



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES  
COMMITTEE

**Reference: Government compensation schemes**

WEDNESDAY, 3 NOVEMBER 2010

MELBOURNE

BY AUTHORITY OF THE SENATE



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## **SENATE LEGAL AND CONSTITUTIONAL AFFAIRS**

### **REFERENCES COMMITTEE**

**Wednesday, 3 November 2010**

**Members:** Senator Barnett (Chair), Senator Crossin (Deputy Chair) and Senators Furner, Ludlam, Parry and Trood

**Participating members:** Senators Abetz, Adams, Back, Bernardi, Bilyk, Birmingham, Mark Bishop, Boswell, Boyce, Brandis, Bob Brown, Carol Brown, Bushby, Cameron, Cash, Colbeck, Coonan, Cormann, Eggleston, Faulkner, Ferguson, Fierravanti-Wells, Fielding, Fifield, Fisher, Forshaw, Hanson-Young, Heffernan, Humphries, Hurley, Hutchins, Johnston, Joyce, Kroger, Ian Macdonald, McEwen, McGauran, Marshall, Mason, Milne, Minchin, Moore, Nash, O'Brien, Payne, Polley, Pratt, Ronaldson, Ryan, Scullion, Siewert, Stephens, Sterle, Troeth, Williams, Wortley and Xenophon

**Senators in attendance:** Senators Barnett, Crossin, Parry, Pratt and Siewert

#### **Terms of reference for the inquiry:**

To inquire into and report on:

The administration and effectiveness of current mechanisms used by federal and state and territory governments to provide discretionary payments in special circumstances, or to provide financial relief from amounts owing to governments, namely:

- state statutory schemes relating to children in care;
- payments made under 'defective administration' schemes, such as the Commonwealth Scheme for Compensation for Detriment caused by Defective Administration;
- act of grace and ex gratia payments; and
- waiver of debt schemes.

**WITNESSES**

**CARROLL, Ms Caroline, Chair and Victorian Representative, Alliance for Forgotten  
Australians ..... 24**

**CONROY, Ms Stella, Policy Officer, Advisory Group, Alliance for Forgotten Australians ..... 24**

**DOMMETT, Mr John, Chief Executive Officer, Connecting Home Ltd..... 13**

**EDWARDS, Ms Evago, Caseworker and Programs Officer, Connecting Home Ltd..... 13**

**GOLDING, Mr Frank, Private capacity..... 2**

**YOUNG, Mr Tony, Tasmanian Representative, Alliance for Forgotten Australians..... 24**



**Committee met at 9.06 am**

**CHAIR (Senator Barnett)**—Good morning, everybody. This public hearing is for the Senate Legal and Constitutional Affairs References Committee's inquiry into government compensation schemes. Following the election, this inquiry was readopted by the Senate on 30 September 2010 for inquiry and report by the committee on 24 November 2010. The committee has received 182 submissions for this inquiry. Some submissions have been authorised for publication and have been made available on the committee's website. Others have been accepted as confidential submissions to the inquiry.

I remind all witnesses that in giving evidence to the committee they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to the committee, and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. The committee prefers all evidence to be given in public, but under the Senate's resolutions witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken and the committee will determine whether it will insist on an answer having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may, of course, also be made at any other time.

I remind senators that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Officers of departments are also reminded that any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis for the claim. I note that the committee hoped to speak to Ms Angela Sdrinis in this session; however, unfortunately she is unable to attend and has provided an apology.

[9.09 am]

**GOLDING, Mr Frank, Private capacity**

**CHAIR**—I now welcome Mr Frank Golding. Do you have anything to say about the capacity in which you appear today?

**Mr Golding**—I am currently Vice-President of the Care Leavers Australia Network and a member of the Alliance for Forgotten Australians, but I do not purport to represent their views. I think you are seeing the alliance representatives today sometime, and CLAN probably at a later date.

**CHAIR**—Thank you; we met with the Care Leavers Australia Network yesterday in Sydney. You have lodged submission No. 102. Do you wish to make any amendments or alterations to this submission?

**Mr Golding**—No, thank you.

**CHAIR**—We invite you to make an opening statement, after which we will have questions from the committee members.

**Mr Golding**—I apologise for the state of my voice. I would not have been able to speak to you yesterday at all. I won the trifecta—nothing to do with the Melbourne Cup, but I lost my laptop, I lost my phone and I lost my voice in quick succession. I only got home from overseas on Saturday night, so I have not had a lot of time to prepare for the submission. I have gone through my written submission and picked up some of what I think are the key points. The first thing I would like to say is that what we are dealing with here is a situation of tragic irony where hundreds of thousands of children were removed from their families for care and protection and then suffered abuse and neglect by the very people who were charged with preventing abuse and neglect. That is a matter of great national shame. Prime Minister Rudd's apology talked about an ugly period in Australia's history and I think that is exactly the right description that any reasonable person would give it.

The costs to the victims of abuse and neglect are quite well documented and I do not think we need to go through those again. The earlier Senate report, in 2004, documented that very well and there have been other well considered research documents such as the Care Leavers Australia Network surveys which canvassed the long-term consequences.

The other thing which I did in my submission was to go through and list a large number of reports that have documented abuse, both in Australia and overseas. This is an issue which has been around in the public arena since the eighties and probably even earlier. In my research I have found page after page after page of documented reports which really blow the lid on this whole area of institutional abuse and yet, when you look at the consequences of those reports, so very little has actually happened, both overseas and here. Ireland probably is the notable exception and I think the Roman Catholic Church is now beginning to open itself to issues of redress and compensation slowly and reluctantly.



The closest we have got to action here in Australia is the Senate 2004 *Forgotten Australians* report recommendation 6, which recommended a national compensation scheme coordinated by the Commonwealth government but with contributions from state governments, churches and charities. The then government rejected that recommendation in 2005, saying it really was not a Commonwealth matter; it was a matter for the states and territories. I believe they were factually wrong on a number of grounds, but nevertheless it was extremely disappointing for those who supported that recommendation to find no sense of moral leadership and no willingness to take up the issue as a national issue. In the review in 2009 the Senate committee looked at the recommendation again and put forward a slightly watered-down and perhaps more practical—they might have thought—recommendation, but to my knowledge that has not been acted on either. That was in 2009.

There have been some forms of non-financial redress. In Victoria, for example, the government said, 'We will not have a scheme of compensation for victims of sexual abuse in our institutions; instead we will set up a set of services specifically designed.' It is very hard not to feel cynical about this exercise because the amount of money that they allocated was \$7.1 million over four years. Queensland had allocated \$100 million, Western Australia initially \$114 million and Tasmania in the order of \$70 million for their compensation schemes. So Victoria, which has better resources than some of those states I have just mentioned, giving \$7.1 million seemed to me a cynical exercise of copping out. New South Wales subsequently adopted a similar situation to Victoria, with an allocation of \$9.1 million over four or five years—I am not sure whether it is four or five—and they immediately clawed back \$5 million of that for record indexing within the Department of Community Services. So they actually took over 50 per cent of the money allocated for that purpose to do something they claimed at the Senate hearing earlier that they were already well advanced on.

I spent some time in my written submission talking about the shortfalls and the difficulties in the redress schemes that do exist in Australia and I would like to highlight those, if you will bear with me. The first and obvious thing is that they are very inconsistent and inequitable. As I have said, three states have compensation schemes. South Australia in recent times—I think about a year ago—introduced compensation through its victims of crime scheme, but only for people who were sexually abused; it recognises no other form of abuse and certainly no form of neglect. So if you live in Victoria or New South Wales you watch your colleagues get compensation, and it has been quite galling that Western Australia advertised in the press in the eastern states for potential applicants. It upset a lot of eastern staters to see the Western Australian scheme advertised when there was nothing for them.

There are inconsistencies across Australia in those states that have redress or compensation schemes about who is entitled to apply and the amount of money that you get. In Queensland the scheme is open to all care leavers who were institutionalised as state wards or voluntary placements, but if you went into foster care and were abused there you are not entitled to apply. In Western Australia eligibility is broad, including for Indigenous children, child migrants and anyone placed in state approved foster homes or private and religious institutions in Western Australia and including voluntary placements. As I said, in South Australia you are only eligible if you were sexually abused.

The amounts of compensation paid to eligible applicants vary. I have listed those amounts as I understand them in my paper. The top levels of payments range from \$60,000 in Tasmania, to

\$45,000 in Western Australia and \$40,000 in Queensland. The lower levels vary from state to state too. So there is no rational basis for the allocations; it is just a matter of how much money was made available by the state governments and what they consider your level of abuse or neglect was.

The period of opportunity to apply varies from state to state. Tasmania initially had a fixed period and then it reopened when it found that there were lots and lots of people who were eligible but had not heard about the scheme. It opened for another period and then it decided in its wisdom—and I think it was a fair decision—to keep the scheme open-ended. There are lots of people who have moved around across Australia who do not now live in the state of their childhood; in fact, many of them go as far away as they can to get away from the trauma of their childhood. So there are lots and lots of people who do not know about the schemes. Tasmania has recognised that problem and made its scheme open-ended, but the other states, Western Australia and Queensland, have closed off their schemes. We hear tragic cases of people who just simply are not on the grapevine—they do not read newspapers, they do not watch television or listen to the radio. Their very childhood has alienated them from society. They are excluded and they do not hear about these things until perhaps they come across a group like CLAN, which has open street meetings—demonstrations, you might call them—and they say, ‘I grew up in such and such a state.’ When they are asked, ‘Do you know about the redress scheme?’ they say, ‘No, never heard of it.’ Their opportunity is gone.

In Victoria and New South Wales where there is no redress or compensation scheme the other option is the legal track. I mentioned in the paper the very obvious problems with that approach, including the statute of limitations. Before Mr Bracks gave his apology in Victoria he actually reduced the statute of limitations from six years to three years. Some saw that as a cynical act, but let us give him the benefit of the doubt that he was doing it in a broader sense.

