



26-05-10

COMMITTEE SECRETARY  
SENATE LEGAL AND CONSTITUTIONAL COMMITTEE  
P.O. BOX 6100  
PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600.

To Whom it may concern,  
Please

accept my submission to the Inquiry being: "REVIEW OF GOVERNMENT COMPENSATION PAYMENTS". AS FOLLOWS:

In 2004 I went through PHASE 2 of the FIRST REVIEW into ABUSE IN CARE and received an EX GRATIA payment. The Oxford Dictionary defines EX GRATIA: done or given as a concession without legal obligation. So why did we have to sign a legal document being a waiver. This contradicts the written statement from the OMBUDSMAN on the 30-07-04 "GIFT OF MONEY WITH NO STRINGS ATTACHED".

The definition of WAIVER: forgo, give up, relinquish, disregard, overlook, which is exactly what I and others did with our rights. We were offered a choice, being free legal advice. This advice was: "YOU DO NOT HAVE ENOUGH MONEY TO TAKE ON THE GOVERNMENT, ALSO IT WOULD TAKE YEARS, JUST TAKE WHAT THEY OFFER YOU."

What was the cost to the GOVERNMENT for this legal advice? It is still frequently stated by many including the media and Government we received COMPENSATION instead of EX GRATIA.

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I find it difficult to come to terms with the Government's mind set on both forms of payment. An example:  
A Tasmanian Government male employee who had a mutually agreed affair with a female Government Minister received COMPENSATION: (suitable payment in return for loss or damage) when the affair turned sour. The amount was over the maximum EX GRATIA payment offered to EX-WARDS who were criminally, sexually and physically abused. This is a mockery of common sense and an insult to EX-WARDS who had to sign a waiver.

In 2004 I questioned the ASSESSOR on the basis of payment in particular if there was a criteria. I was told it was how you got on with your life. He said I had done okay also I had other issues, that is being a Vietnam Veteran. I believe there is DISCRIMINATION here as I experienced bureaucratic nonsense in a similar situation, being in 2000 whilst going through pension process with Veteran affairs it was stated I had psychological problems before going to Vietnam. I was questioned about my time in Ashley Boys Home and being a STATE WARD. As there was a maximum set for payment I suggested that if the Department had a case to answer we should all receive the maximum. The Assessor's reply was "THERE IS NOT ENOUGH MONEY FOR THAT".

Another ex-ward was told when enquiring about the determination of a claim: "MY RECOMMENDATIONS WERE BASED ON AN AWARD IN ACCORDANCE WITH THE SCALES APPLYING TO ALL CLAIMANTS". Who formed this AWARD, what were the SCALES and what was the formation based on.

May I suggest the following:

TYPE OF ABUSE: PHYSICAL, SEXUAL, PSYCHOLOGICAL

## SEVERITY OF ABUSE.

AGE AT ABUSE: This is vitally important as one is more vulnerable at certain ages. BABY 0-1, INFANT 2-6, CHILD 6-12, and ADOLESCENT 13-19. As a child this is the most vulnerable period developmentally.

THE LONG TERM EFFECTS OF ABUSE: depression, aggression, emotional numbing, problems with authority, relationship failures, lack of self esteem, lack of trust, lack of confidence, distrust of bureaucracy, loss of educational potential, misfit within society and the list goes on.

A question, was there anything learnt from the first Review. According to the HEALTH MINISTER when questioned on STATELINE 10-02-08 in regard to second Review.

'WILL IT BE THE SAME THIS TIME'. The reply:

'YES WE ARE DOING THE SAME PROCESS AS IN THE PAST BECAUSE WE FEEL THAT IS THE FAIREST AND MOST EQUITABLE WAY TO PROGRESS THIS ISSUE THROUGH'.

Around this time it was stated the Health Minister had set on a report for six months. Was this report from the first Review.

As I assisted my sister who has an intellectual disability in the current review I can categorically say there are vast differences in the two reviews. Some examples now:

Five forms of identification required, able to receive your file prior to interview. An application form which has questions that the answers are on your file in most cases.

A close friend of mine had two days to tell her story. I had nearly two hours without my file. A document in 2003 being "INFORMATION FOR CLAIMANTS" states:

"ONE AND A HALF HOURS WILL BE ALLOCATED FOR YOU TO PROVIDE INFORMATION AND DISCUSS ISSUES".

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Maximum payment was cut by around fifty per cent. With the exception of ex-wards files has there been any other information supplied to the Review Teams such as interviews with ex FOSTER PARENTS and ex STAFF FROM GOVERNMENT INSTITUTIONS.

Tasmania has a an appalling track record on dealing with CHILD ABUSE and ABUSE IN CARE.

Nothing short of incompetence from the Health Minister in the appointment of a Childrens Commissioner in November 2006 caused trauma and distress to several ex-wards.

Unfortunately this was another blunder at a very emotional time. In my opinion the replacement Childrens Commissioner was out of line when he made comments along the lines of: "MONEY SHOULD NOT BE FOR EX-WARDS BUT FOR CHILDREN OF TODAY". Would the same have been said in regard to payment for the STOLEN GENERATION, I think not. Sure the children of today need better protection than ex-wards received to prevent abuse. Maybe the Childrens Commissioner may think I am out of line, but like him I am entitled to an opinion. So in my opinion he should be looking at ways and means to prevent abuse in care as this would go a long way in eliminating EX GRATIA payments. Why is abuse still occurring. Why is there no CHILD PROTECTION UNIT in Tasmania.

Speaking with many other ex-wards it is obvious that very little has been learnt from mistakes of the past. There are inquiries with recommendations available which have been compiled with considerable input from ex-wards. As an abused ex-ward it frustrates me and I am sure many others to know that very little has changed.

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Why has a twelve year old girl in state care suffered the trauma of prostitution.

From the Prime Minister's apology: "Governments must continue to commit to the systematic auditing, inspection and quality assurance of the child Protection Services they administer today". I am going out on a limb here and saying in some cases first they have to begin before they can continue. This would also apply to the motion on 16-11-09, "Governments at all levels to do all in our power to never let this happen again."

Area of concern in Tasmania is Ashley Youth Detention Centre. In 2007 the Youth Justice Budget was \$11.5 million, \$8 million to Ashley leaving \$3.5 million for approximately 500 other young people in the Youth Justice system. This was around \$250,000 P.A per resident of Ashley. Something has to be done in addressing the cause of a minority ending up in this centre starting with the prevention of abuse.