**—I was going to make a comment in relation to claimants under our current process. If we have a claimant under our current round that comes forward and wants to access information which might include a mix of state government welfare files and/or files from outside organisations, we will work with them to assist them in getting access to the forms, help them to fill out the forms, or even on occasion write to the organisation on their behalf. We do that on behalf of people that come to see us.

**Senator BOYCE**—In your view how would you characterise the response of the outside organisations?

**Ms Wagner**—It has generally been reasonably good to date. My sense of it is that organisations vary in the extent to which they retained information. As Ms Hobday said, Centrecare, the Catholic organisation, seemed to have kept reasonably good records, but other organisations, particularly when you are talking about non-government or community based in the broad, the information is very patchy and often not kept. We had one example where we understand some records of a former home may be kept in someone's garage. It is really the nature of those organisations in the long run.

**Senator BOYCE**—Who are the major players? You have mentioned the Catholic Church and Centrecare. Who are the other major non-government players in Tasmania?

**Ms Wagner**—The Salvation Army is another big organisation down here that were involved in a number of homes. We work with them through their regional offices in Victoria to get access to information. We also have contact through the Church of England as well to some of their former orphanages. They have been quite helpful as well. We have links and are able to help people in that. My sense is that the information that is kept by many of those organisations is simply not as comprehensive as that kept by the state.

**Senator BOYCE**—Would your view be that organisations are being as helpful as they are able to be?

**Ms Wagner**—Yes.

**Senator BOYCE**—I am going through your submission. You talk about the reparation processes carried out for the Lost Innocents. Can you tell us what that reparation process was? We have the information here about the memorials, accessing files and so on. What else was involved and how many people benefited?

**Ms Jacob**—I will ask Ms Hobday to address that one for you.

**Ms Hobday**—It was interesting in that we advertised this in all of the newspapers as well as all of the tiny newspapers in towns. We advertised it through churches and school communities. The uptake was not large. I do not have the file with me, but we had about 48 or 49 people. Of

those people, some found a few more of their friends who were in homes, but a lot of people did not come forward because they either did not want to remember that time or felt that their time was good. There were quite a few people who told us that they actually had a good time and it was good for them to have been brought out.

**Senator BOYCE**—Do you know how many child migrants were sent to Tasmania?

**Ms Hobday**—It is 365 in total, but a lot of those child migrants are no longer in the state. In fact, we advertised as well in Western Australia, Victoria and New South Wales. When the memorial was dedicated we had some people travel down from New South Wales and across from South Australia to that memorial dedication.

The second part of that process was for those who had not got their files; we assisted them to receive the files that we had. Some of it was fairly scant, depending on where they came from and what home they went to, but most people managed to find something about their families. For some of them we helped find families in conjunction with the British scheme and some went home to Britain and met up with families.

**Senator BOYCE**—Did the Tasmanian government contribute in any way to that travel?

**Ms Hobday**—No, I do not think so. It was the British government travel scheme that we hooked into.

**Senator BOYCE**—We also had evidence from the Child Migration Trust who were administering a travel fund that was funded by the federal government, with some input to the trust from some state governments. Has the Tasmanian government contributed to the Child Migration Trust in Australia?

**Ms Jacob**—We are not aware of any contributions.

**Senator BOYCE**—Are you aware if you were ever asked for any contributions?

**Ms Jacob**—No, I am sorry, I am not aware. We could take that on notice.

**Senator BOYCE**—If you could try to check that out, that would be good. Are there any other funds provided to people under the Lost Innocents process?

**Ms Hobday**—There were no other funds provided. It was mostly in-kind support. We have one family that, at odd times, is still coming to see us and we will be available for them and their families for the rest of their lives, but no finances.

**Senator BOYCE**—I note that you say that the number of child migrants contacting the department has dwindled significantly in recent years. We had evidence this morning pointing out that you have an ageing population and that the people who could relatively easily find their families did so in the first few years, but that there will be an ongoing number of people who are going to keep searching. In fact, in some cases they have been looking for their families for 15 years or more. What will the Tasmanian government do to assist people who might—and as you say in quite small numbers—find family or evidence of family in the coming years?

**Ms Hobday**—We can support them to look for family overseas; we can support them with that knowledge, but we have no financial basis in which to enable them to travel back and do those kinds of things. We write letters for them sometimes and give them that kind of help.

**Senator BOYCE**—Who do you think should be responsible for funding their travel?

**Ms Jacob**—I do not think that is something we can comment on. I can just give you one more bit of information. In relation to the abuse in care ex-gratia payment program, we do know that in the second round of that program 13 of the claimants were British child migrants, so they would have had compensation through that process.

**Senator BOYCE**—I was going to ask questions around the Forgotten Australians about your ex-gratia payments. Some child migrants in the second round received payments.

**Ms Jacob**—Yes. There were 13 in that round and, because we are still processing the applicants for round 3, we do not know. So far we think there are at least two who have applied.