Then there is the cost of litigation. Had Angela Sdrinis been able to talk to you this morning she would have given you examples of the very large costs involved. There is also the inordinate amount of time that it takes to get a case through the courts. We know of cases that have been going a decade that are still not resolved.

There is also the difficulty of proving injury when the events took place so long ago. My own family has a member who is fighting over what caused his impairment. He says it was his childhood, but the other side are saying that events since his childhood contributed and they want to make a very precise calculation of the causation. It is very difficult to do that. It is made doubly difficult with the passing of the years when the perpetrators have died or are frail and where witnesses cannot be traced. In many situations of sexual abuse there are no witnesses, so proving a case is extraordinarily difficult, but that is what the people have to do in Victoria and New South Wales.

The governments play hard. They hire good lawyers who will give the people in the witness box a really hard time. They ask: ‘Who saw you? What time of the day was it? Who was with you? Name some other children who were abused by the same person.’ And we are talking about events that happened 30, 40 or 50 years ago. Those are the sorts of questions that people are confronted with when they get in front of government paid solicitors.

There is also the difficulty of actually issuing action against some institutions, particularly the churches. The Roman Catholic Church is not a legal entity. It does not employ people. The priests who abuse children are agents of the church but they are not employees. There are all those legal niceties which get played.

Probably most important of all is the trauma for many of these people in having to relive that whole situation. It is quite bizarre. We see many people who simply break down and give up because they just cannot tolerate having it all dragged up again in the way it is dragged up.

We and organisations find it really very difficult to get a handle on the overall picture because almost invariably settlements are confidential. Some of our members breach confidentiality and give us a picture of what their settlement was but it is very difficult to get a consistent picture so we do not know what the Roman Catholic Church is offering, what the Salvation Army is offering and how their processes work except through anecdotal evidence where it is available. They will not talk to us obviously.

Finally, I just mention this point because I think it is really significant as an argument for compensation schemes which are not through the legal process. A lot of the losses that people suffered—loss of family, loss of dignity, being lied to as a child and having letters from your family withheld from you—are not matters which the courts will hear about. These are not matters that are considered actionable. Yet they are sometimes the most significant to our people.

To get your file when you are 50 or 60 years old and then find that there are some letters from your parents, whom you have not seen since they put you in the home all those years ago, is quite stressful and traumatic. People say, 'Well, I was lied to. I was told my parents were dead. This has ruined my life. I was told my parents didn't love me, but here are letters that say they missed us and loved us and so on.' You cannot take that to court, because the courts will not hear about it. It is not a criminal matter to withhold a letter from a child. It was not a criminal matter to refuse visiting rights to parents back in those days, and that was very commonly the matter. For those sorts of reasons, we think a compensation scheme is far preferable to taking legal action.

In my submission I also went through some of the obvious compensation schemes and concepts that we read about and see in the media: discrimination and harassment and bullying in schools. I gave an example in my submission of a young man in Ballarat. I was interested in that because it is a school I know; I grew up in Ballarat. He was awarded \$60,000 for being bullied at school, and some of our members scratched their heads and said, 'We were bullied every day, worse than he was. He gets \$60,000 for being bullied at school—come on! We were bullied every day of our lives. How can this happen, that a child can take a bullying case to court and be rewarded in that way and we can't?'

This is not to denigrate that particular person. He probably deserved every one of those \$60,000. I had not heard about the Commonwealth scheme, the CDDA, until I started thinking about this submission. What interested me there was the assumption that there is a moral obligation to pay compensation to people who have been wronged by Commonwealth departments and agencies. It is not a legal liability, as I understand it, but a moral obligation. I think that is a spot-on parallel to the situation in many cases with children who grew up in

institutional care. There may not be a legal obligation but there certainly is a moral obligation to see them right.

**CHAIR**—If I could just interpose for a moment. Thank you for your introductory remarks. I just want to draw our limited time for your evidence to your attention, and that I am sure committee members would be interested in asking some questions about some of your views and your submission—

**Mr Golding**—I was really just picking up some of the key points. I talked about the Irish model, which is very well regarded in Australia. There are some details there in my submission. Pulling all that together, it seems to me that there are some principles which can be drawn out of all that material about how a redress scheme should be based. That is all.

**CHAIR**—Thanks very much for your very thoughtful written submission, your evidence and that very pertinent and heartfelt response today. I want to ask a couple of questions about your recommendations. You have talked about the merit of the Commonwealth joining with the states and setting up a national scheme funded by contributions from the Commonwealth and the states. You have also indicated the churches and agencies, and I assume you are talking about the relevant institutions. You say that that fund should be contributed to proportionately; can you assist the committee in fleshing out how that could be determined?

**Mr Golding**—The data on people who ran the homes is still available, and there would be no difficulty in doing whatever calculations are necessary to determine how many children passed through homes. That is not to say how many children were abused and neglected in those homes, but you can get a ballpark picture of who ran the homes and how many homes and children there were. There is plenty of historical data available on the states' involvement in this. As for the Commonwealth, the Commonwealth supported children in homes through child endowment. It supported the sons and daughters of servicemen and women. It is probably true and fair enough to say that they did not actually run the homes but they certainly made a contribution to the child migrant schemes. I think that whatever the Commonwealth would provide would be leadership, coordination and whatever muscle they could lend to get the states to contribute. But I think the Commonwealth's contribution cannot be assessed in the way the states' contribution could be assessed, and I think it would be a matter of goodwill and cooperation.

**CHAIR**—So it is more of goodwill and cooperation rather than a legal liability. Is it your view that the states and those who operated the institutions, as you said, were legally liable, as opposed to the Commonwealth—you mentioned child endowment and so on? Do you think it is more of an issue for the states and territories than the Commonwealth?

**Mr Golding**—Reluctantly my answer is yes, but I think the Commonwealth's role is really important to get—

**CHAIR**—You were saying the Commonwealth could take a leadership role in pulling everybody together—the key players, the key states and territories and the other institutions—and getting them to fund that and then to operate together under some agreed terms and conditions.

**Mr Golding**—Yes. It may be important for the Commonwealth to make a financial contribution simply to get the states interested.

**CHAIR**—Do you think the Commonwealth could compel the states to contribute?

**Mr Golding**—No. You know more than I do about the constitutional arrangements, but we are talking about moral persuasion and—

**CHAIR**—Clearly, based on your submission and your evidence, you are very disappointed with the Victorian and New South Wales arrangements, or lack of them, compared with the other states that have legislated for the redress scheme. Obviously it would need a good amount of arm twisting to get them to act. My second question relates to the schemes in operation in Canada and Ireland. You have identified Tasmania—and I am a Tasmanian senator and Senator Parry, likewise—and we are familiar, at least in part, with that scheme. Ray Groom did a very good job when he was in that role, when he was appointed by former late Premier Jim Bacon. You have identified Tasmania. Do you think that has particular design and implementation features that could be copied or perhaps drawn upon to set up a national system? If so, what are the key features?

**Mr Golding**—The best feature of the Tasmanian scheme is their understanding that it needed to be an open-ended arrangement, that people will hear about this 10, 15, 20 years down the track, and they acknowledge that. They did it in successive steps; it was not a sudden realisation. There are some problems—

**CHAIR**—Are there any other key features of this national arrangement that you want to draw to our attention.

**Mr Golding**—I would look at the Irish model. It seems to me that the amounts are right and proper. They are large sums of money. In some cases we have had people apply in the three-state schemes and come out with sums as small as \$5,000. It seems to me to be a piddling amount of money to compensate for a wrecked childhood. The quantum of compensation is, I think, important. Only Western Australia got towards that and then had a rethink with the change of government and, after submissions had been closed, changed the amounts that people could apply for, which is disaster really.

**CHAIR**—Thanks very much for that. Before I pass to the other senators, could I just indicate that Senator Rachel Siewert, a Greens senator from Western Australia, is very keen to be involved in this inquiry, and she was going to be involved on the telephone. At this stage I understand that that has still not been able to occur, so I just want to put that on the record. We are endeavouring to make that happen as soon as possible.

**Senator CROSSIN**—Thanks for your time in coming today. In your submission, you say that here in Victoria \$7.1 million was provided over four years to enable Berry Street and Relationships Australia to provide limited service, and yet you go on to say that some care leavers are not actually accessing those services because they are provided by the former provider of residential care. Do you mean the Berry Street babies' home?

**Mr Golding**—Yes. Berry Street also took over responsibilities of the Sutherland homes in Victoria.

**Senator CROSSIN**—How long ago did that happen?

**Mr Golding**—In the seventies, from memory—I could not swear to that.

**Senator CROSSIN**—Is there a problem with the name connection even though the people, the philosophy and the way they operate have changed?

**Mr Golding**—Yes. The Irish scheme is run completely independently. It is managed by a former judge and there is no institutional involvement in it. Berry Street does fine work, and we acknowledge that. Its current work is outstanding. But a lot of our members have told us that they will not go anywhere near a past provider. It is the principle of it being run by somebody who used to provide these services.

**Senator CROSSIN**—The other thing I wanted to ask you was this. I can see where there is some angst about the amount of payment that is provided in compensation—in WA ranging from \$5,000 to \$45,000, yet there does not seem to be any justification as to why \$5,000 was picked as opposed to \$7,000 or \$9,000, or \$45,000 as opposed to \$60,000. Are some of the questions people are asking: how are those amounts struck? On what basis are they determined?

