



**The Hon Jenny Macklin MP
Minister for Families, Housing, Community Services
and Indigenous Affairs**

Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 7560
Facsimile: (02) 6273 4122

MC11-003685

10 MAY 2011

The Hon John Murphy MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Dear Mr Murphy

Thank you for your letter of 16 March 2011 about a petition submitted to the Standing Committee on Petitions seeking an inquiry into child abuse and neglect of the Forgotten Australians.

The petition suggests that the Senate Community Affairs References Committee, *Inquiry into Children in Institutional Care* (2004), did not uphold all of its stated terms of reference. Specifically, it argues that the Committee did not fully investigate all problems and cases of child neglect and that this omission has impacted the capacity for victims of childhood abuse while in institutional care to access legal redress. The petition calls for Members of the House of Representatives to open an inquiry which will allow all evidence of child neglect, institutional neglect or other agency neglect to be brought to an inquiry, or other government body's attention, and provide feedback to the Australian Government.

The Terms of Reference for the Senate Community Affairs References Committee *Inquiry into Children in Institutional Care* referred a range of issues to the Committee. These include investigations regarding the existence, severity and estimated scale of any unsafe, improper or unlawful care or treatment of children in any government or non-government institutions and fostering practices, established under legislation to provide care and/or education of children. The Terms of Reference also directed the Committee to make recommendations where cases of unsafe, improper or unlawful care or treatment of children had occurred.

Consistent with its Terms of Reference, the Committee emphasised that during its examination of the experiences of children in institutional care, the Committee could not deliberate on cases of particular individuals that were under consideration by courts, tribunals or other bodies which may grant some remedy to those individuals. The Terms of Reference also specified that while the Committee would hear the details of individual cases, it would only use these cases to build a picture of institutional life to assist in the identification of systemic remedies. The Committee noted that it could not delegate the Australian or state parliaments to adopt its remedies or make recommendations that were binding on other jurisdictions.

The Committee delivered its first report, *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children*, on 30 August 2004. The previous government tabled its response, addressing each of the 39 recommendations, on 10 November 2005.

On 18 September 2008, the Community Affairs References Committee commenced an inquiry into the implementation of the recommendations from earlier reports: *Lost Innocents: Righting the Record - Report on child migration (2001)*, and *Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children (2004)*. The Terms of Reference did not provide scope for the Committee to reopen the broad range of issues that were covered in the earlier reports.

The Committee considered 64 public submissions and 13 confidential submissions. It heard evidence during five days of public hearings held in Melbourne, Perth, Brisbane, Sydney and Canberra, and evidence was also taken by teleconference from Tasmania and South Australia. Consistent with the Terms of Reference of the previous inquiries, the Committee did not report on the circumstances and experiences of individuals.

The Committee delivered its report, *Lost Innocents and Forgotten Australians Revisited: Report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians Reports*, on 25 June 2009.

The Committee concluded that, despite progress, many of the recommendations of the *Lost Innocents and Forgotten Australians* reports were still to be implemented. The Committee noted that, with the benefit of experience since the original reports were tabled, a number of the recommendations needed revision to achieve the desired outcomes for care leavers.

Since the tabling of the Committee's report in 2009, the Australian Government has prioritised its commitment to supporting Forgotten Australians and former child migrants.

On 16 November 2009, the former Prime Minister, the Hon Kevin Rudd MP, delivered an apology to Forgotten Australians and former child migrants on behalf of the nation.

This apology, for the first time, provided national and international acknowledgement of a period in our nation's history where the most vulnerable of our children did not receive the care they deserved. The Apology recognised the pain and suffering experienced by so many children while in out-of-home care and throughout their lives. The Apology formed a significant part of the Government's response to the *Lost Innocents and Forgotten Australians Revisited* report. This response included a number of new initiatives and investments to significantly improve support for care leavers.

The key initiative to improve the support provided to care leavers is the development of a new national Find and Connect Service through an investment of \$26.5 million over four years. This service will provide specialist support to care leavers to help them locate personal and family history files and assist them to reunite with members of their families where that is possible. The service will provide a national database that will collate and index existing government and past provider records into a national searchable database, accessible to state and other care leaver services and also directly accessible to care leavers themselves.

The Government also advised that it would identify care leavers as a special needs group for aged care purposes. Following the National Apology, the Allocation Principles 1997 under the *Aged Care Act 1997* were amended, effective from 1 December 2009, to include 'care leavers' as a special needs group under aged care legislation. This means that aged care providers are able to identify Forgotten Australians and former child migrants as a priority group when they apply for aged care support or placement through the Department of Health and Ageing.

The Department of Health and Ageing is also developing education materials to assist organisations and carers in the aged care sector to recognise the special needs of care leavers. This will assist their efforts to provide appropriate and responsive care to care leavers.

The Government also committed ongoing funding for the Alliance for Forgotten Australians, the Care Leavers Australia Network and the Child Migrants Trust. This funding ensures care leavers have support and strong advocacy that enables them to contribute to public policy and service development.

Finally, to ensure that this chapter in our history is remembered, the Government has provided \$2.9 million for history projects with the National Library of Australia and the National Museum of Australia. These projects are recording people's experiences of institutional and out-of-home care over the last century. The National Library has already published a number of interviews with Forgotten Australians and former child migrants. The National Museum of Australia is developing an exhibition about the history of institutionalised care of children which will be launched in November 2011. There is a joint website at www.forgottenaustralianshistory.gov.au for these two national history projects.

Thank you again for providing me with the opportunity to comment on this petition. The Government will continue to prioritise its support to Forgotten Australians and former child migrants to ensure they can locate their records, search and find their identities and families where possible and reunite with their relatives where desired, and be supported in their healing through specialist counselling services.

Yours sincerely

JENNY MACKLIN MP