



## **CARE LEAVERS AUSTRALASIA NETWORK**

CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.

PO Box 164, Georges Hall, NSW, 2198

**Redress is not Care Leaver Focused;  
it is Institution Focused!**



**CLAN's submission update to the Joint Select  
Committee on Implementation of the National  
Redress Scheme**

CLAN - Care Leavers Australasia Network is a national, independent, peak membership body which represents and advocates for those who were raised in Australia and New Zealand's Orphanages, Children's Homes, Missions and Foster Care. There were more than 500 000 children in Australia who grew up in 900 plus Orphanages, Children's Home, Missions and Foster Care. CLAN's main objective is to assist and support Care Leavers and their families through the wide variety of work we do including but not limited to advocacy, counselling, casework, records searching and publishing Care Leavers' stories.

CLAN would like to thank the Joint Select Committee for giving us the opportunity to comment and appear before you on your review of the Implementation of the National Redress Scheme. CLAN has felt it necessary to comment and appear before you as the current National Redress Scheme is failing dismally. It is only serving to **retraumatise** Care Leavers when it is meant to be assisting them. It is our hope that by listening to CLAN and reading this submission your committee will make recommendations to expedite Care Leavers' applications. These delays are unacceptable, both for those currently enduring this ordeal, and those yet to undertake it. Many Care Leavers are elderly and vulnerable, and especially with the increased threat Covid-19, delays are unacceptable.

### **Exclusions**

Firstly, we would like to reiterate our stance on those who did not suffer sexual abuse being excluded from the National Redress Scheme.

**There is more than one way to harm a child.** In fact there are many ways, all of which were perpetrated upon children in the care of the state, church, or charity. Many of these harms were, in fact, crimes.

Physical abuse, torture, psychological abuse, neglect, child slave labour, the loss of family and identity, and yes, sexual abuse. All of these heinous crimes were committed upon our most vulnerable children. Children who had no one to turn to; no one to tell. These crimes can be charged and prosecuted, yet apparently do not warrant redress. For those who were not sexually abused, the trauma that this Redress Scheme has caused has been irreparable. For many there has been no alternative for them to receive adequate and fair compensation or redress for the crimes committed against them.

CLAN once again stands baffled and appalled at the Federal Government's lack of leadership when deciding on the Terms of Reference for the Redress Scheme. CLAN does not accept the justification that the Royal Commission did not investigate crimes other than sexual abuse. This hierarchy of abuse once again neglects those who were already abandoned and subjected to brutality, cruelty, and child labour which served to enrich churches and charities such as the Salvation Army and the Good Shepherd Nuns. Aside from actually creating a Redress Scheme, the Federal Government and those administering the scheme do not seem to care about many of the Royal Commission's other recommendations or findings so why be a stickler for this one?

Sandra, 71, is unable to read or write, and has lost both her husband and her daughter. She lives alone, without support. She was phoned by Redress on a Friday afternoon, without including CLAN, her nominee. She received the devastating news of her rejection alone, with no one at all to provide support. The Tasmanian Redress scheme recognised Sandra's deprivation, and that they had a duty of care to her. She does not know who her parents are, and received no schooling beyond the age of six, her absence going unnoticed by the Tasmanian education department. CLAN does not understand how it took the Redress Scheme 18 months to determine that Sandra was ineligible to receive a payment from the National Redress Scheme. Sandra describes herself as an "Invisible Tasmanian."

A Victorian ex-state ward, aged 54, has been rejected by the Redress Scheme. Her letter from Redress stated, the independent decision maker who remains nameless claims that the Department of Human Services did not put her in contact with her abuser. This is not true, but the applicant was not given an opportunity to explain how this occurred. Please see Appendix C.

CLAN believes that all Care Leavers, including those in gaol, are entitled to submit a Redress application, even if the money is held in trust until they leave prison. It is discriminatory that incarcerated Care Leavers are excluded. Crimes were committed on them as children. The Royal Commission did a lot of good work obtaining the accounts of those who were sexually abused as children who are currently in gaol. Support was provided by organisations such as CLAN and others to facilitate this, and much of this work is still ongoing. There was no reason why this work couldn't continue in the same vein in order for those in gaol to be part of the Redress Scheme too. We firmly believe that their abuse (both sexual and non-sexual) and the crimes committed against them as children play a huge role in their being incarcerated. They are entitled to Redress.

### **Indexing**

Some Care Leavers are rightly angry at being indexed on prior payments. One Care Leaver received only \$11,000 after his prior payments were indexed. Prior payments are indexed 1.9 percent for every year since they received the payment. Care Leavers should not be penalized because their organisation is a Redress Lagger, and because the scheme is taking 19 months to deal with their claims. The day they receive an application is the day indexing should stop.

For any Care Leaver who has received a paltry prior payment from the Western Australian, Queensland, and Tasmanian Redress Schemes, or from a Church or Charity, these prior payments are indexed/taxed for every year since they received their payment. They are being indexed while waiting for Redress Laggards to join to scheme. This is immoral and shameful, taxing the poorest of victims, Care Leavers.

### **Application Form and Process**

Our previous submission to the earlier Joint Select Committee set out our concerns about the application form and the application process. We see no improvements. The application form and statutory declaration are confusing, too long and an arduous process for those trying to fill it out.

CLAN even questions the validity of having a statutory declaration included in the first place. We don't ask people filling out other Federal Government documentation and applications for things like the pension, Newstart or parenting payments to sign a statutory declaration. Why are we making such a point to have our Care Leavers who have endured numerous traumas to do this?

