

**Alliance for Forgotten Australians (AFA) submission to Senate
Community Affairs References Committee Inquiry into the
Implementation of the Recommendations of the *Lost Innocents* and
Forgotten Australians Reports**

Preamble

The Alliance for Forgotten Australians (AFA) was established in 2006 and launched in 2007. AFA is a national group of organisations and individuals from across Australia that promotes the interests of the estimated 500,000 people who experienced institutional or other out-of-home care as children in the last century, many of whom suffered physical, emotional and/or sexual abuse. AFA members live in all States and Territories. Some are members of existing support groups; others are working to set up support groups in States/Territories where they do not exist. AFA has a Steering Committee of Forgotten Australians and an Advisory Group. AFA works to advance its objectives at all levels of government in Australia. It works with the knowledge and cooperation of its members to advance issues at the Federal, State and Territory levels. It has received \$204,000 of Federal Government funding over two years, enabling it to operate until August 2009 and to produce and distribute the information booklet, *Forgotten Australians: Supporting survivors of childhood institutional care in Australia*. Auspicing and Secretariat support are provided by Families Australia Inc.

AFA welcomes this opportunity to comment on the responses to the Senate Inquiries, specifically the *Forgotten Australians* report. It has now been four years since the *Forgotten Australians* report was tabled in Parliament, and it is our view that a great deal more needs to be done to support Forgotten Australians. We hope that the Australian Government, the State and Territory Governments and the Churches and other past providers of care will take this opportunity to announce and commit to a strong program of acknowledgement, redress and practical support. We note that the Senate Committee offered bipartisan support for the original recommendations, and we urge all parties to unite in accepting the recommendations and in implementing them quickly to avoid prolonging the anxiety and pain for Forgotten Australians. We call on the Australian Government to show leadership in addressing these issues.

AFA is committed to:

1. Obtaining adequate acknowledgement, accountability and redress for past wrongs.
2. 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%).
3. Supporting current efforts to highlight child protection issues, including those relating to Indigenous people and child migrants.

This submission focuses on the *Forgotten Australians* report, as AFA's self-determined purpose is to promote the interests of all Forgotten Australians. Comments made about damage in institutional care, however, should equally apply to survivors who entered

those institutions through the child migrant program or, indeed, through racist policies of removal.

AFA's key priorities for the next period are to obtain:

1. Recognition of Forgotten Australians as a group and of their experiences and needs.

This includes:

- A public apology by the Australian Government to Forgotten Australians. Recognition of past wrongs and expressions of sincere sorrow are an integral part of any healing process for Forgotten Australians. It is also important that an appropriately wide consultation process be undertaken leading up to the apology, and that Forgotten Australians attend the apology.
- A National memorial to Forgotten Australians in Canberra, funded by the Australian Government.
- An oral history study of the experiences of Forgotten Australians.

2. Redress – personal redress and targeted services.

There are three aspects:

- A national financial redress scheme. The Australian Government should provide leadership in establishing a national redress fund and urging those states that have not introduced such a fund to join with it in offering financial grants to Forgotten Australians.
- Centres in each State and Territory catering for Forgotten Australians' needs through linked-up services, drop-in facilities and support.
- Priority access to services for Forgotten Australians. The disadvantage experienced by Forgotten Australians as a group, because of their lack of adequate health care, education and support as children, needs to be acknowledged as a Social Inclusion issue. Isolation is a big factor inhibiting recognition by service providers of Forgotten Australians' needs as a community of survivors. Government and non-government agencies should collect and recognise data pertaining to the needs and requirements of the Forgotten Australians as a specific group, in areas such as: housing; physical, mental and dental health; social welfare; drug and alcohol services; and corrective services. The aim would be to ensure a better response from those services. Governments should give Forgotten Australians priority access to services similar to that provided to Gold Card holders.

3. Building strong networks and making the voice of Forgotten Australians heard.

- 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.
- 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.

