

CHAPTER 3

SERVICES, RECORDS AND SUPPORT GROUPS

3.1 This chapter considers some of the major issues raised in evidence concerning the implementation of the recommendations of the *Forgotten Australians* and *Lost Innocents* reports. These are:

- delivery of services;
- location and preservation of, and access to, records; and
- the role and operation of support groups.

Delivery of services

Lost Innocents Recommendation 2

That British and Maltese former child migrants be treated equally in accessing any of the services currently provided or as recommended in this report, including access to travel funding.

Government response

The government supports this recommendation and agrees that former British and Maltese child migrants should be treated equally in accessing any existing or new services proposed in this response (Refer recommendations 17 and 22).

The government, through the Department of Immigration and Multicultural and Indigenous Affairs, (DIMIA) has funded the Child Migrants Trust to provide counselling and family reunification services for former child migrants since 1990. Services provided by the Trust are open to both UK and Maltese former child migrants. The Trust provides support and assistance to approximately 750 UK and Maltese clients per year.

Implementation

3.2 A number of the recommendations of *Lost Innocents* dealt with issues relating to the delivery of services to former child migrants. Along with specialised tracing and counselling services, a particular concern was that former child migrants have access to well-designed and -funded programs to facilitate re-connection with relatives and families in their countries of origin, namely Britain and Malta. The report noted that, given the similarity of their experiences to those of British child migrants, Maltese former child migrants 'should not be differentiated in their rights to access any services provided to former child migrants'.¹

1 *Lost Innocents*, p. 44.

3.3 The Committee received no evidence of differential treatment of British and Maltese former child migrants in accessing services.

3.4 The Department of Immigration and Citizenship (DIAC) advised that British and Maltese former child migrants have had equality of access to services provided by the CMT since 1990. The assistance package provided by the Australian government in response to *Lost Innocents* was available to both British and Maltese former child migrants regardless of their country of origin.²

3.5 The Department for Child Protection (WA) submitted:

The Western Australian Department for Child Protection fully supports this recommendation and has on all occasions provided information and services to Maltese former child migrants in the same manner as British child migrants. The Maltese child migrants form part of the Former Child Migrants Referral Index, established by the Department in partnership with former receiving agencies.³

Lost Innocents Recommendation 5

That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

Government response

The government supports this recommendation. The government will continue to fund the Child Migrants' Trust for the next three years at an amount of \$125,000 plus associated administrative costs per annum.

Implementation

3.6 *Lost Innocents* identified the Child Migrants Trust (CMT) as a valuable support service for former child migrants, due to its 'considerable knowledge and expertise in the areas of childhood abuse and its impact on children, adult lives and relationships and subsequent generations', and particularly for its tracing and reunion services for former child migrants to establish contact and develop relationships with their families. Mr Harold Haig, Secretary, International Association of Former Child Migrants and Their Families (IAFCMF) described the CMT as a 'lifeline' forming the 'vital link' between child migrants and their families:

[The CMT] provide a complete independent specialist family reunion and counselling service that child migrants need. They have been doing this for

2 *Submission 27*, p. 1.

3 *Submission 11*, p. 1.

20 years. They have the infrastructure in place to reunite families across the world, and they do.⁴

3.7 In evidence to the previous inquiry, the trust indicated it had some 700 active clients across Australia. The CMT at that time had offices in Perth and Melbourne and was seeking to further develop its services in Sydney and Brisbane, both areas of high demand for the trust's services.⁵

3.8 *Lost Innocents* closely examined the CMT's funding arrangements and found that the importance of its services and impressive track record justified the recommendation that the Commonwealth continue funding the trust.

3.9 DIAC advised that the Commonwealth government had funded the CMT for six years between 2002 and 2008:

The Australian Government supported this recommendation. Through the immigration portfolio, the Government has committed funding totalling \$825 000 over six years from 2002 to the Child Migrants Trust Inc to provide specialised family tracing and counselling services to former child migrants from the United Kingdom and Malta living in Australia.

The Child Migrants Trust Inc received initial funding of \$375 000 over three years from 2002 and was allocated additional funding of \$450 000 in 2005 to continue providing these services for a further three years to 30 June 2008.⁶

3.10 CMT had also recently received an additional \$150 000 for 2008-09.⁷

3.11 The Western Australian Department for Child Protection advised that it had also provided ongoing funded to the CMT:

[The department]...has provided funding to the Child Migrant Trust since 1999. Recurrent funding of \$77,425 per annum to 31 December 2011 has recently been approved by the Minister for Child Protection to enable the Trust to continue to provide services to Western Australian former child migrants and their descendents.⁸

3.12 CMT advised that it had not been successful in securing funding from NSW, Queensland, or South Australia.⁹ Ms Margaret Humphreys OAM, International

4 *Proof Committee Hansard*, 8 April 2009, p. 3.

5 *Lost innocents*, p. 129.

6 *Submission 27*, p. 4.

7 Mr Peter Templeton, Assistant Secretary, Settlement Branch, DIAC, *Proof Committee Hansard*, 8 April 2009, p. 48.

8 *Submission 11*, p. 2.

9 *Proof Committee Hansard*, 8 April 2009, pp 16-17.

Director, CMT, observed that the trust's historical difficulties of securing funding from State governments continued.

In terms of state governments historically it has been very difficult for the trust. Many years ago I had meetings with state directors and forums for discussion, and they have always felt very strongly that this was a federal government issue. Of course, that has changed a little in Western Australia, which has been quite supportive. Many states truly believe that this is an issue that the federal government should pick up. It is quite difficult when we try to negotiate funding in various states.¹⁰

3.13 The CMT submitted that its level of funding had been insufficient to enable it to adequately meet demand for its services, particularly as this demand increased following the establishment of an Australian travel scheme for former child migrants to visit family and relatives overseas. Consequently, the CMT had been able to provide only a 'minimalist model' of service provision, consisting of restricted support for former child migrants pursuing applications through the travel fund:

Because of the scarcity of resources to the Child Migrant Trust, most of these sorts of things [like the proposed Centre of Remembrance and Learning] have been put on hold, including research into families, the location of families and the organising of meetings. The whole lot has been restricted.¹¹

3.14 Further, the trust had not been able to extend its services into other States, which continued to be serviced by the offices in other States.¹² The trust still has just two offices in Australia, in Melbourne and Perth, both staffed by one social worker.¹³

3.15 The Committee heard evidence of the continuing importance of services provided by the CMT, particularly in light of broader awareness of, and increased demand for, its services:

The [Committee's previous] Inquiry acted as a catalyst for many former Child Migrants who had previously never sought professional help to trace their families or address painful issues of childhood abuse and loss. Many required assistance to prepare their submission; this acted as a gateway to the Trust's core services, including family tracing and counselling support...The benefits of accessing services lasted well beyond the end of the implementation of the Government's response. There was a further advantage of enhanced community and professional awareness of the child migration schemes.¹⁴

10 *Proof Committee Hansard*, 8 April 2009, p. 17.

11 Mr Norman Johnston, President, IAFCMF, *Proof Committee Hansard*, 8 April 2009, p. 6.

12 *Submission 23*, pp 3-4.

13 *Proof Committee Hansard*, 8 April 2009, pp 16-17.

14 *Submission 23*, p. 1.

3.16 Mr Norman Johnston, President, IAFCMF, advised that the CMT had unsuccessfully sought recurrent or longer-term funding:

We asked for adequate, long-term funding, for the specialist independent services of the Child Migrants Trust. Unfortunately...[this request was not] accepted...Eight years later social justice still has not been delivered to us. In our view, the spirit of the recommendations was not accepted by the government of the day.¹⁵

3.17 At the hearing of the inquiry in Canberra, Mr Peter Templeton, Assistant Secretary, Settlement Branch, DIAC, was unable to provide any advice in relation to future and recurrent funding for the CMT, as this question was currently under active consideration.¹⁶ However, in additional information provided by DIAC on 19 June, the Committee was advised that the CMT had been allocated additional funds in the 2009-10 Budget. This funding is comprised of the \$150 000 for the period 2008-09, noted above, plus an additional \$150 000 per annum for the years 2009-10 to 2011-12. This represents funding of \$600 000 for that period, and total funding of \$1 425 000 over the period 2002 to 2012.

Lost Innocents Recommendation 18

That the Commonwealth Government urge the United Kingdom Government to extend its contribution to the Child Migrant Support Fund for at least a further three years beyond its anticipated end in 2002.

Government response

This recommendation will be drawn to the attention of the UK Government along with other relevant recommendations. Further funding of the Child Migrant Support Fund is a matter for the UK government to consider.

Lost Innocents Recommendation 19

That the Child Migrant Support Fund be supplemented by funding from the Australian Government, State Governments and receiving agencies; and that this funding comprise:

- (a) a Commonwealth Government contribution of \$1 million per year for three years initially;**
- (b) a combined contribution from State Governments of \$1 million per year for three years initially; and**
- (c) a contribution from receiving agencies, and that this be funded by a levy or other means on receiving agencies not currently providing travel**

¹⁵ *Proof Committee Hansard*, 8 April 2009, p. 1.

¹⁶ *Proof Committee Hansard*, 8 April 2009, p. 50.

assistance, in proportion to the number of children placed under their care as a result of the child migration schemes during the 20th century.

Government response

As an alternative to supplementing the Child Migrant Support Fund, the government will contribute towards a new Australian travel fund for former child migrants from the UK and Malta. Further details are provided in response to Recommendation 22.

Lost Innocents Recommendation 20

That the eligibility criteria for access to the Child Migrant Support Fund be broadened to:

- (d) permit visits to family members and other relatives, including aunts and uncles, cousins, nephews and nieces; and for other related purposes, such as visits to family graves;**
- (e) be available for all former child migrants, including the Maltese and those who may have undertaken previous visits at their own expense;**
- (f) provide for two further visits but with a reduced level of assistance, limited to the payment of airfares and associated travel expenses;**
- (g) provide, in exceptional circumstances, travel funding for a spouse, child or other person as an accompanying carer; and**
- (h) be subject to no means-testing requirements.**

Government response

Funding will be contributed by the Government towards an Australian travel fund. Funds will also be sought from State governments. Eligibility criteria will need to be determined in the context of the total pool of funds available from all sources. Refer Recommendation 22.

Lost Innocents Recommendation 21

That the Commonwealth Government, together with other stakeholders, undertake a review of its participation in the Child Migrant Support Fund after three years to determine the adequacy of funding from Australian sources for the fund and the extent of continuing demand for travel from former child migrants.

Government response

The government will seek data on the usage and effectiveness of the travel fund in order to monitor the efficacy of the scheme.

Lost Innocents Recommendation 22

That, should the Child Migrant Support Fund not be extended by the United Kingdom Government, the Commonwealth Government establish a separate

Australian travel scheme to assist former child migrants to visit their country of origin, and that this scheme be funded by contributions from the Commonwealth, State Governments and receiving agencies as detailed in Recommendation 19; and that the scheme have a broad set of eligibility criteria as detailed in Recommendation 20.

Government response

The Government supports the establishment of a new Australian travel fund and will contribute \$1m per year, plus associated administrative costs, for 3 years in recognition of the importance of enabling former child migrants to return to their country of origin to re-establish connections and reunite with family members. The Commonwealth will also ask State Governments and receiving agencies to contribute to the fund.

The administration of the fund will be contracted to a suitable provider, following a competitive process. The scheme will commence in the 2002-03 financial year. Former British and Maltese child migrants who arrived under approved child migration schemes and were placed in institutional care in Australia will be eligible for the scheme.

Implementation

3.18 Recommendations 18 to 22 of the *Forgotten Australians* report related to the Child Migrant Support Fund (CMSF). The CMSF was established by the UK government to fund former child migrants' reunions with relatives in the United Kingdom, and it operated from April 1999 to October 2002. The scheme was run by International Social Service on behalf of the UK government.

3.19 The recommendations of the *Lost Innocents* report went to funding of the CMSF, seeking changes to its eligibility criteria, reviewing the Commonwealth's involvement in the scheme after three years and establishing an Australian scheme in the event of the fund's closure. However, rather than contribute to the UK fund, the Commonwealth undertook to establish the Australian Travel Fund (ATF).

3.20 The DIAC submission advised that the purpose of the ATF was to provide financial assistance for travel and accommodation expenses for former child migrants to reunite with surviving family members in the UK or Malta, or to visit grave sites of family members.¹⁷ The scheme provided for one trip per applicant, and covered to and from airport travel, airfares and taxes, cost of passport application, travel costs from airport to home of family, travel insurance, accommodation and a living allowance for two weeks.¹⁸

17 *Submission 27*, p. 3.

18 *Submission 27*, p. 4.

3.21 The eligibility criteria for the ATF were that the applicant:

- arrived in Australia under an approved travel scheme; and
- had either successfully traced surviving members of their family who welcomed the visit or had traced family and had a gravesite to visit.

3.22 Further, the scheme:

- permitted visits to family members and other relatives including aunts and uncles, cousins, nephews and nieces; and other related purposes such as visits to family graves;
- was open to British and Maltese former child migrants including those who may have undertaken trips at their own expense;
- provided in exceptional circumstances for a spouse, child or other person as an accompanying carer to travel with the applicant; and
- was not subject to means testing.¹⁹

3.23 The CMT acknowledged that the eligibility criteria and other conditions of the ATF compared favourably to the UK's CMTF:

The eligibility requirements of the travel fund were less restrictive and more compassionate than the UK scheme, acknowledging the importance of visits to parents' graves if no living relatives could be found. The frailty and vulnerability of former child migrants was acknowledged by the provision of funding for carers as escorts, when confirmed by medical/psychological assessment.²⁰

3.24 The ATF ran from 2002 to 2005 with total funding of \$5.5 million. This was comprised of initial funding of \$3 million, which was extended by \$2.5 million due to demand. The fund received 826 applications of which 771 were approved for travel. Ultimately, 703 return visits by former child migrants were facilitated.²¹

3.25 The CMT noted that the need for additional funding of the ATF had indicated an 'unappreciated demand'. However:

Despite this large increase, the Trust continued to be restricted to grants of only \$125k per year. Clearly, there was a massive imbalance in this allocation of resources, which created tremendous pressures on the Trust's staff, both in the UK and Australia, to support reunions.²²

3.26 CMT felt that pressure on resources had 'compromised the [fund's] family restoration work'. The availability of the fund had set up 'high expectations' for many

19 *Submission 27*, p. 4.

20 *Submission 23*, p. 2.

21 *Submission 27*, pp 4-5.

22 *Submission 23*, p. 4.

former child migrants. In combination with the 'complex and difficult' task of searching for family, the volume of applications and limited period for the scheme's operation, 'some former child migrants were denied the opportunity of a meaningful, healing reunion with family'.²³

3.27 The IAFCMF and CMT observed that the limited period of operation of the fund had amounted to a 'lottery' and a form of 'discrimination'. This was because only those that were fortunate enough to locate their families within the prescribed period were able to take advantage of the scheme:

If family or a close relatives' grave could be found within the allotted three-year period, they would be eligible. If not, they experienced further loss and discrimination by remaining excluded. It is always a problematic policy to try to resolve matters of social justice by means of a device which could be regarded as a lottery. The discriminatory issue relates to the arbitrary deadline imposed to complete an often complex search for family members who have been missing for more than fifty years.²⁴

3.28 CMT advised that it had continued to receive clients needing assistance with family reunion after the closing of the ATF. Further, it perceived a need for assistance for former child migrants to be able to make additional trips to visit family, to continue the process of re-building family ties:

...there remains a steady flow of new referrals for family restoration services. This continued need arises from several sources, including the resolution of particularly complex family research, due to the poverty of data or deceit; or as a result of new referrals from those who have been isolated from mainstream services....Resources are needed to support first time reunions alongside follow up visits.²⁵

3.29 Both the IAFCMF and the CMT believed that further provision should be made for former child migrants to seek to locate their relatives and travel for the purposes of family reunion. Given the limitations and shortcomings of travel funds, particularly in terms of funding, resources and time limits, it was suggested that a reparation package for former child migrants would allow individuals more control, flexibility and choice in re-establishing and re-building family relationships. Mr Johnston explained:

...there needs to be a reparation package where individuals can decide themselves how many times they want to go back, whether they want to stay here, or whether they want to continue the relationship, which is going to take a lot. The older we get the more difficult it is to bond, as you could probably appreciate. It gives them independence...²⁶

23 *Submission 23*, p. 4.

24 *Submission 23*, p 4.

25 *Submission 23*, p. 5.

26 *Proof Committee Hansard*, 8 April 2009, p.8.

3.30 Similarly, Ms Humphreys observed:

...travel funds have restrictions. They impose limits...It is government money so they have to...I think that [the apology to the Stolen Generations] perhaps could lead forward to a reparation package that involves quite a few things. I suggest that could involve people making their own choices and their own decisions about whether they go back to family or not.²⁷

3.31 In October 2005, International Social Service (ISS) published a report *The Journey of Discovery: A Report on the Australian Former Child Migrant Travel Fund*. The report gave a detailed overview of the Travel Fund, its limitations and the immense benefits it provided. In its recommendations, ISS proposed:

That continued funding be provided for the former child migrant community to allow travel opportunities for those who have been unable to trace their family origins. It is important that this recommendation be acted upon promptly as many former child migrants living in Australia are elderly and do not enjoy good health.²⁸

Lost Innocents Recommendation 23

That, to ensure that choice in counselling services remains available to former child migrants, the Commonwealth Government urge agencies and other State Welfare Departments providing counselling services to maintain those services and expand them where necessary.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments. Former child migrants currently have access to counselling services available in states and territories from government and non-government counselling organisations.

Implementation

3.32 The issue of counselling services for care leavers generally is addressed in the consideration of the implementation of recommendations 20 to 23 of the *Forgotten Australians* report (see below).

Forgotten Australians Recommendation 21

That all State Governments, Churches and agencies provide a comprehensive range of support services and assistance to care leavers and their families.

27 *Proof Committee Hansard*, 8 April 2009, p.15.

28 *The Journey of Discovery*, ISS Australian Branch, October 2005, p.2.

Government response

This is a matter for state and territory governments, churches and agencies to consider. The Australian Government strongly supports a process that is based on an assessment of need and an identification of gaps in existing services. These matters could be further discussed at appropriate Ministerial Councils.

Implementation

3.33 *Forgotten Australians* concluded that there was a serious lack of services available to address the needs of care leavers; and that governments at all levels, as well as the non-government sector, needed to urgently address this matter. Services provided by the States were found to be limited and generally restricted to those who were ex-residents of particular institutions in a given State.

3.34 Services provided by the churches and agencies were found to vary widely, and levels of funding difficult to ascertain. Provision of church services was also problematic in that many care leavers were reluctant to utilise services offered by organisations associated with the abuse and neglect of former residents.²⁹

3.35 Care Leavers Australia Network (CLAN) submitted that the response to recommendation 21 had been poor, noting that the provision of services by the States was still 'limited'; and that these had generally been provided in response not to the recommendations of the *Forgotten Australians* report but to State inquiries:

With the exception of VANISH in Victoria, services which do exist in fact have not come out of the Senate inquiry, but out of state inquiries - which means that in effect there has been no take-up of this recommendation.³⁰

3.36 Mr Frank Golding, Vice-President, CLAN, felt that, although there was perhaps now a more refined understanding of the needs of care leavers, in terms of services, 'in many instances we are no closer than we were all those years ago'.³¹

3.37 Submitters and witnesses emphasised that the need for care leavers to be able to access a comprehensive range of support services and assistance was still critical. Ms Karyn Walsh, Coordinator, Esther Centre, stressed that care leavers were a very diverse group with a commensurately broad range of needs,³² and observed:

Healing is really a combination of what pathway people personally choose and the services that are available. We stress the need to learn from the evidence of what has worked in different areas and what needs to be built

29 *Forgotten Australians*, p. 52.