Furthermore, CLAN are also concerned at this time about Care Leavers being forced to have a statutory declaration signed whilst in isolation for Covid-19. Coronavirus is a deadly threat for our elderly Care Leaver cohort, and they should not be made to leave the house and be near other people just to have their statutory declaration signed for their redress form. We believe it is unnecessary and is putting their lives at risk. We would not be surprised if a Care Leaver class action follows on due to Care Leavers becoming sick or dying as a result of contracting Covid-19 because they had to have a statutory declaration signed.

The redress application also uses middle class language that does not take into account that many Care Leavers did not even attend high school. The questions do not use easy English and this causes confusion, especially for older Care Leavers who attempt to fill it out themselves.

The form requests a high level of detail, but it does not specifically ask or attempt to differentiate between the different forms or levels of sexual abuse that payments are made on. This relies solely on the Care Leaver who is filling in the form being able, confident and willing to write in detail and make full disclosures about the extent of their abuse.

We as an organisation are trained to support Care Leavers and to elicit the relevant information. We are able to help them to fill out the form with the correct amount of detail to ensure the payment they receive is reflective of their experience. Many Care Leavers do not have the education and the ability to do justice to their claims. Many Care Leavers do not put in a sufficient amount of detail, and therefore are underpaid.

A Care Leaver who is relatively new to our service was not in contact with us when filling out her form. She chose to fill out her Redress application on her own. When describing her abuse, she wrote "He put his hands in my underwear". This woman has since disclosed to a CLAN counsellor that she was penetrated. However, her statement in the application form does not go into that level of detail, nor did she realise she needed to be explicit. She assumed that anyone familiar with child sexual abuse would understand that "He put his hands in my underwear" would automatically assume penetration occurred. As a result, she was heavily penalised for her reasonable assumption and did not receive a payment in accord with penetration.

One Care Leaver decided to fill out the redress application form themselves as they felt capable. This Care Leaver is literate and can read and write well. After finding himself getting frustrated at the delays and the numerous phone calls he received asking for more information he requested CLAN became his nominee so we could liaise with the National Redress Scheme on his behalf and forego the contact that was frustrating him. After more contact with the redress scheme, numerous issues, and a great deal of anger and frustration CLAN was able to elicit from the National Redress Scheme that this Care Leaver's form was missing information and was not filled out correctly. Upon receiving a copy of his application form it was obvious in completing it himself, he had not only missed questions but the information was missing due to a photocopying or printing error. (Please see Appendix D) Furthermore this Care Leaver has six separate incidences of sexual abuse at different institutions that need to be addressed which requires filling out page 12-22 six times! He did not understand this from reading the form and instead filled it out about one abuser and copied and pasted his story outlining all his abuse into his application form. The story he had included did not go into specific detail about the type of sexual abuse. Even if he had understood what to do, this form is long enough without expecting this Care Leaver and victim of abuse to fill out this section six times!

CLAN sees two issues in cases like these.

1. The application form doesn't make it clear what level of detail is required, just that there needs to be enough detail. They do not understand the significance of being explicit about, for example, penetration. Besides, Care Leavers and other abuse victims are coming to terms with horrific crimes committed against them and sometimes the detail they have to express is ALL THEY CAN WRITE and no more.
2. CLAN feel that situations such as these where the statements are ambiguous or unclear and don't properly describe the incident should be followed up, to ensure people are being paid in accordance with their experience of abuse and the Redress matrix. It is obvious that in the case above the woman filled out her Redress application on her own without professional help. Those who are processing, reading and assessing these applications need to take this into consideration and do their best to ascertain the most accurate and correct information. The National Redress Scheme has shown it is more than willing to follow up on some matters such as a misplaced signature or date on a statutory declaration and to request evidence and further documentation. Yet obtaining further information to ensure the payment is fully reflective of the experience seems easy enough to pass up. This scheme is institution focused and not Care Leaver focused at all.

### **Evidence**

Prior to the National Redress Scheme being established on the 1<sup>st</sup> of July 2018, CLAN was continually told that there was no requirement to provide evidence. In the vast majority of cases, there is no evidence to provide.

The whole point of introducing a Redress Scheme was the limitations of records and evidence around historical abuse, especially institutional abuse and especially Care Leaver abuse. Those running Orphanages, Children's Homes, Missions, and Department workers in charge of foster care

were never going to record the abuse they themselves inflicted or were responsible for or turned a blind eye to. These are facts that the Royal Commission were well aware of which is one of the reasons that they recommended a Redress Scheme as the lack of records and evidence make it very difficult to pursue civil claims. For some Care Leavers, there are no records at all of their childhoods let alone information that is going to provide evidence in their favour.

We are talking about an era where children were charged with the misgivings of the adults who were supposed to be responsible for them. What evidence does the National Redress Scheme think they will get that is actually going to support the Care Leaver? Instead they are receiving the most biased and subjective information out there that they are touting as evidence. What happened to reasonable likelihood? The Royal Commission recommended that claims be assessed on reasonable likelihood that these crimes were committed.

Not only is asking for evidence a huge waste of time, but it serves to delay the application and assessment process even more, and for what? So more Care Leavers can die whilst the National Redress Scheme is being counterintuitive to the reason it was established?

Furthermore, it is an invasion of Care Leavers privacy to have their state ward records released without their knowledge and consent and some unknown person being given all of their most private, personal and sensitive (and often untrue) information. A great deal of the time Care Leavers cannot access or do not have the information that is given to the National Redress Scheme due to redactions and FOI legislation.

In many cases, Care Leavers do not know the full legal names of their perpetrators. We strongly believe that Care Leavers have a right to know perpetrators names if they so desire. This should not be protected information.

