

## CHAPTER 5

### FORGOTTEN AUSTRALIANS

5.1 This chapter provides a complete listing of the recommendations of the *Forgotten Australians* report and the government responses. Recommendations that were not considered in chapters 2 and 3 are also addressed in this chapter.

5.2 Many of the recommendations set out below did not attract extensive comment or evidence through the course of the inquiry. There are a number of reasons that this may be so:

- the specific issue has been addressed or is for other reasons less relevant than at the time of the previous inquiry;
- the specific issue is a subset of a more general recommendation that was commented on; or
- the recommendation was rejected by the government and the relevant issues are substantially unchanged since the time of the original inquiry.

5.3 As noted in Chapter 2, the Commonwealth government has expressed a commitment to review the responses to the *Forgotten Australians* report.

#### *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.**

##### **Government response**

*The Australian Government has great sympathy for those children who suffered hurt and distress in institutional care. While it would not be appropriate for the Australian Government to issue an apology for a matter for which it does not have responsibility, the Government expresses its sincere regret that these children were placed in situations where they did not receive the care they deserved. The Government appreciates that many of these unfortunate Australians and their families continue to experience the serious personal consequences of their experiences of abuse, assault and abandonment.*

*The Government urges state, territory and local governments, churches, institutions and community organisations to acknowledge their responsibilities and to take action, where appropriate, to alleviate the suffering of those who were in their care. In*

*particular, the Government urges a collaborative approach to assistance, through improved information access as well as practical support for care leavers.*

### **Implementation**

5.4 The implementation of this recommendation is addressed in Chapter 2.

### **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.**

### **Government response**

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

### **Implementation**

5.5 The implementation of this recommendation is addressed in Chapter 2.

### ***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.**

### **Government response**

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

### **Implementation**

5.6 Two States offered responses to this recommendation, noting that limitations of the type that applied in South Australia before the passage of the act in question did not apply in those jurisdictions.

5.7 New South Wales advised:

The purpose of the *Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Act 2003* (SA) was to abolish a three year time limit that applied to sexual crimes committed between 1952 and 1982. There are no time limits on indictable sexual

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offences in NSW. Therefore, the application of the South Australian law in NSW does not seem appropriate.<sup>1</sup>

#### 5.8 Western Australia advised:

The South Australian law referred to in the recommendation is in regard to the statute of limitation in regard to criminal matters. In Western Australia there is no limitation period for the prosecution of serious criminal matters.

As there is no limitation period for the prosecution of serious criminal matters in Western Australia, the recommendation does not present an issue for this State.<sup>2</sup>

5.9 The Committee is not aware that any similar restrictions on the commencement of criminal proceedings for sexual crimes apply in the other States of Australia.

5.10 The Committee did not further consider this recommendation

### **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.**

#### **Government response**

*The Government does not support this recommendation. The Australian Government recognises that the requirement for charities to be incorporated, as a condition for receiving tax concessions, may be desirable in some cases; however, the Government considers that such a requirement would not be feasible on administration or equity grounds. In regards to charities, the Australian Government has already taken steps to safeguard against the potential abuse of the tax status of charities and has announced that it will provide for greater scrutiny of the taxation concessions available to charities. In addition, the Australian Taxation Office maintains a compliance program under which organisations' charitable status can be reviewed.*

*Compulsory incorporation of charities as a precondition to granting tax concessions will add significant compliance and financial costs to the sector as a whole. For example, not-for-profit organisations may need to consider maintaining a constitution, appointing a board of directors, holding annual general meetings and*

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1 *Submission 24, p. 1.*

2 *Submission 11, p. 2.*

*hiring a lawyer and an accountant to meet the requirements of incorporation. These requirements can impose prohibitive costs on smaller charities (such as locally based community organisations), which currently do not undertake activities that may warrant incorporation.*

*Confining tax concessions to incorporated not-for-profit organisations may draw public criticism that the Government's tax concessions favour larger not-for-profit organisations at the expense of the smaller ones. Furthermore, such a requirement may result in reduced levels of charitable activity across the community and community wellbeing more generally. In that regard, compulsory incorporation may also create a distortion in the sector by favouring those organisations that are sufficiently large or have the capacity to justify incorporation.*

*Placing further restrictions on the sector by using a tax policy instrument to achieve a non-tax policy outcome is likely to result in unintended consequences that would be difficult to address. Other non-tax options, such as requiring that certain governance arrangements be observed by charitable organisations of a certain size, may offer a more appropriately targeted means to achieve the desired outcome.*