**Mr Golding**—Yes. Because they are in camera, it is very difficult for people to answer those questions. The cases are heard one by one. I have had people ring me in the dead of night, saying, ‘I’ve just got a letter from Queensland Redress and I’ve got \$15,000 and I think I was worth \$30,000.’ It is really quite a distressing situation. You say, ‘Why do you think you were worth \$30,000?’ and they say, ‘Oh, because I know somebody who got \$45,000 and my case is as bad as theirs and I got less than them,’ and so it goes. People hear ‘he got’ and ‘she got’, but there is no public—

**Senator CROSSIN**—Sure, but would you not have the same problem in the Irish model? I think the way in which you determine the compensation for an individual is one issue. Certainly you say here that in the Irish model the ‘applicants in the top band’ were awarded anywhere between \$290,000 and \$435,000. They must have surely had somebody who got \$290,000, and someone else must have got \$400,000, and people would be saying, ‘Why did they get more than me?’ Isn’t that going to happen no matter what scheme you have?

**Mr Golding**—I am sure it does, but the Irish scheme was quite open. It had criteria. It published those criteria. For example, it talked about four groups of injuries: the severity of the abuse, the extent of the physical and mental injury that was suffered, the psychosocial consequences and the loss of opportunity—meaning, for example, that children missed out on schooling and did not learn to read and write. So they were able to say, ‘These are the four categories and we will assess your case according to those criteria.’ Finally, they issued newsletters consistently—I think they are up to about newsletter No. 18 now—saying how things were going and what sorts of outcomes were being found. I think when people get information in that way they are less likely to feel as if they are being given a dirty deal.

**Senator CROSSIN**—In WA you seem to have a whole series of categories such as the Irish.

**Mr Golding**—Yes.

**Senator CROSSIN**—But are you saying that in WA it is not transparent enough?

**Mr Golding**—Yes.

**Senator CROSSIN**—And that they do not communicate effectively with people?

**Mr Golding**—Yes.

**Senator CROSSIN**—The other issue is: do you know on what basis the WA model of \$5,000 to \$45,000 was struck, as opposed to, say, \$25,000 to \$400,000? Has there been any justification as to why those amounts are as they are?

**Mr Golding**—I am probably not the best person to ask. Somebody in Western Australia could give you a better answer. But my understanding is that there is a certain amount of money and a certain number of applicants and you do a calculation on what is available.

**Senator CROSSIN**—It could be as simple as that?

**Mr Golding**—Yes.

**Senator CROSSIN**—Where else in this country is payment made to individuals? In Victoria and New South Wales you have payments for counselling and support services. Tasmania is the only other place where individual payments are made?

**Mr Golding**—And Queensland, and in South Australia for sexual abuse through the victims of crime scheme.

**Senator CROSSIN**—The four systems are different?

**Mr Golding**—Yes.

**Senator CROSSIN**—They have different rates and criteria?

**Mr Golding**—Yes.

**Senator PARRY**—If I could just go to page 20, item 8, of your submission. The first dot point states:

- Assessments made on the basis of the cost to the survivor of the gap between what a “normal” family would have provided ...

There are two questions. What is your definition of ‘cost’ in that statement?

**Mr Golding**—Can you just tell me where you are.

**Senator PARRY**—On page 20, item No. 8.

**CHAIR**—Under ‘The Principles of Redress’.

**Mr Golding**—I see.

**Senator PARRY**—What is the definition of ‘cost’ in that context?

**Mr Golding**—You would probably need to work through examples, such as schooling. Many of our members had no formal schooling; others had only primary schooling. Many of them left school at the very first opportunity. Very few of our members went on to complete secondary education. So it seems to me that it would not be difficult to get your head around the gap concept there between—

**Senator PARRY**—First of all, the definition of ‘cost’ relates to a dollar value and not to cost as in emotional or—

**Mr Golding**—I do not think you can easily separate those things out.

**Senator PARRY**—I am just getting my head around how you would assess that. It is one of your substantive values that you say should be included. Would you need an accountant? You probably would need an actuary to go back and work out relevant costs at the time. I am just looking at the complexity of that statement and how you would physically do this.

**Mr Golding**—If you got accountants to work on it, I am sure they would find it easy to get data on a national basis about the overall earnings of somebody who has completed secondary education as against the overall earnings of someone who has completed primary education. I have seen that figure; I have worked in education. I have seen that sort of data around. In terms of employability and so on there are huge gaps between the lifetime earnings of those who go to university, those who finish secondary school, those who complete primary school and those who are illiterate.

**Senator PARRY**—The issue would be the complexity of doing that. You would not be able to fit a standard template because everyone would be individual and there would be merits assessed on each one.

**Mr Golding**—There is no standard template in any of this. I was just trying to find some principles that I think should apply. The principle I am really stressing there is that, if you were institutionalised, you did not have the opportunities that families who kept their kids with them gave their kids. We have members who are now just going on to complete TAFE courses, because all their lives they regretted not having finished schooling, so they want to do TAFE. In some cases, they want to learn to read and write. It is as bad as that for some. But some people want to finish TAFE. It seems to me that the compensation scheme ought to take that into account—that people have ambitions even now to get an education, to do things they did not have an opportunity to do as children.

**Senator PARRY**—At the bottom of that page, the final dot point under ‘process values should include’ reads:



While all assessments of harm should be rigorous they should not be adversarial and every effort must be made to avoid repeating the trauma for claimants.

In your opening statement, you made some remarks in relation to that as well. How do you feel an assessment should be made? I am thinking now of people who might be fraudulent with their claims, people who see an easy way to make a dollar—and, sadly, that happens in society. Unless there is some rigorous assessment, some form of interrogation into the facts, how else would we assess that claim?

**Mr Golding**—I think what I am saying is that there ought to be a balance between the adversarial approach, where you are actually interrogating someone to see if they are telling porkies, or whether their case is plausible, and some sort of trust. We know that cases have been produced of institutions where abuse was rampant and, for anybody who grew up in a particular home, if they can document that they were in that home, one simply says: ‘Yes, you experienced abuse. We know that because we have had seven other independent people say that to us.’ I think there is a point at which you simply have to take people’s stories on trust. But I am not saying there should be an easy cop for telling a hard story.

**Senator PARRY**—I accept the corroborative value of other testimony. That would make sense. It is just that there may be individuals that need some form of—and it would be adversarial; I do not think you can avoid that—

**Mr Golding**—Angela Sdrinis has been here—and I do not want to speak on her behalf, but I have spoken at length with her—and she has hundreds of claimants, applicants, customers, clients, and she says that the same names keep cropping up. These are people who have gone to her independently and said: ‘I was abused by ...’, ‘I was abused by ...’, ‘I was abused by ...’. She says, ‘I know who the abusers are.’ In a sense, the collective data ought to say to a panel of people assessing these things: ‘If this kid grew up in that home, their story is likely to be plausible.’ It will not be likely to be done in every case, I know.

**Senator PARRY**—I would like to pursue that further but I am out of time, so thank you very much.

**Senator PRATT**—Mr Golding, thank you for your evidence this morning. You were talking about the Catholic Church and a lack of transparency in the compensation that it provides. How can we enhance calls to have the church and various other institutions be more transparent in the way that they deal with compensation cases? And what are your thoughts about the relationship between a government scheme and other institutions that should also be making payments?

**Mr Golding**—I am not a politician, but it seems to me that government could bring people to a roundtable and say: ‘We’ve got difficulties. We’ve got problems with these schemes: they are inconsistent; they are unfair; they are creating grief for people. Let’s talk about how we can do it better’—really just a bit of bounce, a bit of moral persuasion that that is the right thing to do. The Catholic Church has moved a long way since we first started dealing with this matter. When I got involved, in the early nineties, the Salvation Army was notoriously bad at attending to these matters, and denying, but they have come a fair way along in the last little bit. It seems to me that the inquiries, the reports and the national apology have all contributed to a sense that we

have to do better than this. If the Commonwealth sponsored a series of roundtable conferences and workshops about this with the churches, we might get somewhere better than we are now.

**Senator PRATT**—You have indicated that the Salvation Army has come a long way. What milestones help an institution open up?

**Mr Golding**—More frequent payouts than there were before.

**Senator PRATT**—A capacity to be more public about the abuse that has occurred in their institution?

**Mr Golding**—Yes, a willingness to face media where previously they would not. The Lieutenant-General—if that is the right term—of the Salvation Army in London is coming to Canberra in November to conduct an event. That would never have happened five years ago or two years ago. I think the Commonwealth leadership in that matter, with the national apology, has actually had an effect, by saying to other people: ‘It was an ugly period and we should atone for it.’

**Senator PRATT**—One of the characteristics of compensation schemes around the country is that you have compensation for one form of abuse in one state—Western Australia has its redress scheme, with all its flaws, whereas New South Wales is addressing stolen wages—and there are a whole range of systemic abuses that are being dealt with in quite a piecemeal way. If you were to say: ‘Let’s look at this picture nationally,’ to some extent it would be hard, in order to try to get more fairness and transparency across the nation, to avoid the fact that there are a whole range of systemic abuses. So, frankly, the picture just gets bigger and bigger because of the wide range of systemic abuses of stolen wages, in many instances, from both Aboriginal people and children in care. How do you see that picture emerging nationally?

**Mr Golding**—It is really messy and almost incoherent. It is really hard to answer a question like that. You have described it and I agree with you. That is how I see the picture: it is all over the place. If we could somehow make it more coherent. I would personally be looking at a scheme which places a lot of emphasis on the ongoing repercussions. We have people who are still homeless. They grew up in homes and they cannot relate to society. They have no trust in the institutions. They do not go to Centrelink because it is a government place. It is really awful. There are others who simply want to say, ‘I want to see the person who abused me brought to justice; that is my redress.’ Otherwise, they are with it, they have their act together, they are employed, they have a house and family and so on. But they still want something from the government; they want some help. It is a big range of needs. Speaking personally, I think it is a matter of looking at the ongoing consequences of institutionalisation and the way in which they were brought up and taking some sort of steps to redress or put the story right for them.

