

**Justice and Redress for  
ALL  
Australian Care Leavers**

**Review of Government Compensation  
Payments**

Submission to the Senate Legal and  
Constitutional Affairs References Committee

**By**

**Care Leavers Australia Network**

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**CLAN would like to thank you for the opportunity to make a submission on the topic of government compensation schemes. This is a matter of vital importance to the many thousands of Australians who were raised in orphanages, Children's Homes and foster care. CLAN congratulates the Committee for having the foresight to examine this crucial issue.**

## **Introduction – who we are**

The Care Leavers of Australia Network (CLAN) is the only national support and advocacy network for people who grew up in the 600 plus Australian orphanages and Children's Homes, and in foster care. Most of our members are middle aged or older but still carry the burden of unresolved issues from their past – the loss of their parents, sisters, brothers and extended family, the consequent loss of identity, the shame, stigma, feeling like an outsider in society. Care Leavers left the 'care' system with little preparation for adulthood or for parenthood, many of us with the scars of physical, sexual and emotional abuse.

CLAN is dedicated exclusively to Care Leavers' needs and services and is run by Care Leavers for Care Leavers. It has ten years' experience in delivering a range of support and advocacy services to people with diverse needs.

CLAN provides Care Leavers and their families with the following:

- A forum in which Care Leaver stories are listened to, believed and validated
- Counselling, information and personal support by face-to-face contact or by telephone and e-mail.
- Assistance with locating, accessing and interpreting personal and family records
- Information on redress and compensation schemes
- Referral to existing mainstream services and support to access entitlements.
- Support for reunions and social gatherings in metropolitan and regional areas to help people make personal and social connections.
- A bi-monthly newsletter – providing news, opinions, personal stories and advertisements for lost relatives or friends from childhood - 58 issues to date.
- Writing workshops to help people tell their story.
- A library of more than 1500 published items on Care Leaver issues.
- An extensive database of all known orphanages and other Children's Homes around Australia.
- A museum collection of Care Leaver history and experience - artefacts, photos and memorabilia - (featured on the ABC *Collectors* program in July 2009).
- Independent advocacy and advice to government and other agencies on how to implement the full set of recommendations of the Senate's *Forgotten Australians* report.
- Strong and consistent input into State Government committees and working groups, training programs and special projects related to Care Leaver issues.
- Advice to Government and agencies on the erection of memorials in States and cities.

- Generation of new research especially through CLAN's national surveys of Care Leavers.
- A comprehensive information service through Australia's leading web-based resource in this field ([www.clan.org.au](http://www.clan.org.au)). The average number of hits on the site exceeded 70,000 each week in February-June 2010).

CLAN's income comes from a variety of sources including: modest Care Leaver membership fees (which include concession rates for the unwaged); supporter-based membership; institutional and agency membership; donations; and small State and Territory Government grants from NSW, Victoria, SA, WA, Tasmania and the ACT. The states currently not providing a grant are Queensland and WA, the latter providing fee-for-service funding for CLAN to support applications for redress by people who grew up in care in WA but who no longer live in that State. Recently, on the recommendation of the Senate Community Affairs Committee (2009), the Commonwealth Government has provided a grant of \$330,000 over two years to CLAN, to provide some stability of income to enable CLAN to enhance its national effort on behalf of Care Leavers across Australia.

### **The Need for Compensation is Thoroughly Documented**

No amount of redress can ever compensate for the neglect and abuse that occurred in Care Leavers' childhoods, or change what happened to them. However redress is necessary to start righting the wrongs that Care Leavers were subjected to. Care Leavers not only carry the physical and emotional scars of their childhood, but many have been left to pay for years of psychological therapy and counselling as well as seeking belated medical attention for the multitude of physical problems that they suffered whilst in 'care'. This pain and suffering is well documented in the Community Affairs References Committee report, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children* (2004), (hereafter *The Forgotten Australians Report*).