## **Implementation**

5.11 The Committee's recommendation that the government examine the feasibility of linking federal tax concessions to requirements for religious and charitable organisations to be incorporated was aimed at ensuring that such bodies are legal entities able to be held liable for crimes committed by their employees. A current precedent of Australian law, known as the Ellis defence, dictates that entities such as the Catholic church, which is unincorporated, cannot be the subject of civil actions for the abuses of church workers. Ms Angela Sdrinis explained:

The Ellis defence...is basically that in these historical cases of sex crimes and, by analogy, cases involving physical abuse and deprivation in an historical sense, the Catholic Church cannot be sued because there is no legal entity that can be held liable for those atrocities—and I will call them 'atrocities'.<sup>3</sup>

5.12 Ms Sdrinis identified the Catholic Church, the Uniting Church and the Salvation Army as entities that, in her direct experience, have relied and continue to rely on the Ellis defence to avoid civil actions involving claims of sexual abuse of children. In contrast, other religious groups, notably Anglicare and the Lutheran Church were incorporated and thus could be held liable for acts of their employees.<sup>4</sup>

5.13 Ms Sdrinis compared the unwillingness of some churches to remove the 'corporate veil' to other cases of corporate avoidance of liability and responsibility, such as the James Hardie company's attempts to compensate victims of asbestos.

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3 Private capacity, *Proof Committee Hansard*, 30 March 2009, p. 2.

4 *Proof Committee Hansard*, 30 March 2009, p. 5.

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Noting that change was unlikely without government action, Ms Sdrinis urged the Committee to pursue this issue as a priority.<sup>5</sup>

5.14 The Alliance for Forgotten Australians supported a continued effort to implement this recommendation:

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.<sup>6</sup>

5.15 In relation to the government's response to the Committee's recommendation, the Committee acknowledges the concerns about sector compliance costs, particularly for smaller not-for-profit entities. Conversely, it is unclear precisely what the 'unintended consequences' are that the response indicates would be likely to flow from compulsory incorporation of charitable organisations. Regardless, as noted in the response, such issues could well be addressed by the application of thresholds determined by the size of entities, or by the development of governance requirements that would not impose undue compliance costs.

5.16 The Committee is not aware that the Commonwealth has made any further consideration of non-tax options for ensuring that religious and charitable organisations may in appropriate cases be held liable for the criminal actions of their workers.

## **Recommendation 5**

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

### **Government response**

*The Government supports this recommendation. In its examination of the desirability and viability of introducing whistleblower legislation to provide protection for those working in the not-for-profit religious and charitable sectors, the Australian Government will need to explore a number of issues, including the extent to which it is possible, practical and appropriate for the Australian Government to legislate in this area.*

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5 *Proof Committee Hansard*, 30 March 2009, p. 3.

6 *Submission 10*, p. 6.

## **Implementation**

5.17 The Department of Families, Housing, Communities and Indigenous Affairs (FaHCSIA) advised that it was not aware of any further action by the Commonwealth on this recommendation.<sup>7</sup>

### *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.**

#### **Government response**

*The Government does not support this recommendation. The Government deeply regrets the pain and suffering experienced by children in institutional care but is of the view that all reparations for victims rests with those who managed or funded the institutions, namely state and territory governments, charitable organisations and churches. It is for them to consider whether compensation is appropriate and how it should be administered, taking into account the situation of people who have moved interstate.*

## **Implementation**

5.18 The implementation of this recommendation is addressed in Chapter 2.

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<sup>7</sup> Submission 4, p. 7.

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*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.**

**Government response**

*This is a matter for churches and agencies to consider. The Australian Government urges churches and agencies to respond positively and compassionately.*

**Implementation**

5.19 The implementation of this recommendation is addressed in Chapter 2.

**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.**

### **Government response**

*The Australian Government does not support this recommendation. A Children's Commission or similar office may be appropriate for state and territory governments to establish, given the primary responsibility the states and territories have for child welfare, and that decision rests with them. NSW, Queensland and Tasmania have Children's Commissioners, and they are regarded as performing valuable functions. The ACT Government also plans to have a Children's Commissioner. However, the Australian Government does not believe there would be any benefit in having a National Children's Commissioner, as this would duplicate processes already in place. The Australian Government does not seek to influence state and territory governments regarding the establishment of state or territory children's commissions. This is a decision for each state or territory government.*

### **Implementation**

5.20 In the *Forgotten Australians* report the Committee concluded that there was a need for whistleblower legislation relating to religious and charitable organisations. This conclusion was based on the view that people working in religious and charitable environments may be more vulnerable than private or public sector employees due to the nature of such organisations and higher levels of financial and employment dependence.<sup>8</sup>

5.21 A number of submitters and witnesses indicated their support for the creation of a national commissioner for children, including the Benevolent Society and Origins Inc.<sup>9</sup> The AFA also supported this recommendation, 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.<sup>10</sup>

5.22 New South Wales also expressed concern that the creation of such a position could lead to duplication and confusion, given the number of bodies in place that are able to deal with complaints and allegations of abuse. These include:

- the NSW Commissioner for Children and Young People;
- the Office of the Children's Guardian; and

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8 *Forgotten Australians*, p. 210.