**CHAIR**—We are out of time. Thank you for your evidence today, Mr Golding. It is appreciated.

[9.54 am]

**DOMMETT, Mr John, Chief Executive Officer, Connecting Home Ltd**

**EDWARDS, Ms Evago, Caseworker and Programs Officer, Connecting Home Ltd**

**CHAIR**—Welcome to you both. Thanks for being here today. We have from Connecting Home Ltd submission No. 90. Do you wish to make any amendments or alterations to it?

**Mr Dommett**—No amendments or alterations but we would like to speak to the committee about some of its contents.

**CHAIR**—We will do that now. We invite you to make an opening statement, after which we will have some questions from the committee members.

**Mr Dommett**—First of all I would like to introduce Evago Edwards, who was a stolen child. She works for Connecting Home in a policy role as well as a case management role. Evago will tell you a little bit about her experiences of being taken as a child and then I will talk about some of the compensation and the defective administration involved.

**Ms Edwards**—Good morning. I pay my respects to the traditional custodians, the Wurundjeri, of the land on which we are meeting today. I am a proud Aboriginal woman of this country who is also a child of the stolen generation.

I was born on 8 August 1963 in Hillston, a small town in New South Wales. In May of 1969 I was taken from my mum and dad and separated from my brothers and sisters. I am the third youngest of 14 children from my dad; my mum had seven. Six of us were taken from Swan Hill to Allambie Reception Centre in Burwood, where we were all separated. Two brothers went to Burwood Boys Home and four of us went to the Lutheran Children's Home in Kew. Here there were about 60 children aged between nought and 12. Here I was to spend the next 13 years.

I attended the local primary school and then, at the age of 12, was placed in a family group home in Box Hill and went on to the local high school. Here was my first introduction to racism and nonacceptance, in my first year of high school. As much as I struggled through school, being called names et cetera, I found myself being accepted for being a great sportsperson and I completed year 11.

Whilst I was living there, there were many things missing in my life. I lost contact with my older brothers and sisters and did not get to know them until later in life. I was about 15 years old. I did not have a relationship with my mum and dad. There was no strong bonding with my family. I lost my connection with land, language, family, identity and culture. I never had the chance to be hugged and loved by my parents. I was never told I was loved or wanted or that I would ever make a difference.

I encountered racism only because I look different, because of the colour of my skin. I was well educated. I spoke like people wanted me to speak, but there was always something missing.

I was an Aboriginal person doing what people expected of me, trying to find my own identity. I did not have strong ties with my family which should have been rightfully mine. We do not talk about growing up because we never did it.

I lost my brother to suicide by hanging 17 years ago. It was the day before his 25th birthday. His life was one of confusion. My brother was six months old at the time of removal and was adopted out at approximately 18 months. When he was six his adoptive mother died of cancer, and his adoptive father remarried and his new wife did not want a black son. So he was placed back into the home with his sister and me. At the age of 13 he was into self-harming and wanted to kill himself then, but nothing was ever done by the carer, Community Services Victoria. I believe they had a duty of care to my brother, but it was never dealt with, and this is in his files. He grew up a really confused child, not knowing who he was or where he belonged, and was not accepted in either the white community or the black community. He took to drugs and alcohol and was self-harming until he eventually took his own life.

I left the institution as an 18-year-old young girl and have worked ever since. Never having been unemployed does not mean I have not struggled. I am now the mother of six children. I have struggled with depression for the past 27 years and have been on and off antidepressants. I struggled with being a mum, which should come naturally to all of us, because I have not had an example from a nurturing family environment. I have struggled with relationships and trusting people. I find it hard to deal with emotions and accepting what has happened. I have found it hard to tell my children that I love them every day. But that does not mean that I do not love them. I struggle to hug and kiss them.

Although I am very proud of all my children, they have been affected by my life. I have three tradesmen, of which one has suffered anxiety, depression and entered into self-harm. He has had anger problems and at times has blamed me for his life. My daughter, who is 17 years old, has had her own problems with identity, anxiety, depression, racism and acceptance and has also spoken of suicide and not wanting to be here. She also gets angry and blames me for what should have been. Through lots of hard work she is now a beautiful young woman and will finish year 12 next year. So underneath all this is someone who has struggled with life and a sense of belonging. Even though I love my community and I endeavour to stay strong, and I keep empowered by my people and by the people that I meet on my journey, I do not believe we ever really heal from this kind of trauma.

For my children and their future, I would like for them to own their own place in this country. This place for them will become a spiritual connection and give them a sense of belonging. There are many Aboriginal people who are still hurting from past policies and practices. To stop further generational trauma, disconnectedness and displacement, my plea to you—this government—is to lead the way in making legal principle changes in your discussions. We know the decisions from past policies and practices were wrong so let us not continue to make the same mistakes. We have come a long way as Aboriginal people in taking responsibility in our lives and decisions. We are more educated and have more access to various opportunities and understand that with rights come responsibilities.

**Mr Dommett**—Thank you, Evago, for that heart-felt story. One of the things that has struck me since becoming CEO of this organisation is that Evago's story is not unusual. Evago's story is the hundred-and-something members—all the people who we are in connection with on a

daily basis. I hear that story time and time again. I do not believe that anyone sitting in this room who is not of Aboriginal descent can understand the disconnection to culture and the disconnection to family that was a result of the misguided policies of the past.

As an Anglo-Australian boy growing up in the sixties and seventies, I did not know anything about people of an Aboriginal background because I did not see them. I did not know anything of the policies about people being removed from family. I spent 18 months living in the United States where I went to a school which was the only non-segregated school in the county. This was at the time of the civil rights movement, in the very late sixties. I saw the result of people being gathered together, living in slums. I saw the schools that I used to play gridiron against, which were the black schools, had very few resources.

For some reason it did not occur to me that in Australia we would be doing much the same thing. To my shame, I guess, it was not until I was in my 40s that I connected with a person I lived next door to, who was Aboriginal and was going through the process of finding his family. He was a member of the stolen generations. Over many beers we talked about the agony and explored the agony that he was going through. But it was not until I started in this position that I understood fully the impact of the past policies.

The fundamental issue around compensation is that it is about righting a wrong. It is not about the money that people get. It is about a responsible government saying, 'We got it wrong.' It is also a concept that is right throughout our common law, going back to the time when a consumer drank a soft drink with a snail in it. People have been compensated for the wrongdoing of other people. I would argue—and I think it is very well documented, particularly with the apology from Kevin Rudd—that the policies of past removal were wrong and therefore, under our law, people have an inherent right to be compensated.

Regarding the funding, when I talk about this I often hear people say, 'But we're funding community services. We're funding Connecting Home. We fund the Link Up program. We fund the Bringing Them Home program.' I do not think we can confuse the funding of support agencies, which are a social response by government, to compensation. People with disabilities, people who are elderly, people who have all sorts of issues have, as part of government's response to them, agencies that are funded. That is not even seen as part of compensation; that is seen as an inherent right of being a citizen of this country. To say that Connecting Home or the funding of support agencies is part of compensation is inherently wrong when you compare that to what we do for other disadvantaged Australians throughout society.

The story that has come to me on many occasions is around defective administration. Apart of the inquiry is into administration that has been defective. If you look at what has actually happened to the stolen generation, forget the fact that people were removed solely on the basis of race and forget the fact that families were split up and siblings were split up and put into different institutions as part of a policy. Defective administration is really about where record-keeping has not been followed through well and where decisions that were made at an administrative level have resulted in a loss. The people I have connected with over the last six months have had a loss of identity because people cannot track their families through records that were held by the state or held by community service agencies. The records are of such a poor quality. Often there are very scant records or no record about the person. I know people who have had up to three or four different names and three or four different birth certificates

because at every placement they went to they were re-registered with fictitious dates of birth. Tracking their family history back is almost impossible. I think Evago said she has had two different dates of birth.

There are mistruths in the files. When people receive their files they find that comments were made about them that are untrue and comments about their family are untrue. They have found that their records state that families gave up their right to their children. In fact that was not the case; their children were taken from them. There were records in files saying that siblings who are still alive had died. All of that, to me, suggests that there is a definite administration problem. There are lost files; there are people who should have files but do not have files. The transparency around freedom of information and the legislation around freedom of information mean that people get files with almost all of the information blacked out. You have to ask: who is being protected by that?

When people from stolen generations try to access compensation through common law, they need to prove that there has been abuse. We would argue very strongly that the abuse occurred when they were taken. The abuse was systemic. The abuse occurred when people went to school. Police turned up and took them to the Magistrates Court, and they were charged with being neglected, they were taken to another city, they were split up and they had no way back. I would argue that that is the abuse that should be compensated. Any subsequent abuse that occurs in an institution or within a foster home is subsequent to the initial abuse. So, therefore, under common law I think that, for people who can prove they were taken, that should be the only abuse they need to prove.

Finally, Australia is a wealthy country. Australia is probably the Western country that has best come through the global financial crisis. There is no question that we can afford to compensate people that have been so systemically wronged by past policies. The impact on people's lives that has continued well beyond their initial removal, the fact that people's children are struggling and the fact that children grow up without knowing exactly where they fit in society are wrongs that need to be compensated. I put to any of the senators that, if you had gone to school one day and the police had turned up and had taken you off to an institution where you stayed until you were 18, you would expect this country to compensate you for that wrong, particularly as you had done nothing wrong.

**CHAIR**—Thank you very much, Mr Dommett and Ms Edwards, for sharing challenging situations. On behalf of the committee, I thank you for sharing your personal stories.

**Senator CROSSIN**—Thank you very much for your contributions and your stories. Does Connecting Home predominantly deal with services for members of the Stolen Generations?

**Mr Dommett**—Yes.

**Senator CROSSIN**—Please tell us a little about your access to the provisions under the Aboriginal and Torres Strait Islander Healing Foundation and whether Connecting Home is part of and contributing to that foundation being set up.

**Mr Dommett**—We have made application to receive some funding from the Healing Foundation. Because we are a fairly new organisation, we are not part of the establishment; however, members of our organisation are on the steering committee.

