



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



@CLAN_AU
#NIRS

**REDRESS IS NOT
AN INSURANCE
CLAIM**

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

Submitted 30th October 2020

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.

We point out that we have already made a submission to the Joint Select Committee earlier this year and all the issues discussed in that previous submission are still relevant for Care Leavers at this point in time. There has been very little change in the procedures and outcomes of the National Redress Scheme (NRS) to date, resulting in CLAN and Care Leavers believing that our experiences and point of view have NOT been heard or taken under advisement.

CLAN would also like to give acknowledgement to the Redress team headed by Tammy and Mel who have been liaising with CLAN this year. It is clear that these two women are committed and caring public servants who are trying to improve the experience and outcomes for the Care Leavers whom CLAN assist with redress applications. We are in contact with these women daily and things have definitely improved since their introduction to CLAN, however they are working within an extremely flawed system.

We thank you for giving CLAN the opportunity to share our experiences of the NRS. However, we hope that at this stage our submission and those of others are not futile and will actually be utilised to make some positive changes for those Care Leavers who are being retraumatised by the Scheme. CLAN feels that the dismal failure of this scheme is continuing and the reviews and inquiries carried out to date have not been taken on board by those administering the Scheme. We sincerely hope that this submission helps to inform the committee's second interim report and that the recommendations which result will actually be taken on board by the NRS, and the unnecessary re-traumatisation of Care Leavers will cease. At this point in time the Scheme is doing more harm than good to already vulnerable and hurt Australian citizens. This is contrary to the purpose of a redress scheme and must be rectified immediately.

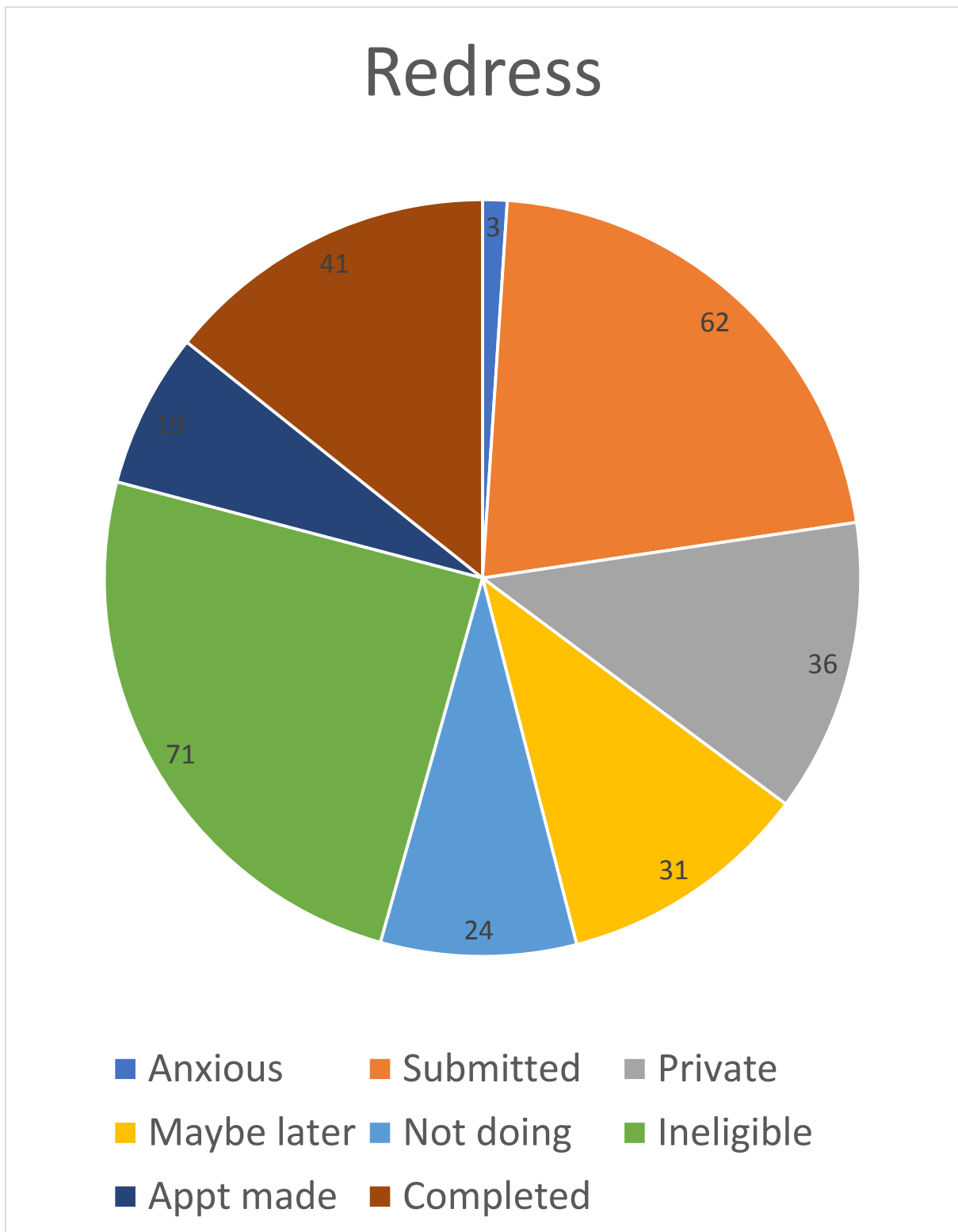
Why are Care Leavers hesitant to apply for redress?

CLAN are discovering that more and more Care Leavers who are eligible to apply to the NRS are hesitant to do so or are avoiding applying at the present time. These are Care Leavers who financially could use redress money for basic needs like food, rent and clothing. One of their biggest expenses is also their medical and health needs and eventually finances to cover the costs of their funeral.

So what is it that is proving to be such a deterrent for Care Leavers? Since the Covid-19 pandemic began, CLAN have been calling all our members to see what we can help with. When the discussion turns to the Redress Scheme we have found many have not yet applied and are not taking steps to apply at this point in time.

Out of 287 calls made in May to CLAN members, 39% of Care Leavers were eligible for redress but hadn't applied. 22% of Care Leavers had already applied and were waiting for an outcome, 25% were not eligible to apply and 14% had completed the redress process. When asked why they haven't yet made an application to redress 32% said it was for private reasons, 27% said they

would do it at a later date, and 21% had decided they were not going to go through with a redress application. The pie chart below shows data from phone calls made in May.



Care Leavers have discussed with us that all the adversity they hear surrounding the NRS plays a large role in them avoiding the application process. They hear from other Care Leavers about their horrible, retraumatising experiences, they see it on social media and also in mainstream media.

Many Care Leavers are also telling us that they don't see the point in going through the trauma of the NRS when the maximum payment is only \$150 000 and when even some of the worst cases are only getting \$100 000. Care Leavers find the redress process more traumatising and creating more mental health issues than when they went through the Royal Commission. When other Care Leavers hear this, it is no wonder many avoid applying to the NRS. The reports of difficulties and adversity surrounding the NRS now precede it and unfortunately serves to deter those for whom this Scheme was established from even making an application.

More recently Care Leavers have spoken about their reluctance to share the Part 3 information with the abusive institution in order to get a 'more personalised' DPR. We do not see the need for this to occur in order to get a personal DPR. Surely those apologising on behalf of the institution have some understanding of the pain, suffering and effects sexual abuse has on a person? Why must a Care Leaver be forced to share this personal and private information with the institution who was responsible for their abuse in order to get more than a general apology? This invasion of privacy is another reason why Care Leavers are hesitant to apply.