CLAN are currently trying to trace South Australian paedophiles Jack Bartlett whose name turned out to be Edgar which we only found out after wasting exorbitant amounts of time, over many years, on the search.

Similarly and still on-going is our search for Frank Ireland/Island. We are led to believe this is an alias and may not be the correct spelling, but we have not been able to find him under other variations.

It should not be this hard to trace known paedophiles and it wouldn't be if the State Government's released the legal names of these paedophiles to their victims. It is their human right to know the name and identity of their perpetrator, yet they are still hidden under governmental red tape.

**CLAN strongly recommends that all Care Leavers have the right to be given the correct and full names of the paedophiles/perpetrators of the crimes committed against them.**

## Administration of the National Redress Scheme

CLAN are also aware of the cases of two brothers who were both abused. These brothers were both NSW state wards although residing in a Catholic Orphanage. Although the NSW Government had a duty of care to look after their state wards, regardless of their placement, the Independent Decision Maker in one of these brother's cases, found it acceptable to not apportion any responsibility to the NSW Government. In the other brother's case the NSW Government was held responsible. **How is it possible for the NSW Government to be held responsible in one case and not the other when they were in the exact same Orphanage?** If these men were never made state wards as children and were never placed in that particular Home they would not have been abused by their perpetrators. The fact that the NSW Government did not exercise their proper duty of care surely makes them partly accountable? Not according to the Independent Decision Maker. Please see Appendix E for a copy of the tweet at the time.

One of the major flaws Care Leavers, professionals and other users of this scheme are finding is the lack of consistent information given by those that work in the scheme. CLAN workers and Care Leavers are often told a different story when we call up regarding a client's application or questions about who has opted into the Redress Scheme. One person will say an organisation has opted in, another will say they are still waiting, one person will say the application is waiting to be assessed, another will say they need more information. There is not one ounce of consistency that is given to Care Leavers throughout this process.

Of course, receiving conflicting information constantly, getting their hopes up and being let down by someone else, and not knowing if they can even trust the information provided to them by those working and administering this scheme is leaving Care Leavers **depressed, angry, suicidal, and retraumatised**. One Care Leaver even withdrew his application, and CLAN is picking up the pieces of Care Leavers' distress. The mental health status of almost all Care Leavers waiting for an outcome from the National Redress Scheme is declining. Many other Care Leavers have also reported steep declines in their mental health conditions.

An 85 year old Care Leaver, who has been a recovering alcoholic, states that as a result of the stress and pressure he is under going through this abysmal Redress process, that it is a struggle to not pick up a drink and he has now had to return to AA.

Some Care Leavers have suggested that if they had a dedicated caseworker from start to finish at Redress, then at least they would feel more comfortable and it would reduce the inconsistency. Whilst some Care Leavers seem to have received a caseworker, many others have not and are still dealing with this uncertainty depending on who they get to speak to at the Scheme.

Another issue that we mentioned in our last submission is the fact that many older Care Leavers were state wards and classified as children until they turned 21. Many were also abused between the period of turning 18 and 21. It is unfair that we are applying a modern day standard of the age of a child when those between the ages of 18 and 21 had no say in their care and had crimes committed against them and abused whilst still in state care.

A Care Leaver was placed in Marillac House, a home for mentally retarded children in Brighton, Victoria. She turned 18 in December. Six weeks later she was raped, yet she will not be given Redress as she had turned 18. And yet, the Victorian Government recommended that her wardship be extended for another 6 months therefore she was still under the care of the Victorian Department of Child Welfare and should be eligible for National Redress. There must be flexibility in these cases where wardship is extended beyond the age of 18. See Appendix B.

An 83-year-old Care Leaver suffering from advanced Parkinson's Disease was left waiting for her application to be assessed because there were no clear guidelines regarding whether the circumstances surrounding her abuse were acceptable. CLAN enquired on her behalf and was informed that Redress were waiting for those in decision making in DSS to decide if they were going to rule on this issue or not. There was no urgent hearing designed to elicit a response but instead this 83-year-old was left waiting on the whim of DSS and the National Redress Scheme to reach a decision if and when they felt like it.

In this case, it became clear that the National Redress Scheme had been established without clear guidelines about what is and isn't covered. If CLAN had not followed up about this Care Leaver the application would have still been sitting idle. **Eventually a decision was made, after a lot of waiting and a certain part of her application where she was sexually abused after absconding (but still a state ward) was rejected.**

CLAN were outraged that an issue such as this had not been included in the guidelines when initiating the scheme. It seems to CLAN that this is policy made up on the run, as an afterthought. We question how it is possible for a Redress Scheme to be established without CLEAR guidelines.

The following case highlights the stark ineptness of this scheme.

After receiving inconsistent information on numerous occasions when calling for an update and being asked for more information when he had given as much as he had, one Care Leaver became hot headed, told the person he was talking to he was sick of the process and didn't want to do it anymore, and hung up. CLAN being a nominee had spoken to the National Redress Scheme on a previous occasion about this Care Leaver as he was starting to become exasperated. After he told us about his outburst, CLAN called to check on his application to be told they had removed it from the system! At no stage was he consulted again to check if that was what he really wanted or was he just angry in the moment. At no stage was he sent any paperwork to sign in effect to remove his application from the redress scheme. **At no stage was he asked to put his request in writing.** At no stage was CLAN contacted as his nominee and as an organisation who had called up previously on his behalf and asked if he was sure he wanted to go through with it.