4. Free, open and supported access to all personal records, including the preservation of records.

Access to records is very uneven, and so is support. This is, in our view, an issue calling for greater national consistency and for an investment of time and skill in making records available and easy to access and ensuring consistent support to survivors seeking their past.

General Response

AFA is generally disappointed with the responses made by governments and past providers. State Governments have been very variable; Redress Schemes were introduced only by Tasmania, Queensland and Western Australia, and these will be examined further under Recommendation 6. South Australia held a lengthy inquiry (the Mullighan Inquiry), but it was limited to child sexual abuse, and that Government has not yet responded with concrete actions. Victoria and NSW have held no inquiries, nor have they implemented redress. Victoria has, however, plans to distribute over \$7 million over four years for service provision to survivors of Victorian institutions. All States could do more to assist this group.

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. 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.

This is a national problem, as the Commonwealth itself acknowledged in its response. In the light of this, it was particularly disappointing for Forgotten Australians to see the Australian Government refusing to take the lead on many recommendations where a national approach would, in our view, be appropriate and effect fair outcomes. The repeated refrain of: 'This is a matter for state and territory governments, churches and agencies to consider' is frustrating for those who believe the Australian Government has a responsibility to coordinate, cajole and cooperate with those State and Territory Governments in the national interest. The current Government's approach to building a National Framework for Protecting Australia's Children seems to us to serve as a possible model for a national response to Forgotten Australians: all State and Territory Governments are heavily involved in putting the Framework together, as are non-

government organisations, academics and research entities. We would like to see the Australian Government take a similar lead role in addressing the recommendations of the *Forgotten Australians* report.

Forgotten Australians continue to have difficulty with their health, both physical and mental, as a result of physical and psychological abuse. For a great many, the lack of education means that they have difficulty finding work. Many cannot yet read or write English – their own language. They are reportedly over-represented in the justice system, in homelessness services, in substance abuse programs and in mental illness centres. One great fear that many of them share relates to ageing: they are terrified to go back into an institution where they will again be powerless.

Forgotten Australians are survivors, many of them possessing considerable strengths. However, the disappointing response to the recommendations has tried their patience and, in many cases, exacerbated their trauma. The expectations of survivors were raised significantly, and the disappointing outcomes have been like another slap in the face to them.

Specific comments against the 39 recommendations in the *Forgotten Australians* report follow.

Comments against the 39 recommendations

Statements of acknowledgment and apology

Recommendation 1

That the Commonwealth Government issue a formal statement acknowledging, on behalf of the nation, the hurt and distress suffered by many children in institutional care, particularly the children who were victims of abuse and assault; and apologising for the harm caused to these children.

Recommendation 2

That all State Governments and Churches and agencies, that have not already done so, issue formal statements acknowledging their role in the administration of institutional care arrangements; and apologising for the physical, psychological and social harm caused to the children, and the hurt and distress suffered by the children at the hands of those who were in charge of them, particularly the children who were victims of abuse and assault.

AFA Response:

The (former) Australian Government, in its response, expressed 'great sympathy for those children who suffered hurt and distress in institutional care' but determined that it is not appropriate for it to apologise. AFA rejects this argument. The Commonwealth has an obligation to apologise for three main reasons:

1. The Federal Government oversees State and Territory Governments, funding them to administer child protection systems and therefore having an overarching responsibility, in the national interest, for the care and protection of children.
2. Many of the children were in these institutions because their parents were, or had been, in the armed forces. They may have lost parent/s, through death or serious

- injury; many children also had parents who had returned from overseas war service with untreated post-traumatic stress disorder, unable to care for their children.
3. The Federal Government made family support payments on behalf of these children, and made them to governments, agencies or institutions that failed to provide those children with proper protection, health care, nourishment, education and support.

The Australian Government must, therefore, bear some measure of responsibility for the Forgotten Australians' experiences of abuse, assault and abandonment.

An apology would appropriately be accompanied by some level of national redress and/or service provision.

All State Governments and some churches and agencies have issued such apologies, although many NSW survivors were unhappy with both the wording and the lack of consultation in that State.