**Senator CROSSIN**—So you have not heard whether or not that funding has been successful?

**Mr Dommett**—We know that it has not been, but I will put a caveat to that. We did a joint submission with Auntie Lorraine Peeters, who does a program called Marumali which is a healing program for Aboriginal people, and she has been successful in that. So we will be running two Marumali healing programs that year. But as an organisation, no, we were not successful.

**Senator CROSSIN**—Predominantly what sort of service do you provide for stolen generations members if they walk through your door? Please give me an idea of what you do.

**Mr Dommett**—People will connect with us for any number of reasons. Often it is sparked by needing to uncover their identity, and sometimes it is connected with needing to prove their Aboriginality if people think they were part of the stolen generations but are not 100 per cent sure. We offer them case management and help them steer through the maze of services that have been established, mainly to help people identify services. The Link-Up program will assist people to have one family reunion per person per lifetime, which, when you consider the size of some Aboriginal families, is problematic in itself.

We fill service gaps, essentially, so our case managers will work with people who fall through some of the cracks. For Aboriginal services you need to be able to prove your Aboriginality and that can be very difficult, particularly if there are defective records which do not assist. Obtaining Aboriginality certification can also be complex in that if you were taken from, for instance, the Northern Territory and brought to Victoria then the community that you were taken from, because you have not grown up there, may not recognise your membership and therefore they will not sign off on the certification. So, even though we can track back that people were taken from that community, they still may not be able to get their Aboriginality certificate. Our role is then to try to link them into generic community service agencies.

We also have another role, which is around educating people about the truth. We run a number of programs in some of the schools and present them. We are working with the History Teachers Association of Victoria on writing a curriculum around stolen generations.

**Senator CROSSIN**—This is a bit of a side issue, but can I just ask you whether, with some of the people you work with, the fact that generations are now moving on contributes to their lack of TO status—traditional owner status. I come from the Northern Territory—I live in Darwin—and there are members of the stolen generations who may well have been relocated from Tennant Creek to Croker Island, for example, and then spent most of their lives in Darwin until they found out they were connected to Tennant Creek people. As senior people in their communities have died, by right of birth they would naturally have been the next TOs but, because they have lived all their lives somewhere else, that recognition by the community is not there. Is something similar happening in your communities?

**Ms Edwards**—Absolutely, yes.

**Senator CROSSIN**—Do you play a role in trying to get those people connected back into their communities and accepted back into their communities?

**Ms Edwards**—I guess it is more of an acceptance in the community here, because a lot of people do not go home, and I am one of those. This is my home—I have been here since I was five—so my connection to land anywhere else is nonexistent. So for me it is about me being here, and I think that it is for a lot of us that have had that disconnection. You stay where you feel more comfortable, and you become a part of the community, even though our community can be really harsh in accepting. So that is where you are caught in those two worlds if you have been adopted out and you have come back into the community because that is where you feel comfortable. But sometimes we are so very unaccepting. It is not our fault—because we have had all that mistrust in the past and all those things done to us, you can understand—but it still does not make it right, does it? So it is very similar to what happens in the rest of Australia.

**Senator CROSSIN**—Are you part of the national Stolen Generations Alliance?

**Ms Edwards**—I am not individually.

**Senator CROSSIN**—Is Connecting Home?

**Mr Dommett**—Connecting Home is connected to them, yes.

**Senator CROSSIN**—I can clearly relate to the issue of access to records, because there have been similar problems in the Northern Territory—compounded, of course, because the Commonwealth keeps most of those records. So I am aware of the quality issues and the lack of accurate information that you talk about. Clearly the view of the Commonwealth would be that the Victorian government is the one that should be compensating people from the stolen generations, as the state governments have done, say, in Tasmania or South Australia. I am assuming here that you are constantly putting pressure on the Victorian government to change from a reparations fund to a compensation fund, but without much success. Is that right?

**Mr Dommett**—We raise it quite regularly. I think that the Victorian view is that they are not prepared at this point to consider compensation, and I think part of the problem with our federal system of government is that you end up with the situation we have now, where there is different compensation across different states. I think that the Commonwealth government has a clear role, in terms of its COAG responsibilities, to try to get equity, remembering that people in Victoria are in a difficult position. If they were taken from Western Australia, for instance, but are resident in Victoria, do they have access to the compensation in Western Australia? I think the federal system of government we have is problematic if the federal government does not come out with a compensation scheme and pressure through COAG as well. We can certainly advocate here, but our capacity to influence as a relatively small agency is minimal. I think there needs to be a national approach to it.

**Senator CROSSIN**—Or at least national consistency.

**Mr Dommett**—Yes.



**Senator CROSSIN**—So what you are saying is: if the Tasmanian government have recognised that stolen generation members need compensating then what is the barrier to other states recognising that? At least that is an initial threshold, isn't it? Other states would perhaps be willing to do that.

**Mr Dommett**—It was a national approach to take children in the first place and so therefore there needs to be a national approach to compensation. Whether that comes from the Australian government's funds or whether it comes from the Victorian government's funds, there needs to be national consistency so that people who are resident in one state are not disadvantaged compared to another.

**Senator PARRY**—I want to go to the last page of your submission. You have indicated you would like to see the establishment of a national compensation scheme. How would you see it determined? Do you have a formula for compensation—for dollar value, for how you determine that dollar value?

**Mr Dommett**—No, we did not give that any consideration to come up with percentiles. Our submission is more about coming up with a policy stance around that and then arguing out the semantics around how much money. It comes back to one of the points I made in my opening address: compensation is not about the money, it is about the act. An apology, saying sorry, is really meaningless unless it is followed up with something. We would need to look at the funding side of it and there would obviously be a working group established around that. I do not have a view personally.

**Senator PARRY**—So when you say it is not about the money or a dollar value to individuals, would you see the following up of the apology with an act—would you see that act being the establishment of services rather than individual compensation? Or do you still want to move down the path of individual compensation?

**Mr Dommett**—I think it needs to be both. My view on services is that a responsible government would be funding services to disadvantaged Australians regardless of what their disadvantage is. It needs to be both. There needs to be a service system put in place that makes cultural sense, but there also needs to be compensation for people and for government to say, 'We did the wrong thing.' Service systems are great, but anyone can access services systems. Service systems are put in place for people with disabilities, people who are elderly, regardless of any wrong that was done by government at any point in time.

**Senator PARRY**—If we did move into a national compensation scheme, do you see the states having a financial stake in that?

**Mr Dommett**—Absolutely.

**Senator PARRY**—And if we have established that that is the case, how would you see the states contributing: on a per capita basis for population or per capita basis for people from the stolen generation?

**Mr Dommett**—This is just my view: it would have to be per capita of stolen generations. It would need to be the number of people who were taken and were taken to that area. I do not

want to be held to that because I would assume that if that is accepted there will be a number of funding solutions which will be worked over by the different treasuries. But personally I think it would have to be per capita for people who are known to be stolen generations.

**CHAIR**—You have answered most of the questions I wanted to ask, but I do have a couple of quick ones. Have you addressed these issues with the Victorian government—that is, your concerns, which are set out in your submission, and the common-law approach in Victoria? Previous evidence we had from our first witness expressed concerns about the lack of action in Victoria. Have you discussed that with them, and what sort of response have you had?

**Mr Dommett**—We have not been asked to start with, so the addressing has been more one-on-one meetings. What is problematic in Victoria is that there has been more or less a no-go zone. The response I have had when I have tried to address this has been, ‘But we’re funding Connecting Home, we’re funding agencies,’ and we cannot seem to get beyond that. I think that the Victorian government has made a decision at this point that compensation is not part of it, and that is why there needs to be Australian government pressure.

**CHAIR**—All right. Does Connecting Home have funding support from the Victorian government?

**Mr Dommett**—We have funding support from the Victorian government and a small amount from the Australian government.

**CHAIR**—Finally, I have a question for Ms Edwards. Again, thank you for your submission, which is appreciated. Mr Dommett indicated that you had two birth certificates. How is that possible?

**Ms Edwards**—I do not know how it was possible. I had one with my mother’s maiden name on it—I am not under Edwards; I am under Kirby—and I have another that says Edwards. They have different birth dates because they confused my brother’s and my birthdays. They were actually the same day.

**CHAIR**—How prevalent is that in Victoria?

**Mr Dommett**—It is quite prevalent. I would hate to put a percentage on it, but the majority of people I have spoken to who have come through the system have more than one birth certificate or more than one date of birth.

**Ms Edwards**—Some do not have any registration.

**CHAIR**—When it is drawn to their attention, what does the government do about it, if anything?

**Mr Dommett**—That is a good question but I do not have an answer to it.

**Ms Edwards**—I do not have an answer.

**Mr Dommett**—It know that it is done through the heritage trust, which has been funded to assist people trace their family, but it might well be a situation of ‘pick one’; I am not sure. Often when people went from institution to institution, from foster home to foster home, their details—their date of birth or their name—were actually changed, so they ended up with multiple dates of birth and multiple birth certificates.

**CHAIR**—When people get passports and other documents, do they just choose one?

**Ms Edwards**—That too—and if you need a letter of support you use whatever agency you normally use. Our Aboriginal health service can sign off on a lot of legal things for us. If we do not have our birth certificate, they can sign to say that I have been here for ‘this long’ and that is my proof of who I am, because the police do not know you—even though you are meant to be telling them the truth. They take our organisation’s letters as evidence.

**Mr Dommett**—There is also not an insignificant number of people who have no way of proving their birth date or their name. Therefore accessing Centrelink benefits, getting a drivers licence—all those things—become incredibly complex because they cannot actually produce the documents.

**CHAIR**—Indeed, especially if you have different dates. Pensions and drivers licences kick in at a certain age, so obviously the date is important.