None of this was done. Instead, after his outburst, he was completely removed from the application process. At a later date, CLAN informed the National Redress Scheme that the Care Leaver did not want his application to be removed but they wouldn't discuss it as they did not have it in their system that CLAN was his nominee, despite CLAN receiving a letter from Redress as his preferred nominee on the 19<sup>th</sup> of December 2019. CLAN then had to waste our own time finding the confirmation letter from redress regarding being a nominee for this Care Leaver and prove to the scheme we are his nominee and therefore could discuss the matter with them.



How is this system even running when we have to do their job for them? This Care Leaver is now three months behind where he was in the application process because of this issue. This Redress Scheme is not Care Leaver focused, it is Institution focused!

### Nominees

The case above and those that follow illustrate serious problems with the way the National Redress Scheme is handling the nominee system. With the passing of time, it is becoming quite evident that those working within the scheme often ignore the fact that someone has a nominee and deal directly with the applicant themselves, even if the applicant has requested no contact with the Redress Scheme. Not only do they seem to ignore this fact, but they are also underutilising a great resource which is the nominee.

CLAN often receives letters from Redress stating that CLAN are a preferred nominee, often AFTER the Care Leaver has received their payment.

CLAN have been assisting a Care Leaver for whom we helped fill out the application form and have been a nominee for from the beginning. After receiving conflicting information on more than one occasion and being retraumatised with a steep mental and physical health decline, this Care Leaver requested that she no longer had contact with the Scheme and if they needed to discuss something they were to speak to CLAN – her nominee. The Scheme were told this and said they would deal with CLAN from then on. Unfortunately, this did not happen. **This particular Care Leaver was contacted on three separate occasions to redo her statutory declaration.** CLAN then had to speak to Redress and liaise with them over this issue after hearing from a very upset and stressed Care Leaver.

Furthermore some time down the track the Care Leaver was contacted (after she called to request an update only – not to discuss any issues) and had parts of her story that she chose not to put in her application brought up and questioned repeatedly if she wanted to put this in her application form. This information which was only found as part of her broader story and was not intended for her application was highly sensitive and very triggering. Having a stranger bring this information up repeatedly when she had chosen not to put it in her application is mind blowing.

CLAN believe that those working within the National Redress Scheme have the opportunity to speak to nominees about sensitive issues such as these so that the nominee can relay it to their Care Leaver in a kind and supportive atmosphere that won't cause trauma to the Care Leaver. It is obvious that this scheme is not Care Leaver focused at all.

In March 2020, Redress called a South Australian man and gave him incorrect information about Kennerley Boys Orphanage in Tasmania. The redress worker who spoke to this Care Leaver told him he has good and bad news; the good news was that Kennerley Boys Orphanage had joined the redress scheme but then stated the bad news was that they were not paying **Redress payments prior to 1969**. This worker caused a great deal of harm with this information and the way it was relayed, only to find out it was false and unnecessary. This left the South Australian Care Leaver

distraught, distressed and angry. His wife had never seen him in that state. He called CLAN, and it took 24 hours to ascertain that Kennerley Boys Orphanage could not cherry pick which claims they pay.

The above case shows that this Redress worker has not had Care Leaver training. He should never have made that phone call without CLAN, his nominees, being called to support him. CLAN was only alerted to the matter because the Care Leaver called in a highly distressed state.

CLAN believes that ALL Redress workers MUST be Care Leaver informed and use nominees, as we can provide updated medical history, or information on the deaths of Care Leavers, or their spouses or children, that Redress will not be aware of and must know about. Otherwise, what is the point of a nominee form if you do not use the services of nominees such as CLAN?

### **Are you waiting for us to cark it?**

The length of time this process is taking is beyond ridiculous. Many Care Leavers believe that the government is waiting for us to die. We were constantly told prior to the Redress Scheme setting up that we would not need evidence to put in our claims. So why are the independent decision makers constantly pressing for further information? There is no further information. The crimes were not reported. They were not recorded on state ward files. It is time to believe us. They are digging for evidence that isn't there. Respect these elderly Care Leavers who have waited all their lives. They deserve some form of closure on their horrific childhoods before they die, and many want the money to pay for their funerals.

There seems to be no sense as to whose application is assessed when, and the time frames in general are not just, nor fair for people who have already been traumatised by the Australian Government in their childhood. For many it is coming up on two years since they first put their application in to the National Redress Scheme. Care Leavers on the whole are older or elderly Australians who can't afford to wait any longer. They are sick and many are dying. Every day they wait is one day closer to not being here.

A brother and sister, two NSW state wards, separated as children, now currently live at the same address in Sydney. The sister was paid her Redress after a six month wait (the sister is not elderly, is still employed, and CLAN does not understand why younger applicants are being prioritised over more urgent and elderly cases). Her brother had been waiting 18 months. The sister said she could not enjoy or spend the money while her brother was still waiting. Recently they attended a social at CLAN on the 18<sup>th</sup> of February, where NSW Minister for Community Services Gareth Ward also attended. They told their Redress horror story to the Minister, who contacted the Federal Minister Anne Ruston, and the brother has since been paid his Redress.

As mentioned above, for the majority of Care Leavers the wait is severely impacting their mental health and sleep patterns. Care Leavers are having nightmares and are kept up all night by anxiety. Many Care Leavers have told us that every day they wake up waiting for the phone to ring, wondering if today will be the day they receive a response about their redress application or even better an offer. Waiting for the phone to ring every single day is causing high levels of anxiety for Care Leavers.

It is also important that you understand once their mental health is impacted and they are experiencing high levels of stress, their immune system also begins to become impacted and thus

their ability to fight off viruses or the flu is decreased. We are finding chronic illness is becoming more common for more of our cohort for this reason.

Furthermore, with **Coronavirus** at present the Care Leaver population is at great risk and extremely vulnerable considering their age and comorbidities. It seems as if the government is waiting for us all to die. The government's own figures state that 23 applicants have died before getting Redress.