Some past providers of institutional abuse still deny the extent of the brutality within their own systems. AFA calls on all past providers to acknowledge their treatment of these children and to provide them with appropriate redress, support and assistance to access their own records freely.

Addressing legal barriers

Recommendation 3

That State Governments review the effectiveness of the South Australian law and consider amending their own statutes of limitation legislation to achieve the positive outcomes for conducting legal proceedings that have resulted from the amendments in the South Australian jurisdiction.

Recommendation 4

That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.

Recommendation 5

That the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

AFA Response:

AFA strongly supports these recommendations. Criminal behaviour towards children creates lasting trauma combined with impairment of self-belief. 'The adult consequences of childhood trauma differ from consequences of a trauma incurred in adult life. This

difference is related to the still-developing nature of a child's psychological capacity.... still acquiring social norms and taboos from authority figures.¹ Children cannot trust their own judgements, and they take on guilt and self-blame and powerlessness that remain with them into adulthood. They may not be ready to confront their abuser until they have recognised these outcomes in themselves and received help to move forward. This can take a lifetime, and abusers escape the justice system because their victims were emotionally vulnerable children. This is a travesty of justice.

AFA supports conditionality of tax concessions, particularly in the light of the legal manoeuvring by some religious bodies to avoid responsibility for child abuse within their systems. Organisations funded by Australian taxpayers must be fully and openly accountable to those taxpayers for their actions.

We note that the Australian Government did canvass some options in its response; to the best of our knowledge, no progress has been made on these issues.

The Australian Government supported the whistleblower recommendation, but progress has not been made on the issue (to our knowledge).

National reparation fund

Recommendation 6

That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:

- *the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;*
- *the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;*
- *a board be established to administer the scheme, consider claims and award monetary compensation;*
- *the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;*
- *the board should have regard to whether legal redress has been pursued;*
- *the processes established in assessing claims be non-adversarial and informal; and*
- *compensation be provided for individuals who have suffered physical, sexual or emotional abuse while residing in these institutions or out-of-home care settings.*

AFA Response:

AFA strongly supports this recommendation and calls for a national approach to redress, brokered by, and with a contribution from, the Federal Government and including a reparation fund as well as targeted services. At present, NSW, Victoria and South Australia have no reparation funds, and this forces survivors to proceed through the

¹ Mammen, Gita 2006, *After Abuse*, ACER Press, Melbourne.

courts – a traumatic and expensive process – in order to seek financial redress. State Governments appear to make the court process as difficult as possible, according to survivors, even sending letters threatening them with the loss of all their possessions if they do not pull out of the process. Needless to say, many Forgotten Australians are intimidated by this treatment and do withdraw.

NSW has stated that they will not implement a redress scheme without Commonwealth involvement. This is deplorable but not surprising. The NSW response to survivors has generally been the most lacklustre. Victoria has stated that it will not introduce a redress scheme at all. South Australia is still considering its response to the Mullighan Inquiry (handed down in April 2008). It is possible that Commonwealth involvement would cause Victoria and NSW to reconsider.

The three schemes implemented (by Tasmania, Queensland and Western Australia) differ considerably in almost every aspect, including the amounts involved. Tasmania has a flat payment amount; Queensland and Western Australia have a two-tier system (base payment and additional funds for demonstrated abuse). Tasmania's system is (now) open-ended (though the payment amount has been cut by half); the others have retained cut-off dates for applications. It should be noted that Tasmania did not offer services as part of its Redress Scheme.