**Senator PRATT**—Thank you, Ms Edwards, for your evidence, and Mr Dommett; thank you very much. Clearly, as an organisation, you have a history working with stolen generations. In putting a national scheme together, this inquiry goes across a range of historic abuses, and different states have compensated for different things. Clearly racism has been part of one layer of those systemic abuses. How do we deal with the racist aspects of abuse and how that is connected to other forms of systemic abuse in bringing compensation schemes together?

**Mr Dommett**—Can I clarify your question.

**Senator PRATT**—You can comment on it as much as you wish, but it is—

**Mr Dommett**—Are you referring to the difference between the forgotten Australians and the stolen generations, because the removal was for different reasons.

**Senator PRATT**—That is right.

**Mr Dommett**—Our belief is that the stolen generations’ removal was the initial abuse, because it was based around racism. The only wrong that families did was to have a mixed marriage. It was on the basis of that that the Australian and state governments at the time decided that those particular children should be removed and assimilated, much akin to a eugenics movement.

**Senator PRATT**—I appreciate the element of racism behind that and that is distinguishing, I suppose. For some forgotten Australians they were removed simply because their mother was not married. There are connections between the motivations of governments as to why they made such discriminatory decisions.

**Mr Dommett**—For me one of the fundamental differences is the removal from culture and connection to land. I do not think that anyone who is here that is not Aboriginal can actually understand that. For the people I speak to, that is probably the most foundational issue, and that is a bit that the healing that the people from the stolen generations have to go through. It is really about cultural healing, cultural reconnection in a context that is very complex, because often they are not accepted where they were taken from but also they are often not accepted in Victoria because they do not come from here. Maybe Eva Jo could talk a little bit about that.

**Ms Edwards**—From my own personal point of view it has taken me 25 years to be accepted in this community. I am pretty well-known, I believe that I have achieved a lot for our community here in Melbourne. That does weigh heavily on you with that acceptance. Whether we look at the difference between stolen generation and forgotten Australians, I honestly believe that our country is so racist. We are so multicultural and I only just did something with a multicultural group at Lalor, but we are so quick to help everybody else but we still forget about the first nation people of this country. I do not understand it. Our history books have got it all written, our schools are not teaching it, and it wanting to get off your butts and get yourselves a job. I have done that all my life and yet people are still judging me.

**Senator PRATT**—So if the Commonwealth is being asked to intervene to bring together a whole range of disparate compensation, to put pressure on to create some kind of single scheme, it is actually going to have to work out how it distinguishes the various historical elements of that.

**Ms Edwards**—Loss of identity and loss of your connection to land is huge. I do not believe you ever get that connection to land back. Some of us do, some of us are spiritual enough to be able to do that. I have had six kids in this country right here as we sit, just down the road, they are not there anymore but at the Mercy Hospital, and I just think this is their connection to country, this is where they will never leave and they feel very spiritual about where they come from. That is really important as far as I am concerned as a displaced person. How you weigh all that up is really hard because we are all affected differently. Some were abused, some weren't, sexually, physically, emotionally. How do you weigh it up?

**Senator PRATT**—It is a complex thing for the Commonwealth to get involved in. You will notice around the country with varying degrees of success different communities have been recognised in different ways for their abuses and have been on that journey with various levels of success with state governments in getting different redress schemes and other things up. Once you put that into a Commonwealth melting pot you are really reconfounded with how you rechannel all of the telling of those different experiences and stories through a new institution. There will be things are better and worse as far as how good any bureaucratic system is at acknowledging those historic abuses. It is a big challenge.

**Mr Dommett**—I would hate to see the situation where we redress one group over another. I think we have to remember that people from the stolen generations and forgotten Australians were in the same institutions together. In many aspects they had exactly the same experience. The fundamental rationale behind the stolen generations being in those institutions was different and whether it should be a front loaded compensation for people who are of the stolen generations I do not know but I do not think we should say, 'We'll do this at the cost of another group.'

**Senator PRATT**—But any institution needs to work out how to deal with it.

**Mr Dommett**—Yes.

**Senator PRATT**—Thank you very much for exploring that with me.

**CHAIR**—Thank you very much for your attendance today.

**Proceedings suspended from 10.35 am to 10.53 am**

**CARROLL, Ms Caroline, Chair and Victorian Representative, Alliance for Forgotten Australians**

**CONROY, Ms Stella, Policy Officer, Advisory Group, Alliance for Forgotten Australians**

**YOUNG, Mr Tony, Tasmanian Representative, Alliance for Forgotten Australians**

**CHAIR**—Welcome and thanks for being here. As well as the senators around the table here, we have Senator Rachel Siewert on the line from Western Australia. We have your submission; it is numbered 133. Do you have any amendments or alterations to that?

**Ms Carroll**—No. We would each like to take a minute to talk to particular aspects of it.

**CHAIR**—Yes. We would welcome your making some opening statements, after which we will have some questions.

**Ms Carroll**—I am a former state ward of New South Wales. I grew up in care from the age of 14 months till I was 15 years old, but I was actually a state ward till I was 21. I want to tell a little of my story. I do not know how much you all know about Forgotten Australians. I know that Rachel knows us very well and has been a good friend to us all.

I was one of eight children. Three weeks ago I met two of my siblings for the first time: my brother who is in his 70s; my sister who is in her 60s. I am in my 50s. It is a long time to be separated. After all those years it is very difficult to make a connection and build a relationship—they are strangers to me. That was one of the impacts. As I said, I was one of eight, and I have still got some siblings to meet. I have met one other brother.

There are so many issues and so much impact, but certainly one of the biggest is the lack of family, growing up and since. My children have been affected because they do not have any aunts, uncles or grandparents. When I got married I made up my mother's maiden name because I did not have a birth certificate and I did not know her name. I was too embarrassed to admit that I did not know my mother's maiden name. I married someone who had huge family and friends. On my side of the church I did not have one blood relative at my wedding. On his side of the church there were thousands—it felt like it, anyway. The impact of growing up in care is just so ongoing .

Our submission talks about redress and how important it is, but I would also like to state that I believe services to forgotten Australians are equally important and that it should never be one or the other. Some states have some form of redress, usually bad redress, and some states have services. We need a combination of both. The services in Victoria are probably the best in Australia. New South Wales allows \$800 per person per year for services, and that includes counselling. When you think that counselling is usually well over \$100 a session, it does not allow for many sessions of counselling. For someone like me who spent 15 years plus as a state ward, eight sessions is never going to fix my issues. Also, we had very poor dental health care as children and many forgotten Australians have huge health issues and huge dental needs. That is supposed to come out of \$800. I worked in the institutions three days a week and was allowed to

go to school for two days a week. The school was on the premises and it was everyone in together, so our education was almost nonexistent. Life skills is also included in that \$800. It is not going to get me very far. So I believe that it should never be a case of either redress or services; we need both.

We need some equality across the states. I work in Victoria for Open Place, the Victorian service. I can support people in getting services if they grew up in Victoria, but I cannot access them. For people who no longer live in the state that they grew up in, it is really difficult to see that some forgotten Australians are having access to services and others are not able to have services. In other states where they have paid redress, such as Tasmania—and I am sure Tony will talk about that—people are retraumatised by having to present their case with no counselling and no services around it. If they are lucky to win their case they get a small payout and if they are smart enough they will use it all on counselling just to ease the trauma from being retraumatised telling their stories and the issues that they have had to deal with along the way.

Western Australia made a big announcement about redress, and cut it in half before they even got to deal with anyone. South Australia are only going to pay redress to people who were sexually abused. I don't get that. I mean, locking a child up in a cage, a jail—and these places were jails—beating them daily, starving them, not educating them; that is all abuse. How you can weigh up one sort of abuse against another I do not understand. That is pretty much all I have to say for the moment.

**CHAIR**—Thanks very much for that.

**Mr Young**—I was a ward of the state in Tasmania from the age of five to the age of 18. I had five foster placements and three institutions. I was taken away from my siblings. For one period three of us were together but it was only for a very short period of time.

As to the ex gratia payment that Tasmania made, my question is: is it ex gratia versus compensation? We were forced to sign a waiver to receive any payment, but we were given legal advice, free, by the government, as to whether we wanted to do that, and the words from the lawyer to me were: 'You haven't got enough money to beat the government; if you had, it would take you too long. Just sign it and take what they give you.' Caroline said we have been traumatised from our past. Well, it is still going on. This was six years ago and I am still dealing with it.

The other issue I have is a personal issue. I have put in a personal submission, though it is also in the AFA one as well. It is to do with the role of the assessor and his qualifications to deal with this. I questioned him as to what the criteria were for the ex gratia payment. His reply to me was: 'There are no criteria.' I said: 'Why wouldn't there be? Why wouldn't it be for how many times you were sexually abused? Was it worth \$1,000?' He said: 'No, no. It was on how you got on with your life.' According to him, I got on with my life okay. But then he said, 'Plus, you've got other issues.' I said, 'What might they be?' and he said: 'You're a Vietnam veteran.' So if that is not discrimination, I do not know what is. I tried to seek legal advice on that, as discrimination, but that went nowhere.

I have also tried to take legal action against a perpetrator, but I got this from the DPP, and I got a letter from the commissioner of police to say that it was too long ago, it is not in the public

interest, and the perpetrator is in ill health. But what about the victim? The victim does not count in this anymore. But then you can pick up the paper and read about a court case, and see that the lawyer spoke for so-and-so and said, 'Because of his bad upbringing ...' and see that the judge let him off. What about us? What is the difference with us? We are just fighting a losing battle.

And it is not all about money. It is about justice and acceptance. As to the maximum payment: I have been told personally about two brothers; one was in a children's institution in Tasmania and never had a hand laid on him whilst he was in care, yet he got more money than his brother who was sexually abused. I do not understand that. I just do not understand the way this was done.