In acknowledging the enduring harm that was done to so many vulnerable children in a shameful period of Australia's history, the Community Affairs References Committee recommended that the Commonwealth Government establish and maintain a national reparations fund for victims of abuse in orphanages, children's Homes and foster care. However, the Commonwealth Government at the time the report was handed down, in its response to the report refused to establish this fund as they believed the burden lay with the individual state governments as well as the churches and charities that ran the institutions. The subsequent government has not altered this position. The failure of the Commonwealth to accept responsibility, indeed even to exercise moral leadership has resulted in a most unsatisfactory set of arrangements across Australia.

## Existing Schemes

Only three states at present – Tasmania, Queensland and Western Australia – have introduced a designated redress scheme for Care Leavers, each of which has different requirements and payments. South Australia has, belatedly, enabled Care Leavers to make claims under its Victims of Crime Compensation scheme – but only if you were a victim of sexual abuse. No other form of abuse or neglect is acknowledged, which is unacceptable to Care Leavers. There is more than one way to harm a child.

The redress schemes which do exist are all flawed. For example, the Tasmanian scheme allows only former state wards to apply and devalues the exact same experiences of Care Leavers who were ‘voluntarily’ placed in institutions or foster care by relatives or friends. CLAN has a 73 year old member, who was placed in Mt St Canice for two years and worked in their laundry instead of going to school, and also had her name changed from Denise to Annette, and for many years she wondered **“Who in the Heck was Annette?”** However she is ineligible for redress as she was not a state ward.

A husband and wife who both grew up in Tasmanian Homes find only the husband eligible for redress as he was a state ward while his wife was a ‘private’ placement. Whether or not a child was placed in an orphanage, foster care or a children’s Home, by the state or by family, it does not diminish the responsibility the state had to regulate institutions and the foster care system so as to ensure that children were receiving adequate and safe care as well as an education.

In contrast to this situation, in the Queensland redress scheme both wards of state and ‘voluntary’ placements are eligible for redress but those who have been in foster care are not eligible. For example, one of our members who was a Queensland state ward was not eligible for redress as she had been placed in foster care; however her 84 year old father received redress since he had been in a Queensland orphanage. Furthermore, only Care Leavers who were in orphanages, institutions and Children’s Homes named in the Forde Report (1999) are eligible for redress. These terms of reference exclude foster care and Homes for disabled children like the Montrose Home for Crippled Children that one of our members was in. As with the Tasmanian redress scheme, the Queensland government has belittled the experiences of those who were in foster care and in homes for children with a disability and in doing so has not accepted its responsibility to those children whom they placed in foster care.

Whilst the Western Australian redress scheme recognises the responsibility to provide redress to all Care Leavers of all ages, it has created a system whereby younger Care Leavers are placed in the same system as elderly care leavers. Whilst it is commendable that the government has been all inclusive, priority needs to be given to the elderly, to those who have been waiting for years unsupported, and those who are in urgent need. A better system whereby redress claims are reviewed and dealt with needs to be established so that the system is better than the lottery which exists at the moment. Additionally, the Western Australian redress scheme has invented a tiered system under which four levels of abuse are identified:

moderate, serious, severe, and very severe, with payments in each category set at \$5,000, \$13,000, \$28,000 and \$45,000 respectively. The tiered system of payments has been a poor option, setting claimants in competition with one another on spurious comparative standards of abuse. No government bureaucracy can say that one type of abuse is worse than another type; each individual is different and reacts to different forms of abuse in a different way. Additionally, the Western Australian government is taking an inordinate amount of time to deal with payouts. A CLAN member who was terminally ill died in 2009 and was left in a Perth morgue for two months as he had no family, no will and no money to pay for his funeral. Furthermore once he died so did his redress claim. After another CLAN member went to the media WA redress did end up giving a cheque of \$5,000 for the funeral but the Christian Brothers in Western Australia made a donation for his funeral. Redress claims should be treated without delay especially for those in dire need so that these circumstances never arise again.

