



HealingFoundation

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Joint Standing Committee on Implementation of the National Redress Committee: Inquiry into the operation of the National Redress Scheme

Submission by The Aboriginal and Torres Strait Islander
Healing Foundation

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1. Acknowledgements

The Healing Foundation acknowledges Country and the Traditional Owners of the Lands on which we live and work. We also pay our respects to the Elders and Stolen Generations Survivors. We recognise the intergenerational trauma that remains and express our commitment and invite you to join us to build an Australia that can heal. We acknowledge all who will carry the healing spirit into the future.

We also acknowledge the women and children whose stories are behind the work of this inquiry, and the many families and communities who continue to fight for justice and healing.

2. About The Healing Foundation

The Healing Foundation is a national Aboriginal and Torres Strait Islander organisation that provides a platform to amplify the voices and lived experience of Stolen Generations Survivors and their families.

We work with communities to create a place of safety, providing an environment for Stolen Generations Survivors and their families to speak for themselves, tell their own stories, and be in charge of their own healing.

We promote trauma-aware, healing-informed practice to help government, policymakers, and workforces understand their role in intergenerational healing.

By addressing unresolved trauma in First Nations communities – trauma that was caused by colonisation and actions like the forced removal of children – we are walking alongside communities on the path to healing.

We are governed by a First Nations Board and Executive and guided in our work by our Stolen Generations and Youth Reference Groups.

Our work honours our First Nations ancestors to ensure our future generations can thrive.

3. Introduction

The Healing Foundation submits the following information to the *Joint Standing Committee Inquiry regarding the implementation of the National Redress Scheme*, with consideration to the barriers to access for Aboriginal and Torres Strait Islander people. As has been widely noted, a large proportion of Aboriginal and Torres Strait Islander applicants to the National Redress Scheme are likely to be Stolen Generations Survivors. The Scheme offers a mechanism for truth telling and reparations for many Stolen Generations Survivors, a process important to healing for survivors of abuse.

However, for it to be effective the scheme must be delivered in a way that is healing and avoid all risks of re-traumatising survivors. This includes ensuring that all services provided under the Scheme are culturally safe and accessible. For Aboriginal and Torres Strait Islander organisations providing services attached to the scheme, it is imperative that they are resourced appropriately. For non-Indigenous organisations operating in the space, there must be careful regulation and monitoring to ensure that they meet the quality and ethical standards required of the Schemes operations.

We reiterate our support for the findings contained in the *Second year review of the National Redress Scheme: Final report (Final Report)*, and the 38 Recommendations for reform made. It is a concern that close to two years since we welcomed the Government's interim response and commitment to take immediate action on 25 of the recommendations, there has been no complete response to the report and little transparency and accountability for action on the

recommendations. As cautioned in the Final Report when it was handed down in 2021, there is a narrow window for the scheme to respond effectively and act on findings in a manner timely to ensuring survivor access.

4. Previous submissions and recommendations

We first refer the Committee to our previous submissions and documents relating to the implementation of the Scheme, and it's review for the consideration of the discussions and recommendations previously put forward:

- *Make Healing Happen: It's Time to Act – ACTION 1. Redress for Stolen Generations survivors and their descendants (p.68-73)* <https://healingfoundation.org.au/make-healing-happen/>
- *Response to the Final Report of the Second Year Review of the National Redress Scheme* <https://healingfoundation.org.au/2021/06/24/positive-signs-in-review-of-national-redress-scheme/>
- *National Redress falls short for survivors* (release regarding The Healing Foundation CEO appearance to the Joint Select Committee in 2021) <https://healingfoundation.org.au/2020/09/28/national-redress-scheme-falls-short-for-survivors/>
- *Submission to the Joint Select Committee on Implementation of the National Redress Scheme (2020)* <https://healingfoundation.org.au/app/uploads/2020/09/The-Healing-Foundation-Redress-submission-1.pdf>

Throughout this work there are common themes of:

- The added complexity for Stolen Generations Survivors of having to navigate multiple redress schemes relating to their experiences of forced removal as children.
- The importance of ensuring all elements of, and services relating to, the National Redress Scheme are trauma aware, and healing informed.

5. Performance and effectiveness of support services attached to the National Redress Scheme

We have not sought to formally consult with Stolen Generations Survivors and organisations on the terms of inquiry, as there is a limit as to which consultation is productive and healing. We do continue to receive informal feedback of common problems with access to the National Redress Scheme through our day to day engagement, these include:

5.1 Inadequate resourcing for National Redress Scheme Support

- For many Stolen Generations Organisations the funding they receive for National Redress Scheme support is inadequate. It continues to be difficult to resource and process applicants, while maintaining the level and quality of their broader services. Some organisations have reported having to rely on senior staff, including Chief Executive Officers, to help with processing applications for claimants.

- There are also claims that larger provider organisations are placing quotas on processing, effectively restricting the amount of time and quality of the support being provided, and increasing the burn out and turnover of Aboriginal and Torres Strait Islander employees.

5.2 Unethical practices by private law firms

- Organisations are using the term “claim farming” in reference to legal businesses encouraging potential applicants to submit an application with them instead of the Redress Support Services. There are claims that some businesses lure applicants with talk of class action suits and larger payouts if they submit their application through them. Large fees, including both a proportion of the settlement and administrative fees, are taken on payout. Applicants may be forced into binding agreements with the lawyers early in the process and often the client/s are not provided with counselling or support pre or post-submission.

6. Recommendation on strategies to improve access for Aboriginal and Torres Strait Islander applicants to the Scheme

We make the following recommendations on strategies or actions that can be taken to improve accessibility of the scheme:

1. A complete response is made by Government to the *Final Report* that outlines a roadmap for implementation of the recommendations, including transparent reporting and accessibility measures.
2. Increasing resourcing to Stolen Generations Organisations and community-controlled healing services is one action that will support many of the recommendations contained in the Final Report. Including, improving access to culturally appropriate, and trauma-informed professionals, services and interventions.
3. Regular reporting of the Scheme’s accessibility data is incorporated into the ‘Application progress’ section of the *National Redress Scheme newsletter*. This could be similar to the intersectionality element breakdown (percentage of applications aged 70 or older, disability and Aboriginal and Torres Strait Islander) provided in the National Redress Strategic Success Measures report.

7. Closing Remarks

We thank the Committee for consideration of the matters put before you in this submission, and implore the government that the time to act is now. Survivors continue to live with the trauma and disadvantage brought about by forced removal and abuse, and we are quickly running out of time to make amends. The voices of Stolen Generations and other Survivors have been entrusted to government throughout the process of the Royal Commission, and implementation of the Scheme. It is imperative that government treat this matter with the importance and integrity that Survivors deserve, and implement the changes required to ensure their access and safety throughout the process as a priority.