The other issue on the reviews was this. When I went to the first review, I was given an hour and a half to tell my life's story, which I had tried to put it behind me. At 57 years of age or something, I had tried to forget about the majority of this abuse. So I had to go in and tell my life's story. But the people sitting across the table from me had my file, and it was this thick. And I was given an hour and a half to tell that story. Yet, now, you get two days, and you get your file to take in there with you. So, once again, I feel that that is nearly discrimination. And you walk out the door saying: 'Why didn't I say this?' or 'Oh, I forgot about that.' It is not a matter of, 'If I'd said this I would've got more money.' That is not the issue. They wanted to hear what my issues were, but I couldn't remember them, sitting in front of someone trying to rely on my memory. Luckily I had some notes, which they would not accept. I had to talk, which is fair enough; I understand that. I do not understand how they changed the goal posts and said: 'Right. Now we'll give you your file.' So now you rock up and just read out of your file what happened to you and make it up as you go along. It is incredible the way it was dealt with. At the time, Premier Lennon sent us a personal letter saying, 'This will give you closure.' I am sorry: it has not given me closure because I am dealing with it every day.

Once again, I emphasise: it is not about money. I do not care about the money. If it was about the money what I would like to see is \$30,000 for everyone, which it is now in the latest review. There is no minimum. There is no maximum but it should be case by case because not everyone was sexually abused. Like Caroline said, South Australia only want to recognise sexual abuse. I copped sexual abuse, physical abuse, neglect, psychological abuse. I copped the lot but I am only worth half of what someone else gets for compensation from the government for having an affair with a minister who loses their job or something. I feel like I am a loser in this, and you get cases like the Myer case where it is sexual harassment; it is only words. There are thousands of dollars involved there. We try and do that; no one wants to hear us.

I will close by saying—and I am assuming that you would understand what is happening in Tasmania—that Minister Lin Thorp has sort of flicked past us to the public to be accountable and responsible and to speak out. I replied back through the media and said 'Hang on. I've been speaking out for years and years and years. Who's listening?' They listen, but that is it; in one ear and out the other. We are getting this abuse. We have got the 12-year-old in Tasmania. We have got the death in Ashley. They want to close down Ashley but they do not listen to the people who have been there. They can talk the talk because they have walked the walk. They do not want to listen to us. We are there to talk to them, but why won't they listen to us?

Unfortunately I might be coming across as being a bit angry about it all and I do not want it to be a personal thing. My submission was personal, but on behalf of AFA I listen to other people



and a lot of the stories, like the one about the two brothers. It hurts to hear what happens to others. This is not about me with the exception of my submission; it is on behalf of every ex ward.

**CHAIR**—Thanks for sharing that. Ms Conroy, did you want to make an opening statement?

**Ms Conroy**—I think from hearing Caroline and Tony’s experience of trying to seek redress that this is why we are asking for the Commonwealth to take leadership and see that there is some justice and equity across the country. With the way the system is working now on a state-by-state basis, there is no justice and people come away very damaged from the process.

**CHAIR**—Thanks for those opening remarks. We will go to questions. I understand Senator Siewert is on the line.

**Senator SIEWERT**—Yes, I am.

**CHAIR**—We will go to you. You have been patiently waiting over there, so we will go to you straight off.

**Senator SIEWERT**—Thank you. Thank you for your evidence. I would like to pick up where you left off in terms of the Commonwealth taking a leadership role. Both of you and a number of other submissions have advocated for a national redress. I would like to explore with you how you would see that operating. Do you think the best approach would be Commonwealth, states and territories putting money into a central fund that is then administered nationally? I also have a couple of follow-up questions but we might kick off with that.

**Ms Conroy**—We would see that a national fund would be the way to go and we would, I think, also expect that some of the institutions would be part of that. We would see that there would be national criteria and that there would need to be a way of cutting across all of the state and territory boundaries. Some work would need to go in there about establishing some nationally consistent criteria against which people would be able to submit their claim.

It cannot be adversarial. We hear so many damaging stories about the adversarial process. Our supplementary submission talked about a New South Wales woman who was institutionalised who, at the end of losing her case, was presented with a bill by the New South Wales government. With the second case that was lined up to go before the courts, the lawyers simply advised the person to turn away, because ‘This is what happened to the other person, so you are not going to win.’ The adversarial process has proved to be extremely damaging and harmful to people. We think that there needs to be a different sort of system that is not adversarial. It needs a lot of support.

**Senator SIEWERT**—Thank you. You have mentioned the two-tiered approach that Queensland and WA have taken. Are you suggesting that a national scheme would take the same sort of approach as a way of addressing the issues around the adversarial approach?

**Ms Conroy**—Are you asking about the two-tier system that we wrote about in our submission?

**Senator SIEWERT**—Yes.

**Ms Conroy**—Sorry; it is hard to hear.

**Senator SIEWERT**—I think it is the phone line.

**Ms Conroy**—We are not sure that that is the best, but it is the best that we have seen so far. We have been interested in the Irish approach as well, but we are also aware that, with the global financial crisis, for example, the Irish approach fell apart as well. It needs to be a system that is protected and has some universal criteria for all children who experienced institutional care, whether they are forgotten Australians, stolen gen or British child migrants.

**Ms Carroll**—And whether they were state wards or not.

**Senator SIEWERT**—If there was an agreement across the states and territories for a national scheme, would you see merit in at least trying to get all the states and territories to agree to common criteria so that we do not get this disparity between states? You mentioned that there are different criteria in each of the states and, if you are living in Victoria but you were not in care there but in another state, you are missing out. Would there be merit in at least going that far, to establish common criteria for any redress scheme in any of the states?

**Ms Conroy**—I think we would categorically say yes. I am seeing nods at the table here that you cannot see. We are certainly looking for some national consistency of the criteria, so that what happened Tony, where there was a discretionary decision made by an individual who, when confronted with the next person, made a completely different discretionary decision based on how badly you could tell your life story about the effects that it had had on you.

**Senator SIEWERT**—With the Commonwealth schemes, there are the ex gratia payments, act-of-grace payments and the CDDA process. I think you mentioned the CDDA process. When we have been exploring this with some of the other witnesses and the department, a redress scheme such as we are talking about does not seem to fit in all of them. Have you thought about that and would you just suggest that there is a decision made by government that there is going to be a redress scheme and not worry about which system it comes out of?

**Ms Conroy**—I am not really clear.

**Senator SIEWERT**—We have had evidence around the various schemes that compensate. If I recollect, your submission, or it might have been CLAN's, suggested that we look at the scheme that addresses deficient decision making and policies. People have suggested that perhaps a redress scheme would fit under that particular scheme.

**Ms Conroy**—Yes. I think what we were doing was looking to some of the existing legal processes that take people away from the court system, but that in itself is not lacking in its adversarial nature. So I think it is a system that may or may not be helpful and I am not sure about the real translation of that into being able to adequately support forgotten Australians to make a claim about the decision-making processes. But we were certainly looking at some of that. What I understand or recall from reading about that is that it is quite legal in terms of its

interpretation. However, because, for forgotten Australians, the stolen gen. and child migrants, it is about their lives, I am not sure how that actually translates. Does that make sense?

**Senator SIEWERT**—Yes, it does. Thank you.

**CHAIR**—Senator Pratt.

**Senator PRATT**—Thank you very much, Chair. With regard to compensation schemes in each state, I wanted to know what the effects are when they are not done well, and what the Commonwealth needs to learn in relation to that.

**Mr Young**—In regard to Tasmania, the effects have been and still are like back when we were children. We are copping the same stuff from bureaucracy. How it is dealt with—well, it is basically about having a bit of common sense, I think. Stop the political nonsense and the political correctness and use a bit of common sense. That is easy to say, but my experience is that I do not think there was enough common sense put into it.

**Senator PRATT**—With the best of intentions, Commonwealth bureaucracies have their difficulties, particularly when something is done well in one state and not in another. When you start to create a national program, there are some things that are done well that inevitably get knocked out. People in a particular state will have a particular attachment to what is being done well there that has really enabled them to tell their story and feel acknowledged. A national scheme is not necessarily going to be able to provide a step up in all instances. Acknowledging that that may well be the case, once you created a national scheme how would you cope with if it were not as good, for any number of different reasons, as what some people have experienced at a state level? How do you as an organisation take your membership through that? What are the common principles that you would like to see addressed by any national approach?

**Mr Young**—I think if it is across the board, if there is a decision made based on criteria, that is stuck to, whereas in Tasmania there were no criteria. I think it was Ireland that gave a maximum figure. If you meet the criteria, that is well and good. If you do not, you are not entitled. If you were in care for only two months and nothing happened to you, then you are not entitled to anything.

**Senator PRATT**—But some people will do better out of one scheme and not out of another by virtue of the fact that people do feel ripped off by what happened to them under one scheme, which probably means that others have been advantaged by comparison.

**Ms Carroll**—I do not know that you would find too many forgotten Australians who would say to you, whatever scheme they are under, whatever state they are in, that redress or compensation, whatever you want to call it, has been easy, simple or the best way to go.

**Senator PRATT**—I certainly accept that.

**Ms Carroll**—I think the Commonwealth could lead this. I know that you are saying that it is such a big thing to do and it is. At the moment we are working on a Find and Connect Service which is a national scheme for connecting families and looking for records and it is huge. But we cannot just sit back, say it is too big and we are not going to do it because it involves too much

money, too much time and too much effort. We need to make a start on all these things. For 10 years I have been yelling and screaming to anyone who will listen that we need legislation governing state wards so that we have access to our records, our birth certificates, our mother's marriage certificates and all of that stuff. No-one has listened. It has always been said, 'It's too hard, it takes too much time and it's too difficult.' We would be 10 years down the track if someone had moved 10 years ago. Now with the Find and Connect Service we are suddenly realising that these are the things we are looking at. It is great that we are finally looking at them on the national level and redress is a bit the same. We need to take the steps now or 10 years down the track some of us will not be here and we will still be in the same boat doing it on a case-by-case basis where people are retraumatised, they often end up with nothing and again they are told 'It's your fault, you did it wrong, go away, leave us alone.' We were told that every day of our lives as children and trying to access redress through these schemes tells us the same things.