Furthermore, both the Queensland and Western Australian schemes have closed, with no plans to reopen despite clear evidence that many of those eligible were not informed of the existence of the schemes prior to the arbitrary cut-off date. This has heightened the injustice that most Care Leavers already suffer. To punish those who were not aware of the opening of these redress schemes is completely unjust. By contrast, once the Tasmanian Government became aware that eligible people were missing out because of arbitrary deadlines, it made the reasonable and compassionate decision to keep the scheme open to all who had a genuine claim. The Tasmanian Government set aside a trust fund whereby individuals can still submit claims, and although the payment will be capped at the average payment made, this is a good beginning towards making the redress process fairer for all concerned.

Nevertheless, a large number of Care Leavers will miss out on redress in Queensland and WA due to the short durations for which schemes in those states were opened and the lack of publicity these schemes were given in states outside of Western Australia and Queensland.

New South Wales, Victoria, and South Australia have all announced that they will not establish Care Leaver redress schemes in their states. NSW and Victoria advise Care Leavers that they will deal with their claims on a case-by-case basis which means through the courts, while South Australia has referred Care Leavers to its Victims of Crime Compensation Scheme (but only those who suffered sexual abuse).

Although compensation payouts are in some cases higher when paid through a Victims of Crime scheme or through court processes as opposed to a statutory redress scheme, these alternatives present a large number of obstacles to Care Leavers. Some of these barriers include

- overcoming limitation periods for certain crimes,
- proving the abuse occurred after so many years when possible witnesses are almost impossible to locate (and mostly an inappropriate requirement given the secretive nature of sexual abuse, for example)

- being confronted with extraordinary demands for detailed evidence such as the exact date and time of the abuse,
- well-paid lawyers instructed by government to set unreasonably high demands on claimants to demonstrate that their current injuries including mental health problems resulted from the childhood abuse,
- the difficulties of finding a sympathetic solicitor and the costs associated with taking an action,
- the time delays associated with a court case, and
- most important of all, the trauma which arises from being required to live through the whole process again with experienced legal teams hired by government to aggressively cross-examine claimants in search of the slightest inconsistency of memory.

In the face of these obstacles, most Care Leavers are unable to go through with a claim or are unable to access the system at all. Having regard to all these circumstances, Care Leavers from NSW, SA, and Victoria are currently severely disadvantaged. Although, where court cases do occur, these governments will not disclose their payouts, it is abundantly clear from anecdotal information that they are only a fraction of the payouts stemming from the redress schemes in Tasmania, Queensland and WA.

### **Comparing Compensation in other environments**

CLAN is well aware of numerous situations in which both the Commonwealth and State Governments have made compensation payments. Examples are not hard to find:

#### Immigration Detention:

- In 2004 Cornelia Rau was wrongfully detained by the Immigration Department for 10 months after she discharged herself from Manly hospital and was suffering from a mental illness. In 2005 Rau was compensated \$2.6 million by the Commonwealth government for her wrongful detention and to compensate her for ongoing mental health problems that went untreated during her detention. It was reported that "The payment not only compensates her, but also is sufficiently large to provide for her for the rest of her life". The Commonwealth also paid Ms Rau's legal costs (*Sydney Morning Herald*, 7 March, 2008).
- On 30 November 2006, Vivien Solon, an Australian citizen wrongly detained and deported from Australia, was awarded a compensation payout reported to be \$4.5 million (*The Age*, 30 November 2006).

#### Injury while in gaol:

- Since 2005 nineteen NSW prison inmates have won public liability compensation from the NSW Government amounting to \$7.025 million for injuries such as being hit with a cupboard and fights inside prison leading to injuries. Care Leavers are aghast at reports of outrageous cases including a convicted paedophile, Peter Andrew

Bujdoso, who avoided giving his victims any of a \$175 000 compensation payout. (News.com.au 8 September, 2008).