**Senator BOYCE**—I was going to ask you about what you call the review process for the Forgotten Australians. As you said, you are up to the third round. Can you give us some details on the first two rounds: how many people and how much money?

**Ms Jacob**—Yes, we can. There was approximately \$24 million allocated. Under rounds one and two there were 878 claims received and, of those, 686 received a payment. As I said, the total of that was approximately \$24 million.

**Senator BOYCE**—Was the \$24 million allocated expended?

**Ms Jacob**—Absolutely.

**Senator BOYCE**—We have just on 200 who were not accepted. Is that right?

**Ms Jacob**—Yes, it is approximately that. There were 878 claims and 686 received a payment.

**Senator BOYCE**—Could you tell us why those claimants were refused?

**Ms Jacob**—I will ask Ms Wagner to address that for you.

**Ms Wagner**—There were a number of reasons. The primary reason for many of the claimants who were not eligible under the process is because they were privately placed in those institutions. We also have an age criterion that claims need to meet; a number of claimants were not eligible for that reason as well. Very few—but some—were found not to have a case to answer.

**Senator BOYCE**—By which you mean they had not actually been in care?

**Ms Wagner**—Yes, or they were claiming for some place that was outside the network of approved children.

**Senator BOYCE**—Is that outside the criteria?

**Ms Wagner**—Yes.

**Senator BOYCE**—In what way? Could you explain how?

**Ms Wagner**—For example, there are a number of claimants who were placed in holiday camps; they were not in out-of-home care. They were in temporary arrangements, like holiday care.

**Senator BOYCE**—Did they live with a family, went on a holiday camp and were abused whilst at the camp?

**Ms Wagner**—Yes.

**Senator BOYCE**—We also had evidence in a couple of places about the difficulties that people had if they had moved interstate since they were in care. Can you tell us how many people from interstate or overseas were included in the 686?

**Ms Jacob**—Yes. I am not sure that we can in the first two rounds.

**Ms Wagner**—I would need to work out what the exact figures are for the first two rounds, but I can tell you in relation to the current round.

**Senator BOYCE**—Yes, that would be fine.

**Ms Jacob**—I will read those for you. The figures we have relate to 994 claims in the third round. Of those, 788 are from Tasmania; 68, Victoria; 47, New South Wales; 55, Queensland; 12, Western Australia; three, ACT; and three from overseas.

**Senator BOYCE**—The number of applications for the third round is equal to the total of the first two rounds. Is that correct?

**Ms Jacob**—Yes. In fact it surpassed it. It was over 1,000 by the time that it closed.

**Senator BOYCE**—That is interesting that the numbers are going up. Are people finally becoming aware of what is available and finally feeling that they have the right to speak up?

**Ms Jacob**—It is a difficult thing to assess. We made every effort that we possibly could to advertise through every possible channel, and we think that possibly meant that more people were made aware of the program. It is also possible that simply word of mouth and relatives of initial claimants who knew that a particular relative had received a payment then came forward. It may simply be that people just thought that they were emotionally and psychologically capable of coming forward at that time. It is really difficult to know. It is certainly true that the third round surpassed the first two rounds, and we have had more since it closed.

**Ms Wagner**—There have been 114.

**Ms Jacob**—Yes, 114 have come forward since the third round closed.

**Senator BOYCE**—Would this be a fairly unusual reaction to first, second and third round type grant applications? I am trying to think of another situation with presumably a finite sized group where you would get increasing levels of application rather than dwindling levels.

**Ms Jacob**—It surprised us as well on one level, but we also flooded the advertising, in terms of really trying to reach as many people as possible because we did not want to have to do another round; we really wanted to make sure that we had reached as many people as possible. It is very difficult for us to know whether or not it was simply that people had prepared themselves psychologically or emotionally to come forward and maybe were not prepared to do that in the first two rounds. It is just not possible to know that.

**Senator BOYCE**—It would be very interesting to know. It may follow other abuse type situations where the fact that one or two people are prepared to speak out validates a person feeling that it is acceptable for them to speak out, especially when perhaps they have quite low self-esteem and have not been used to people listening to what they have got to say.

**Ms Jacob**—That is probably true. It is also probably true that they would have had contact with people who did receive a payment in the first two rounds and recognised that it was actually a genuine process.

**Senator BOYCE**—My next question was going to be a qualitative one, too. We have taken evidence in a number of places from people in the Forgotten Australians cohort about how beneficial they find the existence of what you call a review process. Could you comment on how people who have received your payment and found out their stories and so on have responded to the existence of this program?

**Ms Jacob**—I will comment first and then I will ask Ms Wagner to comment. My comment would be based on the response to the rose garden memorial where we invited a lot of people who had been recipients of our program to attend that dedication. It would be fair to say that there was a mixed mood, but a number of the recipients indicated at that time that they felt that at least they had been heard and, to some degree, the validation of their suffering was a comfort to them. That is not to say that there would not be a proportion of people who, regardless of whether or not there was a program, continue to feel extremely hurt, angry and upset about what has happened to them, and probably for good reason.