**Senator PRATT**—Thank you for exploring that with me.

**Ms Conroy**—I want to refer back to our previous submission to the second inquiry into forgotten Australians where we talked about some broad principles. We talked about the eligibility for this scheme to be as broad as possible in recognition that people come to the realisation of their past and want to do something about it at different times. A lot of what the state schemes have done is create artificial time frames where people can no longer come forward so it needs to be open ended. There are some principles in that document that we have referred to such as we see that it needs to be a supportive service, people need to be given independent legal advice, they need to be able to have a support person with them to attend the hearing and they need to have proper access to their records.

**Ms Carroll**—And their lawyers do not take half their payment when they do get one.

**Ms Conroy**—It is in that submission to the community affairs reference committee inquiry into the implementations recommendations. I can table it again if you like so that you have the reference to that. It is on page 7.

**Senator PRATT**—Thank you very much.

**Senator CROSSIN**—I am interested in following up your suggestion about the role of the Commonwealth Ombudsman in developing a nationally consistent position for defective administration schemes. Could you expand on how that might be implemented and what it might achieve if we went down that path?

**Ms Conroy**—It is on page 6 of our submission. We were looking at the role of the Ombudsman as being independent even though it is a part of government. It is a separate entity and it has a role in terms of investigation. This would be one avenue that could be a possibility for achieving an understanding of the level of defective administration that was actually occurring at the time. Although we have had the Senate inquiry, we have had the inquiry into the responses and people hear that there has been an issue it is not understood in terms of defective administration actually occurring or taking responsibility for that. So I guess we saw a role for the Commonwealth Ombudsman in making that clear. We are not sure.

**Senator CROSSIN**—Okay.

**CHAIR**—I have questions in two areas. One is the access to information. You were talking about it earlier, Ms Carroll. What is the current status with respect to your access to information?

**Ms Carroll**—The same as yours. Do you mean for our files?

**CHAIR**—Yes, your files. What process do you follow at the moment to access information about your personal details that the government or whoever holds?

**Ms Carroll**—You need to make an application. We were charged for our files once. That no longer happens in most states. Sometimes, depending on where you were, private places can still try to charge people for their own information. You get a copy of your ward file and it is read by the department, or whoever the agency is, and they deem whether it is worthy of giving to you. They make the final choice about what and how much you are able to access. When I first got my ward file—which is about that thick—it had big black lines all the way through it. Usually that was something to do with my parents or my siblings. That was all crossed out. I have never read my whole file, I have to say, because it was so demoralising and so traumatising because it was all about what a manipulative child I was at 14 months and how dreadful and sly I was. They were all negative things about me, not about anything else really. Accessing ward files is not easy for people. We need to supply ID, and a lot of forgotten Australians do not have ID. That used to have to be police certified, and many forgotten Australians will not go within cooee of a cop because a cop took them away in the first place or beat them or raped them when they picked them up from when they absconded. So we do not have a good relationship with the police.

**CHAIR**—Is it the same in each state and territory?

**Ms Carroll**—It is pretty much the same in each state and territory to access ward files. Because I did not know my parents—and I did not know until I was 15 that I even had parents—if my mother had remarried, I could not access her marriage certificate. An adopted person can. In Victoria, and in other states as well, they have access to those records of birth families. Forgotten Australians or state wards do not have that sort of legislation.

**CHAIR**—Would be common for forgotten Australians to access their files, have they all now accessed them, or are you saying that is not—

**Ms Carroll**—It has become more common. Because of this Senate inquiry and because of the apologies around the states and the national apology, people have become more aware that they fall under the forgotten Australian title. At Open Place that is what I do. I do records and reunification. Last week, after the unveiling of the memorial here in Victoria I had 30 applications in a week and I had three days away from the office. That was pretty good.

**Ms Conroy**—We know from some of the Alliance for Forgotten Australians members that New South Wales has been particularly difficult. It depends on the institution that you were placed in. The girls who went to Hay prison, for example, have had extreme difficulty in accessing files.

**Ms Carroll**—Some of the church ones are just appalling.

**CHAIR**—I was about to ask about other institutions, other than government-run institutions—whether they be churches or NGOs. Can people access their files from those institutions?

**Ms Carroll**—You can. You usually have to put in a written application and, again, it depends on the organisation. You need 42 different pieces of ID and your 32nd cousin's birth certificate, and all that sort of rubbish. Some of them are very forthcoming, like MacKillop Family Services here in Victoria. They are really helpful and encouraging. The Salvation Army are dreadful. Some of the Catholic organisations that are not under MacKillop are not helpful. It just depends on who you get in charge at the time.

**CHAIR**—On notice, if you have further and better particulars regarding lack of ready access to information in other parts of Australia, from your colleagues interstate or in the other territories, we would be very interested. From my position, I think is very important. Maybe that is something that we could look at seriously as a committee. So, if you have any further details, please let us know on notice.

**Ms Carroll**—We are looking at that in the Find and Connect Service that is happening with FaHCSIA at the moment.

**CHAIR**—Mr Young, on that matter, do you have any issues in Tasmania? Have you been able to access your files adequately?

**Mr Young**—When they opened the review into abuse—as I said, I went through the first review—you were given the option to have your file after you had been interviewed. But then they, in their wisdom, thought, 'That's not really right.' So since they reopened the review they actually supply you with your file before you go for the interview. The only issue I have with files is that, as I said, in my welfare file, from the age of five to 18, there is nothing about the year I was in the Ashley boys home. There is nothing about the time I was in Kennerley boys home. There is nothing about the time that I was in the receiving homes, where you wait for foster parents. There is no indication of that, so the files are not complete. Like Caroline said, there are all these black marks through them. I asked why that was and they said it was because it had someone else's name there and it was an issue of confidentiality. They must have a hell of a long name, because some of these marks go right across the whole page. So you are not getting access to your whole story. You are not getting your complete file.

**CHAIR**—So you now have access to your files.

**Mr Young**—Yes, but only the welfare file.

**CHAIR**—Do you think people should be sent them automatically if they have not yet received them? Do you have a view about that?

**Mr Young**—Some people do not want to know. They have put it behind them and moved on. I think it is personal choice.

**Ms Carroll**—You read some horrific things in files. You also find out that you have siblings that you did not know you had. You may find out that your parents were actually alive, when you have been told all your life that they are dead. So, no, I do not think files should suddenly turn up in the mail. People need a lot of support when they are getting their files. Many of our people choose to have their files sent to a counsellor that they are working with or to us and they come in and open them with us.

**CHAIR**—Is counselling provided automatically around the country?

**Ms Carroll**—No, far from it. Victoria offers ongoing counselling to people. In New South Wales, like I said, it has to come out of that \$800, so that gives you about six sessions.

**CHAIR**—What about Tasmania?

**Ms Carroll**—No.

**Mr Young**—There are discrepancies there. I was asked if I wanted to continue with the counselling I was already receiving or take what was on offer, which was only three sessions. Then I was told by someone else that they were entitled to six sessions. Then I was told by another ex-ward that they had to go to a religious organisation and they refused to. So there is nothing set in concrete with counselling, unfortunately.

**Ms Carroll**—There are not universal services around the country to assist people who are trying to access files. In some states there is a service you would go to even if you are not actually accessing the files. There might be a support service. But if you are applying to a state government under freedom of information that does not automatically provide you with a support service.

**CHAIR**—Mr Young, have you addressed any of the concerns that you have with the state government in Tasmania?

**Mr Young**—The current state government?

**CHAIR**—The current one or over past years.

**Mr Young**—Yes, I have.

**CHAIR**—What sort of response have you had?

**Mr Young**—Honest answer? Pretty poor.

**CHAIR**—Have you ever written to them? Some of your concerns are set out in your submission, of course, but if there was one thing you would want done, what would it be?

**Mr Young**—Personally, I am more concerned about what is happening to the vulnerable children today. I have been there and done it. It has happened to me. I have to move on, and I have tried to. With our experience we can advise how to deal with it and talk about what is happening and how it happens. But that is the thing that seems to fall on deaf ears.

**CHAIR**—You use the example in your opening remarks about the 12-year-old girl and the shocking sexual abuse of her in recent times. It is mind-boggling that that could still be happening in Tasmania, and you are aghast, like the rest of us no doubt, but you probably think that that should never have happened in the first place.

**Mr Young**—I think there is one even worse than that, after that inquiry, that has just recently happened. I think it was in the *Examiner* last Thursday or Friday where, since that inquiry, they have found that four children in state care have died. I am not sure over what period of time. I am not sure if I even have the article with me. But six years ago, when I went through the first review, all of this came out on the table and they have had inquiries but they have taken no notice. And then you get the minister saying it is the public's responsibility, so what have we been doing for six years since this came out in the open about all of this abuse? Those are things I get frustrated with. You just keep talking, and it is going nowhere. You have the Ashley thing where just recently there was the death there. It may not be suspicious circumstances, but that is a gazetted prison and it is a youth detention centre and you have eight- and 10-year-olds in prison.

**Ms Carroll**—Nothing has really changed. The abuse we suffered is equal to the abuse of this child today. What have they learnt from forgotten Australians and stolen generations and child migrants? I did a presentation two weeks ago in Canberra to—

**Ms Conroy**—The College for Child and Family Protection Practitioners.

**Ms Carroll**—There was an academic before me who was presenting who had the hide to say, 'Let's face it, if there were no bad parents, there would be no kids in care.' That was his statement.

**Ms Conroy**—And the other academics at that conference were unable to provide any positive evidence about the differences in outcomes for children in care today and the children who were in care previously.

**CHAIR**—We will need to finish there because we have a further inquiry to undertake. On behalf of the committee, I thank you for your evidence and for appearing before our committee today.

**Committee adjourned at 11.37 am**