- A convicted drug dealer who won about \$300 000 in compensation for injuries he sustained in jail has been forced to share \$100 000 with his three victims. The case was the first success arising out of 2005 legislation that provides for victims to be informed within 28 days, and a public notice published in the *Government Gazette*, when an inmate gets a compensation win so victims can start their own action in the Supreme Court to obtain a share of it (*The Daily Telegraph*, 28 March, 2008).

#### Wrongful imprisonment

- Andrew Mallard was awarded a \$3.25 million dollar payout by the Western Australian government after he was wrongfully jailed for twelve years for the murder of a Perth woman in 1994 (*news.com.au*, 5 May 2009).

#### Stolen Generations

- Bruce Trevorrow, an Aboriginal man, was awarded \$525 000 (plus \$250 000 interest) by the SA government for being taken from his family more than fifty years ago (*Adelaide Advertiser*, 2 August, 2007). Proceedings in this case were initiated in 1997. The SA Government seriously damaged its reputation with its belligerent behaviour following the outcome of the case - even after Mr Trevorrow's early death (*The Australian*, 22 March, 2010).

#### Bullying in schools

- A Victorian secondary school student was awarded \$290 000 from the state government after being bullied on a daily basis. The teenager suffers from depression, agoraphobia, panic disorder, insomnia, and an eating disorder as a result of the abuse (*AAP*, 11 March 2010).
- A victim of a schoolyard bully in NSW was awarded almost \$1 million in damages from the state government because the state education system failed in its duty of care (*SmartCompany.com.au*, 22 May 2007).
- A man who was consistently bullied by his peers whilst at a boarding school in Tamworth received a compensation payment totalling \$468 736. Mr Gregory was awarded \$247 500 for non-economic loss, \$196 378 for future loss due to his reduced earning capacity and \$24 858 for future superannuation loss.

#### Child Welfare

- A Care Leaver from NSW has received \$281 461 after the Department of Youth and Community services failed in its duty of care to prevent foreseeable risk of injury. As a result this woman was sexually abused by her foster father from a very young age, and then when she was taken back to her father, whom she barely knew, he sexually abused her, which resulted in her giving birth to two of his children. As a result of this she was in and out of involuntary psychiatric care for a number of disorders.

## Discrimination and harassment

- In 2005 a NSW woman was awarded almost \$340 000 in compensation due to her supervisor failing his duty of care ([http://www.beyondbullying.com.au/bb\\_case.html](http://www.beyondbullying.com.au/bb_case.html), accessed 25 May 2010).
- In 2007 the NSW Court of Appeal upheld a decision to award an employee almost \$2 million for extreme bullying and harassment by the Company's Fire and Safety Officer. The Court ruled that the perpetrator's conduct was so brutal that it was likely to cause psychiatric injury ([www.austlii.edu.au/au/cases/nsw/NSWCA/2007/377.html](http://www.austlii.edu.au/au/cases/nsw/NSWCA/2007/377.html) accessed 25 May 2010).

CLAN does not argue that these payments should not have been made. Nor does it challenge the size of the awards. On the contrary, these cases show what a high premium is placed on personal liberty and human rights. The Sydney-based prisoners' rights group Justice Action argues that the government owes a duty of care to every citizen:

This responsibility should be most expressed to those confined and totally controlled by state-run institutions. If prisoners are excluded they will leave jail resentfully, believing that they owe no obligation to the community and are more likely to re-offend. They don't adopt slave status to be raped or beaten because they breached a law. They are people with families who love and rely on them to maintain them upon release. (*Green Left Weekly*, January 21, 2004)

We struggle to understand the distinction in principle between the circumstances leading to these compensation payments and the circumstances of the many vulnerable children who were owed a duty of care and whose trust was violated. Many children were incarcerated in institutions for most of their childhood years because of their supposed need for 'care and protection'; but in fact they were neither cared for nor protected from sexual assaults, vicious beatings, emotional abuse, neglect and deprivation of access to their parents and siblings. A clear duty of care was owed by the states and churches and charities who failed to discharge that duty of care. In contrast to the sums paid in cases such as those cited above, the small number of payments that have been made to Care Leavers have been minuscule.