30 *Submission 21*, p. 11.

31 *Proof Committee Hansard*, 30 March 2009, p. 17.

32 *Proof Committee Hansard*, 6 April 2009, p. 35.

upon now, but really make sure that the scope of services and the framework for service delivery is across the broad perspective.³³

3.38 Miss Eris Harrison, Senior Policy Manager, Alliance for Forgotten Australians (AFA), observed that care leavers and their families had ongoing care needs, and noted the importance of establishing services that could be available for care leavers of all generations:

Setting something up and just saying, 'We're going to deal with the issues of today and the people who leave care now,' is good, it is fine, but it does not go far enough. We think that there should be a continuum of care for people who have been damaged in out-of-home care and it should extend from people who leave care now to all the people who have left care at any time in the past.³⁴

New South Wales

3.39 The NSW Department of Community Services (DoCS) advised the Committee that it 'provides or funds a number of services to assist and support people who grew up in institutional care', relating to advocacy and support groups; support services; counselling; health care, housing and aged care programs; and education.³⁵

3.40 Concerning recommendations not supported by NSW, Ms Linda Mallet, Acting Deputy Director-General, Service System Development, DoCS, advised that the State had generally not supported recommendations relating to services for care leavers where this would have resulted in duplication of existing services:

Generally, recommendations which were not supported related to the establishment of additional systems or services for people who experienced institutional care as children which would duplicate existing services or systems that were available to them as members of the New South Wales public.³⁶

3.41 The Committee heard that DoCS funds a branch of the Aftercare Resources Centre (ARC), a specialist service of Relationships Australia, available for people over 25 who have experienced care in NSW. The ARC's services included a telephone helpline, information, counselling, advocacy, assistance with file readings and also family reunions. The ARC's services are available to NSW care leavers Australia-wide.³⁷

33 *Proof Committee Hansard*, 6 April 2009, pp 27-28.

34 *Proof Committee Hansard*, 30 March 2009, p. 66.

35 *Proof Committee Hansard*, 7 April 2009, p. 70.

36 *Proof Committee Hansard*, 7 April 2009, p. 69.

37 Ms Linda Mallet, Acting Deputy Director-General, Service System Development, Department of Community Services (NSW), *Proof Committee Hansard*, 7 April 2009, p. 70.

3.42 The ARC's funding covers a permanent part-time counsellor for three days a week; it also receives funding to provide some brokered counselling to enable counselling services to be provided to people outside metropolitan areas. Mrs Julie Holt, Counsellor, advised that the ARC had successfully lobbied for increased funding and would be staffed at a full-time level and have increased brokered counselling services from 2009-10.³⁸ The ARC had received \$193 729 in non-recurrent funding (that is, for 12 months), which was problematic for forward planning:

It is very difficult. We do the broker counselling and we organise X number of people, but we do not know how many clients will approach us. We have had to establish waiting lists because the funding is getting very close to the bone.³⁹

3.43 DoCS also provides recurrent funding to the Salvation Army Special Service to assist older care leavers to locate their families. It also funds an Indigenous organisation called Link-Up Aboriginal Corporation to provide support to Aboriginal people separated from their families as children to reconnect with family and kin.⁴⁰

3.44 In March 2008, DoCS announced funding for CLAN to support its work in advocacy support and information for care leavers.⁴¹

3.45 Ms Mallet advised that the New South Wales government was 'serious' about examining existing funding arrangements in this policy area:

Justice Wood also brought matters to our attention during a recent inquiry that he conducted into child protection in New South Wales in relation to funding. The government's has put on the record that it is serious about taking a look at funding arrangements in New South Wales.⁴²

3.46 Dr Penglase, however, questioned the extent of the State's funding commitment to services for care leavers noting, for example, that CLAN had received just \$105 000 in total over the period of its operation. NSW's performance also compared unfavourably with Victoria's recent allocation of \$7.1 million for a new care leaver service.⁴³

Queensland

3.47 *Forgotten Australians* noted that the Queensland government at that time contributed to the funding of four entities that provided specific services for former residents: the Forde Foundation, the ARC (Queensland), the Esther Centre and the

38 *Proof Committee Hansard*, 7 April 2009, p. 73.

39 *Proof Committee Hansard*, 7 April 2009, p. 56.

40 *Proof Committee Hansard*, 7 April 2009, p. 70.

41 *Proof Committee Hansard*, 7 April 2009, p. 70.

42 *Proof Committee Hansard*, 7 April 2009, p. 82.

43 *Proof Committee Hansard*, 7 April 2009, pp 43-44.

Historical Abuse Network (HAN).⁴⁴ On 3 May 2006 these four organisations were brought together in one premises in South Brisbane, known as Lotus Place.

3.48 The Queensland government:

The Department of Communities currently provides approximately \$900,000 in funding on a triennial basis to support the delivery of support services through Lotus Place...Lotus Place serves as a 'drop in centre' for former residents and was established through the co-location of existing funded services in May 2006. The department provided an additional funding allocation of approximately \$600,000 to facilitate the establishment of the centre.

Since the commencement of the Redress Scheme in October 2007, Lotus Place services have been extended to include a centralised information, referral and assistance service for people seeking to lodge a Redress Scheme application. The department has made additional one-off funding allocations in 2006/07 and 2008/09 to support the provision of these services.⁴⁵

3.49 The Forde Foundation is a charitable trust established in 1999 in response to the report of the Forde inquiry. The foundation distributes monies to former residents of Queensland institutions and to State wards who were placed in foster care, with grant rounds taking place usually once or twice a year. Eligible persons may apply for financial assistance for education, health, family reunion and basic necessities. The foundation is not a compensation fund and amounts paid to successful applicants are generally quite low; the average grant in 2008, for example, was \$563. Over \$1.8 million has been distributed over 12 grant rounds.⁴⁶

3.50 Mr Terry Sullivan, Former Chair, Board of Advice, Forde Foundation, advised that the foundation had more recently established a dental scheme for care leavers:

[The] dental scheme, which we fund, which gives priority access to former residents. I know from the way it works that we get more bang for our buck out of that \$500 per grant to former residents than would be received through any other means.⁴⁷

3.51 In relation to funding, the Forde Foundation advised:

In 2000 and 2001, the Queensland Government contributed a total \$2million to the Trust Fund. Church organisations contributed \$90,000 and

44 *Forgotten Australians*, p. 288.

45 *Submission 15*, p. 5.

46 *Submission 13*, attachment 3, p. 1.

47 *Proof Committee Hansard*, 6 April 2009, p. 62.

there have been a small number of private donations. The Government gave a further \$900,000 in 2005 and \$1.25million in 2006.⁴⁸

3.52 The ARC is provided by Relationships Australia (Queensland). The ARC is responsible for provision of direct and brokered counselling services in Queensland and interstate (which enables counselling services to be provided to people outside metropolitan areas), assistance with educational opportunities, record searches, family reunions and advice on support groups.

3.53 In relation to funding for the ARC, Ms Rebecca Ketton, Manager, ARC, advised:

...the Queensland government provided funding to Relationships Australia Queensland to provide counselling and support to adults who had been institutionalised as children in State-run homes and religious orphanages in Queensland. The program known as the Aftercare Resource Centre has been operational for almost 10 years and to date has 860 clients registered.⁴⁹

3.54 Three-year State funding for brokered counselling was due to expire in 2009.⁵⁰

3.55 The Esther Centre (Centre for Addressing Abuse in Human Services and Faith Communities) provides support for people who have experienced physical, sexual, emotional and spiritual abuse in church institutions, faith communities and human services.

3.56 HAN is an informal network of former residents of church and government institutions that was established to support people who had experienced abuse within those institutions. It meets regularly, holds forums and provides resources to support people.

3.57 In terms of service levels, Dr Wayne Chamley, Broken Rites, felt that Queensland was the only State in which services had improved since publication of the *Forgotten Australians* report.⁵¹ However, Mr Michael Collins felt that Queensland was not adapting its services well to the needs of care leavers, particularly as they changed over time:

The Queensland government has not adhered to the spirit of the recommendations of the *Forgotten Australians* inquiry. Indeed, it has not

48 *Submission 13*, p. 2.

49 *Proof Committee Hansard*, 6 April 2009, p. 38.

50 *Proof Committee Hansard*, 6 April 2009, p. 45.

51 *Proof Committee Hansard*, 30 March 2009, p. 53.

the ability to adapt to the changing circumstances of the recommendation of its own Forde report. Over time, former residents' priorities will change.⁵²

3.58 The Committee heard that the operation of the Queensland redress scheme had led to growing pressures on existing services for care leavers. Mr Sullivan advised that since the scheme began the number of care leavers registered with the Forde Foundation had gone from 1300 to, potentially, 10 000.⁵³ Similarly, Ms Ketton noted that the ARC's number of registered clients had increased by 20 per cent in the last year.⁵⁴

South Australia

3.59 The South Australian government submission outlined the range of services available to Forgotten Australians and other care leavers in that State. Services available through Families SA, Post Care Services, include:

- information, advocacy, referral and support services to care leavers over the age of 18 years;
- assistance to individuals to access and view personal records, conduct family searches and prepare for reunions;
- assistance with negotiations concerning service delivery, including accessing brokerage and financial assistance, counselling, housing, having health and education needs met;
- assistance in the development of life skills; and
- case management assistance and brief counselling where referral to an alternative service is not appropriate.⁵⁵

3.60 Services for care leavers aged between 15 and 25 years—a range unlikely to include most Forgotten Australians—were also provided through Families SA, Youth Support Service, including:

- holistic programs designed to develop young people's social, emotional and financial support to transition into independence from State care, such as practical life skills, further education advice, tenancy training, housing and development of formal and informal community support networks; and
- priority access to service.⁵⁶

3.61 In relation to funding and provision of counselling the South Australian submission states:

52 Private capacity, *Proof Committee Hansard*, 6 April 2009, p. 64.

53 *Proof Committee Hansard*, 6 April 2009, p. 4.

54 *Proof Committee Hansard*, 6 April 2009, p. 38.

55 *Submission 30*, p. 7.

56 *Submission 30*, p. 7.

- the Department for Families and Communities provides funding for care leavers to assist with counselling and to develop a pool of suitably experienced counsellors;
- Post Care Services will locate counselling for care leavers regardless of their location;
- provision of counselling is guaranteed for 'up to 12 months; and
- the provision of a free call 1800 number facilitates access to specialist support services for care leavers in regional areas.⁵⁷

3.62 Commenting on the performance of Post Care Services, Mr Ki Meekins reported:

They are grossly under staffed, under financed, under resourced...The whole service demands a major boost in staffing, funding, and resource levels enabling Post Care Service to cater for the large amount of Forgotten Australians knocking on their door.⁵⁸

Tasmania

3.63 Tasmania provided only a general comment on support services available for care leavers in that State:

Staff of my Department continue to assist Child Migrants and their descendants, who apply to have access to their files, or who want to trace family members. My staff liaise closely with specialist Child Migrant groups both interstate and overseas. It would appear that the numbers of Child Migrants contacting my Department have dwindled significantly in recent years, significant numbers contacted between 2003 and 2005.⁵⁹

Victoria

3.64 Evidence to the inquiry indicated that provision of services for Forgotten Australians in Victoria had been inadequate since the release of the *Forgotten Australians* report. Mr Golding noted:

Thirty per cent of...[calls to CLAN] come from this state of Victoria. The volume of calls makes it clear that, whatever state services are available for care leavers, they are demonstrably not adequate for the demand...⁶⁰

3.65 Ms Michele Greaves felt there was a lack of information on such services in the State; and a dental scheme that had been established for Forgotten Australians was not working effectively:

57 *Submission 30*, pp 7-8.

58 *Submission 44*, p. 4.

59 Minister for Human Services, *Submission 7*, p. 1.

60 *Proof Committee Hansard*, 30 March 2009, p. 15.

In Victoria there seems to be no information. You cannot find out anything, even about a scheme that there is at the moment—the dental scheme. People on our site have tried to access the dental system for forgotten Australians, but you have to be extremely ill to be able to access it, so that system really is not in place for us in Victoria. We had really bad dental health care as children, if we had it at all, and a lot of us getting sick with our dental, because it does have a physical effect on your body, but now there is a system in place that is not working.⁶¹

3.66 While the Victorian government declined to make a submission to the inquiry, the Committee notes that since 1997 the Victorian Department of Human Services has funded VANISH—an existing organisation that provided search and support services for people separated from their family of origin—to assist care leavers. VANISH has since provided a number of services for care leavers including conducting searches, support and counselling for accessing records, providing one on one support, facilitating regular support groups and conducting regional information and discussion groups for care leavers.⁶² Ms Maureen Cleary, Manager, explained the organisation's history of work with care leavers:

...[In 1997 VANISH was] funded by the Victorian Department of Human Services to provide services to forgotten Australians...Initially this was to search for family members and to provide support for forgotten Australians through that process. From 2003 the Department of Human Services provided brokerage funding through VANISH that was specifically targeted for counselling services for forgotten Australians...

The demand for these services increased considerably following the formal apology made to forgotten Australians by the Victorian parliament in August 2006. This increase in demand was recognised by a significant increase in funding to VANISH in 2006 for counselling and support services.⁶³

3.67 VANISH also offers a number of other services such as a travel reunion fund, social and support groups, and life and computer skills programs. VANISH representatives emphasised that a great many other interactions occurred over such things as late bill payments and police interactions—indicating the very wide range of services required for care leavers.

3.68 However, following the Victorian government's 2008 announcement of new funding for counselling and support services for care leavers (see below) the Committee was advised that VANISH had decided not to tender for the funds, and would cease provision of services to care leavers from 30 June 2009.⁶⁴ Ms Caroline Carroll, Senior Forgotten Australian Worker, observed:

61 Private capacity, *Proof Committee Hansard*, 30 March 2009, p. 44.

62 *Proof Committee Hansard*, 30 March 2009, pp 78-79.

63 *Proof Committee Hansard*, 30 March 2009, p. 77.

64 *Proof Committee Hansard*, 30 March 2009, p. 77.

VANISH was set up for the adoption community. I think the time had to come when forgotten Australians moved away from an organisation run predominantly for adoption. Most of the board is from the adoption community and it is time, I think, for forgotten Australians to look for a home where they are recognised in their own right and the focus is on their needs.⁶⁵

3.69 On 6 May 2008 Victoria committed \$7.1 million in funding for services for care leavers over the next four years, intended to 'support and assist care leavers who have experienced significant disadvantage'.⁶⁶ Ms Coleen Clare, Chief Executive Officer, Centre for Excellence in Child and Family Welfare (CECFW) outlined the scope of the services to be covered by the new Victorian funding:

It is a new service for people who grew up in care in Victoria who may have suffered harm and abuse. It is for the coordination and provision of assistance to address the needs of forgotten Australians. It will provide a single access point for obtaining advice on accessing available services, including housing, mental health, aged care, counselling, alcohol and drugs, literacy and numeracy, dental and medical services, peer support and support from professionals; search and support services, including locating siblings; developing life skills; and support for families of carers, including counselling and—this last and interesting point—information about claims processes and referrals for assistance with legal claims.⁶⁷

3.70 Mr Golding, however, noted that in comparison to some of the financial commitments made by other States, the Victorian funding was relatively modest:

...many of the Victorian members of CLAN...take a pretty cynical view of this initiative. If you place the total allocation of \$7.1 million over four years alongside the redress schemes of the other states, you see the perspective.⁶⁸

3.71 There was also some concern about what proportion of the funding would be available for direct provision of services.

...it is not really a lot of money, because someone will have to establish offices. It is not a lot of money to go around to us at all. A lot more needs to be done. It is a nice start, but we need a lot more.⁶⁹

65 *Proof Committee Hansard*, 30 March 2009, p. 84.

66 Department of Human Services (Victoria), 'Care leavers (forgotten Australians)', <http://www.cyf.vic.gov.au/placement-support/care-leavers-forgotten-australians>, accessed 4 June 2009.

67 *Proof Committee Hansard*, 30 March 2009, pp 36-37.

68 *Proof Committee Hansard*, 30 March 2009, p. 17.

69 Ms Michele Greaves, private capacity, *Proof Committee Hansard*, 30 March 2009, p. 49.

3.72 The Committee heard that, since the announcement of the funding for services, provision of services had remained poor; action on instituting new services had been 'extraordinarily slow':

Since that announcement was made in early May of 2008 not one single service has actually resulted from that announcement. There has been a long period of consultation. Many of us felt the consultations had been conducted through the Senate inquiry. Your recommendations 20 through to 33 deal in detail with those sorts of services that should be provided by the states. Nevertheless, they said they should consult with care leavers about this and we are no wiser and no better served at the present date, as I sit here before you in March of 2009, than we were when the government announced \$7.1 million to be spent over four years.⁷⁰

Western Australia

3.73 The Western Australian Department for Child Protection noted that, in addition to the establishment of a redress scheme and some funding of support groups, the department provides assistance to care leavers with access to records. The department also provides counselling for people who experienced abuse in out-of-home care, through departmental psychologists and social workers or, in exceptional circumstances, through external counsellors.⁷¹

3.74 From 1997 to December 2005 a range of services was also provided to care leavers by Christian Brothers Ex-Residents and Students Services (CBERSS), an organisation established and funded by the Christian Brothers as an independent organisation to provide for the needs of ex-residents of Christian Brothers institutions, regardless of the State in which they reside. Its services included family tracing, literacy classes, no-interest loans, counselling, and funded travel for family reunification. In January 2006, in response to declining demand from its members, CBERSS was changed to a part-time consultancy, now known as CBERS Consultancy (CBERS). The new service model of CBERS involves provision of ongoing counselling; maintaining a source of news and information; and a separate social network organised and run by its members.⁷²

3.75 Mr Frank Quinlan, Executive Director, Catholic Social Services Australia (CSSA), praised the model of service delivery provided by the former CBERSS as 'best practice':

Regarding the provision of support services...there are several examples of best practice, including...CBERSS, in Western Australia...It does not hold records relating to the homes and orphanages, but does apply on behalf of people who were in care to access these record holdings from agencies in

70 Mr Frank Golding, Vice-President, CLAN, *Proof Committee Hansard*, 30 March 2009, p. 17.

71 *Submission 11*, p. 7.

72 CBERS Consultancy website, 'A new beginning', <http://www.cbers.org/begin.html>, accessed 4 June 2009.

Western Australia. The CBERSS model of service provision relates to four main areas: reunification with separated families, individual and family counselling, financial assistance and adult literacy programs.⁷³

3.76 In terms of funding, the CBERSS submission explains:

CBERS provides services that are funded by the Christian Brothers, the Sisters of Nazareth and the Sisters of Mercy as required. It also gains funding through Redress WA, via the charitable institution the Edmund Rice Centre Mirrabooka Inc. In its entire history, CBERSS has never been able to access Commonwealth funding and the State government funding only came about with Redress WA.⁷⁴

Churches and agencies

3.77 As with the original inquiry, the Committee received very little information on past and current provision of funding for services by the churches. However, it appeared that churches had continued to make relatively modest contributions to services for Forgotten Australians. Ms Walsh advised:

There have been some small amounts of money given, through a day that was marked to collect funds, but generally forgotten Australians and other stakeholders have been disappointed at the lack of investment following the Forde inquiry by any of the churches.⁷⁵

3.78 As noted above, in Western Australia CBERSS has provided a range of services for ex-residents of Christian Brothers' institutions since 1997.