AFA has discussed the various schemes in existence and has documented the following learnings:

- Eligibility needs to be as broad as possible. Excluding survivors of abuse in foster care, people in detention centres, people who were not state wards or people who were only in care for short periods, for example, creates undesirable divisions and adds to the administrative burden the need to make judgements about who "fits" the criteria and who does not and then to defend those judgements through an appeal system. The eligible group needs to be as broad as possible.
- Support to prepare claims must be provided as part of the system. This is not just legal support but sympathetic support that recognises the trauma such a process creates and offers advice on the amount of detail needed to establish an entitlement.
- Schemes should be open-ended, as eligible survivors are all at different stages in the acknowledgement process and should not be rushed into public declarations before they are ready. Forgotten Australians working in government departments fear discrimination if they disclose, and will often elect to wait until retirement before claiming redress. There are also issues of awareness; people who cannot read, for instance, because an education was denied them, may take much longer to learn about a government policy or scheme. Deadlines are counterproductive.
- The two-tier schemes introduced by Queensland and Western Australia are a good way of ensuring all survivors can (relatively easily) claim a base amount without having to go through the additional trauma of producing a more detailed and documented account of their suffering. Those who are able and ready to claim the higher level of reparation can do so.

- The decision about whether to proceed to claim the higher level of reparation must be made in the knowledge that support in the preparation of the claim will be available, and that unreasonable levels of detail will not be required.
- There needs to be some legal support available, to assist people to make the right choice about accepting reparation and abandoning the court processes.

Internal Church redress processes

Recommendation 7

That all internal Church and agency-related processes for handling abuse allegations ensure that:

- *informal, reconciliation-type processes be available whereby complainants can meet with Church officials to discuss complaints and resolve grievances without recourse to more formal processes, the aim being to promote reconciliation and healing;*
- *where possible, there be independent input into the appointment of key personnel operating the schemes;*
- *a full range of support and other services be offered as part of compensation/ reparation packages, including monetary compensation;*
- *terms of settlement do not impose confidentiality clauses on complainants;*
- *internal review procedures be improved, including the appointment of external appointees independent of the respective Church or agency to conduct reviews; and*
- *information on complaints procedures is widely disseminated, including on Churches' websites.*

Recommendation 8

That the Commonwealth establish an external complaints review mechanism, such as a national commissioner for children and young people who would have the power to:

- *investigate and mediate complaints received by complainants dissatisfied with Church processes with the relevant Church authority;*
- *review the operations of Church sponsored complaints mechanisms to enhance transparency and accountability;*
- *report annually to the Parliament on the operation of the Churches' complaints schemes, including data on the number and nature of complaints; and*
- *publicise the existence of Church-sponsored complaints mechanisms widely throughout the community.*

Recommendation 9

That the Churches and agencies publish comprehensive data on all abuse complaints received to date, and then subsequently on an annual basis, and that this information include:

- *numbers of complainants and type of complaints received;*
- *numbers of Church/agency personnel involved in complaint allegations; and*
- *amounts of compensation paid to complainants.*

Recommendation 10

That information on the above matters be provided annually (including any reasons for non-compliance) to the national commissioner for publication in a consolidated form in the commissioner's annual report.

AFA Response:

AFA supports these recommendations and would like to see all past providers sign up to a code of conduct that commits them to abide by these provisions. AFA also calls for assurances, within any such code, that an appropriate support person of the complainant's choice will be invited to attend meetings.

AFA understands that the current Australian Government is considering its position on whether to establish a Children's Commission or similar office, following consultations around the development of the National Framework for Protecting Australia's Children. AFA supports the creation of such an office. However, its role would need to be carefully defined if responsibility for past wrongs and for adult survivors is to be included in its mandate. The roles of existing State and Territory Commissioners with respect to Forgotten Australians, and the relationship of those Commissioners with a national office, would also need careful consideration. AFA would like to see such an office contained within the Australian Human Rights Commission.

Comprehensive data on all abuse complaints, published annually, would greatly assist Forgotten Australians who are considering making a complaint. More openness and accountability by Churches and other past providers would be very appropriate.

We note that the Australian Government, in its response, committed to discussing with State and Territory Governments, Churches and agencies national consolidation of data through existing departmental mechanisms, "if they choose to establish data collection mechanisms." No progress appears to have been made on this issue.