9 *Submission 6*, p. 5; *Submission 2*, p. 13.

10 *Submission 10*, p. 9.



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- the NSW Ombudsman.<sup>11</sup>

5.23 FaHCSIA provided an update to the previous government response, outlining a number of executive and administrative innovations in the area of child welfare and protection. This includes:

- appointment of a Parliamentary Secretary for Disabilities and Children's Services who has a 'key role in delivering children's programs and advising on children's issues, including child protection';
- undertaking development of a National Child Protection Framework to help prevent abuse and neglect of all children and avoid the harm inflicted on many children while in care; and
- establishment of an Office of Work and Family within the Department of Prime Minister and Cabinet to give the Prime Minister direct involvement in the formulation of policies that provide for the wellbeing of children.

5.24 Further, FaHCSIA advised that the current government is currently examining the merits of a federal children's commissioner.<sup>12</sup>

### **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.**

### **Government response**

*This is a matter for state and territory governments, churches and agencies to consider. Privacy considerations would be paramount.*

### **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.**

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11 *Submission 24*, p. 3.

12 *Submission 4*, p. 9.

## **Government response**

*See response to Recommendations 8 and 9. However, national consolidation of data is possible through existing departmental mechanisms. The Australian Government will discuss consolidation processes with state and territory governments, churches and agencies if they choose to establish data collection mechanisms.*

## **Implementation**

5.25 FaHCSIA advised that it was not aware of any further action by the Commonwealth government on this issue.

5.26 A number of groups commented that there had been no progress on the comprehensive publication of data on abuse complaints by churches and agencies. Broken Rites submitted:

No progress has been made in respect of this recommendation. Essentially, the churches and religious organisation focus upon keeping as much information as possible away from public scrutiny. This has been their position with respect to internal, civil and criminal cases.<sup>13</sup>

5.27 Mrs Gloria Lovely, Historical Abuse Network (HAN), advised:

HAN believes that the churches, as significant institutions in society, should have to report about the complaints, internal processes and outcomes annually to an appropriate statutory external body. There has been no progress on these matters.<sup>14</sup>

5.28 New South Wales advised that the NSW Ombudsman publishes information in its annual report on allegations of reportable conduct from government and non-government agencies involved in out-of-home care and child protection.<sup>15</sup>

5.29 South Australian also annually reports data on abuse in care allegations in its Review of Government Service Provision Report.<sup>16</sup>

5.30 Western Australia responded that this recommendation was a matter for the churches and non-government agencies that provided institutional care.<sup>17</sup>

5.31 The Committee is not aware that the Commonwealth government has discussed consolidation processes with any State and Territory governments or churches and agencies that have chosen 'to establish data collection mechanisms'.

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13 *Submission 14*, p. 5.

14 *Proof Committee Hansard*, 6 April 2009, p. 12.

15 *Submission 24*, p. 4.

16 *Submission 30*, p. 4.

17 *Submission 11*, p. 5.

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## *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; and**
- **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.**

### **Government response**

*The Australian Government urges state governments, charitable organisations and churches that managed or funded institutions to cooperate fully with authorities to investigate the nature and extent of criminal offences and to work in good faith to address outstanding issues.*

*The Australian Government considers that a royal commission into state government, charitable and church-run institutions is not appropriate. This inquiry has shown that there are a number of practical steps that can be taken to redress the experiences of children in institutional care.*

*The offences dealt with under Recommendation 11 are offences under state/territory law. Any investigation of the nominated institutions is, therefore, a matter for state and territory governments.*

## **Implementation**

5.32 The implementation of this recommendation is addressed in Chapter 2, 'Judicial reviews and Royal Commission'.

### *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.**

#### **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.*

#### **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.*

#### **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.*

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### **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.**

#### **Government response**

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

### **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.*

### **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.*

**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**

5.33 The implementation of recommendations 12 to 18 is addressed in Chapter 3, 'Identification and access to records'.

***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.**

**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*

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*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 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.*