Commonwealth support for services

3.79 Ms Walsh felt there was a need for national frameworks and initiatives to coordinate the delivery services to care leavers through the State systems :

We look forward to a much more national framework where we are not operating as a service system in isolation from the other major initiatives that are going on within government and where forgotten Australians, as a target group of people with specific needs, can actually hit the agenda a bit more with the Social Inclusion Board, with human rights consultation and with the reforms that are happening under disability.⁷⁶

3.80 Ms Cate McKenzie, Group Manager, Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), stressed that States and Territories were responsible for child protection issues, and hence the 'development of policies and service delivery processes' to implement recommendation 21 of

73 *Proof Committee Hansard*, 7 April 2009, p. 61.

74 *Submission 3*, p. 23.

75 *Proof Committee Hansard*, 6 April 2009, p. 30.

76 *Proof Committee Hansard*, 6 April 2009, p. 31.

*Forgotten Australians.*⁷⁷ However, she pointed to a number of Commonwealth service initiatives that, while not specifically created or designed for care leavers suffering from historical abuse, supported the Forgotten Australians 'more broadly'. These included:

- a new family support program; Forgotten Australians would be consulted in the development of guidelines 'to ensure that their experience and needs are recognised';
- the Personal Helper and Mentors program (PHaMS), which recognised Forgotten Australians as a 'priority group';
- the Better Access to Psychiatrists, Psychologists and General Practitioners program, a program that increases community access to mental health professionals and team based mental health care.⁷⁸

3.81 In addition, Ms Mackenzie advised:

Government support for Forgotten Australians also extends to a range of Commonwealth payments. In addition, Forgotten Australians are able to access a broad range of Commonwealth funded or provided services, including health, housing and counselling support, and a range of concession cards.⁷⁹

3.82 Ms Allyson Essex, Branch Manager, FaHCSIA, commented that Commonwealth government programs offered a range of service choices for care leavers:

In relation to Commonwealth government programs, by providing a diversity of providers and choice of provider—allowing people to choose the provider that they access—we hope to give people a range of choices that allows them to choose a suitable provider and a suitable range of services. It is important to recognise that Commonwealth funded services also work with state and local government funded services, and some services that are funded by the third sector. It is important to see those services as a whole that are available to people.

...There is a range of programs that are funded that aim to support people in a range of different ways. Those programs are not restricted to any one provider. In a geographical location, using the combination of state and local government services—Australian government services and other services, we see that there is a variety of choices open to most people. There are geographical areas in which that might not be the case. For example, it is difficult to have choice and multiple providers in some rural and remote areas, but wherever possible we seek options for people.⁸⁰

77 *Proof Committee Hansard*, 8 April 2009, p. 57.

78 *Proof Committee Hansard*, 8 April 2009, pp 57-59.

79 *Proof Committee Hansard*, 8 April 2009, p. 59.

80 *Proof Committee Hansard*, 8 April 2009, pp 65-66.

Involvement of perpetrator organisations in service delivery

3.83 Many submitters and witnesses commented on the issue of delivery of services by departments, agencies and organisations that had in the past been perpetrators of abuse and neglect. Dr Chamley commented:

Some wisdom needs to prevail about the appropriate non-government setting in which to offer access to new initiatives. It should not be church based, because it excludes people that are in the room here. Their post-traumatic stress disorder is such that they cannot even walk past a church, so how are they going to go to Salvation Army housing services? They will not even get up to the front step. That needs some very careful thinking through.⁸¹

3.84 However, other witnesses felt that carefully weighted involvement of such entities was appropriate:

It really seems appropriate to me that they come forward and that they say... 'We want to work with you to make up for what happened to you in the past.' But they also have to recognise the importance of not, for instance, insisting that people go to a church for the first support group meeting or anything like that. They have to recognise that there are probably some forgotten Australians who will find it very difficult to cross that boundary. How such services are established would be tremendously important, but I do not think we should rule them out altogether by any means.⁸²

3.85 Ms Carroll observed that, on a practical level, the barring of entities with histories of perpetrating abuse would remove many of the major organisations involved with the delivery of health and other services:

...given that most of these organisations are still working in the sector, it is difficult to imagine another organisation being able to work with forgotten Australians.⁸³

3.86 Further, the exclusion of such organisations could have a particular impact on rural and regional areas or in the smaller States such as South Australia:

...we have a particular problem in South Australia in attracting other non-government organisations, particularly non-church ones, to the state. The population basis here is quite small for a number of community services.⁸⁴

81 *Proof Committee Hansard*, 30 March 2009, p. 54.

82 Miss Eris Harrison, Senior Policy manager, Alliance for Forgotten Australians, *Proof Committee Hansard*, 30 March 2009, p. 72.

83 *Proof Committee Hansard*, 30 March 2009, p. 72.

84 Ms Julieanne Petersen, Manager, Policy and Strategy, Alternative Care, Families SA, *Proof Committee Hansard*, 8 April 2009, p. 40.

Forgotten Australians Recommendation 22

That all State Government funded services for care leavers be available to all care leavers in the respective State, irrespective of where the care leaver was institutionalised; and that funding provisions for this arrangement be arranged through the Community and Disability Services Ministerial Council.

Government response

This is a matter for state and territory governments. The Australian Government supports the recommendation in principle and urges state and territory governments to continue to ensure access to services is provided for care leavers who have moved interstate.

Implementation

3.87 *Forgotten Australians* found that only Queensland, New South Wales, Victoria and Western Australia provided specific services for care leavers, and that these services were limited. As shown above, there are still marked differences in the scope and levels of services available across these States. South Australia has since provided some services through Post Care Services. The AFA observed :

...[Provision of services] is happening, if at all, very unevenly. NSW gives funding to ARC for limited counselling but does not appear to provide any other targeted services. Queensland, on the other hand, offers a good range of services, including a drop-in centre, through Lotus Place in Brisbane. The other States fall in between these extremes...⁸⁵

3.88 In addition, the report found that services were generally limited to people who had been residents of the particular institutions in a given State. This had posed problems for care leavers who had moved interstate and could not access services in their new State of residence.⁸⁶

3.89 The current inquiry heard that the problem of inconsistent availability of services for care leavers across the States persists, with services generally restricted to people who experienced care in a particular institution in a given State. For example, Ms Deborah Findlay explained:

I have family that live in Queensland that get no assistance, no support, because they were raised here in Victoria, and vice versa. We have forgotten Australians that live in Victoria that were brought up in New South Wales or wherever and they are turned away. We should be supporting forgotten Australians. It does not matter where you come from.⁸⁷

85 *Submission 10*, p. 14.

86 *Forgotten Australians*, p. 52.

87 Private capacity, *Proof Committee Hansard*, 30 March 2009, p. 46.

3.90 Mrs Gloria Lovely, a member of HAN, provided a view that was also typical of care leavers:

I would like to add what I feel, and I think that every person that was in an orphanage as a child, should be able to get some services from the Australian Government...[What] I'm saying is, if people were in Qld homes or orphanages in other states, but they are living in Qld, they should be able to get help in Qld, it does not matter what state they were brought up in, they should get help wherever they are living now if services are available ...[and] regardless of what state or orphanage they were brought up in.⁸⁸

3.91 The AFA submitted:

One significant problem with the state-by-state response is the difficulty survivors have in accessing services and support across state boundaries. Each state sees its responsibility as being to its own survivors. Forgotten Australians frequently move out of the state where they suffered abuse, hoping to put the past behind them to some extent. They then find that they cannot easily access the support technically available to them.⁸⁹

3.92 In Queensland, Ms Ketton offered some insight into the processes involved where clients were seeking access to services from outside the State in which they received out-of-home care:

We have had a number of clients who have been institutionalised in other states who have sought counselling and support from our service. The existing pathways can cause confusion and delays for clients. The process requires clients to first and foremost become clients of other services in their respective states. This service will then contract us to provide the counselling. This process can be prolonged and is not possible when funding is not available in particular states. Clear pathways and access to federal funding could ensure improved access to services in a more timely and appropriate manner.⁹⁰

3.93 Ms Ketton advised that there had been 'a couple of clients' that had been unable to access services on the basis of such arrangements in approximately the previous 12 months.⁹¹ The Department of Communities (Queensland) commented:

The primary focus of Lotus Place services is direct service delivery to people who were in out-of-home care in Queensland. Interstate care leavers who reside in Queensland can access information and referral services and participate in Historical Abuse Network activities and events. Lotus Place service providers also work with other Jurisdictions on a case by case basis,

88 *Submission 59*, p. 1.

89 *Submission 10*, p. 3.

90 *Proof Committee Hansard*, 6 April 2009, p. 40.

91 *Proof Committee Hansard*, 6 April 2009, p. 44.

to assist state wards from other jurisdictions who reside in Queensland to access appropriate support services funded by the state of origin.⁹²

3.94 In other cases, some State services continue to be available to those who received out-of-home care in that State, even where a care leaver now resides in a different State. For example, Ms Julieanne Petersen, Manager, Policy and Strategy, Alternative Care, Families SA, Department for Families and Communities, noted:

We have had a number of inquiries from people who have since moved interstate for their background records, support or in fact therapeutic counselling or medical care. It makes no difference to us where they live now. If they were in care in South Australian then they are fully entitled to the support services from Post Care Services.⁹³

3.1 Where a person resident in SA had received care in another State, Post Care Services would 'advocate for and facilitate service provision by the respective State'.⁹⁴

3.95 The response of the Tasmanian Minister for Human Services appeared to indicate that care leaver services in that State were restricted to people who received care in Tasmania:

My Department continues to support care leavers, (regardless of when they were in care) who contact the Department seeking information...⁹⁵

3.96 The NSW government offered support for national arrangements to facilitate access to services across the States:

There may be merit in national or bilateral state reciprocity protocols for care leavers who move to other states.⁹⁶

3.97 Western Australia also offered 'in-principle support' for recommendation 22.⁹⁷

Funding coordination through the Community and Disability Services Ministerial Council

3.98 In relation to the implementation of recommendation 22 through the Community and Disability Services Ministerial Council (CDSMC), FaHCSIA submitted:

Jurisdictions were to complete a template, requesting information on state government funded services and forward this to the QLD Department of Communities. The template was completed, however contact needs to be

92 *Submission 15*, pp 6-7.

93 *Proof Committee Hansard*, 8 April 2009, p. 42.

94 *Submission 30*, p. 7.

95 *Submission 7*, p. 2.

96 *Submission 24*, p. 8.

97 *Submission 12*, p. 10.

made with the QLD Department of Communities to progress this information.

FaHCSIA is not aware of further action.⁹⁸

3.99 The submission of the Queensland government suggested that the commitment to coordinating State delivery of services through the CDSMC had stalled, if not been abandoned altogether. It noted that in response to *Forgotten Australians* the State had 'committed to work through the CDSMC on the issue of a national response to recommendations of ongoing cross jurisdictional interest'. However, only 'limited outcomes' were achieved due to 'different stages of jurisdictional actions and local issues impacting on the level of involvement by jurisdictions'. The Queensland Department of Communities advised:

The Department of Communities is interested in resuming cross jurisdictional discussions on the Committee's recommendations, particularly those that relate to whole of government policy areas...⁹⁹

3.100 However, the NSW government felt that 'as the CDSMC does not have a stand alone budget...[the CDSMC] may not be the most appropriate way to progress this proposal'.¹⁰⁰

3.101 On the failure of the CDSMC process to date, the AFA commented:

This issue was, we understand, discussed by CDSMAC, but there has been no resolution. State and Territory Governments have made no apparent effort to resolve the differences or to broker solutions. There is clearly a role here for the Australian Government, and it goes beyond offering in-principle support to playing an active role in brokerage, in establishing agreed guidelines and in offering whatever support is necessary to achieve lasting consensus on the issue of cross-border support.¹⁰¹

3.102 The AFA still saw a role for the Commonwealth in brokering solutions, establishing agreed guidelines and offering support for the States to come to agreement on the issue of cross-border provision of services:

An important role for the Commonwealth and for COAG is to resolve this issue, preferably by ensuring that the highest standards of service provision are available in each State and Territory and by implementing a brokerage system or central funding body to enable *Forgotten Australians* to access those services, wherever they live.¹⁰²

98 *Submission 4*, p. 13.

99 *Submission 15*, p. 7.

100 *Submission 24*, p. 8.

101 *Submission 10*, p. 14.

102 *Submission 10*, p. 3.

3.103 Members of Wings for Survivors observed that services for care leavers were particularly hard to access for people living in rural and regional areas, such that there was generally inconsistent access to services even within a State.¹⁰³ Ms Ketton also noted that rural areas tended to lack centralised services offering convenient access for care leavers:

...if some of the other regional centres were to have a larger funded service or at least something similar to what we have in Brisbane, I think that would engage the former residents in the regional community much more easily.¹⁰⁴

Forgotten Australians Recommendation 23

That all State Governments, Churches and agencies fund counselling services for care leavers and their families, and that those currently providing counselling services maintain and, where possible, expand their services including to regional areas. The counselling services should include:

- **the extension of specialist counselling services that address the particular needs of care leavers;**
- **their provision to clients on a long-term or as required basis; and**
- **the provision of external counselling as an option.**

Government response

This is a matter for state and territory governments, churches and agencies to consider. The Australian Government strongly supports the proposal in principle.

Implementation

3.104 *Forgotten Australians* found that the provision of counselling services was of critical importance to enable care leavers to deal with the trauma of past institutional care experiences; the acute difficulties in forming and maintaining relationships; difficulties associated with access to personal records; and pre- and -post family reunion.¹⁰⁵

3.105 The ACWA commented that the issue of counselling service provision is 'arguably the one of greatest significance to care leavers and their families'.¹⁰⁶ However, the Committee heard that counselling services for care leavers remain limited and inconsistent across the States and religious organisations.

103 *Proof Committee Hansard*, 30 March 2009, p. 48.

104 *Proof Committee Hansard*, 6 April 2009, p. 43.

105 *Forgotten Australians*, p. 305.

106 *Submission 28*, p. 5.

3.106 CLAN submitted:

There are limited care leaver...counselling services in Victoria, New South Wales, South Australia and Queensland. Western Australia has no dedicated service for care leavers...¹⁰⁷

3.107 The AFA submitted:

This is another issue where services are very uneven. Some States insist that Forgotten Australians use a specific service provider; others offer choice. Limits on sessions vary, but there are many reports of people having to fund their own counselling in order to continue dealing with their trauma.¹⁰⁸

3.108 The NSW government submission states that there are limited counselling services available for Forgotten Australians in that State, essentially restricted to financial assistance for access to a 'specialist service, presumably the ARC. There is no provision for access to counselling for the families of care leavers:

The NSW Government continues to support children and young people in care and those who have left care. However...some targeting of service delivery is essential. This being the case, the NSW Government does not support the provision of specific support services to the families of care leavers as this may detract from the ability to provide support to...care leavers themselves.

In NSW, while the majority of specialist services are targeted to care leavers aged between 15 and 25 years, financial assistance can also be made available to a person over 25 years to access a specialist service.¹⁰⁹

3.109 Care leaver organisations advised that the NSW's ARC offers a limit of 12 sessions, or 21 hours of counselling, within a set funding ceiling,¹¹⁰ in addition to phone counselling for one day a week. The AFA observed that many NSW care leavers are able to access more counselling through their former care providers, and that others simply source and pay for their own counsellors. It noted:

The funded counselling generally just scrapes the surface of the issues Forgotten Australians face.¹¹¹

3.110 In Queensland, the ARC, based at Lotus Place, provides an Australia-wide service for care leavers offering:

- face-to-face counselling;

107 *Submission 21*, p. 11.

108 *Submission 10*, p. 15.

109 *Submission 24*, p. 8.

110 AFA, *Submission 10*, p. 15; ACWA, *Submission 28*, p. 5.

111 *Submission 10*, p. 15.

- brokered counselling through Relationships Australia branch offices Australia wide and approved private practitioners; and
- telephone counselling via a 1800 telephone number.¹¹²

3.111 Ms Susan Kelly, Counsellor, advised that people unable to access counselling because they were in care outside of Queensland had been able to receive it through the victims of crime program:

In the past, when people who were institutionalised as children in other states have not been able to access funding for counselling, we have been able to put them through our victims of crime program in Relationships Australia, Queensland. We have worked with them that way. We have a victims of crime counsellor situated at the Aftercare Resource Centre at Lotus Place.¹¹³

3.112 In theory, there is no limit placed on the ARC's counselling services. However, in practice funding constraints limit the provision of the service:

There is no time limit for accessing our service at South Brisbane. However, unfortunately, from when the money runs out until we get it renewed the following year, sometimes we have to put a cap on how many counselling sessions a client receives. That is unfortunate because research suggests that, particularly for people who have experienced trauma as children, it does need to be ongoing.¹¹⁴

3.113 In South Australia counselling services are provided through Post Care Services to people who were in care for a period of six months or more in:

- foster care;
- State institutional care;
- church-based institutional care;
- government approved, funded and/or licensed institutional care; and
- alternative care and were under a care and protection order or secure custody order.

3.114 The Department for Families and Communities (SA) advised that it provides funding to care leavers to assist with the cost of counselling, as well as to develop a pool of professional counsellors who are trained in the needs of care-leavers.¹¹⁵

112 *Submission 15*, p. 6.

113 *Proof Committee Hansard*, 6 April 2009, p. 45.

114 Ms Rebecca Ketton, Manager, ARC, Relationships Australia, *Proof Committee Hansard*, 6 April 2009, p. 45.

115 *Submission 30*, p. 7.

3.115 Further, South Australia assists care leavers regardless of their location in Australia and specific to the care leaver's needs and requests. Counselling is supported for care leavers for a guarantee of up to 12 months at any time; and the provision of a free call 1800 number facilitates care leavers in regional areas accessing specialist support services.¹¹⁶ The ACWA commented that South Australia is still to release details of funding for its counselling service, but that it is likely to be capped.¹¹⁷

3.116 South Australia has previously provided funding for the CMT, which offers specific support for former child migrants; and provides ongoing funding for Anglicare to provide some counselling services:

The South Australian Government provided a grant of \$30, 000 over three years from 2001 to the Child Migrant Trust for a specialised visiting social work service to Adelaide from their Melbourne Branch. No subsequent funding was requested after June 2004.

The South Australian Government provides ongoing funding to Anglicare SA to provide a range of therapeutic services. The Government supported Anglicare SA in the establishment of counselling and group work interventions for former child migrants at the Loss and Grief Centre. The Centre offers services for people dealing with loss, education for students and practitioners working in the field, and opportunities for research.¹¹⁸

3.117 Mr Thwaites from the CMT advised the Committee that 'we certainly have made representations to state governments, South Australia included'.¹¹⁹ Ms Petersen from Families SA subsequently gave a commitment to have discussions with the Trust relating to funding and the accessing of services.¹²⁰

3.118 The Tasmanian government advised that it had 'shown its ongoing commitment to supporting care leavers by providing an increased level of recurrent funding to the CREATE foundation'. However, the Committee notes that this is an advocacy body which does not provide individual advocacy or support for individuals. Beyond this, the Tasmanian government did not support the creation of specialised services for Forgotten Australians, taking the view that this 'would run the risk of care leavers facing further discrimination'; and that existing services were sufficient.¹²¹

3.119 Counselling services in Victoria are provided through VANISH, which uses contracted counsellors with particular skills or experience in dealing with Forgotten Australians. Care leavers are allowed \$2000 of counselling per year, which may be extended on the basis of individual circumstances, and subject to the limit on the total

¹¹⁶ *Submission 30*, p. 8.

¹¹⁷ *Submission 28*, p. 5.

¹¹⁸ *Submission 30*, p. 5.

¹¹⁹ *Committee Hansard* 8 April 2009, p.17.