Royal Commission

Recommendation 11

That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations; And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:

- *be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible;*

- *be narrowly conceived so as to focus within these institutions, on the nature and extent of criminal physical assault of children and young persons, including assault leading to death; criminal sexual assault of children and young persons; and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations.*

AFA Response:

AFA considers that a royal commission or formal inquiry into state government, charitable and church-run institutions may be the only way to obtain the truth and to bring accountability. The Forde Inquiry in Queensland and the Mullighan Inquiry in South Australia provide models, though the Mullighan Inquiry, in being restricted to investigating sexual abuse, was more limited in its terms of reference. Any national or state inquiry should, in our view, broadly address physical, psychological and sexual abuse. It should either be national, in which case it would refer to the existing State inquiries, or it should be carried out in all States and Territories according to consistent, fixed guidelines.

Location, preservation, recording and access to records

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.

Recommendation 13

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

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.*

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 nongovernment 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.*

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.*

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.

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.

AFA Response:

AFA strongly supports the proposals and notes that 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.

In WA, 'Signposts', a directory of all WA institutions providing out-of-home care since 1920, which was developed by the Department for Community Development, is said to be very helpful to care leavers seeking access to personal records. Former child migrants receive additional assistance from a referencing system called PHIND (Personal History Index for Former Child Migrants), which was developed by CBERS. The Department for Communities has stated that they will access applicants' departmental files on their behalf for Redress purposes, but this places some applicants at a disadvantage, because they may not see what the Redress WA assessors will. FIRB (the Family Information Records Bureau in WA) has been swamped with applications and has inadequate resources to cater to the demand created by Redress WA. There is currently a 6-8 month waiting list for obtaining Child Welfare files from FIRB, which means many people won't get their records until after the application period closes in April 2009.

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.

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 DHS about what other sources of information about their families might be worth investigating (e.g. police, military records and electoral rolls). 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.

AFA believes that there needs to be legislation which allows Forgotten Australians to access identifying information about their families. FOI rules about third party confidentiality (s31.1 of the FOI Act) are inappropriate in many instances (e.g. where siblings can't get documents because they mention other family members). 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).

All certificates needed to search for family members need to be free of charge to Forgotten Australians.

Appeal systems vary: some States have internal appeals through administrative channels; others insist on FOI. Reports from Victoria suggest that access to records, which should be provided within 45 days from the date of FOI application, is often not provided within the time limit and can take up to eight or nine months.

The destruction of records must cease (as per Recommendation 13), and the only way to ensure this appears to be through national legislation. The attitude to records is often that they are a nuisance, to be made as inaccessible as possible because of the issues access creates for the government or organisation. 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. In other cases, the records are shoved into store-rooms with no means of sorting or tracking them and no attempt to ensure they do not rot.

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. Further, AFA cannot see full and fair access happening without national coordination and the placing of an obligation on State and Territory

Governments to comply. We call on the Commonwealth to legislate urgently to ensure compliance with these processes and, if possible, to contribute funds for the establishment and maintenance and coordination of such services across borders.

Access to personal records is a basic right, enshrined in the UN Convention on the Rights of the Child (Article 8). It is even more important that people who had their identity and the facts of their lives and families distorted or stolen from them be given every assistance to find themselves and their history and their families. This is an urgent situation and must be addressed at the highest levels to enforce consistency and respect for records and for those about whom they were kept.

AFA reiterates that only the intervention of the Australian Government will bring about change and consistency in access to records. The former Australian Government committed the Australian Attorney-General to raise this proposal with his State and Territory counterparts. To the best of our knowledge, this did not occur; if such a letter was written, it does not appear to have had any significant effect.

Advocacy and support groups

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.

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.

AFA Response:

The Australian Government did fund and convene a conference of Forgotten Australians, past providers and current service providers, in Sydney in June 2006. That conference had, as one of its outcomes, the establishment of the Alliance for Forgotten Australians, which has received two years of funding now from two successive Australian Governments. Operational funding for AFA is appreciated, as is the funding of the information booklet produced by AFA, *Forgotten Australians: Supporting survivors of childhood institutional care in Australia* and the AFA website. Funding for further projects has not been forthcoming, however.