In March this year CLAN also produced and mailed out, a comprehensive survey regarding Care Leaver experiences of applying for redress. CLAN is still in the process of receiving surveys but from an interim analysis of 122 survey responses we have found that 37% of respondents who claim to be eligible to apply for redress have not yet applied. When asked to elaborate on why they hadn't yet made an application, responses generally revolved around the following factors:

- **Fear of being retraumatised/having to disclose abuse again.**
- **Lack of understanding regarding how to apply/the application process**
- **Confusion about eligibility especially concerning prior payments and the indexing clause.**
- **Illness**
- **Low payments**
- **Extensive Delays**
- **Sharing of Part C information with abusive organisations and insurance companies**

When the report of the survey is completed, CLAN will provide a copy to the Minister Anne Ruston, the Shadow Minister Linda Burney, DSS, and the Joint Select Committee on the implementation of the NRS.

As can be seen, a large number of Care Leavers are avoiding applying to the NRS for a multitude of reasons, but the majority of these reasons revolve around the ineptitude of the scheme. It is disgraceful that the Scheme has been designed and administered so poorly that 37% of those who are eligible have decided it is too difficult to apply. Changes must be made immediately!

Exclusions

CLAN maintains that the exclusion of those who were not sexually abused, and those who are currently in gaol or have been for an extended period is unjust. Please see our previous submission to the Joint Select Committee for further discussion.

CLAN would also like to reiterate that no change in policy has yet come about with regard to Care Leavers who were over the age of 18 at the time of their sexual abuse, but who were still state wards until the age of 21 and were required to reside in Orphanages and Children's Homes. The NRS is using today's standards to make policy for different generations when children were considered state wards until the age of 21. The arbitrary cut-off at age 18 is not justified because the policies of the time believed that children in 'care' were children until the age of 21. This group need to be acknowledged in the NRS.

CLAN are beginning to see more and more Care Leavers' applications being deemed ineligible when we and they believe they are. These Care Leavers were sexually abused whilst in 'care' and, therefore, clearly fall under the terms of reference of the NRS. We believe some are being wrongly deemed ineligible because the Independent Decision Makers do not have a proper understanding of the 'care' system. Those assessing applications must be adhering to different understandings and definitions - none of which is transparent or shared with support services like CLAN. It is now abundantly clear that Independent Decision Makers have had NO Care Leaver Training. CLAN have recently become aware though that \$6.5 million was given to Ernst & Young for the training of staff and IDMs. CLAN believe that this money has been a complete waste and has not incorporated Care Leaver training which CLAN would happily provide for free.

We can provide lots of examples. One Care Leaver (who cannot read or write) was recently rejected from Redress even though she suffered horrific abuse and now calls herself the 'Invisible Tasmanian'. She cannot understand why she was deemed ineligible—and not can CLAN. CLAN assisted a Care Leaver who was in foster care and was sexually abused by her foster carers. She fits the eligibility criteria. However, because no records of her time in care could be found she was deemed ineligible. Anyone who has familiarity with Care Leaver issues or has read the literature stemming from the Royal Commission would understand the difficulties in obtaining records many of which were destroyed. However, it seems as though Redress is treating applications as an **insurance claim** rather than with the survivor focused lens we were assured it would have. Care Leavers are the State Governments responsibility but, as in this case, are penalised because organisations have lost or destroyed the records.

We have also seen the NRS exclude Care Leavers who were sexually abused while physically being outside an institution or foster placement because they had absconded. They were still state wards and under state care, but the NRS has been excluding this sexual abuse. **This policy was initiated in 2018 after a Care Leaver's application was rejected because she was gang-raped after absconding to escape the abuse she was suffering in the Children's Home. At the time she applied, there was no policy covering this circumstance and this elderly Care Leaver ill with Parkinson's disease was forced to wait indefinitely until DSS created a policy to fit the case.**

There have been many examples of Care Leavers in similar situations, as it was quite common for children to abscond due to the crimes being committed against them. **We have found out recently though that some IDMs may be more lenient in these circumstances, and if there was sufficient reason to abscond, the abuse which happened after they absconded is sometimes deemed eligible. Whilst we agree that this should be happening (if not a blanket rule that ALL Care Leavers who were abused while in care outside the institution are deemed eligible) it highlights the inconsistency and unfairness of the scheme. Our elderly Care Leaver suffering with Parkinson's had her abuse bluntly ignored due to this policy, whilst now some IDMs have changed their mind and others are being allowed.**

It appears that the National Redress Scheme and the IDMs working within it are creating policy on the run. The rules are constantly being changed and readjusted. It is hard to not be cynical in questioning why this constant change. IDMs are not Care Leaver trained and perhaps if they were, we would see greater understanding of Care Leaver circumstances and increased consistency with decision making. Nevertheless, it seems we are faced with a Scheme which does not follow its own rules, make decisions on a whim and has no thought or care to the traumatised Care Leavers they are hurting and retraumatising along the way.

Application Form

As time has gone on within the NRS, CLAN has found that more and more Care Leavers are having difficulties with the application form. The form is too long and does not make clear the type of information that is actually required that will impact the offer the Care Leaver is given.

It does ask applicants to describe the type and extent of the abuse but does not say that the Care Leaver needs to detail and distinguish between molestation, penetration, and what type of penetration. Care Leavers use the word 'rape' thinking it accurately describes what happened to them but in actual fact does not provide the detailed information that the NRS is looking for.

Furthermore, whilst it says you should include other types of related non-sexual abuse, it does not actually point out that the extent to which this is discussed and made relevant will impact a Care Leaver's payment.

It must be remembered that Care Leavers were abused every day in a multitude of ways and for some to accurately disclose 'related' abuse would take forever and a day. Many Care Leavers take for granted that IDMs understand that physical and psychological abuse is part of the Care Leaver experience as well as sexual abuse. Perhaps if IDMs were properly Care Leaver trained and had read literature like *Orphans of the Living by Joanna Penglase*, they would understand this, but nevertheless the application form fails to explain the importance of disclosing other abuse and the impact it has on payments.

These issues severely penalise all those Care Leavers who attempt to do their own redress application. Care Leavers are going in blind, and the information is just not clear enough for those attempting it by themselves. No information is given regarding the assessment matrix which would enable Care Leavers to provide the level of detail required. CLAN are increasingly disturbed at the number of Care Leavers who are doing their own application, and may be unwittingly disadvantaging themselves. We are concerned that the NRS are not referring these applicants to CLAN- a specialised Care Leaver service. CLAN heard from a 71-year-old Care Leaver who eventually found CLAN herself after applying to the NRS on her own. She disclosed to us that the process of doing the application on her own and dealing with the NRS by herself has made her suicidal. CLAN are now giving her the much-needed support she required but questions why she was not referred to us sooner by the NRS.

On the topic of providing specialised Care Leaver support, we have recently had another Care Leaver come to us because a redress support service (which does not specialise in Care Leavers) failed to fill out the details of her institution and abusers (foster carers' names and address). This is vital information in the redress process and if it had been completed by CLAN who understand the intricacies of 'care' details this information would not have been missed.

Additionally, we have found other areas of the form lacking in clear wording. We urge those administering the NRS to understand that Care Leavers' experience is very different to those who

were brought up with their own family in their own homes. Wording on the form which may seem simple to the average Australian can actually mean something entirely different to a Care Leaver. For example, on the very first page where it requests the applicant's name it asks for a first name and then has two separate rows for 'Other given name'. **In one case a Care Leaver placed previous names in this section including her perpetrator's surname (which was her given name at a point in time). This resulted in her redress offer being mailed out in an incorrect name with the perpetrator's name being listed also. The redress offer was actually sent out in five different names, however the express envelope it was posted in was curiously addressed correctly with the Care Leaver's two legal names. Understandably, seeing the paedophile's name on her outcome letter was confronting and retraumatising for this Care Leaver who thought she was doing the right thing in putting all her previous 'other given names' into the form. It must also be noted that this then delayed her redress payment even more.** CLAN must also question why this was not double checked (as many things seem to be) via telephone before posting by the NRS who had her form since 2019. For those raised in a family home this question would be straightforward, but we have raised the issue on many occasions that Care Leavers experiences are different and need to be understood in a different way. This in turn affects Care Leavers' understanding of the questions on the form. **We once again urge ALL THOSE ADMINISTERING AND WORKING WITHIN THE SCHEME TO BECOME CARE LEAVER INFORMED AND TRAINED.**

Inconsistency

As mentioned above, the inconsistency that has been witnessed in our work with Care Leavers accessing the NRS is horrendous. The bottom line is that any sort of inconsistency produces an unfair and unjust outcome for all those accessing the scheme.