¹²⁰ *Committee Hansard* 8 April 2009, p.39.

¹²¹ *Submission 7*, pp 2-3.

funding available. Victorian residents who received care in another State are referred to services in that State, where available. VANISH will arrange and fund counselling for people who received care in Victoria that live outside the State.¹²²

3.120 As noted above, in Western Australian CBERS Consultancy provides counselling services to ex-residents of Christian Brothers institutions. The AFA advised that beyond this there are 'minimal' opportunities for access to specialist counselling for care leavers in that State. While some church groups and not-for-profit groups attempted to provide some services on no funding, the only option for most care leavers is to access counselling offered by the Department for Child Protection (DCP):

DCP...indicated that it would provide counselling for ex-wards. The response from ex-wards, by and large, is that they do not want to go to see a psychologist in the department which they fled from. And they can go to private psychiatrists or, under the current Medicare arrangements, private psychologists, who can now cover their costs for a certain number of visits. But, by and large, the forgotten Australians that we know do not have anywhere to go apart from CBERS.¹²³

3.121 However, DCP submitted that in addition to the counselling provided through departmental psychologists and social workers or, in exceptional circumstances, external counsellors, there was specific provision for former child migrants:

The Western Australian Department for Child Protection has funded the Child Migrants Trust since 1999 including for the provision of counselling services and therapeutic group work. The Minister for Child Protection has recently approved recurrent funding of \$77,425 per annum to 31 December 2011.¹²⁴

3.122 Care leavers pursuing claims through Redress WA could also receive counselling administered by the Department for Communities and provided by a network of contracted and non-contracted service providers across Western Australia.¹²⁵

3.123 The Committee heard that churches and non-State organisations continue to offer disparate and uneven levels of counselling services:

Religious organisations and other past providers also vary considerably in the amount of counselling they provide. In WA, for example, ex-residents of Christian Brothers, Sisters of Nazareth and Sisters of Mercy institutions are

¹²² *Submission 10*, p. 15.

¹²³ Professor Maria Harries, Associate Member, AFA, *Proof Committee Hansard*, 31 March 2009, p. 38.

¹²⁴ *Submission 11*, p. 7.

¹²⁵ *Submission 11*, p. 7.

eligible for long-term counselling free of charge at CBERS Consultancy. Support for survivors of other institutions is not known.¹²⁶

3.124 The Committee notes that, as part of its response to the *Forgotten Australians* report the Commonwealth government provided one-off funding of \$100 000 to CLAN for 'professional counselling services to assist care leavers dealing with personal or family trauma'.¹²⁷ CLAN does not currently directly provide any counselling services.

3.125 ACWA called for the Commonwealth government to manage, or at the very least oversee, the provision of counselling to care leavers in order to address the issues of limited funds and inconsistent provision of counselling services across the States.¹²⁸

Forgotten Australians Recommendation 25

That the Commonwealth and State Governments in providing funding for health care and in the development of health prevention programs, especially mental health, depression, suicide prevention and drug and alcohol prevention programs, recognise and cater for the health needs and requirements of care leavers.

Government response

The Australian Government, through the Department of Health and Ageing, funds a range of health care, health promotion and support programs, which are accessible to all Australians. While not targeted at care leavers, these programs are accessible to this group. These include the National Suicide Prevention Strategy, National Mental Health Strategy and the Better Outcomes in Mental Health Care Initiative.

Implementation

3.126 *Forgotten Australians* found that care leavers were prone to serious physical and mental health issues arising from childhood abuse and neglect, and in many cases the subsequent outcomes of such treatment affecting life prospects in terms of education, employment and socioeconomic status. While the report recognised that Australia offers a range of programs in the areas of mental health and aged care, and to a significant degree pursues whole-of-government and integrated strategies, it concluded that the particular and urgent physical and mental health issues of *Forgotten Australians* warranted their specific recognition in the funding and development of health, mental health and aged care programs.¹²⁹

¹²⁶ AFA, *Submission 10*, p. 15.

¹²⁷ FaHCSIA, *Submission 4*, p. 1.

¹²⁸ *Submission 28*, p. 5.

¹²⁹ *Forgotten Australians*, pp 312-319.

3.127 FaHCSIA advised that the Commonwealth government had provided AFA with a \$20 000 grant to greatly extend the publication of its booklet for service providers, *Forgotten Australians: supporting survivors of childhood institutional care in Australia*.

3.128 Commenting on the Commonwealth response, the AFA observed:

The Australian Government's attitude, as well as that of States and Territories, is that Forgotten Australians can access health care and other programs which are available to all Australians. This attitude completely ignores the multiplicity of issues confronting Forgotten Australians and their need for holistic, targeted and understanding assessment and referral for all their issues.¹³⁰

3.129 The AFA felt Forgotten Australians required holistic case management as well as 'multiple entry points' to a range of services in order to overcome the many barriers they faced in terms of economic and social participation.¹³¹ In particular, it called for care leavers to be recognised as a specific group and given access to health services through a specific health care card for care leavers:

Governments should give Forgotten Australians priority access to services similar to that provided...[by the] Gold Card [given to veterans].¹³²

3.130 Mr Ted Mullighan QC, who conducted the South Australian Inquiry into Children in State Care, agreed with this approach:

I mentioned...[earlier] the transportability of benefits. I think that is important. We have two organisations that have done a fantastic job for people who have suffered in the past. One is the Veterans' Affairs organisation of government, and the other is Legacy. Legacy has been a fantastic model for providing sympathetic assistance to children who are in need...I would like to see those models applied to children who have been abused when in state care.¹³³

3.131 The Forde Foundation Board of Advice submission noted that a gold card model for care leavers was especially appropriate, given the ageing of the population:

We believe that, if that could be looked at on a national basis, it would be a long-term and significant assistance to all former residents, who need help to get on with their lives...[The] health needs of former residents will require increased attention as the client population ages and as their health interventions become more complex and costly.¹³⁴

130 *Submission 10*, p. 16.

131 *Submission 10*, p. 17.

132 *Submission 10*, p. 2.

133 *Proof Committee Hansard*, 8 April 2009, p. 33.

134 Mr Terry Sullivan, former chair, *Submission 13*, pp 2, 4.

3.132 In general, the AFA felt that such an approach could have additional benefits in terms of contributing to the identification of Forgotten Australians as a group:

...whether it is a gold card or a health care card...there is another potential for this card...[Forgotten Australians are] a very fragmented, fractured community of people...[and such] a card provides an opportunity for a focal point for helping people to identify themselves as a group that we can then get access to...

We do not know where the forgotten Australians are, but if there were a carrot like this, it may well help us to identify a group of people who want to be identified.¹³⁵

3.133 Mr Errol Evans, Deputy Chair, Forde Foundation Board of Advice, felt that, in addition to practical benefits, a health card for care leavers would also serve as a significant acknowledgement of the experiences of Forgotten Australians:

Such a response would recognise harm suffered through childhood neglect, abuse and disadvantage and address existing and ongoing health issues which have childhood health determinants.¹³⁶

3.134 Mr Laurie Humphreys, WA Representative, Alliance for Forgotten Australians, suggested that a health card for Forgotten Australians could be administered through Centrelink.¹³⁷

3.135 The State governments that provided direct responses to this issue either explicitly or implicitly rejected the recommendation that care leavers' needs be specifically recognised in the funding and design of health care and prevention programs. NSW submitted:

The NSW Government funds a range of mental health and drug and alcohol health promotion, prevention and early intervention initiatives. These services are provided based on evidence of need and effectiveness for different age and risk groups and, where appropriate, covering infants, families, children, adolescents and young people. An increase in community awareness regarding service access and what these services offer may have broader positive impact than the development of services targeting a specific and narrow target group.¹³⁸

3.136 The Tasmanian government indicated that, while it was committed to providing ongoing support to care leavers, it did not support explicit recognition of care leavers as a sub-group across a range of policy areas, including health:

135 *Proof Committee Hansard*, 31 March 2009, p. 39.

136 *Proof Committee Hansard*, 6 April 2009, p. 2.

137 *Proof Committee Hansard*, 31 March 2009, p. 38.

138 *Submission 24*, p. 9.

The number of care leavers in Australia does not warrant the creation of specialised services and to create a sub-group in these circumstances would run the risk of care leavers facing further discrimination.

Services offered to care leavers need to be responsive, non-discriminatory and prioritised in terms of those highest in need, [and] it is felt that in Tasmania appropriate and effective support can be provided to care leavers from within existing services.¹³⁹

3.137 The Western Australian government advised that its Department of Health 'funds a range of health care, health promotion and support programs that are accessible to all Western Australians.'¹⁴⁰

Forgotten Australians Recommendation 26

That the Department of Health and Ageing fund a pilot program under the Aged Care Innovative Pool to test innovative models of aged care services focusing on the specific needs of care leavers.

Government response

The Australian Government, through the Department of Health and Ageing, acknowledges the potential scope to develop a pilot proposal under the Aged Care Innovative Pool that would aim to test innovative models of aged care services for older people with specific needs, such as care leavers, whose care needs are not adequately met through existing aged care services. Consistent with Program Guidelines that specify the arrangements for developing innovative pool pilot proposals, stakeholder agencies can develop an outline of a proposed model and project parameters and make contact with the Department. More information about the Innovative Pool, including program guidelines, is available from the Department of Health and Ageing's website.

Forgotten Australians Recommendation 27

That the Home and Community Care program recognise the particular needs of care leavers; and that information about the program be widely disseminated to care leaver support and advocacy groups in all States.

Government response

This is a matter for state and territory governments. The Australian Government, through the Department of Health and Ageing, provides funding for the Home and Community Care (HACC) program, which is accessible to all Australians. The dissemination of information about state and regional specific programs funded under the HACC program is a state and territory government responsibility.

139 Submission 7, pp 2-3.

140 Submission 11, p. 11.

Implementation

3.138 The Aged Care Innovative Pool (ACIP) is a program designed to trial new approaches to aged care for specific population groups.

3.139 The *Forgotten Australians* report noted that care leavers were an ageing group that would require a model of aged care that was sensitive to the particular issues of those who suffered abuse and neglect as children in institutions. Many of these people were suspicious and fearful of residential style aged care, due to its institutional nature, and could be re-traumatised by such settings.¹⁴¹ Miss Harrison explained:

We believe very strongly that forgotten Australians are going to have a lot of difficulty with the current aged-care model in this country. It is a model that is largely institutionally based...[Many forgotten Australians] will find themselves in institutions, and some of them say they would rather be shot first. This is quite understandable...¹⁴²

3.140 The AFA stressed that the provision of appropriate aged care services to Forgotten Australians, as well as the education of service providers, was a 'growing problem' that needed to be urgently addressed.¹⁴³

3.141 Ms Walsh commented that the Commonwealth response to the Committee's recommendation had merely affirmed the report's finding, and there remained the need for research into models of aged care for care leavers under ACIP.

3.142 The AFA submitted:

To the best of our knowledge, no progress was made on the Australian Government's expressed willingness to test innovative models of aged care service for this group under the Aged Care Innovative Pool. No agency appears to have taken up this suggestion.¹⁴⁴

3.143 FaHCSIA advised that the department 'is not aware of further action' beyond the Commonwealth's acknowledgment of the potential for 'agencies' to develop proposals relevant to care leavers under the ACIP.¹⁴⁵

Home and Community Care program

3.144 The Home and Community Care (HACC) Program provides a range of basic support services to frail older people and people with disabilities who are experiencing

141 *Forgotten Australians*, pp 316-317.

142 *Proof Committee Hansard*, 30 March 2009, p. 68.

143 *Submission 10*, p. 17.

144 *Submission 10*, p. 17.

145 *Submission 4*, p. 16.

difficulties in managing daily tasks but who wish to continue living at home. It also supports their carers and families.¹⁴⁶

3.145 FaHCSIA advised that the department 'is not aware of further action' on the recommendation that the Home and Community Care program (HACC) recognise the particular needs of care leavers.

3.146 Miss Harrison advised that, although HACC and 'other in-home services' were improving, there was still a 'heavy reliance on family or relatives to care for aged people at home. As many aged care leavers did not have partners and children, HACC would not necessarily allow them to avoid being placed in institutional care.'¹⁴⁷

3.147 The NSW submission indicated that care leavers' needs were not explicitly recognised in the HACC program in that State. It noted that 'further research may be required to determine what particular needs care leavers accessing the HACC program would require before this recommendation could be progressed'.¹⁴⁸

3.148 South Australia advised that 'HACC services are targeted to people with special needs' but did not indicate that care leavers' particular needs were recognised.¹⁴⁹

3.149 Western Australia advised that for the HACC program in that State:

Consideration of applicants' living and financial arrangements, mental and general well being are taken into account when prioritising services. Generally, in most cases it would not be known that an applicant for services is a care leaver.¹⁵⁰

3.150 The Committee received no evidence that the HACC programs in Queensland, Tasmania and Victoria had taken steps to explicitly recognise the needs of care leavers. None of the HACC websites in these States carries information specific to care leavers. As with health, the Tasmanian government indicated that it did not support explicit recognition of care leavers as a sub-group across a range of policy areas, including aged care and social welfare services.¹⁵¹

146 Department of Human Services (Vic) website, 'HACC Program brochure', http://www.health.vic.gov.au/hacc/hacc_victoria/brochure.htm, accessed 6 June 2009.

147 *Proof Committee Hansard*, 30 March 2009, p. 68.

148 *Submission 24*, pp 9-10.

149 *Submission 30*, p. 9.

150 Department for Child Protection (WA), *Submission 11*, pp 11-12.

151 *Submission 7*, pp 2-3.

Forgotten Australians Recommendation 28

That the Supported Accommodation Assistance Program recognise the particular needs of care leavers; and that:

- **data on the usage of the Program by care leavers be collected; and**
- **information about the Program be widely disseminated to care leaver support and advocacy groups in all States.**

Government response

The Government supports this recommendation in principle. Data collection on the use of the Supported Accommodation Assistance Program (SAAP) by care leavers is currently being investigated by the SAAP program's Information Sub Committee.

Information on SAAP services may be of interest to care leaver support and advocacy groups, and such information will be made available through the Department of Family and Community Services. However, SAAP is a crisis response program for people who are homeless or about to become homeless. Support groups should familiarise themselves with the range of programs available for this particular client group which aim to prevent them from falling into crisis.

Implementation

3.151 The purpose of the Supported Accommodation Assistance Program (SAAP) is to provide transitional supported accommodation and related support services to help homeless people achieve the maximum possible degree of self-reliance and independence.¹⁵²

3.152 *Forgotten Australians* found that care leavers commonly experienced accessing affordable housing; and that, although this group made up a high proportion of users of the SAAP, there was no explicit recognition of care leavers' particular needs.

3.153 FaHCSIA provided an update to the original Commonwealth' response:

This recommendation has been supported by the Government.

The vulnerability of young people leaving care to homelessness is recognised and raised in the Green Paper on Homelessness, *Which Way Home? A New Approach to Homelessness* released in May 2008 to promote discussion about how to reduce homelessness.

152 Australian Institute of Health and Welfare (AIHW) website, 'Supported accommodation assistance program (SAAP)', <http://www.aihw.gov.au/housing/sacs/saap/index.cfm>, accessed 6 June 2009.

A White Paper on homelessness will be released later this year and will be supported by a National Action Plan setting out reform directions for four years.¹⁵³

In June 2008, a feasibility study funded by the Community and Disability Services Ministers' Advisory Council, into 'Linking SAAP, Child Protection and Juvenile Justice Data Collections' was produced by the Australian Institute of Health and Welfare. The study concluded that it is feasible to begin linking the currently suitable and available data from the juvenile justice and SAAP national data collections with future stages including child protection data when these are available.

The SAAP National Data Collection (NDC) is a continuous collection of information from July 1996 of the services provided to clients of SAAP and of the agencies funded to deliver those services. The NDC aims to continuously improve the quality and usefulness of data collection in order to provide a valuable information resource for service development, management and research into homelessness responses. The Australian Institute of Health and Welfare is currently contracted to carry out this task. Data on the usage of the Program by care leavers is not currently specifically collected by the SAAP National Data Collection Agency.

From January 1 2009 the Supported Accommodation Assistance Program will be incorporated into the Housing Specific Purpose Payment (SPP). Care leaver support and advocacy groups should be informed about SAAP services, however early intervention and prevention of homelessness amongst young people leaving care would be preferable to a crisis response through SAAP or other homelessness services.

3.154 The NSW government extended 'in-principle' support to this recommendation. It noted that currently care leaver plans must be developed for care leavers leaving care. Care leavers are also given information about services available to them. However, in relation to collection and dissemination of information it notes:

While every effort is made to ensure effective data around SAAP service usage, it should be noted that data collection is based primarily on self disclosure, if the person has not been referred to the SAAP service by the agency that previously provided care. Persons who have been in care may or may not wish to disclose past care history. Making disclosure a requirement of service usage may discourage some people from accessing SAAP services.¹⁵⁴

3.155 The Queensland government submission did not directly address recommendation 28.

3.156 As noted above, Tasmania did not support the specific recognition of care leavers' needs across a range of social policy areas, including social welfare services.

153 *Submission 4*, p. 16.

154 *Submission 24*, p. 10.

3.157 Victoria did not provide a submission to the inquiry. However, it appears that its SAAP program does not appear to contain any reference to specific needs of care leavers.

3.158 The government of Western Australia responded that it was working with the Commonwealth on development of a 'comprehensive long term national approach to tackling homelessness including early intervention, breaking the cycle of homelessness and connecting the service system':

With the Australian Government's release of the Green Paper and the development of the new National Affordable Housing Agreement (NAHA) which will incorporate funding for the joint Commonwealth/State Supported Accommodation Assistance Program (SAAP), there is a changing landscape regarding future responses for homelessness. The importance of a broader service system to address homelessness and improve integration and coordination with mainstream services is also recognised.¹⁵⁵

3.159 In relation to collection and dissemination Western Australia concurred with the view of NSW regarding self-disclosure and the potentially negative effects of compulsory disclosure on participation in the SAAP. Further:

The issue of data collection on the usage of SAAP services by care leavers was considered by the SAAP Information Steering Committee. It did not recommend making any changes to the national data collection as there would be some difficulty in formulating appropriate questions and, potentially, some difficulty in asking people about their history in State care.¹⁵⁶

Education

Forgotten Australians Recommendation 29

That the Commonwealth and State Governments widely publicise the availability of adult literacy and numeracy services and associated adult education courses to care leavers and care leaver support groups.

Government response

The Australian Government supports this recommendation. While funding of Adult and Community Education (ACE) provision is a State and Territory Government responsibility, from 1 July 2005 the Australian Government (through the Department of Education, Science and Training) will provide \$1.105 million to Adult Learning Australia (ALA) to undertake activities associated with adult learning. Part of this funding (\$730,000) supports the promotion of adult learning, research and other

155 *Submission 11*, p. 12.

156 *Submission 11*, p. 12.

activities. An additional \$375,000 is provided to ALA to distribute to the States and Territories for activities associated with Adult Learners' Week.

The Commonwealth Department of Education, Science and Training liaises with State Training Authorities and with peak bodies, such as the Australian Council for Adult Literacy (ACAL) and ALA, and will seek their support to further publicise the availability of adult literacy and numeracy courses and associated education courses to care leavers and care leaver support groups. The Department of Education, Science and Training also funds the Reading Writing Hotline which directs callers to their nearest literacy training provider and will ask ALA to further publicise it.

State and Territory Governments also provide general education courses, which largely consist of literacy and numeracy training. The two Australian Government programmes which focus on literacy and numeracy, the Language, Literacy and Numeracy Programme (LLNP) and the Workplace English Language and Literacy Programme (WELL), target quite specific groups – jobseekers and those in employment respectively – and are not programmes that care givers or care agencies can refer people to. These two programmes are, however, widely publicised through several different methods and are well known throughout the adult and vocational education fields.