AFA members believe that 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.

Ongoing funding for AFA and for its member organisations would create some security for Forgotten Australians as they seek support to access redress and services and to deal with the issues that still inhibit them from leading normal lives. Organisations need to be free from the need to self-fund, e.g. through membership subscriptions which potentially exclude some Forgotten Australians from accessing their services.

Other support organisations funded, directly or indirectly, by Churches must continue to survive also; CBERS in Western Australia is a good example of a service that is funded on a fee-for-service basis.

Provision of support services

Recommendation 21

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

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.

AFA Response:

This is strongly supported by AFA but 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. Territories do not appear to offer any specific services to Forgotten Australians, claiming no responsibility for removed children on the grounds that they were sent to other States. (Marymead, a detention centre (Quamby), Barnados House and several Barnados residential Homes and were, however, operating in the ACT.)

The issue of provision of support services to Forgotten Australians who have moved out of the State or Territory where they experienced abuse in care must, in our view, be addressed as a national issue. It is natural for State and Territory Governments to want to provide support only for survivors of abuse within their own institutions. However, the lack of cross-border services, and the unevenness of services, makes it very difficult for Forgotten Australians to access support unless they remain in their State of care.

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.

Counselling services

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.*

Recommendation 24

That specialist higher education courses be available for the training of health professionals in areas related to the particular psychological and psychiatric effects of institutional abuse.

AFA Response:

AFA would like to see counselling services operate according to nationally agreed guidelines and with equality of access by Forgotten Australians wherever they live.

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. These are not 'quick fix' situations. In NSW, for example, 21 hours of counselling is the normal (lifetime) limit, and funding overall is within a set ceiling. Many Forgotten Australians have been able to access more hours through funding from their former care providers. A great many simply pay or barter for their own counselling. There is a phone counsellor available once a week through ARC. The funded counselling generally just scrapes the surface of the issues Forgotten Australians face.

Victoria provides counselling services to Forgotten Australians via brokerage funding provided to VANISH. VANISH contacts counsellors who are skilled in providing counselling to Forgotten Australians and are as close as possible to where people live. There is a limit of \$2000 per person per 12 month period on the amount of counselling, but there is scope to extend this based on an individual's circumstances, subject to the upper limit on total funding available. If people are residents in Victoria and were in care in another State, they can be referred to services in those States if they are available. If people who were in care in Victoria live in another State, VANISH can arrange and pay for counselling for them.

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

Again, there is clearly a role for the Australian Government in brokering a high level of care across the board.

Universities are self-accrediting institutions that decide the courses they will offer, as the Australian Government pointed out in its response to recommendation 24. However, the Government gave a commitment 'to ensure that the Australian Vice-Chancellor's Committee is aware of the recommendations of the Senate Community Affairs Committee in this regard.' There is no evidence that this occurred.

AFA is endeavouring to assist with this training issue by distributing booklets about the experiences and needs of Forgotten Australians to as many tertiary institutions and professional bodies as possible. Take-up has been uneven. Some members of AFA also address local students in social work and some health disciplines, speaking of their own experiences and of what students need to understand in order to assist Forgotten Australians. AFA would like to see a training package prepared and used across a number of relevant disciplines.

Health care, housing and aged care programs

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.

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 focussing on the specific needs of care leavers.

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.

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.*

AFA Response:

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. In AFA's view, health issues must be treated in the context of the causes of them, and treating professionals must be aware of the past abuse

and the consequent level of mistrust by many Forgotten Australians of doctors and other medical staff.

There is a need for multiple entry points within all relevant services for Forgotten Australians, directing them to a range of specific services. An holistic, case management approach will be most effective. Treating one issue while ignoring others, in a service-based approach, is of limited value for people who face multiple and interactive barriers to social and economic participation.

