

The Committee Secretary
Senate Legal and Constitutional Committee
Parliament House Canberra

11/06/2010

Dear Secretary,

The Forde Foundation Board of Advice was established to provide advice on the use of Queensland Government provided funds for the benefit of former residents of state and church run institutions in Queensland.

The funds were and continue to be applied to ameliorate and compensate for conditions of poverty, disability and illness, and educational and social disadvantage experienced by former residents as a consequence of widespread and chronic abuse and deprivation in these institutions.

Prior to the operation of the redress scheme, the Foundation provided the most significant proportion of direct material assistance to former residents in Queensland. Trust funds have been provided to improve access to dental and optical care, further education, personal development, and basic necessities of living such as household goods and clothing. These funds have been provided by the Queensland Government.

Institutions operated by religious organizations found by the Commission to be implicated in the systematic abuse of residents have not, according to the views of former residents, made any substantial attempt to provide material compensation.

Legal advice which has had the effect of protecting institutional assets from claims and legislative devices such as the statute of limitations and through incorporation, has been employed to avoid compensation for harm done.

Views repeatedly expressed by former residents clearly indicate that legal mechanisms which delay, obfuscate and avoid financial and material accountability to former residents for harm done should be removed.

While this issue remains unresolved, it will continue to cause distress to victims of abuse and delay recovery.

Over-riding legislation should be introduced to allow the principle of full legal redress for harm sustained while subject to a duty of care.

Errol Evans
Chair
Forde Foundation
Board of Advice