We note also a number of other circumstances where governments pay compensation where a wrong has been perpetrated and a duty of care has been breached. If individuals have suffered wrong decisions made by the Taxation Office, Centrelink, and the Child Support Agency, the government can make liability payments, act of grace payments, and *ex gratia* payments. Moreover, soldiers and defence force personnel can be compensated for any injury or impairment that occurred in the course of duty, and family members may be compensated in the event of their soldier's death. *Ex gratia* payments have also been made to families whose loved one has taken their life after serving in the military and/or suffering abuse at the hands of other personnel. The government and its agencies accept liability for those who have been given wrong advice and who have been harmed under government organisations and policies, raising the question as to why each state government has not offered redress to Care Leavers



who suffered under the practices and policies implemented, enforced and maintained by each state government.

In light of these cases it is simply incomprehensible why Care Leavers still struggle to get redress especially in comparison to the payouts granted by the governments above. Each and every care leaver had been taken away from their family and most were split up from their siblings upon entering the child welfare system. Upon entering the child welfare system, children were placed in institutions where they were detained, abused, neglected, malnourished, deprived of an education, and forced to work. The Care Leavers who were placed in foster care were not necessarily treated any better and all of the above experiences apply except for their being institutionalised (unless they were amongst those who were shuttled back and forth between Children's Homes and foster care, as many were).

Some Care Leavers endured these experiences for up to 21 years if they were placed in an orphanage/ children's Home at birth and not released until this age, meaning that they lived through these experiences for periods much longer than in any of the other compensation cases mentioned.

### **The Role of the Commonwealth**

Leaving aside the historic obligation of the Commonwealth to children in care – which is well set out in the Senate Community Affairs References Committee report, *Lost Innocents and Forgotten Australians Revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians Reports*, 2009 (pp. 34-35) – the Commonwealth, which governs for all Australians, has a crucial role to play in this matter.

The lack of moral pressure by the Commonwealth Government on the states which have not yet implemented a redress scheme is inexplicable especially in the light of the Commonwealth's national apology delivered in November 2009. That apology was given to Care Leavers of all states, not just to Queensland, Tasmanian and Western Australian Care Leavers. The onus is on the Commonwealth to help Care Leavers of all states to access redress.

Since parents lost their children, their child endowment was handed over to the churches and charities and state governments who ran the orphanages to subsidise their children's care. Therefore the federal government had a part to play in sustaining the orphanages. As the *Lost Innocents and Forgotten Australians revisited states* on pg. 208, 6.7:

*...the commonwealths child endowment payments to the states - to whatever degree may be said to have sustained the operation of the institutions in which abuse and neglect of children was common place – undeniably facilitated the system which caused so much harm and lasting damage to children consigned to its care. Less directly, but just as clearly the Commonwealth was responsible for its financial support of the States to implement their flawed policies on child protection over many years.*

The Commonwealth government has the moral duty and the persuasive power to coordinate the state redress schemes and bring about common guidelines for the functioning of these schemes. It is essential that the Commonwealth Government show some initiative in this area – as it has in child protection in general in recent years - so that each and every state or territory which placed or enabled children to enter orphanages, children’s Homes and foster care establishes a redress scheme in order to compensate the individuals who were victims of this system.