CLAN firmly believe that the inconsistency in outcomes is worsened by the system of having individual IDMs assess an application. Having one person look at an application means that it is up to only one person's subjective viewpoint and interpretation of policy. As witnessed above, a policy was decided in regards to sexual abuse occurring outside an institution when a child had absconded. However, individual IDMs may be interpreting this policy in a completely different way allowing for huge inconsistencies – some are deemed ineligible others may be awarded \$150 000. That is a considerable difference in outcome when it depends on one person's viewpoint.

CLAN was assisting another Care Leaver who was a victim of 'state sanctioned rape'. Many female Care Leavers were routinely subjected to internal examinations, carried out in an unethical and unprofessional manner on many occasions for the sexual gratification of the doctor employed by the state. This contentious issue has been a prime example of the inconsistencies we speak of. **CLAN have seen in one case an IDM ask for more information regarding what made the Care Leaver believe the state sanctioned rape was indeed sexual abuse. CLAN obtained this information, progressed the Care Leaver's application, and the Care Leaver was awarded \$100 000. In another case a Care Leaver applied on the basis of her three internal examinations being sexual abuse. The IDM made a decision without requesting further information and deemed this Care Leaver to be ineligible and that her internal examinations did not constitute sexual abuse. This Care Leaver waited two years to receive the outcome letter saying she was receiving nothing and her sexual abuse was not deemed sexual abuse. She was extremely depressed and planned on 'ending it'. This Care Leaver then applied for a review and was awarded a redress payment of six figures. This is a huge difference in outcome between two different IDMs.** Whilst the correct outcome was

achieved in the end, the initial response was completely unacceptable and if CLAN had not been there to support and inform this Care Leaver she may not have progressed to a review.

Since these outcomes of state sanctioned rape cases, CLAN has decided that it will call all Care Leavers for whom we are nominees with similar cases. These are elderly Care Leavers, but we ask them sensitively to explain how they know it was sexual abuse and not just a 'normal' internal examination. **An 83-year-old Care Leaver told us that 'Dr Fingers with his face hidden by a mask. He'd examine you sexually while laughing. He said, "you like that" but I would be screaming'.** This is typical of the responses we get and yet **CLAN have been put in the regrettable position of inquiring into some of the most personal and traumatising memories these Care Leavers have and in doing so potentially violating them all over again in order to achieve the best redress payment we can for them. THIS IS WRONG AND IT SHOULD NOT BE HAPPENING.**

NSW CHILD WELFARE DOCTOR

**DR FINGERS WITH HIS FACE
HIDDEN BY A MASK.
HE'D EXAMINE YOU SEXUALLY
WHILE LAUGHING.
HE SAID 'YOU LIKE THAT'
BUT I WAS SCREAMING.**

— 83 YR OLD CARE LEAVER

Another Care Leaver whom CLAN assisted was subjected to multiple perpetrators and multiple incidences of penetrative abuse and BESTIALITY. This was clearly outlined in the application form but was missed by an IDM. This Care Leaver received \$100 000! It was only because of the advocacy of CLAN to the Minister's Office and Redress Officials along with a request for a review that the bestiality was seen and acknowledged. He then received a payment of \$150 000. The fact that everyone involved with his application from NRS missed the word bestiality in his application is a cause for great concern. How could this happen? This Care Leaver said to CLAN 'What has to happen to you in order to be assessed by Redress as extreme circumstances?' CLAN wants to know the answer too.

As a result of this disgraceful incident, CLAN now insists that all Care Leaver applications that it assists with have the following information summarised and written in red ink at the bottom of the abuse experience question:

- Type of abuse.
- How many penetrations?
- Type of penetration.
- How many paedophiles?
- Names of Paedophiles.
- Bestiality in capitals if it occurred.

This is information that is the deepest, darkest, secrets for many Care Leavers, laid bare in an application form in order to receive some semblance of justice for the crimes perpetrated upon them. Yet, the example that gave rise to this practice suggests that some IDMs and other redress employees are not reading application forms carefully. This is disrespectful to Care Leavers who find it heartbreaking to go through so much pain and suffering by reopening old wounds to receive the acknowledgement that redress is supposed to be offering. Do IDMs realise that the decisions they are making are life changing? Do IDMs have the ability to have their decisions double-checked? Why wasn't the IDM and other redress employees involved in this case asked to apologise to this Care Leaver? Instead, CLAN's redress liaison contact Mel apologised on their behalf when she had nothing to do with the incident and was not to blame for any wrongdoing.

In addition to inconsistencies related to internal examinations and other digital penetrations, we have seen multiple examples of other gross inconsistencies between IDMs and payment outcomes in relation to rape (penile penetration). One Care Leaver who suffered fifteen incidences of rape received just \$100 000. We believe that any reasonable person would, along with CLAN, would assume that her application would be viewed as an extreme case and the Care Leaver would have received \$150 000. CLAN are completely perplexed as to how these decisions are actually made and why there is so much inconsistency between IDMs.

These inconsistencies bring up another issue and that is the transparency of the NRS. There are no clear guidelines provided to Care Leavers (and other applicants) as to eligibility and exclusions. Nor are these guidelines provided to support services assisting applicants. The rights and responsibilities of Care Leaver applicants are not provided to them by the NRS, and essentially, applicants are going in blind as to what makes them eligible, what is excluded and what their rights are within the NRS. Similarly, Care Leavers and other applicants are not provided with a copy of the assessment matrix - and the guidelines governing their interpretation - making it more difficult to highlight and elaborate on important information. Some information that may be thought of as insignificant may be omitted.

As you can see from the examples we have discussed, the levels and types of inconsistencies are completely unacceptable for a Redress Scheme who is meant to be remedying and acknowledging the criminal acts committed against innocent children. If Care Leavers were provided with clear guidelines as to what is and is not accepted e.g. rape and sodomy after absconding IS or IS NOT included, then it would save Care Leavers a lot of heartache, depression and anxious waiting for justice and recognition. **The Scheme is currently retraumatising Care Leavers and reinforcing their distrust of for the government, and those in authority.**

Delays

CLAN still has Care Leavers for whom we are nominees, waiting for redress who applied in 2018, this is their THIRD YEAR OF WAITING. **CLAN is assisting a Care Leaver whom CLAN who has Motor Neuron Disease. She is one of the Care Leavers waiting into her third year. This is despicable. Redress were informed months ago that her case is urgent and still nothing has been done.**

For the most part, these delays are still continuing due to the woeful decision to push back the date for Institutions to join the NRS. This in turn delays the application process for all those who are waiting for an institution to join. Some of these Care Leavers who are being forced to wait are elderly and ill and literally do not have the time to be waiting. A 75-year-old Care Leaver recently told us that she is being forced to wait and whenever she tries to find something out 'you just don't get answers back'.

Moreover, the longer institutions take to join, the more Care Leavers with prior payments will be indexed. How this can continue to go on is perplexing and only proves that the NRS is Institution focused and not meeting its responsibilities to the people the scheme was established for.

This year, the NRS has been using Covid-19 as an excuse for delays. Whilst this may be the truth for some delays, it must be acknowledged that there was a huge backlog and extensive delays before Covid even existed. Utilising it now as an excuse for the extent of delays needs to stop as we are all well aware of the other circumstances surrounding the delays at the NRS.

