



Origins Inc SPSA

**Submission to the Senate
Committee on Legal and
Constitutional Affairs Committee**

**Inquiry into Review of Government
Compensation Payments**

May 2010

On behalf of the Committee of Origins SPSA Incorporated

About Origins Inc SPSA

Supporting People Separated by Adoption

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

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

Unlike other self help groups, we at Origins, are an independent organisation that has not received funding from Federal, State or Church organisations and relies for the most part upon its membership base and invaluable member volunteer committee for its survival

Origins was founded with the aim of supporting people who had been adversely affected by adoption and family separation, from all of its perspectives whether, that person was a mother, father, sister, brother or grandparent.

And to reiterate, this organisation throughout its existence has been called upon to also support people who have been separated by other means i.e. state and church institutional care, state wards, foster care, Stolen Generations, artificial insemination, and people who had suffered family separation through any other circumstances. This need for information has been instrumental in Origins maintaining a wide broad-based support group both nationally and internationally comprising reports and a large reference library of information on all these issues

Over the past 13 years Origins has also been instrumental in contributing to legislative change in various states and also with input into a number of Parliamentary Reviews, State and Federal Inquiries and other initiatives by State and Federal governments

We have also held three national mental health conferences on the mental health damage of family separation which included, people separated by adoption, state wardship, indigenous groups, British child migrants and persons conceived by A.I. plus other groups

Origins although initially founded to deal with adoption issues quickly realised that adoption also encompassed a number of contributing factors, and was one of the first independent organisations to not only support these groups but also to take an active part in issues associated with The Forgotten Australians, and was called to give evidence to the 1998 Forde Inquiry Into the Abuse of Children in Qld Institutions

Origins has worked in partnership with other groups, indigenous and non-indigenous, and is currently represented by Mrs Pamella Vernon Souris on the Forgotten Australians Alliance and Lily Arthur Origins Coordinator (in a private capacity) on the Stolen Generations Alliance where she is the non-indigenous delegate for New South Wales

Origins Support for those seeking Redress or Compensation

During the past 15 years Origins has explored many avenues to seek redress or compensation inclusive of exploring the possibility of a compensation which saw a major law firm investigate the possibility of a class actions this investigation covered a 2 year period where we had provided over 100 claimants with similar experiences. We were advised by the firm that any action would be lengthy and could possibly take decades, would involve a mammoth amount of work for which any law firm would testing and the cost would be extensive

Another avenue for compensation has been to assist claimants though schemes such as "Toward Healing" a scheme that is organised by the Catholic Church which according to claimants was both traumatic and demeaning. We have been advised by a number of clients who have approached this avenue that their opening inquires toward the Scheme have been dismissed in an offhand manner and they have been told that their experiences were "fabricated" A recent media article quotes a victim who went through the Toward Healing process "Dealing with the church itself was a hell of a lot more traumatic than dealing with the abuse."¹

Those whom we have advocated for in this scheme were offered payments of no more that \$20 000 sliding down to the lowest figure of \$8000. These offers of payments were made after lengthy investigations of claims and face to face meetings with nuns from the orders of the dispute

1 Priests kept working despite investigations NICK MCKENZIE AND RAFAEL EPSTEIN *May 17, 2010* <http://www.smh.com.au/national/priests-kept-working-despite-investigations-20100516-v6f5.html>

Needless to say that those involved with the “Towards Healing” process were obliged not only to “sign off” on any further claims but also some had to sign confidentiality agreements not to disclose the fact that the Church had in effect settled the disagreement

We have also mediated for 3 clients whom have taken action against the Anglican Church and have been party to the negotiations for compensation, the amount agreed upon at those discussions amounted to a figure in the area of \$75,000 which on the face of it was quite reasonable

We have also assisted 2 clients to recover compensation from the Irish Redress Scheme where one client received \$120 000 another a figure a bit lower

Which brings us to the issue of State funded redress schemes, we have had a number of clients that have accessed the Queensland Redress Scheme with vastly different outcomes,

Injuries suffered, and described by the Redress panel as “ serious harm” are evaluated in an entirely different manner. If a claimant sought similar relief through victims or workers compensation or a civil action the outcomes would be more generous.