Forgotten Australians Recommendation 30

That State Governments investigate options for alternative entry pathways to higher education courses for ex-residents of institutions and their children.

Government response

This is a matter for state and territory governments to consider.

Implementation

3.160 *Forgotten Australians* found that many care leavers had left institutional care with 'a serious lack of literacy and numeracy skills'.¹⁵⁷

3.161 FaHCSIA advised that it was 'not aware of further action' on the implementation of this recommendation.

3.162 The AFA criticised the Commonwealth government's response on the grounds that it 'failed to acknowledge the issues of adult literacy facing adult speakers of English who cannot read or write their own language'; and that the majority of adult literacy programs are targeted at migrants whose first language is not English. The AFA advised that it had raised the issue of the need for more courses targeting native

157 *Forgotten Australians*, pp 320-321.

speakers of English with the Department of Education, Employment and Workplace Relations but was 'not aware that the situation has improved significantly'.¹⁵⁸

3.163 The NSW government responded that there is 'a range of adult education courses are provided in NSW, and these are widely publicised'.¹⁵⁹

3.164 The Queensland government did not directly respond to this recommendation.

3.165 South Australia advised:

Families SA, Post Care Services assist and promote care leavers to access adult literacy and numeracy services in their local areas and through adult education provided by TAFE SA by advocating for fee waivers from the educational organisations, or accessing funding from the Wyatt Benevolent Institution Inc or on occasion may fund or partly fund some tertiary courses. The Rapid Response TAFE fee waiver for young people up to 25 years is widely publicised in University and TAFE guides.¹⁶⁰

3.166 While it did not respond directly to this recommendation, the Tasmanian government indicated that it did not support explicit recognition of care leavers as a sub-group across a range of policy areas, including social welfare services.¹⁶¹

3.167 Victoria did not provide a submission to the inquiry. The Committee is not aware that the State makes any provision for adult literacy or alternative entry pathways to education for care leavers.

3.168 The Western Australian government advised that a range of adult education courses, including literacy and numeracy are available in Western Australia and are publicised on the internet and in print media.¹⁶²

Alternative entry pathways to higher education

3.169 The AFA submitted that there 'there has been no apparent response from States and Territories to recommendation 30'.¹⁶³

3.170 The NSW government submitted that 'pathways to and assistance for higher education are primarily a matter for institutions and the Commonwealth Government'. Further, there was a need for research to determine whether there is 'any clear indication that existing pathways to education are inadequate or whether care leavers

158 *Submission 10*, p. 17.

159 *Submission 24*, p. 10.

160 *Submission 30*, p. 9.

161 *Submission 7*, pp 2-3.

162 *Submission 11*, p. 12.

163 *Submission 10*, p. 18.

have different access needs to other disadvantaged groups'. In the absence of such information NSW did not support the recommendation.¹⁶⁴

3.171 The Queensland government did not respond directly to this recommendation.

3.172 South Australia advised:

The CREATE Report Card 2008: Transitioning from Care, authored by Dr Joseph McDowall identified the South Australian Government's Rapid Response: Whole of Government Services initiative as "outstanding" in its commitment to improving educational opportunities for care leavers.¹⁶⁵

3.173 However, the Committee notes that most of the educational initiatives for care leavers offered in South Australia are restricted to care leavers who 'commence studies prior to their 26th birthday' and, as such would exclude the majority of not all of the Forgotten Australians. For care leavers not eligible for such assistance:

...TAFE SA and/or Post Care Services may assist care leavers to make application for educational support through the Dame Roma Mitchell Trust Fund or the Wyatt Benevolent Institution Inc. The South Australian Government and South Australian Council of Social Service initiated the Dame Roma Mitchell Trust in 2003 to provide funds administered by the Public Trustee to make grants available to children and young people who are, or have been, under Guardianship of the Minister. The Wyatt Benevolent Institution located in Adelaide also provides financial assistance and education grants on referral from a health, education or welfare professional.¹⁶⁶

3.174 The Tasmanian government indicated that it did not support explicit recognition of care leavers as a sub-group across a range of policy areas, arguing that the number of care leavers in Australia did not warrant the creation of specialised services; and that such an approach carried the risk of care leavers facing further discrimination.¹⁶⁷

3.175 The Western Australian government did not support the recommendation on similar grounds:

Western Australia considers that existing entry pathways to higher education courses take into account a range of circumstances of applicants...Not all ex-residents would necessarily wish to be identified as such.

Western Australia considers that existing entry pathways to higher education courses take into account a range of circumstances of applicants,

164 *Submission 24*, p. 11.

165 *Submission 30*, p. 9.

166 *Submission 30*, p. 9.

167 *Submission 7*, pp 2-3.

and does not support introducing an alternative pathway specifically for ex-residents of institutions and their children. Not all ex-residents would necessarily wish to be identified as such.¹⁶⁸

Identification and access to records

3.176 Both *Lost Innocents* and *Forgotten Australians* made a number of recommendations going to the identification and preservation of records, as well as to the provision of appropriately supported access for care leavers to their personal records.

3.177 Given the similar experiences of former child migrants and other people who spent time in out-of-home care as children, issues concerning records were central to both inquiries. Many of the recommendations of *Forgotten Australians* in particular are equally relevant to former child migrants and indeed to all care leavers. The location, preservation and access to records are critical to people seeking to discover their own identities, their families, and to piece together the stories of their childhoods. Further, records can be important to the identification of perpetrators and the collection of evidence relevant to both the prosecution of crimes against care leavers and to base claims for compensation either civil claims or through redress schemes.

3.178 Throughout the course of this inquiry, the importance of access to records for care leavers was again emphasised by many submitters and witnesses:

As adults, care leavers can struggle with a sense of identity but can find healing in being able to locate themselves in childhood photos and institutional records.¹⁶⁹

3.179 Similarly, the Healing Way for Forgotten Australians noted:

Healing that takes place when people connect to their records and then go further to find their families is profound.¹⁷⁰

3.180 Mr Frank Golding described why he thought that access to personal records was so important. He gave as reasons: to bring about delayed justice, to repair personal damage and help with identity and to reconnect with family and outlined how these reasons interconnect to improve and sustain quality of life. Mr Golding provided his personal experience in searching for and accessing records over more than 15 years that involved lengthy delays, applications to five State government agencies, three Commonwealth agencies and four private agencies - in addition to public

168 Department for Child Protection (WA), *Submission 11*, p. 13.

169 Ms Rebecca Ketton, Manager, ARC, Relationships Australia, *Proof Committee Hansard*, 6 April 2009, p.38.

170 *Submission 25*, p. 11.

sources and showed that considerable costs are involved and that agency fees vary and concessions are allowed inconsistently.¹⁷¹

3.181 The issue of the difficulties for care leavers in accessing their records, in addition to its emotional costs and benefits, was outlined in the Committee's previous reports. The submission of Ms Joan Fawcett to the present inquiry also provided a helpful and comprehensive account of the continuing administrative and emotional problems faced by those seeking access to records from State agencies and other organisations.¹⁷²

3.182 Ms Angela Sdrinis advised the Committee that the issue of record-keeping and access to records 'has been and continues to be a real issue'.¹⁷³ Similarly, Mr Andrew Murray, the former federal senator who was instrumental in the establishment of the Committee's previous two inquiries, observed that despite some progress many of the problems in relation to care leaver records remain:

Although freedom of information legislation and a greater willingness of some organisations to make records available have improved access, problems still include the destruction and fragmentation of records, poor record-keeping and privacy restrictions.¹⁷⁴

Who should have responsibility for care leaver records?

3.183 Some submitters and witnesses questioned whether care leaver records should remain the responsibility of the agencies and organisations that provided/or provide care leaver services. It was suggested that the holding and preservation of records, and hence access regimes, should be a State or Commonwealth responsibility. Mr John Murray, Foundation Member, Positive Justice Centre, submitted:

...it is essential that a scheme for [the collection and dissemination of records]...should follow best practice and be run...by existing government agencies that already provide archiving services across the country. This scheme, given its importance, could even be run nationally or under federal powers or at least be coordinated by federal guideline legislation.¹⁷⁵

3.184 Mr Murray believed that existing agencies possessed the expertise in relation to record-keeping rules and legislation, and already had in place the appropriate processes and services, such as counselling, to support care leavers accessing their records.¹⁷⁶ In contrast, the Committee's recommendations on issues concerning

171 *Submission 16, Attachments, Personal records and the stories they tell and Chasing the record – and your tail.*

172 *Submission 42.*

173 Private capacity, *Proof Committee Hansard*, 30 March 2009, p. 6.

174 *Proof Committee Hansard*, 31 March 2009, p. 21.

175 *Proof Committee Hansard*, 7 April 2009, p. 2.

176 *Proof Committee Hansard*, 7 April 2009, p. 2.

records—which were premised on the assumption that agencies responsible for institutions would, in the main, retain responsibility for care leaver records—would lead to duplication of services as well as:

...fragmented service delivery by a myriad number of agencies with little, if no expertise in the management, archiving and cataloguing of, and provision of access to such documents.¹⁷⁷

3.185 Origins Inc. called for all records pertaining to State wards, adoptees and the stolen generation to be housed in the National Archives for preservation as part of the nation's history.¹⁷⁸

3.186 Other witnesses, while supportive of the need for States to set consistent guidelines for the treatment and provision of records, disagreed with proposals for centralised records collections and management. While not commenting directly on Mr Murray's view, Mr Quinlan noted:

...the notion of a single central repository is seldom if ever achieved and seldom if ever the best or most efficient path. It will always be the case that states will hold particular records, churches will hold particular records and other organisations will hold particular records. Ensuring that the data standards and the protocols are appropriate for the movement of information between those various sources is more likely to be a realistic pathway to ensuring that people get appropriate access to records.¹⁷⁹

3.187 Mr Andrew McCallum, Chief Executive Officer, ACWA, supported this view, and observed that some non-government organisations provide levels of support not necessarily offered by government agencies:

...it is a state responsibility. I think the state should set the guidelines. The organisations still need to hold the records...There are some very good services that would probably go if all records were put with the state in some particular way. There are some very good after-care and long-term services provided by some non-government providers which would probably go if it was all centralised. Setting minimum standards is a state government responsibility.¹⁸⁰

3.188 Mr Bill Hoyles, Senior Manager, Youth Affairs and Aftercare, Barnardos, advised that in his experience people had difficulties obtaining information from the State rather than from organisations such as Barnardos, which did not have difficulty storing, accessing and retrieving files.¹⁸¹

177 *Submission 5*, p. 5.

178 *Submission 2*, p. 15.

179 *Proof Committee Hansard*, 7 April 2009, p. 67.

180 *Proof Committee Hansard*, 7 April 2009, p. 28.

181 *Proof Committee Hansard*, 7 April 2009, p. 29.

Lost Innocents Recommendation 8

That the Commonwealth Government urge all State Governments to co-operate to establish a national index of child migrants.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments.

Lost Innocents Recommendation 9

That the Commonwealth Government urge State and Territory Governments to publish directories of information to assist all former residents of children's institutions to access records similar to the directories published by the New South Wales and Queensland Governments.

Government response

The government supports this recommendation and will refer it to the Community Services Ministers Advisory Council for consideration by State and Territory governments who have not published such directories. The government notes that there are already several directories in existence:

- *Good British Stock: child and youth migration (Barry Coldrey, National Archives of Australia 1999), which describes records held by the National Archives of Australia about child migration and provides information about how to access them;*
- *Connecting Kin Guide to records: a guide to help people separated from their families search for their records, (NSW Department of Community Services, 1998); and*
- *Missing pieces: Information to assist former residents of children's institutions to access records, (Families, Youth and Community Care Queensland, 2001).*

Implementation

3.189 The submission of DIAC did not provide any update on the progress of the Commonwealth government undertaking to progress these recommendations through the Community Services Ministers Advisory Council (CDSMAC). However, it appears that they have not been raised in that forum. The Committee is not aware that there has been any steps toward a national index of child migrants.

3.190 The CMT, commenting generally on the development of child migrant databases, submitted that no State governments had responded to this issue.¹⁸²

3.191 As noted in the original recommendation and the Commonwealth government response, both New South Wales and Queensland have put in place information directories for care leavers. The New South Wales directory, 'Connecting kin', was published in 1998. The Queensland directory has been in place since 2001:

In 2001, the Queensland Government consulted with non-government organisations which formerly operated children's homes to develop an Information directory entitled *Missing Pieces*. This directory includes detailed information on the types and location of records held by the Departments of Child Safety and Communities and religious authorities and is available on the Department of Communities' website.¹⁸³

3.192 South Australia advised that it had released a guide for care leavers in 2005:

SA Link-Up's 'self help' guide was launched on 7 July 2005. The guide titled *Finding Your Own Way* is a comprehensive resource to assist people to access existing records of South Australian children's homes and institutions. The guide describes all the records of institutions that were located as at December 2004 although the amount and quality of records varies greatly with each institution and with each managing agency.¹⁸⁴

3.193 Additionally, State Records of South Australia provide services through their archives website and through publications such as *Ancestors in archives*, *Aboriginal resource kit: an introduction to primary sources held by State Records* and '*A little flour and a few blankets*': an administrative history of Aboriginal affairs in South Australia 1834-2000.¹⁸⁵

3.194 Tasmania provided a general response noting only that the Department of Health and Human Services continues 'to assist child migrants and their descendants who apply to have access to their files'.¹⁸⁶

3.195 Western Australia advised that it publishes a number of directories of information to assist all former residents of children's institutions, out-of-home care and supported accommodation, and adoptees. These are:

- *Signposts: A Guide for Children and Young People in Care in Western Australia from 1920*: a publication to assist people who were placed in residential care as children, or who lived in supported accommodation as a young person, to find records and other documents;

182 *Submission 23*, p. 3.

183 *Submission 15*, p. 4.

184 *Submission 30*, p. 4.

185 *Submission 30*, p. 5.

186 *Submission 7*, p. 2.

- *Looking West: A Guide to Aboriginal Records in Western Australia*: a publication which provides details on the location of records and contact details;
- *ROADS*: an index of locations and access to adoption records.¹⁸⁷

3.196 The identification and location of records relating to out-of-home care was also being achieved through a number of indexes and databases, including:

- Family Information Research System. This database holds all the native welfare, and some community welfare, records plus 43 indexes from church groups and non-government agencies; and there is over nine million images stored in FIRS. It also holds the Adoption Information System, which is a register of inquiries received about Western Australian adoptions from 1896 to the present day;
- Former Child Migrant Referral Index. This index holds 2,941 names of former child migrants who came to WA from the United Kingdom and Malta from 1913 to 1968; and holds information relating to the sending and receiving agencies; and
- Children-in-Care Database. This database contains names, aliases, dates of birth and placement details. There are in excess of 106,000 entries on the database comprising approximately 58,000 names.¹⁸⁸

3.197 In addition, CBERS Consultancy has established a referencing for former child migrants, known as PHIND, the Personal History Index for Former Child Migrants. The index details the location of records held in Australia for former child migrants resident in Catholic Homes between 1938 and 1965. PHIND has been sponsored and funded by the Catholic religious orders and agencies involved in child migration.¹⁸⁹

3.198 Ms Humphreys observed generally that the Committee's previous inquiries had led to improved procedures and guidelines to enable former child migrants to locate family:

It is certainly much improved on what it used to be. That is for sure. Both inquiries have made quite a substantial difference to the attitude about records. I think it is important for us to say that, because it has made a difference. There are procedures and protocols in place for the trust to work with all agencies that were involved in child migration.¹⁹⁰

187 *Submission 11*, p. 3.

188 *Submission 11*, p. 8.

189 *Submission 10*, p. 11; and CBERS Consultancy website, 'PHIND', <http://www.cbbers.org/phind.html>, accessed 9 June 2009.

190 *Proof Committee Hansard*, 8 April 2009, p. 19.

Forgotten Australians Recommendation 12

That government and non-government agencies holding records relating to care leavers, implement and fund, as a matter of priority, programs to find, identify and preserve records including photographs and other memorabilia.

Government response

This is a matter for state and territory governments, churches and agencies to consider. The Australian Government strongly supports the proposal in principle.

Implementation

3.199 The responses of the State governments to this recommendation indicated that few if any programs have been put in place to specifically identify *and* preserve care leaver records. However, there is a program dedicated to assisting members of the stolen generation in South Australia; and in other States there are programs of a more general scope that have apparently improved outcomes in terms of identifying and preserving records, which include records pertaining to care leavers.

3.200 The NSW government advised that it had in place a program for the preservation of the files of former State wards. However, a significant number of records had been destroyed in the past.¹⁹¹ In relation to other records:

The Department of Community Services does have some other types of surviving historical records. These records had been inaccessible for many years as they had not been indexed by State Records. In 2005, a program commenced to identify and index types of records which include some personal information about former wards, other former clients and the estimated 100 children's homes the Department formerly operated. To date, approximately 61,000 "new" client records have been indexed.¹⁹²

3.201 Queensland advised that, in response to the Forde inquiry, Queensland had taken steps to identify, locate and preserve client files and departmental records relevant to the administration of church run children's homes and departmental facilities. This includes requirements that all Queensland government departments:

- meet the record keeping obligations prescribed in *Public Records Act 2002* and the *Financial Administration and Audit Act 1977*; and
- comply with record-keeping information standards.

3.202 Further, retention and disposal schedules apply to the former Department of Families, Youth and Community Care client files; these schedules are currently under review.¹⁹³ A large number of original client records relating to youth detention

191 *Submission 24*, p. 5.

192 *Submission 24*, p. 5.

193 *Submission 15*, p. 4.

institutions have been identified, catalogued and scanned electronically to provide easier access and to preserve these valuable documents.

3.203 South Australia advised:

The Department for Families and Communities, in conjunction with State Records of South Australia, continues to undertake discovery and consignment listing of records relating to children in State care. State Records of South Australia and Link-up SA provide dedicated support services to Aboriginal care leavers and their families in the task of locating and viewing records. The Department for Families and Communities, Families SA Post Care Services provide support services to care leavers to assist them in the task of identifying, locating and viewing personal records.¹⁹⁴

3.204 The Tasmanian government submission did not advise of any specific programs relating to identification and preservation of care leaver records.

3.205 In relation to Victoria, FaHCSIA advised that the Commonwealth had provided a grant of \$550 000 to fund the 'Who am I' project. The FaHCSIA submission explains:

...to acknowledge the ongoing need to help uncover lost and incomplete personal histories, the Government has provided an Australian Research Council grant to assist several Victorian based organisations undertake a study on children and adolescents who formerly lived in foster or institutional homes. This project is providing information to people who have been in care, offer a history and set of resources to people currently in care, and inform current organisations on best practice models.¹⁹⁵

3.206 The Committee heard that the 'Who Am I? Making Records Meaningful' project is a complex project involving government, community sector organisations and the Centre for Excellence in Child and Family Welfare. The project is being undertaken by an interdisciplinary team of researchers, and its purpose is:

...to investigate archiving and record-keeping practices to support current care leavers and forgotten Australians, or past care leavers, in the construction of their identity.¹⁹⁶

3.207 The final outcome of the project is intended to be an online resource for care leavers, which would include digitised records and a wide array of information on such things as care institutions, relevant legal regimes and political and social context. Particular items of information—for example, a record indicating that a person was present in a given institution at a given time—are to be presented in a full historical context, which can be intuitively searched or negotiated.

194 *Submission 30*, p. 4.

195 *Submission 4*, p. 4.

196 *Proof Committee Hansard*, 30 March 2009, p. 23.