CLAN also believe that the fact Care Leavers' applications are now being inappropriately investigated is a contributing factor to the delays we are seeing. It seems as though the NRS and IDMs are conducting a forensic investigation. If Care Leavers wanted to be the subject of a forensic investigation, they would not go down the path of Redress which is contrary to the reason it was set up. The Royal Commission recommended a redress scheme be established because it understood the limitations facing Care Leavers in taking other civil litigation avenues. The difficulty with providing evidence was one of those limitations. Anyone who understands how the Care system operated will know the lack of records available documenting Care Leavers' time in Care is well documented. There are many situations of records being destroyed either at will by institutions or in natural disasters like floods and fires. Moreover, the information contained within Care records was incredibly biased and not based on a standard or view point we would find acceptable today. Records did not document the crimes committed against Care Leavers nor did Care Leavers have the ability to counter claims made in files or present the authorities with their viewpoint. Children were expected to be seen and not heard, they were not valued and those in care were used and abused in every which way. Do we really think those who were abusing them are documenting their own wrongdoings? CLAN finds the fact that the NRS are endorsing evidence and fact finding is completely disrespectful to those whom the redress scheme was established for, implies that they are being untruthful and furthermore does not adhere to the recommendations of the Royal Commission.

CLAN have been advised that redress applications are assessed as they come in. However, we are well aware that there are Care Leavers still waiting for their applications to be assessed from 2018, and Care Leavers who have lodged their applications in 2019 who have already had an outcome. For example, CLAN know of one Care Leaver who lodged her application in November 2019 and received an outcome before another Care Leaver who lodged her application in November 2018. These were both similar cases and both institutions had already joined.

The NRS knows – we and others have told them multiple times - that, for Care Leavers, waiting is one of the most excruciating parts of this redress process. Imagine the stress of waking up every day

wondering 'if today's the day I will find out if my horrendous experience has been recognised, validated and acknowledged. That crimes committed against me are acknowledged as the crimes they truly were'. Care Leavers have had to wait for everything in their childhoods, food, bells, beatings to stop, abuse to stop, to go to the toilet etc. Now Care Leavers are once again forced to wait in line for a redress scheme to conduct a forensic investigation into the crimes committed against Australia's most vulnerable citizens. Care Leavers feel as if they are not believed all over again.

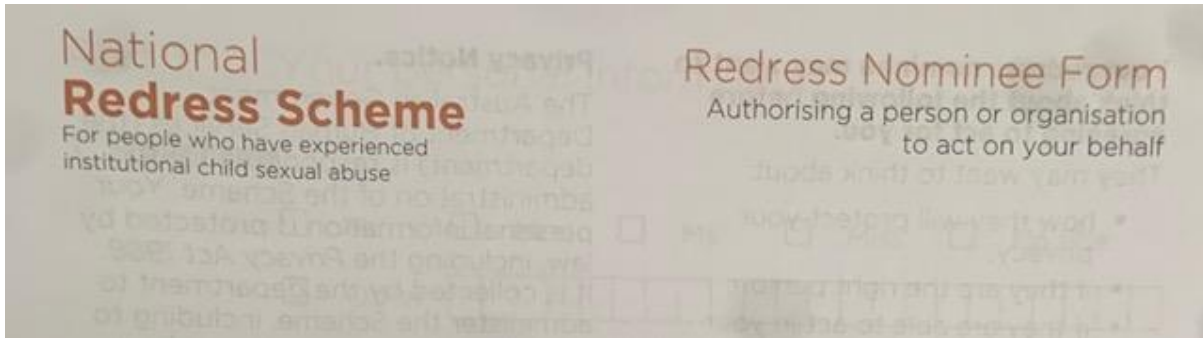
The delays, whatever the reason, need to end. Redress application forms for those elderly or in ill-health need to be expedited immediately. Australia could follow the example of the Scottish Redress Scheme and make initial part payments to those in these categories to make sure they receive something from the Redress Scheme in case they die before their application is processed. The NRS needs to remedy the delays immediately as Care Leavers are declining both mentally and physically waiting for an outcome. Families of Care Leavers are also the silent victims in this process, waiting and trying to support their family member throughout this long and arduous period. Care Leavers are also dying waiting, or dying soon after receiving their payment, never getting a chance to use it.

Nominees

CLAN have had a great deal of trouble dealing with the NRS with regard to nominees and nominee forms. When a Care Leaver requests that CLAN assists them to fill out their application form, we discuss with them whether they would like CLAN to become a nominee and what this entails. The majority of Care Leavers prefer CLAN to be a nominee and so nominee form paperwork is filled out at the same time as a redress application. The two forms are sent to the Care Leaver at the same time to sign and return to the NRS. This seems to be where the problem begins.

Whilst we believe there is a significant delay in processing redress applications, the delay in many cases in processing nominee forms would be laughable if it weren't frustrating and impacting Care Leavers so negatively. CLAN expects that when the nominee form is received it is processed and a confirmation of nominee is sent out. However, we only receive these in about half our cases. In some cases, NRS has noted it down on the system but not sent out a confirmation. **In other cases, they take so long to process the nominee form that we receive paperwork confirming CLAN as a nominee AFTER A REDRESS APPLICATION HAS BEEN FINALISED AND AN OUTCOME HAS BEEN RECEIVED.** This has happened on more than one occasion. This means that the NRS is not using nominees to support the Care Leaver when receiving their redress outcome. In other circumstances they refuse to talk to CLAN even though the Care Leaver has submitted nominee paperwork because it is not on their system yet due to either their delays or the possible misplacement/losing of Care Leavers paperwork. THIS IS NOT GOOD ENOUGH.

CLAN also believe that some Care Leavers mistake the nominee form which is sent to them as a second redress application and do not send it to the NRS. We believe this is the case as the words 'Redress Nominee Form' are small in font and size and are not noticed. Please see below.



As you can see the dominant words on the form are 'Redress Scheme' which are bigger and bolder than anything else on the page. As a result, the wording on the other side may get missed.

As a result of all the issues surrounding the Nominee Forms CLAN have now introduced a policy of stapling nominee forms to Redress Application Forms in the hope they will not be missed by the Care Leaver or misplaced or not processed by the NRS.

Care Leavers request CLAN to be a nominee so that we can liaise with the NRS on their behalf. In many cases contact with the NRS only serves to trigger and retraumatise them and in the best interest of their mental health they do not want to have any contact with the NRS. How can the NRS claim this scheme is Care Leaver/victim focused when its ineptness prevents them from speaking to nominees to safeguard the mental health of Care Leavers? We ask that you please review this information along with the case studies and examples included in our prior submission on this topic.

In other cases, CLAN have been liaising with the NRS as a nominee for over a year (or even two years in some instances) when we receive a call to say a particular Care Leaver has no paperwork naming CLAN as a nominee. THIS IS AN ABSOLUTE FARCE. This has happened on more than one occasion and is not an isolated incident. CLAN ensures that everyone we speak to who wants us as a nominee sends in the paperwork. How and why would the NRS speak to us about a Care Leaver in the first place if they did not have this paperwork? This leads us to believe that there is a major issue with the data system that the NRS are using. In one case (also mentioned in our prior submission) CLAN had to physically go through our paperwork to find a confirmation of nominee and send this back to the NRS to prove that we were the nominee when they were adamant that we weren't. The issue with this is that in our experience they do not always send us a confirmation of nominee so the absence of a physical letter is not always proof that we aren't a nominee.

The other issue that we seem to battle on a daily basis is the fact that some Care Leavers do not want ANY contact with the NRS and ask them to liaise entirely with CLAN instead. In many cases their wishes are not followed, and they still receive follow up calls asking for more information, etc. We have had many Care Leavers call us who are beside themselves after being directly contacted by the NRS. Contact with the NRS is TRIGGERING, it is upsetting and anger provoking.