### **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 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**

5.34 The implementation of recommendations 19 and 20 is addressed in Chapter 3, 'Role and operation of support groups'.

### *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.**

#### **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.*

#### **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.*

### *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.**



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## **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**

5.35 The implementation of recommendations 21 to 23 is addressed in Chapter 3, 'Delivery of services'.

## **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.**

## **Government response**

*Universities are self-accrediting institutions that decide the courses they will offer, within broad profiles agreed with the Australian Government. Under the new funding framework that commenced in 2005, there will be Funding Agreements with each University, specifying the number of places across the discipline mix to be supported by the Australian Government. In reaching these agreements, every year the Department of Education, Science and Training will meet with each University to discuss their strategic directions and plans for course offerings. This would be the stage at which the possibility of offering this training might be discussed, assuming that they are to be included in a health related degree. However, Universities decide how the funds they receive from the Government and the tuition fees they receive from their students will be used internally, as they are in the best position to allocate funds in a way that furthers their strategic direction in the provision of higher education.*

*The Australian Government will ensure that the Australian Vice-Chancellor's Committee is aware of the recommendations of the Senate Community Affairs Committee in this regard.*

*Other higher education providers are autonomous institutions, which determine their own teaching arrangements and course curricula.*

*The Medical Specialist Training Steering Committee, commissioned by the Australian Health Ministers' Advisory Council, is currently looking at providing training for medical specialists, including psychiatrists, which is more applicable to the range of health care settings within which they will practice as professionals. This work is being done in conjunction with the Royal Australasian and New Zealand College of Psychiatrists who are responsible for the development of training programme content. It will ensure that training provided to the future psychiatry workforce is more applicable to the needs of the community, including those members of the community who present to a range of community based and acute settings for psychiatric treatment.*

## Implementation

5.36 FaHCSIA advised that it was not aware of any further action by the Commonwealth government in relation to this recommendation.

5.37 The AFA observed that there was no evidence that the government had acted on its commitment to ensure that the Australian Vice-Chancellor's Committee was aware of the Committee's recommendation.<sup>18</sup>

5.38 New South Wales advised:

While this is primarily a Commonwealth responsibility, this recommendation is supported in principle. NSW notes that a workable outcome would be to ensure such elements were included as part of relevant mainstream educational streams.<sup>19</sup>

5.39 Western Australian offered in-principle support for the recommendation, although also noted that universities and other education providers are autonomous bodies that wholly determine course content.<sup>20</sup>

### *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.**

#### **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.*

#### **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.**

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18 *Submission 10*, p. 16.

19 *Submission 24*, p. 9.

20 *Submission 11*, p. 11.

## **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.*

## **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.*

## **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.*

## ***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.**

#### **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 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.*

### **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.*

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## Implementation

5.40 The implementation of recommendations 25 to 30 is addressed in Chapter 3, 'Delivery of services'.

### *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.**

#### **Government response**

*The Australian Government will examine what the possibilities are of collecting information on existing forms. Not all situations will be appropriate. Collection of this type of information on Medicare forms is not supported. Access to such information through Medicare forms would infringe the Privacy Act 1988, as such collection is not a legislated purpose nor covered in the Information Privacy Principle 2 pathway as printed on the Medicare claim form. Further, section 130 of the Health Insurance Act 1973 would prevent any such disclosure. The inclusion of specific questions on Centrelink forms would only be appropriate if programs were specifically tailored for, or offered particular services to, care leavers. This recommendation will be revisited if specific programs or services are developed in the future that target care leavers as a distinct group.*

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

#### **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.**

#### **Government response**

*The Australian Government recognises the issues faced by care leavers but does not endorse the recommendation to explicitly recognise care leavers as a sub-group with specific requirements in publications and public information materials. Australian Government departments will consider and address, where appropriate, the special needs of care leavers with regard to information and programs that specifically address the needs and circumstances of that group.*

## Implementation

5.41 Despite the government's undertaking to examine the possibilities of collecting information on care leavers on existing forms, FaHCSIA advised that it was not aware of any further action by the Commonwealth government in relation to these recommendations.