Some Care Leavers have died within months of receiving their payments, including 91-year-old Ray and 98-year-old Frances. Tony Duffy received a phone call on a Friday night in 2018. He died at ten to eight the next night.

CLAN were also the nominee for a Victorian Care Leaver whom we helped to lodge her redress application on the 5<sup>th</sup> December 2019. The Care Leaver informed us that she had told Redress in early February that she was terminally ill. On 28<sup>th</sup> February 2020 CLAN informed the National Redress Scheme that this Care Leaver was terminally ill. CLAN again followed up with the National Redress Scheme on 23<sup>rd</sup> March 2020 at which point her application was apparently escalated. It still wasn't until 6<sup>th</sup> April 2020 that she was made an offer of redress – 5 weeks and 3 days after being told she was terminally ill with a follow up reminder from CLAN in between. This Care Leaver accepted the offer of redress under urgent circumstances on 7<sup>th</sup> April as it was important to her this happened before she died. She received the redress money in her bank account on the morning of the 8<sup>th</sup> April 2020. Sadly, she died at 6pm on the 8<sup>th</sup> April 2020, with no chance to use the money. **How can it take 17 days to sort this out from the time it was escalated?**

**How does a terminally ill applicant NOT receive immediate assistance? Taking over a month to assess and decide is completely unacceptable.**

These sick and elderly Care Leavers were on priority lists, yet it took many months and many, many phone calls to get their Redress delivered to them. Trust is important to Care Leavers who have been let down so often throughout their lives. Many of us feel that the processing of applications at the National Redress Scheme could not be slower if they tried. It is hard for us to feel that delays are not intentional. Grieving families of a deceased Care Leaver have no right of review any Redress payment, so it is in the interests of the responsible institution to underpay and save some money. We would hate for this to be the case, but at present with the painstaking nature of this process it is hard not to look at it from a very cynical point of view.

It is with this in mind that CLAN insists on knowing how many of our elderly Care Leavers, 70 years and above are still waiting? We know of an 87-year-old from Western Australia, and 85-year-old Ian. These are just two Care Leavers who have been waiting far too long. How old do you have to be to receive priority? Ideally when an elderly or ill Care Leaver's application is lodged they should be processed immediately and made a top priority. Unfortunately, we know differently and knowing that many Care Leavers are still waiting we know that this figure is not zero. We would like to know just how far behind the redress scheme actually is in processing our most vulnerable Care Leavers' applications?

We reiterate that there needs to be a better system of prioritising and fast tracking for the elderly and ill. Even if this means interim payments as the Scottish system has suggested (<https://www.gov.scot/news/redress-for-historical-abuse-survivors/>).

**CLAN recommends a \$20,000 interim payment to be paid while applicants are in the queue.**

In light of the the current **Coronavirus** climate, all necessary precautions need to be taken to ensure our most vulnerable applicants will see some form of justice, acknowledgement and will get to utilise their redress payment and, at the very least, pay for their funerals.

### **The Scheme Needs to be Care Leaver Informed**

CLAN believes without a shadow of a doubt that the greatest overarching problem in the National Redress Scheme since its inception is that it is **NOT CARE LEAVER INFORMED**. From the top down the unique issues and context surrounding Care Leavers have been largely ignored and Care Leavers trauma has been thrown in with everyone else and reduced to a generalised trauma informed care.

However, someone that has grown up in care and has been abused on multiple occasions and has multiple crimes committed against them (not just sexual) and who has not had parents or family to love and care for them are DIFFERENT to the rest of the survivors that this Redress Scheme serves. Every single person who has any role in administering or working within the National Redress Scheme who has contact with Care Leavers or who are assessing and making decisions about Care Leavers NEED TO BE CARE LEAVER INFORMED.

This includes the Independent Decision Makers who are making life altering decisions about Care Leavers. These people who are making such important decisions do so privately, without their identity being known and effectively without any sort of recourse for wrong decisions made. None of these independent decision makers have had Care Leaver Informed training. CLAN cannot stress it strongly enough, that the independent decision makers cannot remain anonymous and unaccountable for the financial decisions they make. They are public servants paid by the government. The anonymous letters they send out have no compassion or empathy (See attached example). They are just form letters and the fact that they have no signature is insulting and certainly doesn't respect that Care Leavers have shared their most personal and private information with the person who sent the letter.

CLAN is eager to know the percentage of Care Leavers who are applicants to the National Redress Scheme (they are requesting this information from the applicant; see page 14 of 30, question 36, Application for Redress - Appendix A ). Redress has informed us that they do not collate this information. Why not? They can inform us that 23-25% are of Aboriginal descent, and how many have died while waiting, so why can't they tell us how many applicants are Care Leavers? Don't ask the question if you aren't going to use or share the data! On the subject of data collection, every telephone call to Redress is recorded. Sensitive information is recorded and kept, yet when Care Leavers want to access information, it is apparently unavailable. Once again, children in Orphanages, Children's Homes, Missions, and Foster Care are made invisible by the federal government's National Redress Scheme. This is important information for funding organizations such as CLAN, and for planning what support is needed for Care Leavers applying for Redress. We are fed up of being ignored, hidden and overlooked.

We find it offensive that the information is requested yet Care Leavers as a group are not deemed important enough to have their statistics represented. It is right and proper to ask on the Redress Application Form whether the applicant is of Aboriginal or Torres Strait Islander (ATSI) descent. It is right and proper for the Redress Scheme to collate and publish this information. Many of those from ATSI backgrounds were also in state care, whether it was an Orphanage, Children's Home, Mission or

Foster Care. Yet the Redress Scheme does not consider being a Care Leaver important enough to collect and publish information on Care Leavers, so we have no idea at all how many Care Leavers have applied to the Redress Scheme, how many have been successful or not, what level and range of payments they have received.

