

Micah Projects submission to Joint Standing Committee on Implementation of the National Redress Scheme

Micah Projects, through Lotus Support Services, is the leading supporter of Forgotten Australians and care leavers in Queensland. Micah has been supporting Forgotten Australians and care leavers for 25 years and operates three 'Lotus Place' locations – Brisbane, Rockhampton and Townsville. Micah Projects was the first organisation in Australia to formally support Forgotten Australians and care leavers.

Micah is actively engaged with over 7,400 people who were formerly in care providing information and referral services, personal and skills development support, individual advocacy and support to access services, assistance with Redress, and has more recently commenced supporting care leavers to access aged care services.

Micah has been contracted by the Department of Social Services since October 2018 to provide support services to National Redress applicants through *Lotus Support Services: Redress*. During this period, Micah has worked with over 800 potential applicants along with another over 100 people who have enquired about the Scheme. We have assisted over 400 people to make applications.

To best support First Nations people, Lotus has subcontracted Aboriginal and Torres Strait Islander Community Health Services (ATSICHS) from July 2022 to end June 2023. ATSICHS provides health and wellbeing services for Aboriginal and Torres Strait Islander people in Brisbane and Logan including medical and dental clinics, family support services, housing support, youth support services and aged care. Under the arrangement with Micah, ATSICHS engages and support First Nations people to apply for the Scheme that come into contact through the clinics or other services or via referral from Lotus Place.

ATSICHS supports nearly 500 people through its social health programs, and all of these clients have been made aware of the Scheme. At any one time, about 20 people are being supported with applying for the Scheme. There is no waiting list specifically for Redress application assistance – ATSICHS prioritises support for this group.

Micah's submission to the Joint Standing Committee is based on the experience of Micah and ATSICHS in supporting people to make claims for Redress and Micah's extensive experience in supporting people who were formerly in care.

1. (a) Applications for redress from persons with disability

Micah's experience is that uptake from people with a disability is lower than expected. This is primarily occurring due to lack of awareness and lack of capacity for applicants (or appropriate support) to make an application.

Many of Micah's participants have a psychosocial disability and require close and specialised support to help them access services and, where applicable, apply for Redress. Micah also leads support services on behalf of the Disability Royal Commission which provides Lotus Support Services with greater insight into the barriers for people with a disability as well as a referral source for potential Redress Scheme applicants.

Micah has found particular issues for people with a disability include:

1. their inability to actually communicate that they were abused when in care; and
2. they were abused in the care of the institutions who are still their care providers now.

It should also be noted that many applicants would have a psychosocial disability as a result of their trauma. General supports need to recognise and cater to this.

Awareness

There have been no mainstream communications for the Redress Scheme which is making it difficult for any care leavers to be aware of the Scheme unless they are already linked into a service like Lotus Support Services or have other networks. This is further exacerbated for people with a disability, as many potential applicants may not know that the institution that they were abused in would be covered by the Scheme given they were disability specific institutions and not traditional children's institutions, and also that it will often be the carer, support worker or guardian who needs to be made aware of the Scheme on the potential applicant's behalf.

Micah is receiving anecdotal evidence that disability institutions are not engaging with the Scheme and passing on information about the Scheme to current and former clients. These institutions should be encouraged to share information.

Applications

Due to the application form and guidance material not being in an accessible format, it is difficult or sometimes impossible for people with a disability to apply for the Scheme. The forms and guidance need to be able to be accessed and completed by people with a variety of disabilities that prevent them from using traditional paper and electronic forms.

1. (b) Applications for redress from First Nations people

Micah has partnered with ATSICHS to support First Nations people with applying for the Scheme. When potential applicants from a First Nations background present to Lotus Place they are given the opportunity to be referred to ATSICHS if they choose. However, some do choose to remain with Lotus and we continue to support them.

Since the ATSICHS First Nations-focused support service only started in July 2022 it is likely that earlier applicants would have submitted low quality applications, or others would have given up on the process.

ATSICHS has found that the most effective way to support First Nations people is to properly tailor support to the client's needs. Whether the referral has come from the GP, another ATSICHS service, an external referral, a phone call or someone dropping-in, ATSICHS first works on setting the potential applicant's goals and giving them information about Redress. If the referral has come from a GP or another support worker, we will include the GP or worker in the planning if the client chooses.