5.42 On the issue of data collection, Mr John Murray, Foundation Member, Positive Justice Centre, submitted:

Certainly nothing has progressed with what I consider to be the very important recommendations dealing with data collection. A great deal of very important information could be discovered by Government and NGO agencies collecting data regarding the child welfare experiences of their clients.<sup>21</sup>

5.43 Broken Rites commented that data collection on care leavers was still a worthwhile goal:

This is a very important recommendation and yet apparently no progress has been made despite the fact that it should not be difficult to make some simple process changes. The benefit from implementing the recommendation is that it should enable various parts of the Australian government to get reasonably accurate data of the cost of various services that are accessed by Forgotten Australians. In view of the high dependency needs of these people in our society, these costs are probably very high. Furthermore, in the present vacuum in terms of data, government has no way of determining whether current services are effective and whether more client-specific services would result in better outcomes for Forgotten Australians.<sup>22</sup>

5.44 In relation to the specific rejection of using Centrelink forms to collect data on care leavers, Miss Eris Harrison, Senior Policy Manager, AFA, observed that there was a circular element to the government response:

[The government's response was:] 'Why would we collect data when there are no reasons for collecting it, in the sense that there are no targeted services?' That is a circular argument to me...If you do not collect the data, you do not know how badly the services are needed and you do not understand the multiplicity of barriers to economic and social participation that that this group faces.<sup>23</sup>

5.45 Dr Joanna Penglase, Co-founder and Project Officer, CLAN, suggested that other forms could be used to gather such information, such as the Census form.<sup>24</sup>

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21 *Submission 5*, p. 4.

22 *Submission 14*, p. 6.

23 *Proof Committee Hansard*, 30 March 2009, p. 73.

24 *Proof Committee Hansard*, 7 April 2009, p. 49.

5.46 However, Western Australia rejected this recommendation on the basis of privacy concerns and doubts about the efficacy of such an approach:

The Western Australian Government does not support the identification of people who have been in care on various admission forms and notes that issues of privacy, consent and data comparability would be significant impediments to obtaining meaningful data. It is acknowledged that former residents may be reluctant to identify themselves on service application and admission forms. The purpose of collecting this information, as stated in the Senate Committee's report is to inform policy makers about services and assistance required for care leavers. This information could be obtained through research on specific areas of relevance to former residents.<sup>25</sup>

5.47 A number of submissions also disagreed with recommendation 32 that care leavers be recognised as an explicit sub-group in publications and other material disseminated across a range of policy programs. Origins Inc. advised:

Origins does not endorse clients being treated as a sub-group. Services to clients should be specific but not discriminatory as in making clients feel lesser than the 'accepted norm'<sup>26</sup>

5.48 The Tasmanian government also rejected this recommendation:

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 in the highest need, it is felt that in Tasmania appropriate and effective support can be provided to a care leavers [sic] from within existing services.<sup>27</sup>

5.49 Similarly, Western Australia advised:

Western Australia does not support the recommendation to explicitly recognise care leavers as a sub-group with specific requirements in publications and other materials. Not all care leavers would wish to be specifically recognised as such.<sup>28</sup>

### *Whole of government approach to program and service delivery*

#### **Recommendation 33**

**That the Commonwealth and the States commit, through the Council of Australian Governments, to implementing a whole of government approach to**

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25 *Submission 11*, p. 13.

26 *Submission 2*, p. 25.

27 *Submission 7*, pp 2-3.

28 *Submission 11*, p. 13.

**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.**

### **Government response**

*The Australian Government believes that these issues are worthy of further discussion but does not support referral to COAG. The Australian Government will commit to a whole of government approach through relevant Ministers' Conferences, including the Community Services Ministers and the Health Ministers Councils. Appropriate strategies will be developed for government consideration.*

### **Implementation**

5.50 FaHCSIA advised that it was not aware of any further action by the Commonwealth on this recommendation.

5.51 The Committee notes that the coordination of services to care leavers nationally involving all levels of government is a consistent theme across all of the recommendations of the *Forgotten Australians* report, particularly those relating issues to delivery of services, identification and access to records and the role of operation of support groups. These are discussed in Chapter 3.

### ***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.**

### **Government response**

*The Government supports the concept of memorials to commemorate the experiences of children in institutional care as an appropriate way to acknowledge past injustices. The Government will contribute funding of up to a total of \$100,000 towards any suitable proposals for memorials initiated by state or territory governments.*



## Implementation

5.52 As indicated in the government response, the Commonwealth provided \$100 000, evenly divided among the States, for the purpose of establishing suitable memorials commemorating care leavers. FaHCSIA advised:

The Government invited applications from all State and Territory Governments and, in 2007, all six states received \$16,666 (GST ex) to assist them establish memorials.<sup>29</sup>

5.53 Mr Golding was critical of the Commonwealth's contribution, which amounted to \$16 666.66 per State:

...\$100,000 for memorials (split mechanically six ways regardless of the number of institutions in each State and the number of residents). These new funds were derisory in the overall context of the Senate Committee [findings]....<sup>30</sup>

5.54 The CMT commended the provision for memorials as 'a bright spot in an otherwise fairly bleak landscape with regard to the implementation of most of the recommendations of *Lost Innocents*:

Combined Federal and State funding for memorials in each State was generally well received by former child migrants and their families. The launch of each memorial was accompanied by a 'statement of regret', if not a full apology. The Federal Immigration Minister opened the memorial in Victoria; other events were largely managed by State Governments. There is an enduring value of the memorials in terms of heritage issues, and former child migrants having a focus to visit with their children and grandchildren, quite separate from the institution where many experienced appalling childhood abuse.<sup>31</sup>

5.55 The erection of memorials appears to be progressing at variable rates across the States.<sup>32</sup> The AFA provided a summary of progress in relation to funding and consultation over the form and location of memorials:

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...[the] 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.