3.208 The project is funded by the Australian Research Council, 12 community sector organisations, the centre for excellence, Victorian Aboriginal Child Care Agency, and the Victorian State government. Total funding amounts to \$800 000 over three years.¹⁹⁷ Professor Cathy Humphries, Alfred Felton Chair of Child and Family Welfare, advised that the project would be activated online in stages over the course of its three-year development.¹⁹⁸ However, funding and administrative arrangements beyond the three-year development phase of the project was uncertain.

3.209 Ms Clare noted that the scheme—particularly if it were to be pursued at a national level—could significantly address the Committee's previous recommendations concerning the identification preservation of, as well as access to, care leaver records.¹⁹⁹

3.210 Western Australia advised that it had put in place a specific program for records relating to Indigenous people:

In response to Recommendation 23 of...[the *Bringing them home* report] the Western Australian Government established a Records Taskforce to identify, locate and preserve government and non-government records relating to Aboriginal people in Western Australia.

Forgotten Australians Recommendation 13

That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

Government response

This is a matter for state and territory governments, churches and agencies to consider. The Australian Government strongly supports the proposal in principle.

Implementation

3.211 *Forgotten Australians* found that there had been considerable destruction of care leaver records in both government and non-government agencies, due to inadequate retention policies as well as failures to properly store and preserve records.²⁰⁰

3.212 The AFA believed there were still disparate practices across the States and non-government organisations in terms of records preservation, and called for national legislation to prevent any further destruction of records:²⁰¹

197 *Proof Committee Hansard*, 30 March 2009, p. 24.

198 *Proof Committee Hansard*, 30 March 2009, p. 27.

199 *Proof Committee Hansard*, 30 March 2009, p. 35.

200 *Forgotten Australians*, pp 262-267.

201 *Submission 10*, p. 13.

AFA believes that only national legislation will stop the practice of destroying records, as some organisations would rather destroy records than spend the time and money logging them and creating access to them.

AFA members had reported that churches in particular remained slow to respond to requests for information.²⁰²

3.213 Ms Mallet advised that records had not been destroyed in NSW since the passing of the *Young Persons (Care and Protection) Act 1988*. This Act had also been amended to allow former wards of the State to be given original materials contained in files, such as birth certificates, school reports and medical reports.²⁰³ The NSW submission advised:

The NSW State Archive has a program for the preservation of the files of former State wards. Regrettably, in accordance with past record-keeping practices, the Department routinely destroyed records throughout much of the twentieth century, with the concurrence of State Records NSW. The Department therefore has no surviving wardship records for approximately 16% of the mature-age care-leavers who apply to access departmental records about themselves.²⁰⁴

3.214 Queensland advised:

All Queensland Government departments are required to meet the record keeping obligations prescribed in *Public Records Act 2002* and the *Financial Administration and Audit Act 1977* and comply with Information Standard 40 (Recordkeeping). Retention and Disposal Schedules are in place for the former Department of Families, Youth and Community Care client files. These Schedules are currently under review.²⁰⁵

3.215 South Australia, which had destroyed records in the past in accordance with then government policies and practice, acknowledged that the State had an ongoing duty of care to care leavers that extended to the proper management and preservation of records. Accordingly, care leaver records were now permanently preserved:

Client files and sub-files relating to children in care must be retained for at least 105 years under the SA *State Records Act 1997*. Care leaver records, or historical records relating to out-of-home and institutional care are held permanently [at State records of South Australia].²⁰⁶

202 *Submission 10*, p. 11.

203 *Proof Committee Hansard*, 7 April 2009, p. 79.

204 *Submission 24*, p. 5.

205 *Submission 15*, p. 4.

206 *Submission 30*, p. 4.

3.216 Tasmania advised that no departmental files relating to children in the care of the State of Tasmania have been destroyed.²⁰⁷

3.217 The Western Australian Department for Child Protection submitted:

[The department]...has not knowingly destroyed any client records since the 1980's. Current policy does not allow destruction of original records i.e. microfilm and paper records even though they have been imaged electronically. Therefore it is possible that three types of media exist of the same record.²⁰⁸

Forgotten Australians Recommendation 14

That all State Governments and non-government agencies, which have not already done so:

- **provide dedicated services and officers to assist care leavers in locating and accessing records, both government and non-government; and**
- **compile directories to assist in the locating and accessing of records relating to care leavers and the institutions into which they had been placed.**

Government response

This is a matter for state and territory governments, churches and agencies to consider.

Forgotten Australians Recommendation 15

That a dedicated information and search service be established in each State and Territory to:

- **develop a complete register of all records held by government and non-government agencies;**
- **provide assistance to care leavers to locate and access records;**
- **provide advocacy and mediation services to care leavers accessing records; and**
- **ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.**

207 *Submission 7, p. 2.*

208 *Submission 11, p. 6.*

Government response

This is a matter for state and territory governments to consider.

Forgotten Australians Recommendation 16

That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:

- **the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;**
- **the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;**
- **the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and**
- **the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.**

Government response

This is a matter for state and territory governments, churches and agencies to consider. The Australian Government strongly supports the proposal in principle.

Forgotten Australians Recommendation 17

That all agencies, both government and non-government, which provide access to records for care leavers, ensure adequate support and counselling services are provided at the time of viewing records, and if required, subsequent to the viewing of records; and that funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency.

Government response

The Australian Government notes that counselling services are already funded and widely available, including to care leavers, and would be appropriately used in these circumstances. The Australian Government has provided one-off funding to the Care Leavers of Australia Network (CLAN) of \$100,000 for counselling support. In the longer term, this is the responsibility of state and territory governments, churches and agencies.

Implementation

3.218 *Forgotten Australians* recommendations 14, 15 and 16 went to the issue of providing dedicated and comprehensive directories and services, as well as uniform

guidelines, to assist care leavers to locate and access records. Recommendation 17 sought to ensure that governments and non-government agencies made adequate provision for support and counselling services for care leavers when accessing and viewing records. Aspects of recommendations 14 through 17 are addressed above, particularly in the discussion of recommendation 9, in relation to directories, and recommendation 23, in relation to counselling.

3.219 The issues of access to records and related support and counselling services are also relevant to the design of redress schemes in those States that have so far introduced such schemes. Redress schemes are considered above under the discussion of *Forgotten Australians* recommendation 6.

3.220 The AFA submitted that there are still disparate practices across State and non-government organisations in relation to access to records:

...there are still very different practices, in terms of preservation of and access to records, across all States and Territories and among past providers as well. AFA members report that some churches are slow to respond to requests for information and appear to conceal incriminating evidence; or they may tell the inquirer that records have been destroyed.²⁰⁹

3.221 The AFA called for greater involvement by the Commonwealth government, on the grounds that only such an 'intervention' could achieve 'greater national consistency' of access to records, and ensure an appropriate investment of time and skill in making records available.²¹⁰

3.222 However, Ms Annette Michaux, General Manager, Social Policy and Research, Benevolent Society, noted that guidelines should not be overly prescriptive, to ensure that specific protocols and processes could remain sensitive to the circumstance of both organisations and individuals:

This is a really difficult area. There is the idea of having some guiding principles, federal or state based, but it is important to have a kind of flexible, grounded approach to each individual who is approaching the service so that they can navigate through the reveal of the file sensitively with that person. That is very hard to put into policies and processes, but I think there are ways to use benchmarks and guides and then have a very flexible grounded approach.²¹¹

New South Wales

3.223 There is no dedicated information and search service for care leavers in NSW. The NSW government submission advised that a legislative framework exists to ensure care leavers are given supported access to records by State agencies. Former

209 *Submission 10*, p. 11.

210 *Submission 19*, pp 3,13.

211 *Proof Committee Hansard*, 7 April 2009, p. 31.

wards of the State do not need to apply for access to their records under the NSW *Freedom of Information Act 1989*, with access granted in accordance with the provisions of the NSW *Children and Young Persons (Care and Protection) Act 1998* and the NSW *Privacy and Personal Information Protection Act 1998*.²¹² This legislation ensures enables:

...all persons who were in care to have access to any personal information held by the designated agency that provided care or the carer. The agency must also provide appropriate support to the person accessing the information.²¹³

3.224 Barnardos and CLAN also referred to NSW's 'publication *Connecting kin: a guide to help people separated from their families*, a guide to help people separated from their families search for their records. CLAN noted that, while there was considerable variation from State to State in assistance with processes for access to records:

NSW led the way with their 1998 guide, *Connecting Kin*, and other states now also have a guide to records, but others do not.²¹⁴

3.225 However, the AFA described the processes to be followed by care leavers wishing to access records in NSW as lacking any specific protocols or support for care leavers:

The usual process in NSW is that Forgotten Australians go to their local DOCS office and request their state ward file. There is no extra training for staff to help them understand whom they are dealing with when Forgotten Australians turn up with this request. People who are out of state go through FoI.²¹⁵

3.226 NSW contended that it did in fact provide 'significant levels of support and assistance to care leavers accessing records' held by the Department of Community Services:

...arrangements are already in place to assist former wards to access departmental records about their time in care. This access is arranged by experienced casework staff at local DoCS Community Services Centres. Access for former wards who live outside NSW is arranged by DoCS' Freedom of Information Unit. A dedicated Records Officer is responsible for locating relevant departmental records about former wards.²¹⁶

3.227 In relation to former child migrants, the CMT submission observed that NSW had developed a child migrant database 'similar to that already in existence in Western

212 *Submission 24*, p. 7.

213 *Submission 24*, p. 6.

214 *Submission 21*, p. 6; see also Barnardos, *Submission 6*.

215 *Submission 10*, p. 12.

216 *Submission 24*, p. 6.

Australia'. However, by limiting access to this resource to government agencies, it was of only limited usefulness for former child migrants.²¹⁷

3.228 As noted in the discussion of the response to recommendation 12, NSW has implemented programs which, while not specifically targeted at care leaver records, have improved to some extent their identification and preservation.²¹⁸

3.229 There did not appear to be any provision for discrete or separately funded counselling services for care leavers accessing or viewing their personal records in NSW. The issue of counselling services more generally, which could be accessed for the purposes of such support, was considered in the discussion on delivery of services above, particularly in relation to recommendation 23 of *Forgotten Australians*.

Queensland

3.230 There is no dedicated information and search service for care leavers in Queensland. Access to care leaver records is governed by the freedom of information (FoI) legislation and principles that apply to the public in general, and certain administrative processes:

Under the provisions of the *Freedom of Information Act 1992*, members of the public have a legal right to apply for access to documents held by a government department and to amend documents which relate to their own personal affairs. There are no fees or charges to access or copy documents which relate to an applicant's personal affairs. Charges apply for access to non-personal affairs documents. Information about relevant fees and charges is available from the Department of Communities' website.

The Department of Communities offers former children in care access to personal information through the freedom of Information (FoI) process or administrative release access arrangements. During the processing of applications, departmental officers will link individuals to other agencies, which might hold relevant information and to support agencies as required. Applications may be transferred in full or in part to other agencies for processing with the knowledge and consent of the applicants.²¹⁹

3.231 However, Aboriginal people and Torres Strait Islanders are able to access a dedicated service:

In addition, the Community and Personal Histories unit with the department's Office of Aboriginal and Torres Strait Islander Partnership provides assistance to Aboriginal and Torres Strait Islander peoples to locate state government records about themselves and their communities.²²⁰

217 *Submission 23*, p. 3.

218 *Submission 24*, p. 5.

219 *Submission 15*, pp 4-5.

220 *Submission 15*, p. 5.

3.232 Ms Ketton offered praise for the delivery of processes available to care leavers in Queensland:

We note that accessing childhood care records in Queensland has mostly become a streamlined process for care leavers and that this service is provided in a most respectful and sensitive manner.²²¹

3.233 There did not appear to be any provision for discrete or separately funded counselling services for care leavers accessing or viewing their personal records in Queensland. The issue of counselling services more generally, which could be accessed for the purposes of such support, was considered in the discussion on delivery of services above, particularly in relation to recommendation 23 of *Forgotten Australians*.

South Australia

3.234 There is no dedicated information and search service for care leavers in South Australia. South Australia disagreed there was a need for a dedicated information and search services in each State. On the grounds that the opportunities for assistance and guidance for care leavers in locating and accessing record were sufficient, it felt that recommendation 15 would not 'add value to the provision of services' in South Australia.²²²

3.235 Access to care leaver records in South Australia is governed by the State's FoI legislation:

The South Australian Government recognises the personal, historical and legal value of client records and facilitates...access to these records through provision under the *Freedom of Information Act 1991*...[with requests processed] by an accredited Freedom of Information Officer.

3.236 South Australia advised that people accessing records are assisted by Post Care Services, which:

...provides a flexible and compassionate interpretation of privacy principles and other legislation to enable care leavers to identify family background, but without releasing information that contains the details of other people...[and] supports care leavers or their family to find relatives and mediate re-connection where possible...²²³

3.237 FoI fees and charges are waived where requests relate to personal records.²²⁴ Post Care Services also provides support and advocacy for access to records held by another State or non-government organisation.

221 *Proof Committee Hansard*, 6 April 2009, p. 39.

222 *Submission 30*, p. 5.

223 *Submission 30*, p. 5.

224 *Submission 30*, p. 4.

3.238 Social worker support is provided to people accessing their records under FoI; and funding and referrals are provided for 'appropriate independent counselling services to support the viewing of records or following viewing'.²²⁵ The counselling services provided by Post Care Services are also discussed above under the consideration of recommendation 21 of *Forgotten Australians*.

Tasmania

3.239 There is no dedicated information and search service for care leavers in Tasmania. However, the Tasmanian Minister for Human Services advised:

My Department continues to support care leavers, (regardless of when they were in care) who contact the Department seeking information and/or access to their files.²²⁶

3.240 Ms Alison Jacob, Deputy Secretary, Human Services, Department of Health and Human Services (DHHS), explained that the department's After Care Support Program provided assistance to care leavers to access their records, support for viewing the file and referrals to counselling. Ms Una Hobday, Manager, Adoption and Permanency Services, DHHS, described the operation of that program:

For...[older care leavers] we can search their records for them. We can try to find family members, if that is what they want. We can give them copies of their full records. We can talk them through the kinds of differences there were in communities at those times, which seems to be the thing we do most. We talk to them about what it was like in the sixties and seventies for families, so that we put their file into context...Then we offer them opportunities to go and get more thorough counselling, if needed, through a raft of psychologists or counsellors around the state.²²⁷

3.241 The Committee heard suggestions that applicants in Tasmania had been refused access to personal records. The AFA submitted:

Waiting times to access records can be up to a year; in some cases, records are sealed for the life of the survivor in question. Tasmania is a case in point, where some *Forgotten Australians* have been told they can never access their files.²²⁸

3.242 However, Tasmanian government representatives were unaware of any recent or significant complaints in relation to refusals, either by government or private agencies, to provide access to records.²²⁹ In terms of facilitating access to records from non-government organisations:

225 *Submission 30*, pp 5-6.

226 *Submission 7*, p. 2.

227 *Proof Committee Hansard*, 8 April 2009, pp 72-73.

228 *Submission 10*, p. 12.

229 *Proof Committee Hansard*, 8 April 2009, p. 74.

If we have a claimant under our current round that comes forward and wants to access information which might include a mix of state government welfare files and/or files from outside organisations, we will work with them to assist them in getting access to the forms, help them to fill out the forms, or even on occasion write to the organisation on their behalf. We do that on behalf of people that come to see us.²³⁰

Victoria

3.243 There is no dedicated information and search service for care leavers in Victoria. The AFA advised that care leavers seeking to access records in that State must work within the parameters of FoI and privacy legislation; and are confronted by a number of processes that offer varying degrees of assistance:

In Victoria, Adoption Family Record Service (AFRS), who hold the state ward records, are reported as being reasonably approachable. However, many former wards still need to chase their files through several agencies that dealt with them as children. No advice is given to applicants by [the Department of Human Services] about what other sources of information about their families might be worth investigating...Support varies according to which agency people apply through. Working within the Privacy Act, AFRS try to give as much information as possible; however, many Forgotten Australians are not happy that they still cannot access family information, including information on siblings.²³¹

3.244 Further, there were anecdotal accounts of serious delays in the provision of information in response to FoI requests, which in some cases were taking 'up to eight or nine months' instead of the prescribed time limit of 45 days.²³²

3.245 Mr Golding advised the Committee that there had been 'some improvement' by individual care providers in allowing access to records; however, there was 'still a long way to go'. In particular, a project to produce a comprehensive guide to out-of-home records, the 'Who Am I?' project, remained unfinished, and was not expected to be complete for another three years.²³³

Western Australia

3.246 There is no dedicated information and search service for all care leavers in Western Australia. However, a specialist service, the Family Information and Records Bureau (FIRB), is in place for Indigenous Australians. The FIRB was established in

230 Ms Leica Wagner, Manager, Child Abuse Assessment Team, Department of Health and Human Services, *Proof Committee Hansard*, 8 April 2009, p. 75.

231 *Submission 10*, p. 12.

232 *Submission 10*, p. 12.

233 *Proof Committee Hansard*, 30 March 2009, p. 16. The 'Who Am I?' project is discussed above under *Forgotten Australians* recommendation 12.

response to the *Bringing Them Home* report in 1998. In terms of staffing and the scope of its work:

FIRB employs six Aboriginal Information Officers who provide personal information and work with Linkup and Bringing Them Home Group, a System and Information Officer who manages the database and an Information Officer who provides information to non-Indigenous persons including former child migrants.²³⁴

3.247 Other care leavers seeking access to records must generally apply for records held by the Department for Child Protection (DCP) through existing administrative arrangements or FoI processes. Since 1985 the department has employed an information officer, who can assist people seeking information about themselves.²³⁵ The department can also provide assistance with locating and accessing records through the FIRB and Adoptions Services.²³⁶

3.248 The DCP advised that it encourages care leavers seeking access to personal information held by the department to do so through informal processes. However, any release of information must comply with FoI Act principles and guidelines, and applicants could make applications under the act of dissatisfied with the informal processes. No fees or charges are payable for individuals seeking access to their personal information.

The Department does not allow persons to view original information relating to themselves. Information is edited and copies provided, as there is often third party information entwined with a person's personal information.

Information about a person's personal and family history is provided face-to-face unless otherwise requested by the individual, and support and counselling is available if required or requested.²³⁷

Non-government agencies

3.249 In relation to the identification, location and preservation of records by non-government agencies, as well as the provision of supported assistance for access to records by care leavers, the Committee heard that a number of non-government agencies, mainly church and religious organisations, had taken significant steps.

3.250 The Committee heard that MacKillop Family Services—established in 1997 by its three founding religious congregations: the Sisters of Mercy, the Sisters of St Joseph and the Christian Brothers—had developed a database listing the names of children who were resident in homes run by that organisation. This database was

234 *Submission 11*, p. 7.

235 *Submission 11*, p. 7.

236 *Submission 11*, p. 8.