### **The Legal Basis of Compensation**

With regards to the legal basis of payments, each state government had a legal liability to provide adequate care to children and to ensure that private organisations complied with the law and with standards set. Whilst the individual Homes and orphanages also carry liability, children were ‘dealt with’ according to state government regulations and were ultimately subjected to the practices which the government allowed to continue. Many of the wrongs committed against children were criminal acts. It is a matter of national shame that most of these criminal acts have gone unpunished. Hence each government has a legal liability towards Care Leavers, as their treatment derived from the practices, regulations and lack of monitoring of the children’s homes and institutions.

In addition, the practices of the various state governments on Care Leavers may infringe upon international human rights law to which Australia is a signatory. These laws include rights to family life (International Covenant on Civil and Political Rights (ICCPR), art 23), liberty and security of person (ICCPR, art 9), equal protection before the law (ICCPR, art 26), a fair hearing (ICCPR, art 14), education (ICCPR, art 18), children’s rights (Convention on the Rights of the Child), freedom from arbitrary interference with their privacy, family and the home (ICCPR, art17), and freedom from cruel, inhuman or degrading treatment (ICCPR, art 7; Torture Convention). According to International Human Rights Law, states which are guilty of any of these breaches are required to make reparations to the individuals including restitution and compensation. Whilst these covenants may not have been enacted at the time of the breaches, these laws do show the standards of the international society and what is expected of a state if they do breach any of the above laws.

Furthermore, many children whilst in ‘care’ were forced to work at the expense of their education and their health. This type of forced labour provides several bases for a compensation claim including unpaid/underpaid wages, medical expenses, pain and suffering, degrading treatment, and the loss of educational opportunities whilst made to work. These are the legal bases for a compensation claim with regards to labour in ‘care’ but punitive damages should also be awarded for the wrongdoing and conduct of the government. It is abundantly clear from all the evidence that the health needs of many Care Leavers were neglected (*Forgotten Australians*, p. 111) or that health problems were caused by the ill-treatment they experienced while in ‘care’ (*Forgotten Australians*, pp. 101, 103-105). There are numerous accounts of children being physically assaulted around the head and other parts of the body (*Forgotten Australians*, passim) and the demeaning emotional treatment of many

has led to severe mental health problems which persist today (*Forgotten Australians*, Chapters 4 and 5 ). There is also strong evidence that some children were exploited as human guinea pigs for medical trials in institutions and there are concerns that some medical conditions experienced by Care Leavers today are the result of these unauthorised experiments (*Forgotten Australians*, pp. 114-117)

The *Forgotten Australians* Report summarised the outcomes in this way:

The cost to many individuals, families and society of the impact of time spent in institutional care is profound. As described above, the harm done to children while in care has resulted in harmed adults. As adults, care leavers face relationship problems; drug and alcohol abuse; loss of educational and work opportunities; long- term physical and mental health problems; and antisocial and criminal behaviour. This is a significant cost to the individual and a massive long-term social and economic cost for society which may be compounded when badly harmed adults in turn create another generation of harmed children (para. 6.53).

CLAN is well aware of a number of no-fault compensation schemes including workers compensation, schemes for road accident victims and for sporting injuries at certain sporting events, as well as sickness and disability payments to persons who are incapacitated and thus incapable of supporting themselves. In all of these cases various governments pay compensation to help return the individual to circumstances similar to those that existed before the injury/accident occurred, regardless of who is at fault for the injury.

### **Principles upon Which Compensation Should Be Based**

Overall, any compensation or redress scheme needs to have a sound basis in principles which should apply in all cases. The Western Australian redress scheme has identified six principles upon which it is supposedly based

(<http://www.ombudsman.wa.gov.au/Publications/Documents/guidelines/Remedies-and-Redress-guidelines-30409.pdf>).

These include:

- All mistakes are admitted and put right
- A sincere and meaningful apology is offered
- Arrangements for considering redress are made public
- Redress is fair and reasonable
- As best as possible redress restores the complainant to their original position
- Redress is procedurally sound

Whilst these principles are a good start it is evident that they are quite broad and lack detail. Additionally, there needs to also be a speedy process to minimise trauma and also to help those in dire need. Furthermore, another principle which should exist in any type of

compensation or redress scheme is that of accessibility. The schemes which have been made available in the past have not been accessible to the vast majority, and the short duration for which they were open only made this problem worse.