**Ms Wagner**—Our current oldest applicant was born in 1926, so we have had some people who come through the process who are getting fairly elderly and in some cases they are telling us their stories for the first time. It has been a great comfort for them that finally someone has listened and acknowledged what occurred to them as children. We have our fair share. We have our mix. We often see people who have travelled through different routes through their lives, through the justice system, and remain very angry and bitter at what happened to them as children.

**Senator BOYCE**—I have come to the view during this inquiry that it seems unfortunate and probably unacceptable that there is no organisation that is currently overseeing what is being done to assist people in the areas of both the Lost Innocents and the Forgotten Australians by the

federal government, state governments and especially the non-government organisations who were initially responsible for some of the problems in these people's lives. Is this an issue that the department has looked at and do you have a view on how that might take place?

**Ms Jacob**—The only comment that we would really want to make is that any of these programs are immensely complex. I would have to say that establishing the programs down here has been complex; that is the word I would use. There seem to be so many things that you have to sign off on; you have to think through; you have to employ the right mix of staff; you have to ensure the independence of your assessment process; you have to be mindful of the politics and the different players. I suspect to have an oversight capacity that covered everybody who might have some claim of having been abused or some ill treatment or whatever across the whole of the country would be just so complicated and there would be so many people you would almost wonder whether it would be possible to do. I am only saying that from the point of view of just how much time, effort, money and staffing that it has taken us to simply do what we have been able to do for the cohort that we have dealt with.

**Senator BOYCE**—Nevertheless, I have the feeling that perhaps the churches are certainly not pulling their weight in a lot of areas regarding this, and that is partly because there is no-one looking over their shoulder making sure that they are doing so. Thank you.

**CHAIR**—Are you confident that the records that the Tasmanian state government keeps are accurate?

**Ms Jacob**—Anyone who has ever dealt with state government files, in terms of people who are our client group, would always have to acknowledge that there will be inaccuracies. We cannot ever guarantee total accuracy. In our assessment processes around the ex-gratia payments, the assessment process has taken a pretty liberal view that we do not rely on everything being evidenced in files, because if we did that clearly that would have been an unrealistic expectation of the file system. We work with the paper files the best we can, but we also take very seriously the story that the applicant tells us. It is that story that is assessed. We tend to err on the side of being as expansive as we possibly can in terms of what the person is telling us, rather than everything having to be validated by what is in the file.

**CHAIR**—Within the record area, which is a very sensitive area with all the evidence that we have received, is there special understanding of the needs of care leavers? Are there protocols in place with people who are going to the archives or going to the registry with requests about how to handle that?

**Ms Jacob**—Yes, there absolutely is. I will ask Ms Hobday to add something to that.

**Ms Hobday**—Through this process with the migrants and the abuse-in-care group we have learnt a lot about record keeping and certainly in years to come when people look at the records that are there I would be much more assured that they are accurate.

The second thing that we need to say is that there is a very solid protocol about who searches, what they search and how that search information is translated for other people. For the searching for files, for example, it is done by a small group of people who all sign a confidentiality statement. The files come up to our office and they are double locked in the office

before they are returned to archives. Everything is kept as securely as you could possibly keep any files. We do not give originals. We photocopy the files for people so that we have always got files. We have had a couple of instances where people were given files five years ago, moved and lost files, and we are able to go back in and get them another copy. We take our responsibility very seriously when it comes to searching of files and keeping the whole filing system confidential.

**CHAIR**—I am pleased to know that there is that protocol because it seems to me that anything that came out of the previous inquiries was that this is a special group of people who have a reliance on these files for their existence. Is there anything there in terms of the sensitivities of how you handle people who may or may not be totally confident about getting the information that is on the files?

**Ms Hobday**—I would guarantee that anybody who handles files in this state is competent to get the information. The comment that we must make is that, because the information is scant, I spend a lot of time talking to the staff about giving that information to the people in context of the day. Some of the words used in files are not words that we would perhaps use if we were writing a report today, but they are words that were used about people and for people in the context of the day. Our staff, and I know Ms Wagner's staff as well, feel very good at putting those files into a context before they are left with the people. We never send up a file and let them look at it; it is always shown to the people and put in context for them so that nowadays the file does not look like that.

**CHAIR**—That is really positive that that is in place. Does the Tasmanian government give any funding to CLAN?

**Ms Jacob**—Yes, we do support CLAN. You are going to ask me how much. I think it is \$10,000 per annum.

**CHAIR**—Is that ongoing funding of \$10,000 per annum?

**Ms Jacob**—Yes.

**CHAIR**—I think that is all. There are many other things that we could talk about. We have asked you for some follow-up information on some issues. The secretariat will be in contact with you to get the exact wording of what we have asked for. Thank you very much for your time. The committee is now adjourned until our next meeting, which is yet to be determined. Thank you to Hansard, the secretariat and also the people who have taken the time to listen in and watch the inquiry today.

**Committee adjourned at 3.58 pm**