The support plan sets out the best process for the client to go about drafting the statement, finding relevant information and what supports they might need. ATSICHS will offer counselling throughout the process – we find that some will need a lot of counselling before we even get started. Counselling sessions are booked in advance to occur immediately after any Redress session.

ATSICHS is always sensitive to the person's needs throughout the engagement – we can work through the application over a longer period if needed to help the applicant face their trauma, and always willing to slow down a process if we recognise the need.

The experience of Micah and ATSICHS is that uptake from First Nations people is lower than expected. This is occurring due to lack of awareness and lack of support or capacity to make an application.

Awareness

Awareness for First Nations people is lower than other population groups due to the lack of general communication, lack of communication into communities and the confusion between the Scheme and other First Nations specific redress or compensation schemes. Micah and ATSICHS hold great concern that First Nations people will be denied the opportunity to apply for the Scheme.

The only large-scale communications about the Scheme that we are aware of was directed at people in discrete communities, and this has now finished. There does not appear to have been any communications or awareness raising in any First Nations publications, and any communication material is in English only and not in other First Nations languages.

We have found that people only tend to know about the Scheme through word of mouth out in their communities. There has also not been a lot of connection between National Redress and the community – people do not know what it means and Redress does not resonate with them as to what it is.

ATSICHS support workers are receiving referrals from ATSICHS GPs and family wellbeing and counselling programs. We find that this is helpful because we also know what supports we can wrap around applicants.

Some First Nations people have heard, through informal channels, of Redress or that there is “some sort of compensation scheme”. However, there is confusion between Redress and stolen wages and stolen generation reparation schemes. Some people think they are all the same scheme and will not apply because think they already had payment from stolen wages. While others think that the Scheme is a scam or somehow related to robo-debt.

Applications

The application process is difficult for First Nations people to navigate. Based on the clients ATSICHS and Micah have supported through the service, it was clear that they could not have done it by themselves, particularly with low rates of literacy and numeracy in the First Nations community.

Application Form and Guides

The language in the application forms does not make a lot of sense to First Nations people – it looks and reads like just another Centrelink document, and there is no explanation of what some terms mean. The language is brazenly written, not trauma-informed, not sensitive to the situation and not validating that the experiences are extremely traumatic. There are also no guides or other collateral in other languages.

Applicants find it difficult to chronologise their experience, they don't know what the key parts are, and what the assessor is looking for. They do not know how to separate the abuse experience from all the other traumas in their life – they need to be supported to have the capacity to either contain this experience or help with the other traumas. Applicants need extensive emotional support with the application.

The way that First Nations people express incidents is different to other groups. There are a lot of cultural terms used by First Nations people that do not translate to what the scheme is looking for.

Trauma and External Environment

There is reluctance to pursue the claim – not wanting to process or deal with the associated trauma. Many clients have so many other things going on – such as housing and financial insecurity, domestic and family violence, substance misuse – leaving no capacity to think about applying for Redress.

Some clients have already spent so much time, effort and emotion on applying for other schemes that they just want to move on.

For regional/rural/remote applicants, the complexity and issues are exacerbated. Because there are limited supports, and the support at the time of the abuse was even lower, there is less willingness to talk about the historical abuse, and many people experience shame and fear stigma.

2(a) Total applications received compared to the number of applications expected when the Scheme commenced

Given Micah's long experience with care leavers and Forgotten Australians, we would have expected a higher number of applications than experienced.

Micah's understanding is that some applicants are investigating pursuing civil litigation to cover all types of abuse, not just sexual. Where they are unsuccessful, or litigators deem their chances of success are low, they are likely to then make a Redress application.

2. (b) Possible reasons why current application trends could vary from expectations

The issues raised above in 1(a) and (b) are the key reasons why application trends would vary from expectations. This includes lack of awareness of the Scheme, confusion between the Redress Scheme and other schemes, difficulty understanding and completing the application form, and lack of support for people who are being traumatised by the process.

2. (c) Time taken to process applications and pay compensation to applicants

Firstly, we would point out that redress is not about compensation. The Royal Commission was clear that the scheme is to be a recognition of the abuse and not compensation.

The time taken to process applications seems to be too long for such a Scheme. This has the effect of discouraging people from applying. There is also anecdotal evidence from applicants that they are being told that institutions are responsible for holding up the process. This has a re-traumatising effect on the applicant as they believe that the institution is reluctant to acknowledge and redress the abuse they experienced.