Being Care Leaver Informed also applies for a Direct Personal Response. From those in charge who are delivering apologies, to the various justice departments who are organising counselling, to the counsellors and mental health professionals themselves, CLAN believes each and every person who a Care Leaver comes into contact with as a result of the National Redress Scheme needs to be Care Leaver informed. This means having the CLAN training that only Victoria and South Australia and a select few organisations have chosen to have, reading appropriate material (***Orphans of the Living: Growing up in Care in 20<sup>th</sup> Century Australia***, by Dr Joanna Penglase), becoming members of CLAN, and keeping up to date with the latest Care Leaver information are all vital to being Care Leaver Informed.

**CLAN recommends that there should be a separate team to handle all Care Leavers, and that this team has Care Leaver informed training.**

### **Payments**

As stated in our prior submission CLAN takes issue with the payments being capped at \$150 000, when the Royal Commission recommendation was \$200 000. A great many Care Leavers are currently feeling that the maximum amount being capped at \$150 000 combined with the difficulty of this process and navigating the scheme and its tremendous wait times is making the \$150 000 not worth the bother. The Redress process was meant to be the easier option compared to civil litigation. For many they no longer believe this or feel this and are considering not applying or dropping out to pursue the civil pathway.

Additionally, as we mentioned in our last submission the issue of indexation and taxing prior payments is abhorrent. Care Leavers are basically being penalised because the government took an age to introduce a redress scheme. Furthermore, the Care Leaver is being further penalised because the scheme is inept and takes an extraordinary amount of time to process an application.

People who get a Redress payment are told in one solitary sentence on the Redress Application Form that the payment “may affect various Centrelink asset tests”, but no further explanation is given. Care Leavers’ experience of Centrelink is often very negative and they are suspicious that the intention is to reduce their pension because of Redress payments.

CLAN have also unfortunately seen first hand that there seems to be no consistency in payments when comparing similar level abuse.

CLAN are the nominee for three different males who all suffered penetrative sexual abuse as little boys by female caregivers. One was a matron, one was a nun and the other was a female foster carer. The male who was abused by the matron was awarded a \$150 000 redress payment. The other two males who suffered penetrative abuse by the nun and female foster carer were both awarded \$100 000. The male who was abused by his foster carer underwent numerous assaults between the ages of 10 and 14. He was threatened with a flogging with a large stick if he refused or put up a fight. At 14 years of age he attempted suicide, this was not in his redress form and he told this to no one until he spoke to CLAN's CEO in April 2020.

Not only does this example cause CLAN to question the consistency of the Redress payments, but CLAN must also question if there is any gender discrimination/bias being used. It appears females who abuse males via penetrative abuse isn't viewed in the same extreme manner as penetrative abuse where the perpetrator is a male.

**CLAN have collated data on the 56 Care Leavers we are a redress nominee for who have received payments. Of the 23 Care Leavers who have received \$150000, only 2 were abused by a female, and 3 were abused by both males and females. As shown in the above example there are many cases where the perpetrator is a female and they are not receiving the top amount. CLAN wants to know why?**

Whilst a review is an option for these men and all other Care Leavers who feel they received an unjust outcome, how can CLAN recommend they do this knowing that it is possible their payment may be reduced? What a mean spirited redress scheme!

Furthermore it is not just the inconsistency of the amounts of payment, but who is labelled responsible by the Independent Decision Makers. CLAN have seen all sorts of different accountabilities apportioned to different institutions and none of them are consistent.

This leads CLAN to question why only one Independent Decision Maker is in charge of assessing each application? In the Western Australian Redress Scheme there were three Independent Decision Makers, ensuring a greater level of objectivity and consistency across the board. Furthermore, CLAN would contend that there should be at least one decision maker of each gender involved in the assessment.

CLAN also needs to publicly object to the fact that there are three ex-SA police officers and one ex-employee of the WA department of child protection. How on earth were these people deemed independent when they worked for institutions who were abusive themselves and had a hand in the continuation of these practices. The majority of Care Leavers do not trust child protection workers as they were the ones who let them down in the first place, who did not do their jobs and ensure the safety of these children, or who knew about and overlooked the abuse they were suffering. Similarly Care Leavers struggle to deal with police, as many police officers ignored the treatment Care Leavers suffered and were in charge of returning them to their abusers if they absconded, despite any evidence of abuse and despite Care Leavers disclosing otherwise. Care Leavers also had many

negative interactions with police in the past and police viewed them similarly to the rest of society, no-good, unwanted children who were out to make trouble.

**So CLAN needs to ask you, how can Care Leavers trust a redress scheme who employs 4 Independent Decision Makers who are NOT independent on paper and who worked for organisations who had a hand in perpetuating the cycle of abuse against children in care?**

**CLAN would also like to know if these 4 Independent Decision Makers ever personally reported crimes against children in care?**

### **Conclusion**

Whilst CLAN appreciates the establishment of the National Redress Scheme, the way this scheme has been administered leaves a lot to be desired. The low rate of applications and the slow rate of processing applications are symptoms of the many problems in the design and procedures in the Scheme. The principle, “**Do no further harm**”, cannot be said to apply to this Redress Scheme. It is unnecessarily hurting Care Leavers. For many elderly Care Leavers, Redress is an option because taking a civil route is too arduous, emotionally draining, and they no longer have time on their side. But for many other Care Leavers, the issues are piling up, the delays are too long and Care Leavers are literally dying waiting to receive some ounce of justice and acknowledgement.