There is also the issue of a lack of equality between the schemes and within the schemes. Firstly, each redress scheme which has been opened differs, distinguishing between Care Leavers from different states.

Secondly, within the schemes, as previously discussed not all Care Leavers are recognised, the common thread being that if you were a state ward you are included but private or 'voluntary' placements and those in foster care tend to miss out.

Also, with the tiered system of payments which exist Care Leavers will not be treated equitably as there is already a presupposition of what abuse is better or worse than another, with associated assumptions about the likely outcomes for an individual's mental and physical state.

So whilst equality should also act as a guiding principle, so too should universality. In other words, the redress schemes which exist should be the same or similar across states so as to not differentiate between Care Leavers, and to decrease the chances that one state's Care Leavers are at a distinct disadvantage to another state's Care Leavers.

Lastly, it is necessary that whoever is administering a redress or compensation scheme, and whoever is dealing with Care Leavers, needs to have a basic understanding of Care Leaver issues and also the culture of the time. By recognising this, a scheme can be administered with sensitivity and understanding while speeding up the process, producing greater satisfaction, and demonstrating the sincere intentions of the scheme to put things right.

In light of these principles the Commonwealth must lead the way and encourage the states and churches and charities to contribute to a coordinated national redress or compensation scheme for Care Leavers. This is possibly the only way that universality, consistency, fairness, accessibility and equality can be achieved.

## **Conclusions and Recommendations**

Under current redress schemes in Australia, an intolerable injustice is being shown not only to those Care Leavers of states that do not have a redress scheme, but also to those within each redress scheme. As it stands, redress in Australia is sub-standard in comparison to international practice. By those standards Care Leavers are not attaining the justice they deserve.

CLAN believes that a new system needs to be established in Australia. A good model of redress is the Irish redress system. In this redress scheme funding was provided primarily by the state but contributions by churches and charities were also encouraged, amounting to AUD \$218 million. In the Irish system compensation was assessed according to the severity of abuse and injury, medical expenses, other costs, and additional redress. The average payout under this system has been AUD \$136 000, which is far more than any current Australian redress scheme provides for.

Another good model of redress is the Indian Residential Schools Settlement in Canada. This redress scheme allows for any individual who had spent time in a residential school to receive \$10 000 for the first year in school and \$3 000 for every year thereafter. Furthermore, if the individual suffered any type of abuse they are eligible for between \$5 000 and \$275 000. Again, these amounts are a great deal larger than any of the figures presented by current Australian redress schemes.

In consideration of international redress schemes, and the obvious flaws in Australia's existing schemes, CLAN makes the following recommendations:

1. That the Commonwealth should take the initiative in coordinating redress schemes for **all** states.
2. Those contributions to schemes should be made by the Commonwealth and the respective state governments as well as the relevant churches and charities.
3. That all Australian redress schemes should include all types of Care Leavers (state wards, voluntary placements, foster care and children who were in residential care because of disability).
4. That each compensation claim should be dealt with on its own merits and not be fit in to a predetermined tiered system based on type of abuse.
5. That each redress scheme should be left open for a reasonable amount of time and upon closing that there be a provision for those who missed out to still apply (perhaps base this on the Tasmanian system).
6. That individuals employed to administer the scheme should be trained to deal with the issues of Care Leavers and these workers should be capable of showing appropriate sensitivity and respect.

In conclusion CLAN and its members want social justice and social inclusion which has been denied to them all their lives.

Australia prides itself on the values of fairness and compassion to all people.

For true healing and reconciliation to occur, justice must prevail.

Justice is long overdue to this very marginalised and vulnerable group of Australians; the over 500,000 Australian Care Leavers.