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29 *Submission 4*, p. 3.

30 *Submission 16*, p. 4.

31 *Submission 23*, pp 2-3.

32 *Submission 21*, p. 12.

Progress in some States is very slow, with WA still planning a memorial as part of their Redress program.<sup>33</sup>

5.56 However, the AFA called for the establishment of a national memorial in Canberra, 'reflecting the national ownership of this piece of Australia's history'.

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...Any such memorial...contributes towards banishing the widespread ignorance of this important piece of history and bringing the experiences and needs of the survivors to the fore.<sup>34</sup>

### *New South Wales*

5.57 New South Wales advised:

The Department of Community Services is planning for the establishment of a dedication to people who experienced institutional care as children. It has consulted with care leaver support organisations, including the Care Leavers Australian Network and past providers of institutional care, on the design and location of the dedication. The memorial will be located in the Royal Botanic Gardens in Sydney. The Department is planning for a ceremonial unveiling of the memorial in early 2009.<sup>35</sup>

5.58 Ms Mallet advised that the plans for the care leaver memorial were currently being finalised:

Arrangements are being confirmed for a memorial to be located in the Royal Botanic Gardens of Sydney. Consideration is being seriously given, in conjunction with important parties that we need to consult with in these matters, including care leavers, to the planning of a healing service in conjunction with a memorial unveiling.<sup>36</sup>

### *Queensland*

5.59 The Queensland government submission outlines a number of reconciliation events and memorial projects for care leavers undertaken in response to the Forde inquiry and the *Forgotten Australians* report:

December 2004 – launch of a Remembrance statue in the Roma Street forum precinct, Brisbane to commemorate former residents of orphanages and institutions. The memorial was funded by a Community Gaming Benefit Fund grant and developed with the support of the Department of Communities and Brisbane City Council;

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33 *Submission 10*, p. 19.

34 *Submission 10*, pp 19-20.

35 *Submission 24*, p. 13.

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

September 2004 – commencement of Annual Remembrance Day event during Child Protection Week to acknowledge the experiences of former residents;

2005 onwards – youth detention memorial project to develop a contemporary sculptural artwork commemorating former residents of detention centres (this project is funded by the Department of Communities and the Commonwealth Government under its response to Recommendation 34 of the *Forgotten Australians* report); and

2008 – Karrala House (Ipswich) memorial plaque (funded by the Commonwealth Government under its response to recommendation 34 of the *Forgotten Australians* report and supported by the University of Queensland, Ipswich Campus and the Department of Communities).<sup>37</sup>

### ***South Australia***

5.60 South Australia advised that Families SA Post Care Services Consumer Reference Group held a public consultation in December 2007 inviting care leavers to contribute to formation of the Forgotten Australians Memorial Working Party (FAMWP). Since that time:

The FAMWP has met with the Adelaide City Council a number of times to discuss the Artist Brief for this project and the Council has shown the FAMWP the proposed site (Peace Park, Karrawirra; Park 12 on the Adelaide City Council website). The FAMWP has been seeking avenues of financial support for the project. Many Adelaide churches have committed amounts of \$1,000 to \$4,000 to the project. The total amount is now \$44,000 including equal contributions from the Commonwealth and State Governments. The FAMWP has met with Arts SA in September 2008 subsequent to requesting a donation of \$50,000. An application for Seed Funding will be made to Arts SA. It is anticipated the memorial will be launched in March 2010.<sup>38</sup>

5.61 In addition, State Records of South Australia hold a permanent free exhibition 'Scabby knees, hopes and dreams: a child's experience of government 1840-1990'. The collection includes a significant display of records and experiences of care leavers in-out-of home and State institutional facilities.<sup>39</sup>

### ***Tasmania***

5.62 Tasmania unveiled a memorial rose garden for care leavers at its botanical gardens in November 2008. Ms Alison Jacob, Deputy Secretary, Human Services, Department of Health and Human Services, advised:

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37 *Submission 15*, p. 7.