3. Strategies that could assist applicants to access the Scheme.

Increased awareness of the Scheme will be critical to increasing application numbers. By taking a lead in raising awareness the Australian Government can show that people who suffered abuse are acknowledged, being heard, will be supported and there is no shame.

The awareness activities need to be multi-faceted – explaining what the scheme is about, it's giving people the opportunity to be heard, that support is available to make an application, and that support will be there for you throughout and after the process.

Any awareness raising needs to take into account the different motivations for people to apply – sometimes financial, sometimes acknowledgement, sometimes the apology. It would also be advantageous to direct potential applicants to the support service first, not the application form.

Another potential point of failure is the lack of counselling available at entry to the Scheme. Currently counselling is only available when the offer is made, and the support services do not provide counselling services (only support and assistance). Making counselling available earlier, when the first vulnerabilities of applying are being experienced, would assist applicants with completing applications.

3. (a) Applicants with a disability

Micah is currently operating a program to support people with a disability to engage with and make submissions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission). The learnings from our approach to this support program could be employed for the Scheme.

General

When working with people with a disability, the Scheme workers and separate support services need to be 'disability aware'. Appropriate awareness of the barriers for people with a disability and how best to communicate with them will ensure that applicants are best supported when engaging with the Scheme. This also applies to independent decision-makers when assessing applications from people with a disability so they can better understand the links between trauma, grief and abuse.

For people with a disability, it will also be important for confirmation that the Scheme includes all institution types and that any communication is in accessible formats. A strategy that is often helpful is to use peer-to-peer communication, where successful applicants can tell their story about the Scheme and the application process.

People who are engaged with and making submissions to the Disability Royal Commission should also be assisted to make a Redress application as part of that process, where deemed appropriate and will not cause undue trauma.

Awareness

As mentioned in 1(a) above, awareness raising needs to be increased for all applicants, including those with a disability. Any communications should be targeted at:

- carers and families of people with a disability (including substitute decision-makers)
- disability support service providers. Providers will need to be encouraged to work closely with the existing Scheme support services, or be separately funded to help applicants
- the NDIS and Local Area Coordinators
- peer groups, such as the Queensland Disability Network
- aged care service providers
- Offices of public trustees and public guardians.

Applicant Assistance

Highly skilled interpreters should be made available for applicants with a disability, including those with modified sign language skills (in addition to Auslan and traditional signing used prior to Auslan). Interpreters will need to be offered de-brief and appropriate counselling when working with applicants who have trauma.

A particular group of people with a disability that requires additional and closer support and assistance are those with psychosocial disabilities. This group is often very difficult to manage and will engage and re-engage a number of times over a long period. The Scheme could consider a different approach for this group and look at how specialist disability support services are engaged in their application process.

3. (b) First Nations applicants

Micah has partnered with ATSICHS to support First Nations people with applying for the Scheme. Micah has also visited communities such as Cherbourg and Palm Island to raise awareness of the Scheme.

Awareness

A lack of awareness and confusion over the Scheme are two barriers to initial entry to the Scheme for First Nations people.

It would be advantageous if there was cooperation between the different bureaucracies responsible for the different schemes that First Nations people may be eligible for – i.e. Stolen Generations and Stolen Wages – so that communications can be made clear about how all these interact. The communications on all these schemes needs to be continuous, not just one-off.

Information would be effectively disseminated through community leaders, women's circles and other elder-led forums, as well as health services and prisons. The information needs to be in plain English and in the various local languages.

Application Process

The second critical component for First Nations applicants is improving the application form and associated guidance, and the application process.

The application form should be available in different versions that would better cater for First Nations people, such as simplified language and framing. Application packs also need to have a more simple and comprehensive explanation of what is required.

For clients who are confident in being able to prepare their own application, an easy option would be to send them a pack in hard copy. Many do not access mygov or even the internet so being able to contact the Scheme and receive a pack with a reply paid envelope would be helpful. Some people do not want to involve a service, so we can provide them options for counselling if they choose to access it later.

One barrier to applying for the Scheme is the identification verification process. Some First Nations applicants do not want to engage with Centrelink, so an alternative process would be helpful.