Aged care service provision will be a growing problem for Forgotten Australians. Having been helpless and abused in institutions as children, many of them fear that their own growing helplessness as adults will necessitate institutional placements for them. The tendency of abuse survivors to have difficulty forming and maintaining relationships also means that, in many cases, family will not be available to assist with care. Alternative care models need to be explored urgently for this group. Education of aged care service providers is imperative.

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.

Data collection and education of service providers within the Home and Community Care (HACC) program and the Supported Accommodation Assistance Program (SAAP) has not progressed. The SAAP program's Information Sub Committee elected not to pursue this issue.

Education

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.

Recommendation 30

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

Response:

The Australian Government's response failed to acknowledge the issues facing adult speakers of English who cannot read or write their own language. Reports from Forgotten Australians indicate that the vast majority of language training is targeted at migrants whose first language is not English. The (then) Department of Education, Science and Training offered to assist with publicising the availability of appropriate courses to Forgotten Australians and their support groups. The issue of the need for more courses targeting native speakers of English has been raised with the Department of Education, Employment and Workplace Relations more recently, but AFA is not aware that the situation has improved significantly.

There has been no apparent response from States and Territories to recommendation 30.

Data collection

Recommendation 31

That the Commonwealth, in conjunction with the States, develop procedures for the collection of data on people who have been in care on forms that are already used to elicit client information such as Medicare and Centrelink forms and admission forms to prisons, mental health care facilities and aged care facilities.

Recommendation 32

That Commonwealth and State programs across a range of social policy areas, including health and aged care and social welfare services generally, explicitly recognise care leavers as a sub-group with specific requirements in the publications and other material disseminated about programs.

AFA Response:

While disclosure should always be voluntary, there is a clear need to confront and document the outcomes of this piece of history. Anecdotal evidence suggests Forgotten Australians are grossly over-represented in the health system (particularly mental health and substance abuse areas), in the justice system, among the homeless and among welfare recipients. Intergenerational outcomes of abuse or just lack of proper parenting make them, by report, more likely to have their own children removed and/or to suffer family breakdown. The extent of the need for services and support is not known, however, because this data is not collected.

Centrelink and Medicare were, of course, concerned about the *Privacy Act 1988*, and such collection would need a legislated purpose – for example, specific tailored programs or support that Forgotten Australians could access.

The ABS could include a question in one of its surveys, though this would take time and would be costly.

This is a matter for State and Territory Governments to consider also, in hospitals, homelessness services, child protection services and justice systems.

While tailored services should not wait on data, information about the whereabouts and current situations of Forgotten Australians can only assist in designing and delivering appropriate support to them.

Whole of government approach to program and services delivery

Recommendation 33

That the Commonwealth and the States commit, through the Council of Australian Governments, to implementing a whole of government approach to the provision of programs and services for care leavers across policy areas such as health, housing and welfare and community services and other relevant policy areas.

AFA Response:

Again, AFA would like to see a coordinated, targeted, case-management approach to delivering services across all levels of government to meet the complex and interwoven needs of this group of survivors.

Recognition through memorials and exhibitions***Recommendation 34***

That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable memorials commemorating care leavers. Where possible, memorials could take the form of:

- *memorial gardens constructed in conjunction with local councils;*
- *the placement of plaques at the site of former institutions; and/or*
- *the construction of heritage centres on the site of former institutions.*

The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.

Recommendation 35

That the National Museum of Australia be urged to consider establishing an exhibition, preferably permanent, related to the history and experiences of children in institutional care, and that such an exhibition have the capacity to tour as a travelling exhibition.

AFA Response:

AFA supports the concept of memorials as a form of acknowledgement of the past and of those children who were betrayed and abused. The Australian Government contributed a total of \$100,000 to such memorials, dividing it equally among States. Territories expressed no interest. Consultation has generally been good, and most States have contributed funds as well, but the overall amount is not large (NSW appears to be the lowest, with roughly \$3,334). Tasmania, Queensland, Victoria and South Australia have made good progress, and AFA members in those States are happy with the outcomes. In NSW, consultation has been limited, but CLAN and ACWA (Association of Children's Welfare Agencies) have been involved through a group they themselves set up. In South Australia, Churches have contributed \$12,000 on top of the Government contribution. Progress in some States is very slow, with WA still planning a memorial as part of their Redress program. (There is already a memorial to child migrants in Fremantle.)