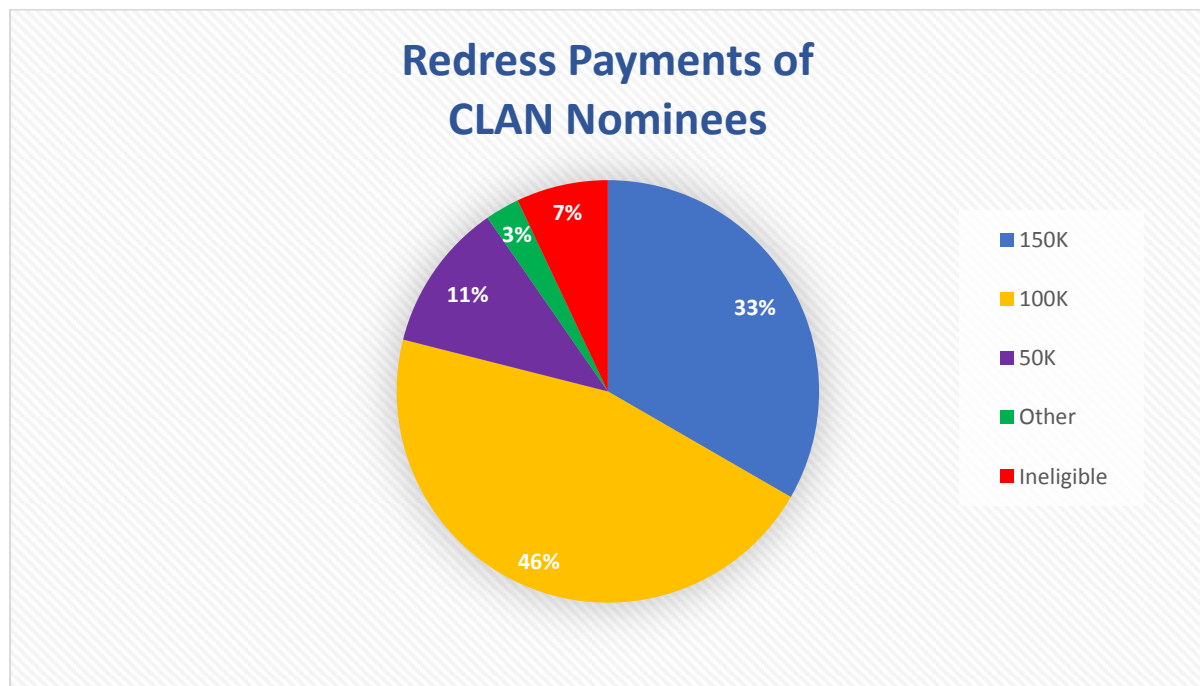
We have since had a development in a case mentioned in our prior submission. A Care Leaver who asked not be contacted by the NRS was contacted and had someone from the NRS bring up an incident that was mentioned in an attached document but not in the Care Leaver's actual form. The mentioning of this incident severely retraumatized this Care Leaver and has caused a lot of anxiety and depression since. The NRS went on to encourage both the Care Leaver and CLAN to include this incident of abuse. The Care Leaver eventually decided to include it after much thought and having the wounds reopened. CLAN assisted this Care Leaver to write about this incident and submit it. CLAN and the Care Leaver were of the belief that once this was sorted out her application would be resolved quickly (she had already been waiting almost two years at this

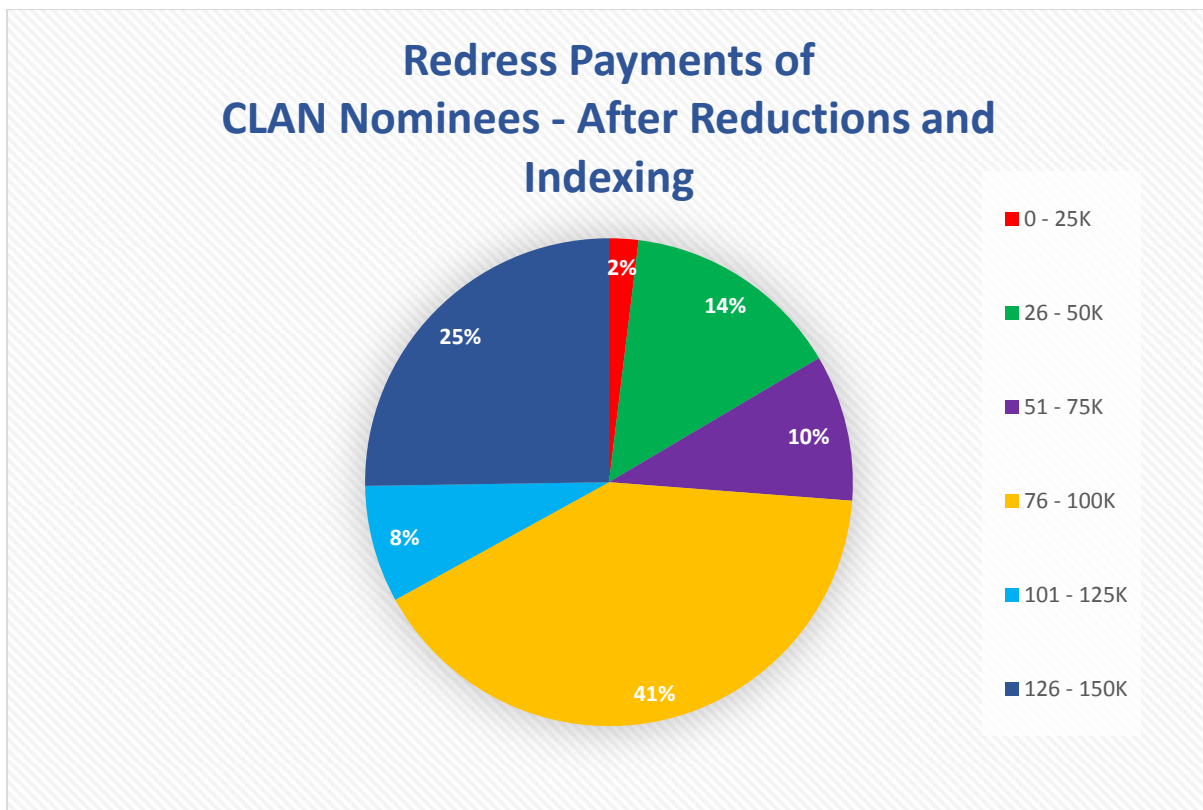
stage). After some time passed, CLAN enquired as to what the hold-up was only to hear that the incident of abuse which the NRS encouraged to be included was associated with Melbourne City Mission - an institution who hadn't yet joined and at this point in time had no intention to join. Her application form was now indefinitely on hold, and the NRS knew this would happen but did not mention it at any stage so the Care Leaver could make an informed decision. We believe that her institution has recently joined but she is still awaiting an outcome. It has been more than two years. Furthermore, we recently received a call, after CLAN liaised with the NRS over this issue and many other issues to do with her case over a two year period, telling us that they have no paperwork listing us as a nominee. **THIS IS RIDICULOUS AND THE SYSTEM NEEDS TO CHANGE.**

CLAN has to question why the NRS give the option of using nominees at all. It is clear that they see no importance in processing nominee forms expeditiously. It is clear that there is a fault on their system which shows CLAN as nominees at one point in time and not at others. It is clear that they have no intention of abiding by Care Leavers' wishes not to contact them, instead preferring to worsen and harm their mental health by repeatedly contacting them when they could be utilising the nominee that the Care Leaver has put in place. It is clear that the whole system of using nominees is broken and needs immediate fixing.

Payments

CLAN have started to see a reduction in payments from \$150 000 to \$100 000. When the Scheme was first established in 2018 there seemed to be an initial influx of the top level of payment, but this has now plateaued. It appears to CLAN that there has been a recent policy of keeping payments at \$100 000. CLAN have been told by one agency recently that they have ten claims to pay Care Leavers, and each one of them is for \$100 000. The pie charts below outline the levels of payment CLAN has seen for Care Leavers whom we are nominee for.