Whilst CLAN believes that the Royal Commission did a wonderful job of casting light onto the horrific crimes committed against children in care (and other institutions) we feel this Redress Scheme has done nothing but bring its name and the Royal Commission’s efforts into disrepute. Last year we had the pleasure of commenting on a discussion paper for the Scottish Government who were in the process of initiating their own Redress Scheme (<https://www.gov.scot/news/redress-for-historical-abuse-survivors/>). The simplicity and inclusion that the Scottish were proposing was a breath of fresh air, after dealing with the red tape and the complexities of the Australian Scheme. It was obvious that the Scottish were Care Leaver informed as well as trauma informed. Unfortunately, it is quite the opposite in our Australian National Redress Scheme.

We urge you to move quickly and swiftly to bring about changes. More Care Leavers are dying everyday and that number will only get higher with the prevalence of **Coronavirus** at the moment. **The National Redress Scheme at present does not have the majority of Care Leavers’ trust. It is not Care Leaver focused, it is Institution focused.** There are still many claims from 2018 which have not been assessed and paid. Please take on board our comments and point of view and do something to change the outcome for the most disadvantaged victims, Care Leavers.

Thank you to all the committee members who serve on the Joint Select Committee on Implementation of the National Redress Scheme. CLAN would also like to personally thank Tammy and Mel who work at the National Redress Scheme and liaise with CLAN on a daily basis. We would like to make the Joint select committee aware of the efforts of these two individuals who are working tirelessly in a very flawed system to do the best for Care Leavers, despite the design and other shortcomings that this scheme is characterised by. CLAN are looking forward to the day when redress is not characterised by severe delays, and we see the introduction of a fairer matrix where Care Leavers will receive the payment they deserve. We also hope to see the many other changes that we have spoken about in this submission and we hope that this will come as a result of your report and urgent recommendations.



CLAN @CLAN\_AU · Apr 6

#CareLeavers are fed up waiting for justice & #Redress

How much longer do we have to wait?  
It feels exactly like when were in the horrid Homes, invisible  
It's NOT rocket science  
Believe us  
Pay 💰 into our accounts b4 we die of virus 🦠  
[@Anne\\_Ruston](#) [@ABCthedrum](#) [@JillHennessyMP](#)





**Appendix A**

less Harmful to Care Leavers  
Frank Golding 15 March 2020

33 **What were the dates you were at the institution?**  
These might be the dates you were placed there, lived there, were employed or went to school.  
Approximate dates are fine if that is what you know. If you left the institution and came back then please write a date range.  
For example: January - June 1985. Sometime in 1987, 1989 - 1992.

34 **How old were you when the sexual abuse happened?**  
If you are unsure, or if the sexual abuse happened over more than one year, please write your age range.  
For example: 9-12 years old.

35 **Did you live at this institution when the sexual abuse happened?**

Yes  
 No

36 **When the sexual abuse happened at this institution, were you:**

A state ward  
 A foster child  
 In relative or kinship care  
 Under other court ordered care  
 An unaccompanied child migrant  
 A military cadet  
 Apprentice in the Defence Force  
 None of these apply to me

37 **If you were a child migrant, were you from**

The United Kingdom or Malta  
 Other

NR5001.1902

Application for Redress — 14 of 30

**Appendix B**

DEPARTMENT OF HEALTH AND HUMAN SERVICES - RELEASED UNDER FREEDOM OF INFORMATION  
**SOCIAL WELFARE BRANCH**

## Recommendation for Continuance of Guardianship of Ward of the Branch

*Children's Welfare Act 1958, No. 6219 (Section 21)*

Name: [REDACTED] Reg. No. **366.1159**

Date of Birth: **20/12/1949**

Date of Admission: **21/3/1950**

Reasons for Recommendation:

The Wardship of [REDACTED] was extended from her 18th birthday, (20/12/67) for 12 months tentatively, as she was considered to be limited and in need of continued care and support. She was, at the time, resident at Maryville Hostel.

[REDACTED] was transferred to private board in Sandringham, in June 1968, and is doing reasonably well. She has developed some ability to cope on her own, and is becoming more mature in her attitudes and behaviour.

Unfortunately, [REDACTED] is still employed in factory work, which limits her earning capacity. She is trying to find alternative employment, as she realizes that she cannot be financially independent if she remains in her present job. As she still requires help in this area, as well as the fact that she has been in her present accommodation for only 6 months, it seems that [REDACTED] requires continued support and supervision for a few more months at least.

It is therefore recommended that her Wardship be extended for 6 months, until 20/6/1969, by when [REDACTED] will quite probably be ready for discharge from care.

Director of Youth Welfare  
/ 11 / 1968

THE DIRECTOR-GENERAL  
Forwarded and recommended

Director-General  
/ 11 / 1968

THE UNDER-SECRETARY

DIRECTION OF MINISTER

I hereby direct that the Director-General of Social Welfare remain the guardian of the person and estate of [REDACTED] until the said [REDACTED] \* attains the age of **19½** years on **20/6/1969**.

Chief Secretary  
**29 / 11 / 1968**

**Appendix C**

If not delivered: Locked Bag 7750 CANBERRA BC ACT 2610

**National  
Redress Scheme**  
For people who have experienced  
institutional child sexual abuse

Reference: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

20 January 2020

[REDACTED]

**Your application for redress**

Thank you for applying to the National Redress Scheme (the Scheme). Your application was assigned to me as an Independent Decision Maker, and on behalf of the Scheme I would like to acknowledge that the abuse you experienced as a child was wrong and should never have happened.