237 *Submission 11*, p. 9.

established to help former residents and their families access information from their time in care, and contained approximately 150 000 names.²³⁸

3.251 The Benevolent Society advised that it had instituted record-keeping procedures and access protocols in direct response to the *Forgotten Australians* recommendations. The society conducted a search for historic records, which it reported was unfortunately inconclusive concerning the existence and possible destruction of pre-1970 records. Since then, the society had published a history of care, and confirmed records processes that appeared to be consistent with the recommendations of *Forgotten Australians*.²³⁹

3.252 Mr John Kennedy, Chairman of Council, Fairbridge Foundation, provided an example of how, as a smaller organisation of limited means, the Fairbridge Foundation ensured appropriate counselling services were available to people accessing records:

In our situation...[because the Fairbridge Foundation is a] small group, we do not have the resources...[Therefore we] draw on the resources of the Child Migrants Trust, who do have the professional assistance. If we felt that there were things in a file about which the applicant really needed some counselling, we would refer the applicant to the Child Migrants Trust to get that help if they felt they needed it.²⁴⁰

3.253 Mr Quinlan advised that, in response to the Committee's recommendations, CSSA had been commissioned to undertake a national project to:

...identify the extent, location and access arrangements for care-leaver records held by the church, its agencies and ministries, and the best models for the future support of care leavers by the Catholic Church.²⁴¹

3.254 Mr Quinlan noted that a substantial level of consultation had already been undertaken with Catholic organisations and religious orders in possession of records and/or providing services to care leavers. Limited consultation with care leaver groups and individual care leavers had also been undertaken.²⁴²

3.255 While the final report of the project was not due until later in 2009, Mr Quinlan advised on the likely direction of its findings. First, there was a need to update the Church's directory of the location of records across Australia, *A piece of the story: national directory of records of Catholic organisations caring for children separated from families*. The directory was originally published in response to the *Bringing them home* report, which called on churches to identify all records relating to

238 *Proof Committee Hansard*, 7 April 2009, pp 61-62; see also *Lost Innocents*, pp 256-257.

239 *Submission 6*, pp 6-7.

240 *Proof Committee Hansard*, 7 April 2009, p. 33.

241 *Proof Committee Hansard*, 7 April 2009, p. 60.

242 *Proof Committee Hansard*, 7 April 2009, p. 60.

Indigenous children; the project was eventually broadened to include all Catholic institutions:

A piece of the story is a directory of the location of records across Australia, a description of the holdings and a description of how to access the records. The directory is acknowledged as an excellent resource for people who were in care and who are now searching for records. It is, however, in need of revision and updating...²⁴³

3.256 Second, there was still a need to develop a 'systematic policy and practice of records management development across the Catholic church and its various agencies and religious congregations' to provide appropriate services and support for care leavers. This was necessary because there were still divergent policies and procedures in place concerning the location and storage of records, as well as the provision of supported access and support.²⁴⁴ While there was a need to ensure the input of care leavers and support groups, Mr Quinlan indicated that the design of services would be based on certain principles:

Care leavers have clearly expressed a preference for services that are not laden with cumbersome application procedures to access records. Services to people who are in care need to be staffed by people who are highly skilled and experienced and professionally trained, with some kind of social work or similar qualification. There is a role for archivists and people with records management training...Organisations providing services to people who are in care need to be well resourced and workers need to be supported through supervision and training²⁴⁵

3.257 Due to fact of so many institutions making up the broader Catholic Church, it was likely that the model of records preservation, access and support would be a form of distributed network, in which a single or standardised point of entry to a database would provide access to multiple individual holdings. Common guidelines and standards would ensure appropriate access and support for care leavers.²⁴⁶

3.258 This model of record retention and access was effectively endorsed by Ms Janet Henegan, Manager, Post Adoption Resource Centre:

The Benevolent Society has their own records, which are stored with us. When people access their files they have an opportunity to have a counselling session to understand what was happening historically. It is an option for them and there is support and further search information available to them. While I would like some things to be standardised I would be really concerned about records being held centrally...²⁴⁷

243 *Proof Committee Hansard*, 7 April 2009, p. 61.

244 *Proof Committee Hansard*, 7 April 2009, p. 61.

245 *Proof Committee Hansard*, 7 April 2009, p. 62.

246 *Proof Committee Hansard*, 7 April 2009, p. 64.

247 *Proof Committee Hansard*, 7 April 2009, p. 29.

3.259 However, Mr Graham Hercus, After Care Support, United Protestant Association of New South Wales, felt that some form of centralised control or guidance of church records was necessary, due to both the limited means of many such organisations and that fact that many were no longer in existence:

...in an ideal world you would have the past provider making sure that...[access to records] was being delivered in a compassionate and caring manner. But, given that quite a large number of the past providers no longer exist and that a lot of the forgotten Australians will not have anything to do with the past provider...you have a number of intractable problems there. Probably the only way to manage this is through some external agency. Whether that is governmental or some sort of non-government agency that was appointed by government and financed by government is a matter to be resolved.²⁴⁸

Forgotten Australians Recommendation 18

That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families.

Government response

The Australian Attorney-General will raise this proposal with his state and territory counterparts.

Implementation

3.260 *Forgotten Australians* report found that care leavers had experienced problems with FoI legislation. This included both difficulties in gaining access to information, particularly third-party information; and only partial information being released once access was granted, due to privacy restrictions on viewing information related to third parties. As noted above under the consideration of State regimes and processes for access to personal information, all States possess FoI legislation which in most cases directly or indirectly governs the release of information to care leavers.

3.261 Mr Hercus observed that in some cases the complex and bureaucratic nature FoI was still operating as an effective barrier to care leavers:

Experience to date seems to show that if you were a state ward and you want to get access to your state ward records you have to go through a freedom of information process that is really quite complex, bureaucratic and slow, and people often give up in the chase.²⁴⁹

248 *Proof Committee Hansard*, 7 April 2009, p. 33.

249 *Proof Committee Hansard*, 7 April 2009, p. 29.

3.262 In addition, the AFA believed that people making FoI applications were not being properly informed about their rights under such acts:

Our understanding is that applicants are not usually informed of their rights under s30.3 of the FoI Act (under which, if it is reasonable to do so, the Department may contact a third party to see if they have objections to information about them being released to an applicant).²⁵⁰

3.263 Many submitters and witnesses emphasised the ongoing problems of the privacy restrictions on viewing information related to third parties, which, for care leavers, meant that they were often prevented from accessing information related to members of their own families. Mr Andrew Murray identified the tension between privacy considerations and the needs of care leavers:

Privacy restrictions can mean that people finally access their records, only to discover that substantial information has been withheld, especially when attempting to access records of other family members. In some cases these records are bound to contain vital information in the quest to trace family members or the person's history. Under privacy legislation, family information is considered information about a third party and is treated differently to the personal information of the searcher. Overall, third party privacy restrictions pose a frustrating barrier to care leavers.²⁵¹

3.264 Ms Ketton believed that current arrangements placed undue emphasis on the privacy considerations of third parties at the expense of care leavers' and their families' right to know. This led to lasting detrimental effects on care leavers' 'sense of self and emotional wellbeing'.²⁵²

3.265 Ms Diane Tronc commented on the frustration of such restrictions on personal information:

I feel very disappointed with the FoI system...A lot of our files are blacked out. I lost my real mother and father when I was very young, and I did not get to spend that much time at all with my real family that I can recall. I feel that now is the time to lift the blackness and to give me the truth about my life now that both parents on each side have deceased. I would like my next of kin to have those rights and the blackness lifted on my files.²⁵³

3.266 Mr Frank Golding also spoke of the frustrations arising from his personal searches for immediate family records:

The stories of accessing the files of my mother's sisters demonstrate that taking a narrow view of entitlement to records - that access is to the person's own files and no more - is short-sighted and ill-conceived. Firstly,

250 *Submission 10*, p. 12.

251 *Proof Committee Hansard*, 31 March 2009, p. 21.

252 *Proof Committee Hansard*, 6 April 2009, p. 39.

253 Private capacity, *Proof Committee Hansard*, 6 April 2009, pp 81-82.

former inmates need to know the full story of their extended family not just the parts of the story connecting one individual to the welfare system. The better they understand the bigger picture the better they will understand their particular piece of the mosaic.²⁵⁴

3.267 Mr Andrew Murray called for changes to privacy legislation, and urged the Committee to:

...campaign for...greater and more sympathetic access [to information for care leavers], including ending the misuse of privacy rules to prevent proper-purpose access.²⁵⁵

3.268 The AFA believed there was a need for particular legislation to allow care leavers to access identifying information about their families.²⁵⁶

3.269 Updating the Commonwealth government's response to recommendation 18, the FaHCSIA submission states:

The then Australian Attorney General wrote to state premiers in May 2006, but did not suggest referral to the Standing Committee of Attorneys-General (SCAG). All jurisdictions responded saying that they were investigating the matter.

Jurisdictions were to complete a template, requesting information on current practices in relation to information release and care leavers accessing records and forward this to the QLD Department of Communities.

The template was completed, however contact needs to be made with the Queensland Department of Communities to progress this information.

FaHCSIA is not aware of further action.²⁵⁷

3.270 New South Wales advised that it supported this recommendation 'in-principle, and noted that in NSW former wards of the State do not need to apply for access to their personal information under the NSW *Freedom of Information Act 1989*, but are granted access in accordance with the provisions of the NSW *Children and Young Persons (Care and Protection) Act 1998* and the NSW *Privacy and Personal Information Protection Act 1998*.²⁵⁸

3.271 In August 2008, Queensland announced that it intended to 'overhaul' of its FoI laws in response to the recommendations of the FoI Independent Review Panel, with the aim of 'providing the public with greater accessibility to information and better transparency'. This would include the implementation of a new legislative framework

254 *Submission 16*, Additional information dated 11.4.09.

255 *Proof Committee Hansard*, 31 March 2009, p. 21.

256 *Submission 10*, p. 12.

257 *Submission 4*, p. 11.

258 *Submission 24*, p. 7.

known as the *Right to Information Act*.²⁵⁹ While it was not clear whether the act would specifically address the privacy issues that present problems for care leavers, Mr Andrew Murray noted with approval that Queensland was considering privacy legislation as part of its FoI review:

The Queensland government has issued two draft bills for simultaneous public consultation—the Right to Information Bill 2009 and the Information Privacy Bill 2009—for the very good reason that privacy is the flip side to public disclosure and one should not be considered in isolation of the principles and practices of the other.²⁶⁰

3.272 South Australia advised:

The South Australian Department for Families and Communities currently processes Freedom of Information requests through an accredited Freedom of Information Officer.²⁶¹

3.273 Tasmania did not provide any comment on FoI issues.

3.274 Western Australia considered the implementation of this recommendation as being 'a matter for the Commonwealth Government',²⁶² but noted that third-party FoI restrictions continued to operate in relation to care leavers:

The Department does not allow persons to view original information relating to themselves. Information is edited and copies provided, as there is often third party information entwined with a person's personal information.²⁶³

In Western Australia descendants of former child migrants may apply to have access to records held by the Department for Child Protection. Any information released must comply with the principles and guidelines for release of information under the *Freedom of Information Act*.²⁶⁴

3.275 Ms McKenzie advised the Committee that the Commonwealth had recently undertaken reform of the FoI regime:

On 3 April 2009 Senator John Faulkner launched the draft exposure bill for the freedom of information reform. Consistent with recommendation 18, the amendments proposed in the two draft bills represent the first significant reform to the FoI Act since its commencement in 1982. It is a

259 *Submission 15*, p. 5.

260 *Proof Committee Hansard*, 31 March 2009, p. 21.

261 *Submission 30*, p. 6.

262 *Submission 11*, p. 9.

263 *Submission 11*, p. 9.

264 *Submission 11*, p. 5.

reform which will reposition the act as a cornerstone law in Australian government accountability legislation.²⁶⁵

3.276 Ms Essex indicated that the proposed changes to FoI legislation could improve access for care leavers:

One of the things that Forgotten Australians speak about regularly is the difficulty of accessing their own records, or records that are relevant to them, particularly in relation to siblings, their history and their identity. Our understanding is that the changes proposed to the freedom of information laws may make that process simpler for them, less costly, and give them better access to government records.²⁶⁶

Role and operation of support groups and other bodies

Advocacy and support groups

Forgotten Australians Recommendation 19

That the Commonwealth fund a national conference of service providers and advocacy and support groups with the aim being to establish a professional national support and advocacy body for care leavers; and that this body be funded by the Commonwealth and State Governments and the Churches and agencies.

Government response

The Australian Government supports in principle the proposal for a conference of service providers, but not with a pre-determined outcome. Such a conference could identify ongoing needs of care leavers and make recommendations about the most effective ways of meeting those needs. The Australian Government is prepared to work with states and territories to convene a meeting of service providers and will discuss cost-sharing arrangements with states and territories. The Government cannot commit to funding of any outcomes in advance.

The Australian Government acknowledges the important role played by service providers and advocacy and support groups for care leavers. The Government notes that it already provides significant funding for counselling and support in the areas of child abuse and/or sexual assault.

The Australian Government considers that the establishment of any national support and advocacy body for care leavers would need to ensure that it does not duplicate services already available in some states. A state-based approach to providing support and advocacy is beneficial as it provides care leavers with the opportunity to

265 *Proof Committee Hansard*, 8 April 2009, p. 59.

266 *Proof Committee Hansard*, 8 April 2009, p. 66.

talk to others with similar experiences and with counsellors who are aware of the specific experiences of children in those locations.

If there were seen to be a role for a national body, a fair and transparent selection process would be appropriate.

Implementation

3.277 *Forgotten Australians* found there was a need to establish a 'professional advocacy and support group' to operate nationally in the interests of care leavers; the Committee envisaged that if such a group were established it should be funded by the Commonwealth and State governments as well as churches and agencies.²⁶⁷

3.278 The FaHCSIA submission advised that the Commonwealth had acted on the commitment expressed in its original response by providing a grant of \$100 000 'to assist people who were in institutional care as children through advocacy and support groups'. It was intended that the allocation of this money would be decided in conjunction with the planning and holding of the national conference of service providers and advocacy groups.²⁶⁸

3.279 The national conference was convened by the Commonwealth government in June 2006. It was attended by representatives of government, churches and religious organisations, support groups, service providers and people who have experienced out-of-home care as children.

3.280 FaHCSIA noted that the conference had 'identified the ongoing needs of Australians who experienced institutional care as children and made recommendations about the most effective way of meeting those needs'. Participants agreed that there was a need for a peak body to represent and advocate for the needs of Forgotten Australians at a national level.

3.281 Following the conference, the Alliance for Forgotten Australians (AFA) was established. The AFA was launched on 16 October 2007, with FaHCSIA providing 'substantial guidance and assistance during its initial establishment period'.²⁶⁹

3.282 The AFA has a steering Committee comprised of Forgotten Australians and an advisory group, with Families Australia providing auspicing and secretariat support. This structure was described by one witness as being 'fair, sound and robust'.²⁷⁰

267 *Forgotten Australians*, p. 300.

268 *Submission 4*, p. 1.

269 *Submission 4*, p. 3.

270 Ms Cherie Marian, *Submission 26*, p. 16.

3.283 The AFA acts as a national advocacy body that aims to broadly represent existing support and service organisations; and promote the interests of people in all States and territories who experienced institutional or other out-of-home care as children. The AFA membership includes Forgotten Australians as well as former child migrants and foster children and members of the stolen generations. The AFA submission states that it works with the 'knowledge and cooperation' of its members, and works to advance its objectives at all levels of government. Its goals are:

Obtaining adequate acknowledgement, accountability and redress for past wrongs.

Achieving the full implementation of the recommendations of the Senate Report, overseen by a National Watch Committee that would include Forgotten Australians (at least 51%).

Supporting current efforts to highlight child protection issues, including those relating to Indigenous people and child migrants.²⁷¹

3.284 Ms Harrison provided the following description of the AFA's advocacy role:

We are not a support group and we do not operate as a support group. We operate as a peak body, so the opportunities for us to contact and deal with individual forgotten Australians are through our members who are operating in the different states...²⁷²

3.285 The AFA submission expressed the alliance's commitment to working cooperatively and productively with all care leavers and support and advocacy groups:

AFA will develop and enhance its links to the Stolen Generation and Child Migrants and will work productively with all organisations representing people who grew up in institutional or other out-of-home care in the 20th Century, regardless of how those children came to be in care. Links are already in existence between groups representing these three categories, and cooperative work will ensure that, while differences between the groups are recognised and respected, they do not impede the common cause of improving the lives of survivors.²⁷³

3.286 Ms Ketton commented:

...we believe that the establishment of the Alliance for Forgotten Australians has been a positive development towards promoting the interests of care leavers on a national level. This has also allowed for the exchange of important information between states and territories regarding responses and services for care leavers.²⁷⁴

271 *Submission 10*, p. 1.

272 *Proof Committee Hansard*, 30 March 2009, p. 67.

273 *Submission 10*, p. 3.

274 *Proof Committee Hansard*, 6 April 2009, p. 39.

3.287 Micah Projects Inc. saw an important role for the AFA in the coordination of the Commonwealth's interest and role in ensuring the implementation of the *Forgotten Australians* report:

The Esther Centre asks the Australian Government to reconsider the findings and recommendations of the Senate Committee report to establish dialogue at a national level through the *Alliance for Forgotten Australians* (AFA)...²⁷⁵

3.288 The Committee heard that additional funding of \$100 000 has been provided to the AFA during 2008-09.²⁷⁶ The AFA submitted that in total it had received \$204 000 of Commonwealth government funding over two years which had covered its operation.

3.289 The AFA had also received funding for the production and distribution of an information booklet, *Forgotten Australians: supporting survivors of childhood institutional care in Australia*.²⁷⁷ FaHCSIA advised:

...[The Government] provided AFA with a \$20,000 grant to greatly extend the publication of its booklet for service providers. AFA's information booklet was designed to improve community awareness and provide support services the background information they need to recognise, relate to and address the unique needs of people who spend their childhoods in out-of-home care.²⁷⁸

3.290 Despite funding to date, the AFA submitted that it required a more substantial funding commitment to continue its work:

The Australian Government should provide ongoing three year funding for the continuation of AFA. AFA has made good initial strides but, without ongoing financial support, it is highly unlikely that the Alliance will be able to continue to advocate on behalf of the Forgotten Australians, raise awareness amongst the general public about the issues facing Forgotten Australians and provide a national, coordinated voice in advising and consulting with government/s.²⁷⁹

3.291 Ms Cherie Marian observed that the AFA's funding was insufficient for it to provide an appropriate level of resources and staffing to properly function as a the national advocate for care leavers:

Currently...AFA is staffed by one person for only 1.5 days a week (not inclusive of secretariat / administration support)! This level of staffing to advocate on behalf of a population comprising half a million people, is

275 *Submission 33*, p. 1.

276 *Submission 4*, p. 3.

277 *Submission 10*, p. 1.

278 *Submission 4*, p. 3.

279 *Submission 10*, p. 2.

grossly inadequate. AFA's lack of resources means that the ability to advance the cause of Forgotten Australians...in vital areas such as research and policy development is very limited...In order to maximise accessibility and efficacy AFA must be expanded to have a minimum of at least 1 EFT worker 'on the ground' in each state and territory.²⁸⁰

3.292 The AFA also identified funding of service provision organisations as being critical to the AFA's effectiveness:

...the maintenance of both AFA as a peak body and of service provision organisations...is crucial to achieving improvements in meeting the needs of Forgotten Australians. To have AFA and the service providers working cooperatively to promote the interests of Forgotten Australians is of enormous use to the Australian Government as it devises an improved response to the needs of Forgotten Australians.²⁸¹

3.293 Ms Walsh felt that, given its current level of funding, there was a need to carefully consider how the AFA could best work and integrate with organisations providing services to care leavers at the State level:

It is really important to have a national approach, and therefore the alliance plays an important role in that. There probably needs to be more discussion about how that actually operates, because the money for its operation is minimal. In order for the expectation of forgotten Australians that their participation will feed into a national alliance, the states have to have the capacity to do that locally. At the moment that is not the case. A lot of work by forgotten Australians is done voluntarily.²⁸²

Forgotten Australians Recommendation 20

That the Commonwealth and State Governments and Churches and agencies provide on-going funding to CLAN and all advocacy and support groups to enable these groups to maintain and extend their services to victims of institutional abuse, and that the government and non-government sectors widely publicise the availability of services offered by these advocacy and support groups.

