

I am a social worker in Victoria and I have been prompted to write this email submission as I have recently become aware of some comments made by a tribunal member/s to a client of mine at a tribunal hearing regarding the treatment they received in out of home care . I believe these comments were unfair and unjust and they have caused my client great distress in a forum that was already distressing for them.

I am concerned that Forgotten Australians are being subjected to these tribunals where a large power imbalance is present. My client is still afraid of people in authority and will do almost anything to avoid conflict with authority. I do not believe they are the only person with this type of history to have a such a problem however what is being done to minimize this impact? . My client reported they did not feel able to argue or state opposing views to those expressed by tribunal members given they had the power to accept or reject their claim and this clouded how my client conducted themselves at the hearing.

My client reported that comments were made to them surrounding the damage both psychologically and physically as 'not being too great' as they appear to have managed their life well. This was insulting to my client as the tribunal gets a snapshot of what their life has been like and then judges whether or not its been good or bad from their perspective.

Subjective comments were also reportedly made about the perpetrator/s and their good character. This statement was interpreted by my client as the tribunal minimizing the abuse they were subjected to. My client also felt from comments made regarding the amount of time that it took them to seek compensation that the tribunal was criticizing them for not doing something which they found extremely difficult in the first place sooner. My client has spent years in therapy with a variety of therapists just to be able to speak of their history and for a tribunal member/s to challenge them on the timeframe shows little knowledge of how difficult this can be for victims to take these steps.

Finally the confidentiality agreement my client signed is another form of abuse as they are terrified that if it becomes known they have debriefed with anyone they will be punished and any compensation they have been awarded will be taken away. They feel powerless to speak out about the treatment at the tribunal which left them feeling 'like I was nothing and I was worthless'. We were always told we were 'nothing and worthless at the home and this just confirmed that for me'. I believe that the power imbalance and these comments have further psychologically had an impact upon my clients current well being.