We cannot see a difference in the type of applications we are putting through, however, we are starting to hear that IDMs are not assessing as many applications as extreme circumstances. **As mentioned in a previous example one Care Leaver was raped 15 times and this was not assessed as extreme. She was given \$100 000 the same figure as Care Leavers who were given one internal examination. We do not take anything away from the payments to the others, but rather advocate that this Care Leaver is surely deserves the top level of payment.**

Our question to the NRS and IDMs is: What constitutes an extreme circumstance? How many times does a child have to be raped and by how many perpetrators for extreme circumstances to be considered? What has to happen to a Care Leaver in order to be assessed as extreme circumstances? Do anyone not think that a child being raped once is extreme enough?

As mentioned above, **IDMs missed the word bestiality in an application and labelled that application as not extreme circumstances. CLAN believes that if this sort of assessment is to continue, Care Leavers, CLAN and other support organisations should be provided with a definition of extreme circumstances. Care Leavers are applying with one hand tied behind their back not knowing what the definition actually is. This lack of transparency is causing harm and is NOT SURVIVOR FOCUSED.** We have since been informed that there is a definition in the legislation of extreme circumstances but not a working definition that is utilised by those at the NRS. Without a working definition provided to everyone (the NRS and support services) we believe we are relying on the whim of IDMs who have already demonstrated lack of consistency between application outcomes.

Furthermore, CLAN are still seeing a difference in payments given to those who were abused and raped by females compared to those who were abused and raped by males. We have seen males who were abused and penetrated by women on multiple occasions receive the same as females who

have one incident of digital penetration. It is our belief there is either a subconscious bias or blatant sexism that is guiding IDMs to believe that abuse perpetrated by women is not as severe or 'extreme' as abuse perpetrated by men. It is for this reason that CLAN also recommend that every redress application be assessed by at least two IDMs, one male and one female, to counteract subconscious gender bias. Please refer to our prior submission and the following link – an ABC The Drum interview for an example of a Care Leaver who was abused by a woman and the effect it can have: https://www.youtube.com/watch?v=bEABZGCp_a0&app=desktop

In another case, an 87-year-old WA based Care Leaver received an outcome of \$95 000 minus indexing and a prior payment which left her with \$67 016.92. She did not feel this adequately reflected her abuse and reviewed the outcome. **This review for this 87-year-old Care Leaver took 3 months** and upon review, her payment was not increased. In fact, the NRS believed that the original indexing was not applied properly, and she should have been given a lesser outcome of \$65 124.95. CLAN were then told that she was receiving \$1891.97 as '**compensation for defective administration**' by the NRS. This is a policy we have never heard of until 15th September 2020 and this small payment only served to bring her amount in line with her original amount. The whole review process was a farce and only served to highlight the incompetency of the NRS.

CLAN are also starting to hear from some Care Leavers who have recently been through the NRS by themselves, tell us that Covid-19 has affected their thought process regarding their outcome. That is, there seems to be a belief that due to Covid and the downturn in the economy, that the payments the NRS are offering are lower and there is nothing that can be done about this. In other words we have had Care Leavers tell us that they believe if they don't accept the offer they have been given, even if they haven't felt it was fair, they are worried that due to Covid they will receive even less, if not nothing at all. This fear is causing Care Leavers to accept amounts that are lower than what is deserved without applying for a review. After hearing some of these stories lately CLAN believes that the NRS needs to clarify that Covid has not altered the way outcomes are reached. It would also help to prove this point if we start seeing amounts similar to what we did pre-Covid, and not poor excuses to do with extreme circumstances etc.

The recent Senate Estimates have shown that the review process does very little to change the outcome for Care Leavers and other applicants. Out of 197 reviews, 145 had NO change and 42 had their redress altered. There is also a possibility that within these 42 some had payments lowered. There are still 10 reviews in progress with Care Leavers and other applicants still waiting!

Indexing

It is widely known that CLAN DO NOT AGREE WITH INDEXING. The practice of penalising Care Leavers for a payment they previously received (and most likely already used) is nothing more than penny pinching. The fact that this number is also affected by the time it takes for institutions to join the scheme and the time it takes for the NRS to process an application is preposterous.

CLAN endorse prior payments being considered so the total payment all Care Leavers receive is fair, BUT NOT INDEXED. If Indexing is to occur, then it shouldn't be enforced from the time the scheme was established. To do otherwise only rewards redress laggards. This practice is a prime example of this redress scheme being institution focused. It is practically rewarding institutions for delaying joining the NRS by ensuring that they will pay less due to indexing. Care Leavers should not be penalised because Institutions have lost their moral compass. How is this fair and just in a scheme that was meant to be established to remedy the wrongs Care Leavers and others were subjected to?

CLAN find it remarkable that past providers of Institutional care cannot find Care Leavers 'Care' records, but have no trouble keeping documentation of the paltry amounts of money they have paid to Care Leavers in the past.

Another issue we have since found is the discrepancy of indexing when taking into account lawyers' fees. In theory the amount that is indexed is meant to be after a lawyer's fees have been taken out as that is the amount that Care Leavers physically received. **We have recently encountered a case where the Care Leaver was unsure about how much she paid in fees to the lawyer and where the paperwork from over a decade ago would be stored. The NRS contacted the solicitor's firm who refused to divulge how much they charged the Care Leaver in fees. Therefore, the NRS made the initial determination to index the entire amount of the prior payment. We are concerned that legal firms have the right to withhold this vital information which plays a large role in determining the correct amount. But we are even more concerned when Care Leavers have their outcomes cut unreasonably by NRS making the decision without warrant that no legal fees applied if an amount can't be ascertained. Luckily, this Care Leaver showed resilience and tenacity by speaking to her bank and rifling through boxes of paperwork to find the letter confirming her solicitor's fees. This should NOT BE EXPECTED of Care Leavers though. The process is retraumatising enough without forcing them to prove how much money they have already had to pay to people to obtain what never resembled justice anyway.**

We recommend that the NRS STOP indexing immediately for the poorest of abuse victims, Care Leavers. We also recommend that a refund be given to all Care Leavers who have already been indexed through the NRS. Furthermore, there needs to be a way to obtain the information about Care Leavers solicitors fees from legal firms if they are for whatever reason unwilling to divulge it. Care Leavers should not be expected to keep decades old paperwork to prove their payment amount and definitely should not be retraumatised in the process of doing so.

Breaches of privacy

CLAN has a great many concerns regarding Care Leavers' privacy being breached in the National Redress process. We have attempted to address these concerns on a number of occasions only to be met with an unsatisfactory response.

It has become clear that Part 3 of the Redress Application Form is being shared with insurers and the abusive institutions, even if the redress applicant is ticking 'No – I do not agree to share Part 3' with the relevant institution. Whilst we understand that there is the specific labelling of 'institution' in this section, the fact that Care Leavers and other applicants are given a choice is misleading, and that this information is still shared with other parties. Whilst it is mentioned on page 5 and page 8 of the notes at the start of the form that information may be shared with insurers, CLAN contends that it is not mentioned on the ACTUAL PAGE where a choice is given regarding the institution being privy to this section.

Many Care Leavers struggle with literacy and as a result of being in care have low levels of formal schooling. Many would not read the 9 PAGES of notes, not just because of literacy levels but also due to the stress and anxiety of filling in the forms in the first place. The state of mind that Care Leavers are in when filling in this application is not conducive to reading fine print. The fact that Part 3 being shared with insurers is not mentioned again on the ACTUAL PAGE is purposely misleading to applicants who DO NOT WANT THEIR **PRIVATE INFORMATION SHARED WITH THE WORLD**. It is hard enough for Care Leavers to come to terms with those at the NRS and IDMs reading their most deeply

personal, private, information, but to know it is being shared with 'other parties' including insurers is violating. How many sets of eyes are actually looking over Care Leavers personal and private information? This is yet another reason why Care Leavers are hesitant to apply for Redress.