Government response

The Australian Government acknowledges the work CLAN has done in bringing together the stories of the individuals and families who suffered abuse and neglect in institutions. The Government commends CLAN for effectively reshaping the country's history by drawing the nation's attention to these tragic events. It is now important for governments, churches and agencies to take responsibility for delivering positive and

280 *Submission 26*, p. 16.

281 *Submission 10*, p. 13.

282 *Proof Committee Hansard*, 6 April 2009, p. 37.

concrete responses, and it remains to be seen what role CLAN and other support groups now have to play in encouraging them to do so.

The Australian Government has committed \$100,000 to CLAN as a one-off grant for the provision of counselling services to care leavers. The definition of any ongoing role for CLAN, or another national support body, would be expected to emerge from the conference proposed in Recommendation 19. Appropriate structures and sources of funding would be determined following discussion of recommendations from that conference. There are other care leaver support bodies, specifically providing services in some states to people who were in care in each of those states.

While ongoing support for care leavers is primarily a role for state and territory governments, churches and agencies, the Australian Government will commit additional funding of \$100,000 to assist care leavers through support groups, to be determined in conjunction with the planning and holding of the national conference.

Implementation

3.294 The *Forgotten Australians* report received a considerable amount of evidence establishing the valuable support and advocacy provided by CLAN and the many other groups around Australia accessed by care leavers. The Committee found that 'all advocacy and support groups play an important role in providing assistance to care leavers' and should be supported by governments as well as non-government agencies by the maintenance of existing funding; with additional funding; and with funding provided on a recurrent basis.²⁸³

3.295 In both the past and present inquiries CLAN was identified in particular as providing an extremely valuable support and advocacy service for older care leavers on limited funding; and as a group that enjoyed widespread support from care leavers as well as other organisations.

3.296 CLAN's services include:

- telephone support and information to individuals and families in all States;
- face to face support where clients can visit the CLAN office;
- assistance with accessing State ward files and records of residence in an orphanage or children's home;
- email support and information;
- maintenance of a website with information relating to care leaver issues including an expanding gallery of homes photos;
- bi-monthly newsletter with information relating to care leaver issues, which also provides a forum in which care leavers can exchange views and have their personal history published;

283 *Forgotten Australians*, pp 292-300.

- a library service for care leavers,
- a research service for academics and students;
- a central archive and museum of care leaver history and experience;
- support at reunions;
- social gatherings in all States;
- advocacy on all care leaver issues; and
- establishment of the National Museum of Orphanage Life, a unique collection of artefacts, photographs and other memorabilia which will be featured early in 2009 on the ABC TV program *Collectors*.²⁸⁴

3.297 Mr Golding observed that support groups generally provide a variety of services for members, such as access to records, counselling, an opportunity to tell stories, to be in groups of like-minded people, to share experiences'.²⁸⁵ However, the level of funding CLAN's antecedents could be traced to groups formed in the 1990s and, as such, had been pursuing the objectives of the Committee's recommendations for a considerable period without government funding.²⁸⁶

3.298 As indicated in its response, the previous Commonwealth government declined to provide on-going or recurrent funding to CLAN. However, in recognition of CLAN's work, the government provided a one-off grant of \$100 000 for professional counselling services to assist care leavers dealing with personal or family trauma.²⁸⁷

3.299 The CLAN submission urged the Commonwealth government to provide recurrent funding for CLAN, in-line with recommendation 20, to operate as the national support body and as a 'counterpart' to the AFA as the national advocacy body. It stated:

CLAN...has to find its own funding each year. CLAN has no guaranteed ongoing funding, and it never has had.²⁸⁸

3.300 This request was repeated by numerous submitters and witnesses. Mr Golding, in a private submission, noted that while the AFA was an 'excellent concept' that should continue to be supported, the alliance 'is not a substitute for CLAN and the other support groups which provided direct services to Forgotten Australians'. He continued:

284 *Submission 21*, p. 10.

285 *Proof Committee Hansard*, 30 March 2009, p. 18.

286 *Proof Committee Hansard*, 30 March 2009, p. 14.

287 *Submission 4*, p. 1.

288 *Submission 21*, p. 8.

In the light of the poor track record of conventional agencies in dealing with these matters which has led the nation to the state of 'shame for this country' it is important that an ongoing grant be made available to CLAN - the one organisation that has 'effectively reshaped the nation's history' - and to other organisations at the coal face.²⁸⁹

3.301 However, Origins Inc. criticised CLAN's membership model on the grounds that it effectively restricted the provision of services to people who were inclined and/or able pay a membership fee. Origins Inc. therefore believed that Commonwealth funding, as well as any State funding, should be 'designated' for all Forgotten Australians and not restricted to CLAN members alone.²⁹⁰ It reported:

...[Origins] has been approached by a number of clients who complained that support was not offered unless they became CLAN members.²⁹¹

3.302 Mr Meekins was also critical of CLAN's membership fee:

How is it possible for any State Ward on the streets to find extra money to join CLAN so they can access information and, it is a further insult asking any State Ward to pay for their own information. This JOINING FEE must be abolished.²⁹²

3.303 In response to this criticism, CLAN argued that it was necessary to charge membership fees, given the insecurity of its funding and the scope of the services it provided, as outlined above. CLAN advised that in addition to membership fees its funding was comprised of:

- a one-off payment of \$85 000 from the Victorian government as part of a package for care leaver support associated with the Victorian apology;
- with the exception of Queensland and Western Australia, (non-recurrent) annual grants from State governments generally between \$10 000 and \$15 000;²⁹³
- a small number of 'past provider' grants, usually around \$5000 but occasionally \$10 000;
- in relation to services provided as part of the Redress Western Australia, payment on a fee-for-service basis by the Western Australian government; and
- donations.

289 *Submission 16*, p. 10.

290 *Submission 2*, pp 15-16.

291 *Submission 2*, pp 15-16.

292 *Submission 44*, p. 4.

293 *Submission 21*, p. 11.

3.304 CLAN observed that because the nature of all its funding sources was unpredictable, as well as being modest in extent, it was therefore necessary to continue to charge membership fees for the present:

Membership fees make a difference to CLAN because they help to keep our service going, but we look forward to the day when we can drop them, because that would mean we had real, and realistic, funding.²⁹⁴

3.305 The New South Wales submission states that in March 2008 CLAN was given funding of \$70 000 over two years.²⁹⁵

3.306 Queensland did not comment directly on this recommendation. The Committee understands that the State does not currently provide direct funding for CLAN.²⁹⁶

3.307 South Australia advised that in addition to funding of \$5000 in 2004-05 it had now committed to provide \$15 000 in recurrent funding.²⁹⁷

3.308 Ms Jacob advised that Tasmania provided \$10 000 per annum in funding to CLAN.²⁹⁸

3.309 In 2006, Victoria provided \$1.4 million over three years to be shared by CLAN and VANISH.²⁹⁹

3.310 Western Australia advised that it had provided one-off funding of \$10 000 to CLAN in 2004-05 as well as \$5000 to its WA 1800 number.³⁰⁰

3.311 Ms McKenzie advised that the Commonwealth had recently approved \$50 000 in funding for CLAN; the National Archives of Australia had also agreed to provide a number of relevant Defence service records to the organisation free of charge.³⁰¹

294 *Submission 21*, pp 8-9.

295 *Submission 24*, p. 8.

296 CLAN website, 'CLAN needs real funding', http://www.clan.org.au/news_details.php?newsID=75, accessed 16 June 2009.

297 *Submission 30*, p. 7.

298 *Proof Committee Hansard*, 8 April 2009, p. 81.

299 Department of Human Services (Victoria) website, Media Release, 'Victorians apologise to abused former wards', 9 August 2006, <http://hnb.dhs.vic.gov.au/web/pubaff/medrel.nsf/LinkView/C0AEAB7E4B196DDCA2571C50028CC12?OpenDocument>, accessed 16 June 2009.

300 *Submission 11*, p. 10.

301 *Proof Committee Hansard*, 8 April 2009, p. 58.

3.312 In relation to future and recurrent funding, Ms Essex stated that the department was committed to continued engagement with CLAN concerning its funding needs.³⁰²

3.313 Many submitters and witnesses identified the need for adequate recurrent funding for CLAN to allow it to continue to provide its specialist services. The ACWA described CLAN as the body that best helps the care leaver population and called on the federal government to take on the responsibility of funding 'this essential national organisation'.³⁰³ Mr Golding, for example, observed that the present funding arrangements made CLAN's year-to-year operation difficult:

CLAN, the leading support organisation at a national level, is not assured of ongoing funding and must go cap in hand to ask for money just to keep their doors open.³⁰⁴

3.314 Mr James Luthy submitted that recurrent funding for CLAN should be adequate to allow it to expand its services nationally:

CLAN is doing what the Government and churches won't do, and that is deal with those affected persons in a compassionate and caring manner...[CLAN's] importance as an organisation which deals with 'homies' cannot be overly emphasised. Recurrent Government and church funding should be an on-going process for at least ten years. Proper funding for CLAN should enable the organisation to establish offices in each capital city with an allowance to enable representatives to also visit rural communities and cities.³⁰⁵

Other groups

3.315 Recommendation 20 also calls for other advocacy and support groups to be funded to enable them to continue to deliver services and support to care leavers. However, the Commonwealth government response offered no such commitment, indicating only that the government expected the ongoing roles of other groups, as well as the appropriate structures and sources of their funding, to arise from the Forgotten Australians national conference in 2006.

3.316 As with the previous inquiry, the present inquiry found that, beyond the groups with a national focus such as the AFA and CLAN, there is a number of support groups for care leavers that provide a broad range of types of advocacy and support for care leavers to access. These groups may have diverse origins and distinctive aims and philosophies underpinning the support offered. However, all such groups share a desire to promote the interests of the survivors of abuse and neglect in institutional

302 *Proof Committee Hansard*, 8 April 2009, p. 68.

303 *Submission 28*, p. 6.

304 *Proof Committee Hansard*, 30 March 2009, p. 15.

305 *Submission 36*, p. 1.

care. An example of one such group is Origins Inc. which provided a submission to the inquiry:

Origins Inc was formed in 1995 by a small group of mothers who had lost children to adoption, not only in Australia but also from other parts of the world. This group of women had been previously involved with other groups including Jigsaw, Mothers for Contact, before they formed Origins with the intention of exposing the mental health and legal issues of adoption, and family separation.

Origins being the forerunner and the only independent organisation of its kind in the early 1990s also attracted, supported and counselled with outreach programs for people separated from their families through various forms of confinement in State and religious institutions including ex-foster care leavers. These activities of necessity broadened our base, apart from those people affected by adoption which was our original charter.³⁰⁶

3.317 Origins Inc. provided a range of services including:

- counselling and advocacy;
- searching advice and help and also mediation with family reunions;
- welfare relief such as food, clothing and furniture;
- information and referral to other welfare organisations;
- online chat forums and newsletters; and
- social events.

3.318 Another group which provided a submission was Wings for Survivors. This group offered a form of collective support for Forgotten Australians, and provided an opportunity for them to access a social network of people with similar life experiences. As many care leavers were often wary of social interaction, the Wings for Survivors website represented an opportunity for social interaction and communication. Ms Findlay explained:

Wings for Survivors...was set up by a forgotten Australian who creates websites herself. It was her dream to open up a website so we forgotten Australians could come together to be creative, to tell our stories, to get support from other survivors, to have an opportunity to say what we want to say to each other, to find families or best mates that we grew up with and to put down information that many of us have been left in the dark about...

...[We] are 75 members and growing. We get a lot of satisfaction and a lot of support from each other. Our stories are being told, and we listen and we acknowledge and we support each other, and that is what the site is all about.³⁰⁷

306 *Submission 2*, p. 2.

307 *Proof Committee Hansard*, 30 March 2009, p. 49.

3.319 Mrs Lana Syed-Waasdorp also described her involvement with support group activities operated by HAN in Queensland:

With the historical abuse, we have what we call the 'empower arts'. We are a small group that is run under the Historical Abuse Network, and we do help people to try to help themselves by being active. We do lots of things such as making Christmas cards and calendars for the new year. We try to get people involved in art or some kind of work so that they can improve themselves and become independent.³⁰⁸

3.320 Mr Andrew Murray noted, as a generalisation only, that many care leavers, due to the abuse and neglect suffered in childhood, had psychological and other characteristics that caused them difficulties in dealing with not only individuals but also organisations. For this reason, a multiplicity of support groups was desirable, as it gave care leavers a choice of which support group or groups to attend, depending on which groups they felt comfortable with.³⁰⁹

3.321 The Committee heard that a number of other support and self-help groups of varying sizes have been formed since the earlier inquiry. In addition to Wings for Survivors noted above and the fledgling Forgotten Australians Coming Together in WA, the Committee took evidence from representatives of the Healing Way for Forgotten Australians in Sydney. This group offers workshops and retreats for small groups of people that provide a range of informal activities and services.³¹⁰

3.322 Another group, Forgotten Australians of South Australia has been formed. The group is an incorporated body with a constitution and is not restrictive on who can become involved. They prefer to use the expression 'system leaver' rather than care leaver arguing that 'care' is what they were not provided with as children. The group provides advocacy and self-help services and are in the process of establishing premises in Adelaide from which to operate. Families South Australia has provided some assistance and the group has held brainstorming sessions with the Department which has proved valuable in identifying the needs and concerns of care leavers and the directions for future services. The group is pushing for broader and more specialised services.³¹¹

3.323 The Committee received little evidence to suggest that the funding of any care leaver advocacy or support groups, apart from the AFA and CLAN, has received significant consideration by the Commonwealth or any State governments.

3.324 New South Wales advised that it funded a number of care leaver support and advocacy groups:

308 Private capacity, *Proof Committee Hansard*, 6 April 2009, p. 15.

309 *Proof Committee Hansard*, 31 March 2009, p. 31.

310 *Proof Committee Hansard*, 7 April 2009, pp.9-19.

311 *Submission* 38 (Anthony Forrest) and *Submission* 44 (Ki Meekins).

- Relationships Australia: to operate a helpline for older care leavers; and to assist care leavers to make contact with family members;
- Link-Up: to assist Aboriginal adults who were separated from their families as children through wardship, adoption, fostering or institutional care; and
- The Salvation Army Special Search Service: to help care leavers who were separated from their child or family through the intervention of the NSW Government locate family members.³¹²

3.325 Queensland noted the funding, development and company-location of care leaver services through Lotus Place, including the Historical Abuse Network, the Esther Centre and the Aftercare Resources Centre.³¹³

3.326 South Australia advised that it promoted the existence of advocacy and support groups through its face-to-face and phone contacts. Further, Post Care Services was running a pilot support group for people formerly in State care who suffered abuse. FaHCSIA had provided three year funding to Relationships Australia SA to provide training to practitioners leading groups of this nature.³¹⁴

3.327 The Tasmanian government advised:

The Tasmanian Government has shown its ongoing commitment to supporting care leavers by providing an increased level of recurrent funding to the CREATE Foundation.³¹⁵

The Committee notes, however, that the CREATE Foundation is 'a club for children and young people in care, or with a care experience' and would not appear to offer support and/or services for older care leavers.³¹⁶

3.328 Submissions across the spectrum of stakeholders called for more funding of groups involved with advocacy, support and service provision for care leavers. Evidence generally indicated that present funding arrangements for such groups was inadequate:

This recommendation has not been enacted to its full integrity, and to our knowledge apart from CLAN and maybe one or two other support organisations there has been no funding to other support groups for their most basic needs to service clients.³¹⁷

312 *Submission 24*, pp 7-8.

313 These are discussed in more detail under *Forgotten Australians* recommendation 21 above.

314 *Submission 30*, p. 6.

315 *Submission 7*, p. 2.

316 CREATE Foundation website, http://www.create.org.au/print/CREATE_TAS/, accessed 12 June 2009.

317 Origins Inc., *Submission 2*, p. 18.

3.329 Mr Andrew Murray observed:

...the fact is that the CLANs of the world, the Child Migrant Trusts of the world and the voluntary organisations are terribly badly funded and supported, and bureaucrats make them jump through hoops...³¹⁸

3.330 Origins Inc provided a typical example of the difficulties and ongoing uncertainty around securing funding for such groups:

Origins has approached local, State and federal governments for funding on a number of occasions and has been rejected each time. We have been fortunate to get funding on 3 occasions from local Sports Clubs, the first time in 2003 getting funding of \$24,000 for a part-time worker and administration costs. In 2005 funding of \$2000 dollars for rent and administration was received and in 2007 we received a grant of \$4000 for rent and administration costs.³¹⁹

3.331 Professor Maria Harries, Associate Member, AFA, commented on the difficulty of securing funding to institute a new support group in Western Australia:

We have also been trying very hard to set up an organisation in Perth called FACT—Forgotten Australians Coming Together—which will be the WA equivalent of the other state organisations...[We] have been struggling to do that. We are currently in the position where...our letters are not being responded to at all in terms of getting some sort of funding to do that. We cannot do it without resources.³²⁰

3.332 The AFA observed that the proper funding of a range of groups offering support and services was important to complement its advocacy work:

...the maintenance of both AFA as a peak body and of service provision organisations (including HAN, VANISH, CLAN and Origins) is crucial to achieving improvements in meeting the needs of Forgotten Australians. To have AFA and the service providers working cooperatively to promote the interests of Forgotten Australians is of enormous use to the Australian Government as it devises an improved response to the needs of Forgotten Australians.³²¹

3.333 Adequate funding of other support groups would also ensure that care leavers were not excluded from assistance by the need for organisations to charge membership fees.³²²

318 *Proof Committee Hansard*, 31 March 2009, p. 31.

319 *Submission 2*, p. 16.

320 *Proof Committee Hansard*, 31 March 2009, p. 34.

321 *Submission 10*, p. 13.

322 *Submission 10*, p. 14.

3.334 Origins Inc. cited anecdotal reports of care leavers feeling or being excluded from some support groups or services, on the grounds of discriminating definitions applied to different groups of care leavers:

...some support organisations are trying to marginalise groups of former care leavers from being identified as Forgotten Australians. This includes both indigenous and non-indigenous care-leavers, foster care, persons who have spent short times in care or detention, long term training centres and unadoptable disabled children, etc.³²³

3.335 Accordingly, the group called for greater transparency and accountability in government funding, as well as appeal rights for applicants who are denied support or services. An independent body was also required to receive complaints about discrimination and unfair treatment.³²⁴

3.336 Ms Walsh noted that some level of dissatisfaction was common where bodies were required to make operational decisions in the context of limited funding and resources:

There are major dynamics of how people understand and use power both within themselves and within us as professionals, and we try to reflect seriously so that we do not misuse our role and disempower people, but we understand that we do not agree with everybody and that at times we have to make decisions based on what have become very scarce resources for a population group that has grown overnight.³²⁵

3.337 The Committee's original recommendation also called for government and non-government sectors to 'widely publicise' the availability of services offered by advocacy and support groups. However, CLAN cited evidence of a survey of mental health services in the Sydney area which found a very poor level of knowledge of the *Forgotten Australians* report as well as the existence and particular needs of 'older care leavers'.³²⁶

3.338 The main support and advocacy body for former child migrants is the CMT. Funding for this body is discussed above under consideration of delivery of services, *Lost Innocents* recommendation 5.

3.339 Discussion on the implementation of the recommendations addressed in this chapter and the Committee's conclusions and recommendations are contained in Chapter 6.

323 *Submission 2*, p. 4.

324 *Submission 2*, p. 4.

325 *Proof Committee Hansard*, 6 April 2009, p. 31.

326 *Submission 21*, p. 10.