38 *Submission 30*, p. 11.

39 *Submission 30*, p. 11.

[This] has been a very successful recognition of the pain and suffering of Forgotten Australians. Certainly, the feedback that we have had is that gesture...of providing that memorial as a contemplative place...has been a very suitable memorial to...[care leavers].<sup>40</sup>

### **Victoria**

5.63 The Committee notes that as part of its 2006 apology to care leavers Victoria committed \$30 000 for a permanent memorial 'to be built in consultation with care-leavers and former wards and investigate erecting commemorative plaques at former institutions'.<sup>41</sup> The Committee understands a Sector Working Group, comprised of VANISH and CLAN and auspiced by the Centre for Excellence in Child and Family Welfare, is working in collaboration with the Department of Human Services (Victoria) to develop an appropriate memorial.

5.64 Mr Golding noted that the progress towards establishing a memorial in Victoria had been very slow.<sup>42</sup>

5.65 Ms Deborah Findlay, Member, Wings for Survivors, felt that there had been inadequate recognition of the Forgotten Australians in signage erected on the sites of orphanages and institutions in Victoria. In particular, some sites had memorials to staff and members of the Stolen Generations but did not acknowledge the general population of children who had spent time in 'care'. Further, Ms Findlay felt that there had been inadequate memorials erected to commemorate the lives of the many children that had died in such institutions; in some cases, mass burials of children lacked individual identifications.<sup>43</sup>

### **Western Australia**

5.66 The Western Australian Department for Child Protection advised that it had allocated \$50 000 through Redress WA toward a permanent memorial to those abused or neglected while in State care. The memorial was still at the planning and development stage:

The Department for Child Protection is currently supporting and liaising with committee of former residents regarding the development of the memorial. The Department for Culture and Arts has agreed to provide space in the Perth Cultural Centre for the memorial.<sup>44</sup>

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40 *Proof Committee Hansard*, 8 April 2009, p. 70.

41 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.

42 *Proof Committee Hansard*, 30 March 2009, p. 16.

43 *Proof Committee Hansard*, 30 March 2009, p. 45.

44 *Submission 11*, p. 14.

### **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.**

#### **Government response**

*While the Australian Government has responsibility for the National Museum of Australia, the management of Australian Government institutions is at arm's length from the government of the day. The Council and Management of these institutions form their own policies on acquisitions, exhibitions and all collections issues. The Museum has advised that while similar social issues, in particular those that affect the lives of children, have been represented in its temporary exhibitions program, it would be unable to commit to a permanent exhibition on this theme.*

#### **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.**

#### **Government response**

*While the Australian Government has responsibility for the National Library of Australia, the management of Australian Government institutions is at arm's length from the government of the day. The Council and Management of these institutions form their own policies on acquisitions, exhibitions and all collections issues. The National Library has advised that it would be unable to undertake a project of this scale at this time.*

### **Implementation**

5.67 FaHCSIA advised that it was not aware of any further action on these recommendations.

5.68 The AFA submitted that, despite the Commonwealth's lack of direct influence on the National Museum of Australia (NMA) and the National Library of Australia (NLA), it was open to the government to provide direct funding of an exhibition on institutional care and an oral history project on former residents:

...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.<sup>45</sup>

5.69 In relation to the NLA it observed:

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.<sup>46</sup>

### ***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.**

#### **Government response**

*The Australian Institute of Family Studies is an independent entity, and the Australian Government has no capacity to determine its research priorities. However, the Government will explore, through the Department of Family and Community Services, possibilities for engaging other research partners to examine issues relating to the social impacts of institutional care, the ongoing needs of care leavers, service delivery ramifications and specific issues around family relationship effects. Historical research, if undertaken, would not be a primary focus. Any research should be tailored to improving outcomes for this group of care leavers. The National Child Protection Clearinghouse is contracted to the Department of Family and Community*

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45 *Submission 10*, pp 19-20.

46 *Submission 10*, p. 20.

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*Services and can be funded to carry out additional research as required. This avenue will be pursued.*

### **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.**

#### **Government response**

*See response to Recommendation 37.*

#### **Implementation**

5.70 FaHCSIA provided the following update to the previous government response:

Funding is provided to the Australian Institute of Family Studies to maintain the National Child Protection Clearinghouse.