The “damages” received by some clients in no way represented the extent of the harm they have suffered with some receiving the basic lower level of \$7000 others receiving around \$20 000 and for the most seriously harmed, an amount of \$40 000 which would not go far for an aging client suffering serious physical/psychological harm, and given that injuries arise mostly from criminal actions with no accountability of the perpetrators this adds yet another dimension of injustice

There is also the nature of the redress schemes where the information especially in Queensland was not widely distributed it was only fortunate for some NSW clients to be able to access the scheme because they have accessed our services and were passed the information through our newsletters etc

In the instance of the West Australian Redress Scheme we were visited by a representative from the WA Government to distribute information regarding that scheme, however we were forced to close our office at that time due to the lack of funding so that by the time we had established our organisation at a new location valuable time was lost to disseminate information

I would also say here that the primary organisation for distributing information regarding WA Redress was funded by the WA Government, Origins was also concerned and expressed our consternation that indigenous organisations on the east coast of Australia were not widely informed of the scheme and as many indigenous people have moved around the country, this was a serious issue that

they had been deprived of information that may have assisted their recovery

To this day we are still being approached by ex-residents for information regarding Redress schemes and they are devastated when learning that some the schemes are closed, and states such as NSW Victoria and SA, etc have still not implemented redress schemes. This situation in effect leaves a large number of Australians that have not received redress in a particular state of inequity and injustice

To say that when finding out that one has missed out on the opportunity for redress is devastating to the client is an understatement, and leaves the victims of abuse feeling worthless and devoid of a sense of justice.

In 2007 members of the Stolen Generations Alliance, Valerie Wenberg, Mary Hooker and Lily Arthur² spoke to Mr Paul Lynch the NSW Minister for Aboriginal Affairs on 2 occasions on the issue of redress for the Stolen Generations.

The Minister's response was that as the State of NSW "had no money" for compensation that it was up to the Federal Government to establish a fund for victims, this blatant buck- passing was publicly stated at a number of indigenous events, and was intended to cast responsibility onto the Liberal Government at that time to set up a redress and compensation fund.

The Federal Apologies to both the Stolen Generations and to the Forgotten Australians gave hope to recipients that redress would be the final outcome to enable healing and a sense of justice, to date that has not been the case

And when victims of past institutional abuse hear of massive compensation payouts for claimants such as Cornelia Rau, the politician who fell off his bike at parliament house, schoolyard bullying etc, adds further pain to their sense of low self esteem and worthlessness

Therefore Origins Inc recommends that States that are not financially competent to provide redress schemes should be supported by the Federal Government to do so, to redress the inequity of victims discriminated by state boundaries and budgets

In Conclusion

Origins Inc cautions that failures to grant remedial redress may lead to what is known by psychologists as the “second injury” – that of being silenced or shunned by others:

Victims not only have to struggle with primary injuries in the aftermath of the crime, but they must also battle with the "secondary" injuries. Secondary injuries are injuries that occur when there is a lack of proper support. These injuries can be caused by friends, family and most often by the professionals victims encounter as a result of the crime. Law enforcement officers, prosecutors, judges, social service workers, the media, coroners, clergy, and even mental health professionals can cause secondary injuries. Those individuals may lack the ability or training to provide the necessary comfort and assistance to the victim. Often, those individuals blame the victim for the crime. Failing to recognize the importance of the crime or to show sympathy can be damaging to the victim's self-worth and recovery process.

It is a sad indictment that when faced with such an emotive and catastrophic issue to address, this Government and its State counterparts has still not risen to be a bastion and champion leader on behalf of the liberal democratic values and human rights they professes. It is now time to show that every citizen deserves the same entitlement to justice as those who have the resources to pursue it ³