This causes us to also question, why should insurance claims between the institutions and their insurers be an issue for Care Leavers? This is supposed to be a Care Leaver focused redress scheme, and instead, Care Leavers' privacy is being violated so that institutions can part with less money and have their insurance companies cover their claims. This is preposterous. If this were truly Care Leaver focused, the scheme would not be divulging the most sensitive of information to insurers in order to assist the institutions. Further thought needs to be given regarding whom the NRS is really assisting and protecting because these disclosures are not in the best interests of Care Leavers, but certainly do assist the Institutions.

CLAN believe there is intentional manipulation and misleading by the wording and placement of information on the form. If the NRS really wanted to make clear that Part 3 would still go to the insurers or 'other parties' despite an applicant choosing not to share the information with the Institution, it would be written on the same page in the same section. It is not, and we all understand the purpose of fine print and 'notes' where information is shoved in the hopes it is not read through properly.

Recently CLAN have been informed that one Care Leaver whose multitude of issues with redress have been detailed in other sections of this submission, has had their privacy breached. CLAN were informed that this Care Leavers section 3 was sent to the Victorian Department of Health and Human Services in May 2019 and that Department had been in possession of her information for over a year before it was realised that her privacy has been breached. This is deplorable. CLAN were advised about the privacy breach in October 2020 and the Privacy Commissioner was informed by NRS before the Care Leaver herself was told. This Care Leaver has undergone immense stress and anxiety throughout the redress process. She had been waiting for over two years for an outcome to only receive one two weeks ago once the breach of privacy was discovered. Things continued to go wrong with her application from the time it was submitted and there is only so much that one person should have to deal with at the hands of redress. This Care Leaver, at this point in time has been offered NO COMPENSATION FOR DEFECTIVE ADMINISTRATION. CLAN are now pursuing this matter and advocating on behalf of this Care Leaver to receive some sort of compensation and formal apology for this appalling breach of privacy.

This Care Leaver has made the following statement on twitter: *"Retraumatized throughout whole Redress process time and time again. I now have to deal with redress wrongfully sharing my most horrid, dark, and devastating. Knowing SO many have read about my sickening experiences overshadows my joy. Redress must be held responsible."*

CLAN are now aware that there have been 10 privacy breaches in the 2 years since the NRS has been established. This is 10 too many! However, CLAN also questions that if VIC DHHS has been in possession of this information for a year without anyone knowing, how many other Care Leavers privacy has been breached that we do not know about as yet?

CLAN have also been the recipient of information that was intended for an applicant that has nothing to do with CLAN. CLAN were sent a redress outcome letter earlier this year for an applicant whom we are not a nominee for. We have no idea who the applicant is and have no connection with them. This is a huge breach of their privacy, and if CLAN are receiving correspondence meant for

other people, it calls in to question who else is receiving private and confidential information about redress applicants?

CLAN also ask the basic questions of when this information is handed over to Institutions, insurers and 'other parties' how is it stored, how is it used, and how is it destroyed? These are basic questions regarding the care of Care Leavers most private information and Care Leavers deserve answers. We are asked to trust these organisations with our information, but the way the NRS has misled applicants does little to ensure that trust. The Royal Commission placed a 99-year embargo on Care Leavers' private information. They gained Care Leavers trust and respect and the NRS are undoing this legacy and all of the trust that the Royal Commission earned from Care Leavers by prioritising the needs of institutions and sharing the most private, personal and distressing information with other parties. Will this be the legacy of the NRS? This is shameful and needs to be addressed before it alienates ALL Care Leavers from applying to the NRS.

Direct Personal Response

It has been well documented that there is a low take-up rate of the Direct Personal Response (DPR). Many Care Leavers want nothing more to do with their institution. In the past, apologies and remedying the wrongs have not been forthcoming and they do not wish to revisit this scenario now.

Another issue with the procedure of the DPR is that many Care Leavers do not understand that they have to initiate it. When they tick that they would like to access a DPR they do not realise that they have to have more contact/do more work, to actually receive the thing that is being offered. CLAN believe that if someone requests a DPR by ticking the box they should not have to do anything more to receive it. This scheme is supposed to be Care Leaver/survivor focused, and if it were it would not be making Care Leavers take further steps to get their own apology. Perhaps if the NRS and the institutions took entire responsibility for this the take up rate would not be so low.

The biggest issue we have with the DPR process is the mindset of the institutions who are delivering it. This is one of the main reasons many choose to avoid it in the first place. It is well known that the Institutions DO NOT WANT TO TAKE RESPONSIBILITY for their actions, even after they have paid for what the NRS has deemed them liable for.

Take for example a Care Leaver who recently opted to receive a DPR. This Care Leaver was sexually abused at Ballarat Orphanage and the responsible organisation is Cafs in Ballarat. Cafs delivered an apology with the wording "deeply regrets the feelings from which you suffer" and apologises for "those feelings and their causes". This apology letter could not be more impersonal if they tried.

CLAN emailed Cafe twice outlining what was expected from a DPR apology and that the apology they delivered was unacceptable. CLAN did not receive a response. CLAN emailed a third time outlining their failure to respond and CC'd Anne Rushton, Luke Donellan and Jill Hennessy. CLAN then received a response within two hours claiming they didn't receive the previous emails. CLAN resent the previous emails and received a re-worded apology from Cafs. This apology did not include anything that had been requested by the Care Leaver. Instead there was a focus on how children in care today were being treated. When CLAN responded highlighting this fact, we then received another apology for the third time and our list contained in our email was copied and pasted in to their apology to the Care Leaver. This experience was beyond frustrating and re-traumatising for the Care Leaver, Cafs' attitude to the DPR can only be labelled as disgusting. The

lack of care and forethought that they delivered in the process only highlights why many Care Leavers do not bother with the DPR process.

These are the types of letters of apologies that Care Leavers have always received from institutions, impersonal and trying to avoid liability through their words. It is for this reason that many just avoid the DPR process altogether. For those who opt for the DPR in the hope they receive something real and meaningful their hopes are once again dashed.

CLAN cannot understand, especially in the context of the NRS why these letters of apology are so poor. They have already paid Redress; the Care Leaver has signed away their rights to pursue this at a further date and the NRS has already deemed the institution liable. Why then, what reasoning do they have to produce such fake, meaningless apologies? DPRs like this cause irreparable hurt and suffering and does more harm than good. Why is the Care Leaver's abuse not mentioned? Why is the institutions responsibility for that abuse not mentioned? Why are the actual 'feelings' not mentioned? Surely there are some basics to writing an apology, and ones like these do not meet the basic standards.

In another case, CLAN attended a DPR in South Australia where the South Australian Government flew the Care Leaver over who lived in Western Australia. At the time of the DPR the apology had not even be written down and prepared to be given to this Care Leaver.

It must be understood that if Care Leavers are receiving apologies and DPRs like this one (and historically they have) the take up rate for DPR's will remain low, and rightfully should. It is support services like CLAN who end up picking up the pieces of Care Leavers who are impacted so negatively by DPR's like this. It would be better that the option be taken away before one more apology like this is issued.

As a result of these DPRs and others like these, CLAN have decided to put together a guide/fact sheet on how DPRs should be written and presented. CLAN believes that by putting a document of this type together we can assist in the DPR process and hopefully see less re-traumatisation of Care Leavers. None of the institutions ever properly acknowledge the crimes that were committed against Care Leavers and how sorry they are for this. They never actually accept blame or say 'sorry these things should have never happened to you' in a genuine manner. DPRs should also never focus on what is being done for children in care today, this can be separate information for the Care Leaver. An apology letter is meant to be just that, a letter of apology and it is about time institutions started doing them correctly.