The Clearinghouse disseminates information on child protection activities and research to professionals and organisations in this field. Among the clients of the Clearinghouse are: policy makers, including State and Territory government departments responsible for family and community services; service providers; professionals in child abuse prevention; researchers; and students.<sup>47</sup>

#### *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.**

#### **Government response**

*The Australian Government supports this recommendation in principle but notes that universities are self-accrediting institutions that decide the courses they will offer, within broad profiles agreed with the Australian Government. Under the new funding framework that commenced in 2005, there will be Funding Agreements with each University, specifying the number of places across the discipline mix to be supported by the Australian Government. In reaching these agreements, every year the*

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47 *Submission 4, p. 20.*

*Department of Education, Science and Training will meet with each University to discuss their strategic directions and plans for course offerings. This would be the stage at which the possibility of offering this training might be discussed. However, Universities decide how the funds they receive from the Government and the tuition fees they receive from their students will be used internally, as they are in the best position to allocate funds in a way that furthers their strategic direction in the provision of higher education.*

*Other higher education providers are autonomous institutions, which determine their own teaching arrangements and course curricula.*

*Agencies that employ child protection workers could seek to work with individual Universities (or other higher education providers) to develop courses that meet their needs. Funding is being provided through the Higher Education Support Act 2003 under Section 41-45 (Other Grants), for a Chair in Child Protection at the University of South Australia. The Chair was announced by the Minister for Education, Science and Training on 19 March 2004. Ten million dollars has been committed over ten years from 2004, to provide a special focus on research into child protection issues. The position of the Chair, currently held by Professor Dorothy Scott, is to lead and promote research into child protection and assist researchers working to combat child abuse across the disciplines of early childhood and family studies, psychology, education and literacy, conflict management, Indigenous communities and cultures, service delivery and social policy. The Australian Government has agreed with state and territory governments to write, as a group, to Professor Scott and seek her input and guidance on these issues.*

*The Australian Government will ensure that the Australian Vice-Chancellor's Committee is aware of the recommendations of the Senate Community Affairs Committee in regard to this recommendation.*

*Additionally, in vocational education and training, the Community Services and Health Industry Skills Council will be developing a national competency framework for workforce planning for Family Counsellors, Family Dispute Resolution Practitioners and workers in Children's Contact Services. This project, to be undertaken during 2005-2006, was funded by the Attorney General's Department (Family Pathways Branch).*

*Vocational/job outcomes for workers will be achieved by developing competency standards and qualifications, and supporting their work under a national structure. The competency standards/qualifications are planned to be included in the Community Services Training Package.*

*Further, the Certificate IV in Mental Health Work (Nonclinical), in the current Community Services Training Package, was developed for health workers who provide a range of community services and community interventions to clients with mental health issues and/or implement health promotion and community interventions. Their work may take place in a range of contexts such as community*



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*based organisations, residential rehabilitation services and outreach services. This qualification refers to specific knowledge of a “clients with mental health issues” group and appropriate intervention processes applied in residential and community settings.*

*Also in the Community Services Training Package are three child protection qualifications: Certificate IV in Community Services (Protective Care), Diploma of Community Services (Protective Intervention) and the Diploma of Statutory Child Protection. These are delivered by TAFE and other Registered Training Organisations. The Community Services Training Package also provides national Certificate, Diploma and Advanced Diploma qualifications in the areas of children’s services, residential support services, and non-residential services. In 2006-07 the Department of Education, Science and Training plans to fund the Community Services and Health Industry Skills Council to review the Community Services Training Package. Extensive stakeholder consultations occur during development and review to ensure that the Training Package is relevant to industry’s needs and usable. Before the Training Package is endorsed for use, the developer must validate it with all relevant stakeholders and provide evidence of broad industry support.*

*Note that States and Territories are responsible for the quality of training and assessment, and for prioritising the allocation of funding for New Apprenticeships and other VET courses.*

## **Implementation**

5.71 FaHCSIA provided the following update to the previous government response:

Australian Government funding has been provided for a Chair in Child Protection at the University of South Australia, currently held by Professor Dorothy Scott. The Australian Government agreed with state and territory governments, as a group, to write to Professor Scott to seek her input and guidance on this issue.

This item was put on hold due to the death of Dorothy Scott’s mother.

FaHCSIA is not aware of further action.<sup>48</sup>

5.72 In additional information provided at the request of Committee, FaHCSIA further advised that the *National Framework for Protecting Australia's Children* recognises the need to work across government and non-government sectors to educate and engage the community to influence attitudes and beliefs about abuse and neglect. To this end:

Actions under the Framework will support community organisations to deliver cost effective, community based initiatives, including information and awareness activities. In addition, initial actions under the Framework include a commitment by the Commonwealth to lead a partnership with States and Territories to support a National Research Agenda for Child Protection.<sup>49</sup>

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49 *Submission 4a*, pp 2-3.