I have carefully considered the information you provided in your application, but, unfortunately, I am not able to find you eligible for redress. This does not mean that what you described in your application did not happen.

I have determined that you are not eligible for redress under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act) for the abuse you experienced as I was not able to establish that the Department of Communities Tasmania was responsible for bringing you into contact with your abuser, nor could I attribute responsibility to another participating institution.

If you would like more information about how I made this determination, please call the Scheme on **1800 737 377** (call charges may apply).

**Your options**

Please take time to consider this determination and your options. You have six months (**until 14 July 2020**) to decide, or you can ask for more time. You do not have to make the decision on your own as Redress Support Services can offer you information, support and advice to help you make a decision. The Scheme recommends that you use these services, including the free and independent legal support available from knowmore. Contact details for support services are on page two of this letter.

**How to ask for a review of this determination**

If you do not agree with this determination you can ask for a review by calling the Scheme on **1800 737 377** (call charges may apply) or in writing **before 14 July 2020**. You cannot ask for a review after this date unless you seek an extension (see below for more information).

The review will be conducted by a different Independent Decision Maker. They are required to use the same information that was available to me when undertaking the review. After a review is complete, one of the following may happen:

- your determination may stay the same, or
- you may get a different decision about whether you are eligible for redress.

#### **If you need more time**

If you need more time to think about this determination, please call the Scheme on **1800 737 377** (call charges may apply) **before 14 July 2020**. If you are calling from overseas, please call +61 3 6222 3455 and ask to speak to someone from the National Redress Scheme.

#### **How to find out more about civil legal proceedings**

You may be able to bring or continue any civil legal proceedings in relation to the abuse you experienced. If you would like free and independent legal advice you can call knowmore on **1800 605 762** (call charges may apply) or go to **knowmore.org.au**

#### **More information**

More information is available at **nationalredress.gov.au** or call the Scheme on **1800 737 377** for help finding support services (call charges may apply). If you are calling from overseas, please dial +61 3 6222 3455 and ask to speak to someone from the Scheme.

Thank you for taking the time to make your application to the National Redress Scheme. I acknowledge your strength in doing so and wish you well.

Yours sincerely,

**Independent Decision Maker  
National Redress Scheme**

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#### **Redress Support Services**

##### **Free legal advice**

knowmore is a free and independent legal support service. If you need free legal advice, you can call knowmore on **1800 605 762** (call charges may apply) or go to **knowmore.org.au**

You may choose to use your own legal service to obtain advice and assistance. The cost of using your own legal service will not be covered by the Scheme.

##### **Free support services**

Redress Support Services can offer you information, support and advice.

You can connect with a support service by going to **nationalredress.gov.au/support** or calling the Scheme on **1800 737 377** (call charges may apply). If you are overseas, call us on **+61 3 6222 3455** and ask to speak to the National Redress Scheme.

##### **Free financial support services**

Financial counselling is a free, independent and confidential service that can support you to manage your redress payment.

To speak to a financial counsellor, call the National Debt Helpline on **1800 007 007** or go to **ndh.org.au**

**Appendix D**

**... the sexual abuse that happened while you were at this**

... clear understanding of the sexual abuse  
... happened.

... is important. So are the words you choose.  
A statement like 'the person sexually assaulted me' would not give enough  
detail to make a decision about your application.

When you write about the sexual abuse, you should also include related  
non-sexual abuse such as physical abuse, psychological abuse or  
neglect that happened at this institution. It is important to write separate  
statements for each institution responsible for bringing you into contact  
with the person or people who abused you.

... again in my defenceless  
knowing what he wanted! Do you  
this brutalization had taken place and  
parasites threaten and coming close  
arse? Having to fill in this form, you  
atrocities all over again. Do you und  
family? Do you care? Even th  
in Brisbane, whereas at  
boys being Wards of  
were qu  
rep

... why this had  
of my marriage; my wife and children  
or the Atrocities I suffered in different  
wretched events? For example, while I was  
the Salvation Army's South Brisbane shelter  
parasite predators there, knocked to the grou  
and a penis nearly rammed up my arse. Still it was  
clothes ripped off, it was also the endless leering,  
occurred prior to my transfer to the Salvation Farm Inst  
Queensland, where I had to escape from that hell hole  
although I was eventually caught and then sent to the  
hole Westbrook on 25<sup>th</sup> June 1953. I was  
for absconding. I was forcefully stripped  
leather, leaving the wounds across my  
the Superintendent Roy Gollidge who always

...rite about the sexual

11. 1961. Bec...  
 ... to take his...  
 ... his life in Westbrook  
 ... bloody senseless.  
 ... have been  
 ... the same  
 ... being  
 ... in our heads  
 ... lled. Do you  
 ... ed to be  
 ... ived, still  
 ... nd him, my  
 ... o if not  
 ... ny other  
 ... ape the  
 ... o. When at  
 ... dy had  
 ... ne, suicide  
 ... brook  
 ... of course  
 ... my

**What comes next?**  
 The next question asks you about people you believe knew about  
 sexual abuse.

27

tion for Redress

**Appendix E**

CLAN (@CLAN\_AU)

20/4/20, 7:54 am

[@garethjward](#) [@MCT\\_DG](#) [@Anne\\_Ruston](#)

How could 2 NSW #statewards, brothers abused same Catholic orphanage

Independent Decision Maker makes NSWGovt accountable for 1 & not the other 🙄

Clearly IDM do NOT have CL training

#Redress 💰 must NOT be made by 1IDM 🗨️ [pic.twitter.com/BulBlulhue](https://pic.twitter.com/BulBlulhue)