Early Payment Scheme

As you are well aware, the National Redress Scheme was established without an early payment scheme in place. This has meant numerous Care Leavers have died before they finalised their application forms or before their applications were assessed. This has meant that many have died never seeing the justice or acknowledgement that the NRS is supposed to bring about for them. Please see the following tweet:

CLAN

@CLAN_AU

This is the saddest news to come out of [#SenateEstimates](#)

52 applications have died whilst waiting for [#Redress](#) RIP

Geoff Margaret Tony

11:42 am · 30 Oct 2020 · Twitter for iPhone

For many others who are elderly or unwell, they have lived just long enough to receive their redress payment, but not long enough to actually use their redress payment and enjoy the money that was given to them.

What could have been a simple process enabling the elderly and terminally ill to gain access to a quick redress payment (that may eventually form part of their whole redress payment) was never established. Instead we have long, protracted waits for Care Leavers regardless of their age or health due to the burdensome red tape that has been implemented for this scheme. We would ask that the Joint Select Committee review the Scottish Advance Payment Scheme for a guide as to how simple and unbureaucratic an early payment scheme can be:

<https://www.gov.scot/publications/financial-redress-for-survivors-of-child-abuse-in-care-advance-payment-scheme/>. It is worth noting that the Scottish Advance Payment Scheme requires the Care Leaver to have endured ANY type of abuse including neglect and this abuse does not have to be detailed and described as the Australian NRS requires. The Scottish Advance Payment Scheme simply requires a declaration that the individual was abused in care, documents confirming they were in care and confirming their identity as well as information about their treating doctor if applying on terminal illness grounds. The vast difference between our application form and the Scottish Advance payment scheme form is tremendous. When viewing the simplistic and trusting approach the Scottish Redress Scheme has taken, it leaves CLAN baffled as to why Australia is intent on retraumatising Care Leavers. Why does the harrowing nature of abuse need to be relived in painstaking detail for the NRS? It is clear other countries around the world have not taken this approach, so why have we?

CLAN also takes issue with organisations claims that an early payment scheme is worrying due to financial literacy concerns. There will be these concerns regardless of what type of payment is received. These payments are there to ensure that the most vulnerable applicants to the NRS will receive redress before they die. Redress not just being a financial payment but its representative value of acknowledgement of the crimes Care Leavers and others endured. To take this away from people because we are concerned with HOW they will spend their money is atrocious and incredibly authoritative. It is not for agencies to tell people how to spend their money! At the end of the day it is really no one's business how Care Leavers and redress applicants spend their money, whilst we hope that it is not wasted away and smart decisions will be made it is THEIRS to do what they please. CLAN would also like to note that we are yet to hear of any Care Leavers who we assisted wasting away their redress money. In fact, we would like to give you some examples and photos of wonderful ways in which people have utilised their redress money so this Committee understands that financial literacy should not be a deterrent to an early payment scheme.

Some Care Leavers have used their money on the following:

- New towels from an op shop
- A shower door to replace a shower curtain, giving the Care Leaver more privacy in the bathroom. (Please see photo below)

- House Deposit
- Motorised wheelbarrow (please see photo below)
- New Car
- Headstone on a mother's grave
- Operation to restore eyesight
- Putting money aside to come to CLAN's 20th anniversary which had to be postponed to next year.



Whilst there is no current early payment scheme, this is not to say that something can't be established making the process easier and quicker for those who are elderly and terminally ill. It may form part or whole of the final payment, whichever way it is decided. At least if there was an early payment scheme it would allow those who may not last the wait times of the NRS to receive some semblance of justice and acknowledgement before they die.

Funder of Last Resort

CLAN have always been a proponent of the State (and Federal Government if need be), being the funder of last resort. One of the major causes of delays in the NRS has been the issue of institutions choosing and delaying to join the NRS. Those Care Leavers whose institutions decided to join early/from the beginning, were able to have their applications assessed. However, those whose institutions are 'Redress Laggards' are still waiting, with anxiety and trauma increasing every day. According to the recent Senate Estimates the average waiting time is 12-18 months for redress applicants. Whilst CLAN feel this is a conservative estimate it is still TOO LONG to be waiting.

For many who have suffered sexual abuse at the hands of a number institutions are finding themselves having to choose to go ahead only with the institutions that have joined or to keep waiting for ALL of their institutions to join which may realistically be never. Care Leavers should never have been placed in this position. Redress should not be selective! The date for institutions to

join should never have been delayed and the trauma should not be continuing at the hands of these abusive institutions.

The State and Federal Governments should be taking responsibility for their parts in the atrocities which children in care endured. They should be doing this by becoming the funder of last resort for those institutions who are now defunct. This should be done immediately when an institution is first identified as defunct without trying to explore all avenues to shift the blame and financial responsibility on to someone else. Trying to prove a connection between Federal and state governments and the institution is not only tedious and time intensive but it is simply a way for the government/s to financially contribute as little as possible. If it wasn't for governments licensing and paying child endowment directly to abusive institutions, hiring paedophiles and having absolutely no checks and balances on the child welfare system, there would be no need for a redress scheme. Yet both the Federal and State Governments did do all of these things failing each and every child who was part of the child welfare system and it is now time that they financially contribute as funder of last resort to address these failings where defunct institutions can't.

CLAN would like to know If the Government intends on becoming funder of last resort for 'Our Children's Home' in Concord NSW? One Care Leaver has been anxiously waiting for an answer. Please do not give people false hope by having funder of last resort provisions and then not going through with it. If an organisation is defunct, we plead with both the Federal and State Governments to just become the funder of last resort without trying to shift the financial burden.

Whilst we are also aware that the legislation prevents funder of last resort provisions being utilised for institutions who choose not to join, we believe this to be an incredibly unjust outcome and a major failing of the NRS. Care Leavers do not deserve to be disadvantaged because of the institution they were in. Each and every Care Leaver deserves redress and both the States and Federal Government should be stepping in and taking over as funder of last resort so that all Care Leavers are treated equally under the NRS.

Conclusion

There are just so many issues that keep arising with regard to the National Redress Scheme. Whilst all the points we made in our previous submission to the Joint Select Committee are still valid, there are many new issues that have been brought to the fore in the last few months also.

We expect that this Joint Select Committee can see the many issues that Care Leavers and support services like CLAN are up against. There have been several inquiries and committees thus far investigating the National Redress scheme, but so far it has been to no avail, nothing has changed for Care Leavers. For a scheme that was meant to be Care Leaver focused it feels as if we are fighting a daily battle against the NRS and its procedural inconsistencies and inadequacies. The longer this scheme goes on, the more it feels like it is dealing with Care Leavers like they are an insurance claim, conducting forensic investigations and finding any which reason to decline the 'claim'.

Care Leavers have been apologised to in 2009 and 2018 by:

- **Prime Minister Kevin Rudd**
- **Prime Minister Scott Morrison**
- **Opposition Leader Malcolm Turnbull**
- **Opposition Leader Bill Shorten.**

They believed Care Leavers and they apologised for all the crimes committed against them. The Royal Commission believed us but Redress doesn't believe us. The Royal Commission investigated the crimes committed against Care Leavers, **they earned Care Leavers' trust and they too believed Care Leavers**. The National Redress Scheme however does not reflect the same sentiment, the NRS does not believe Care Leavers about the crimes committed against them and instead chooses to investigate applications like they are investigating insurance claims. This is not Care Leaver focused, it is tarnishing the legacy of the Royal Commission and is creating a horrible name for the NRS. What will be the legacy of the NRS? At this point in time, nothing positive, but there is still time to change and turn this around.

The variety of issues which keep occurring only highlight the fact that this scheme is indeed institution focused. Care Leavers' rights, privacy and dignity have all been compromised to make this scheme easier for institutions. This needs to change and it needs to change immediately. Give Care Leavers the dignity they were denied as children, believe Care Leavers, and stop the forensic investigation. Treat Care Leavers with respect and pay them before they die. We sincerely hope that this Joint Select Committee can make recommendations which achieve some of this change and alter what seems to be the negative legacy the NRS is leaving behind.