There are no plans for a national memorial, and AFA would like to see one created in Canberra, reflecting the national ownership of this piece of Australia's history.

With regard to an exhibition, the Australian Government pointed out that the management of Australian Government institutions is at arm's length from the government of the day. However, it has been clear in the past that the Australian Government can influence institutions such as the National Museum of Australia and can also fund special exhibitions. Another option would be the National Archives, where a display of historical material would be appropriate.

Any such memorial or display contributes towards banishing the widespread ignorance of this important piece of history and bringing the experiences and needs of the survivors to the fore.

Oral histories

Recommendation 36

That the Commonwealth Government provide funding for the National Library of Australia to undertake an oral history project to collect the life-stories of former residents in institutional and out-of-home care.

AFA Response:

The Australian Government did not directly address this recommendation, asserting that it had no influence on National Library policies. Had funding been provided, the Library would have been a very appropriate institution to take on such a project. The oral history is a priority for AFA. AFA believes that an oral history has an important role to play in acknowledging to survivors that their experiences were real and are part of history. It is also an accessible means of education for Australians generally. AFA has requested funding for a scoping study leading up to an oral history, but this has not been forthcoming at this point. The project is urgent, so that survivors can contribute to it while they are still alive.

Research

Recommendation 37

That the Commonwealth Government fund research either through the Australian Institute of Family Studies or other relevant research body or university into the following areas:

- *historical research into institutional care, including the role of institutional care in Australia's social history;*
- *the history of institutions and the commissioning of personal histories of former residents;*
- *the social and economic impact and cost of institutional care; and*
- *inter-disciplinary research into the relationship between child welfare/child protection and areas such as welfare dependency, social problems such as drug and alcohol abuse and family relationship breakdowns.*

Recommendation 38

That the Australian Institute of Family Studies National Child Protection Clearinghouse be funded by the Commonwealth Government to collect publications related to historical studies of institutional and other forms of out-of-home care and that this information be widely disseminated.

Response:

To the best of our knowledge, this research was not pursued, through AIFS or any other research body. Our response to Recommendation 39 is pertinent.

Tertiary study courses

Recommendation 39

That the Commonwealth, in co-operation with State Governments, establish courses of study at selected tertiary institutions that focus on child protection and related issues, especially early childhood and family studies, psychology, conflict management, the impact of institutional care and social policy to address issues in these areas.

AFA Response:

AFA supports this recommendation and notes that the number of children removed from their families continues to increase. The number of foster carers is not keeping up with demand. We further note that the current Australian Government is proposing hostel-style schools for Aboriginal and Torres Strait Islander children, away from their families and communities. While this may appear to be a neat and affordable way of delivering education and addressing child protection issues, AFA's view is that the long term consequences are likely to be grim. This country is not admitting, or learning from, the mistakes of the past.

AFA members and many Forgotten Australians who have contacted the AFA secretariat have spoken about the need for greater family support to prevent the need for removal of children. Forgotten Australians who have sought help from government departments, to enable their family to survive, report being met with expressions of concern for the welfare of the children and of subsequently confronting an inspection by child protection authorities. It is regrettable that people whose ability to parent, to work and to provide for their families has been crippled by their own appalling abuse as children are now being denied the support that might help them and their families cope.

AFA would like to see the focus of tertiary training and of government policy and practice shift from crisis responses, where children are removed and families blamed, to a support and strengthening approach. We would like to see this shift accompanied by solid research, which we believe would confirm the value of investing in early intervention and family strengthening programs. Government and non-government organisations need to work closely together to prevent and address disadvantage by helping people deal with all their issues and teaching them to parent effectively, to manage their finances and to improve the wellbeing of themselves and their children. We cannot afford another generation of lost children.