There is also reluctance from First Nations applicants to make applications when they are already being told that they are believed but now have to give proof. This is especially difficult for applicants when the Scheme needs to return to the institution which may still have a strong presence in the community or where the perpetrator is still employed there.

Application Support

There is a need to ensure there are sufficient support services available. Services for First Nations applicants need to be made available from both First Nations and non-First Nations organisations—some First Nations people do not want to go to a service where others might know who they are. Phone support needs to be made available, and services need to be made available that are unrelated to where their GP or counsellor is.

Where possible, it is also important to provide assistance specifically from men or women.

4. Availability of legal advice for survivors and their advocates and, in addition:

- a. Quality of legal advice.
- b. Opportunities for Scheme applicants to consider available legal options and to exercise their own choices.
- c. Strategies to minimise instances of alleged claim farming or excessive fees.

In general, applicants have had positive engagements with Knowmore and independent solicitors that have been engaged via Knowmore. However, Micah is finding that the applicants are not receiving legal advice – it is more information around scheme eligibility, which is similar to what support services provide already. When applicants are referred to independent solicitors they are not well prepared to engage with the solicitor – there is no support to understand the costs agreement and no explanation of the consequences of the litigation process and outcomes or alternative mechanisms such as church complaint processes.

Knowmore has provided information sessions to support services staff which have helped staff to understand and be able to simply explain to potential applicants the civil litigation process and how it differs to Redress.

Micah is seeing some evidence of claim farming, particularly in communities and in prisons. In addition, some survivor advocacy groups are directing potential applicants to legal firms rather than using the government funded support or legal services.

We are also seeing instances of legal firms working with survivors through litigation but after a period of time advising them to apply for the Scheme. The firm then takes a fee from the Redress payment for the advice.\

5. The performance and effectiveness of support services for Scheme applicants, including:

- a. Accessibility.
- b. Resourcing and funding levels.

Lotus Support Services: Redress has supported 800 people with applying for the Scheme resulting in over 400 applications. We also have a waiting list of approximately 100 people across Queensland at any one time (30 in south-east Queensland; 35 in central Queensland and 35 in north Queensland), resulting in potential applicants waiting to be supported for up to three months in south-east Queensland and six months in other locations.

Besides hosting a website and networking within the care leaver communities, we have not advertised the existence of our support service. There has also not been any other advertising by the Scheme.

Given there has been limited awareness raising activities, there are many people who are not aware of the Scheme and the support services available to assist them to apply. Therefore, if awareness activities were conducted, we would likely see an increase in demand for support services – within existing resources, this would cause further delays in support being delivered. Our current waiting list means that a potential applicant will need to wait for 3-6 months to be supported. This is further discouraging for an applicant who is likely to have been reluctant to engage in the first place.

Through our experience in providing support services to applicants we have identified that support is required from initial engagement, throughout the application process and long after the application has finished and payment made – including beyond the Direct Personal Response and any post-payment counselling and psychological care (for Queensland, this is currently set at 20 hours, or more if needed). As mentioned by the Royal Commission, given the ongoing impact and legacy of the trauma, counselling, support, advocacy and other assistance will often be required years after the payment is made.

Micah would recommend that the Scheme support services are funded on a recurrent basis.

7. Any other relevant matters.

- Recommend looking at other under-represented groups – young people, rural & remote and homeless (noting that homeless support services should be collecting data on whether people have been in care and can use this to encourage participation in the Scheme).
- Since the new banner has been placed on mygov we have found the quality of applications has reduced as people are not being guided through the process. It would be more effective to provide a link to support services rather than the application.
- It would be helpful to have strategies to help people talk about their abuse – people have compartmentalised their experiences and are now talking about it for the first time, often their families do not even know. Now they are talking about it they need support to process the trauma.
- It is difficult for applicants to differentiate the abuse they have experienced – for example, physical v sexual abuse – and these are not well defined in the matrix. Guidance material is also not clear on the definition of penetrative abuse.
- Investigate the use of previously published stories to complete applications without the applicant having to go through the process. For example, where the applicant has made a submission to the Royal Commission, other Inquiries such as the Queensland Forde Inquiry and applications for other state-based redress schemes.
- If the current Disability Royal Commission proposes a similar type of redress scheme, the administrators of both schemes will need to work together to clarify what each scheme covers and also consider whether a joint application process could be used.