

SUBMISSION: ELLEN BUCELLO – ADVOCATE, FOR FORGOTTEN AUSTRALIANS

JOINT SELECT COMMITTEE ON IMPLEMENTATION OF THE NATIONAL REDRESS  
SCHEME

**Reference: Implementation of the National Redress Scheme**

Dear Committee Members

**PUBLIC HEARING Monday 30 March 2020- Sydney**

I (Ellen Bucello), wish to address the Joint Select Committee on Implementation of the National Redress Scheme and the oversight of Recommendations made by the Royal Commission into Sexual Abuse of Children in Care (Historical Cases).

I have appeared before Federal Parliament (prior) on issues affecting many Forgotten Australians/Care Leavers. As an Advocate in New South Wales, I am extremely passionate in ensuring that every possible means is approached through consultation and legislation to afford those suffering psychiatric, physiological ill-health with a more practical model of better opportunities to address ongoing and intermittent health issues, as a consequence of impacts on their health in historical care in both church, private and government placements.

I previously contacted the Senate with the swearing in of the 46<sup>th</sup> Parliament to ensure new Senate Ministers were privy to the Redress Scheme. I enquired as to whether the new Ministry would continue the inquiry after some one hundred plus Submissions were made to the 45<sup>th</sup> Senate Members, the then Senator Derryn Hinch, (Chair at the time). I was advised that the new Senate Members did not have to follow their predecessors, but the Joint Select Committee on Redress was established.

I believed then and still do that the legislation was passed far too quickly without thought to the larger issues that needed to address all surviving victims. Yes, there was a Redress Committee and yet I still disagree with decisions given. Boris Kaspiev, Alliance for Forgotten Australians, *Committee in the Hansard* of 16 February 2018 p. 15. stated “every week, there are people we meet who may have another few weeks to live and they’re hoping that something might be in place before they’re gone” Time and time again I read hurried requests for payment. Yes, it must have been difficult for the Redress Committee to consider these plights however we must now consider “did we move too fast?”

The evidence presented by many Organizations/Bodies and reputable people stated in their Submissions what Forgotten Australians/Care Leavers needed and what was desperately overdue for this body of persons. **The unjustified decision making (I believe) was a Band-Aid fix without great thought of consequences.** I realize those decisions were reliant on a Redress Committee who I believe were too hasty in considering all facts. Many not having dealt in great depth with legislative issues prior were unknowledgeable. It seems there was not a great deal of brain storming to iron out issues

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To that end, I enlighten the Members of this Joint Select Committee on Implementation of the National Redress Scheme to comments made by your predecessors in the April 2018 Government Report, which sums up why the oversights took place in my opinion.

***“2.17 The inability of the Commonwealth Parliament to in any way amend the national bill without, in effect, voiding the referral of powers from the states to the Commonwealth, as well as a desire to enable the redress scheme to commence on 1 July 2018, was noted during debate in the Commonwealth Parliament. 20 The committee makes further comment on this  rushed legislative process  in chapter 8***

***2.18 The House of Representatives passed the national bill and national consequential bill without amendments on 29 May 2018.***

***21 The bills were introduced into the Senate on 18 June 2018, which passed them without amendments on 19 June 2018.***

***22 The committee notes that the quick passage of this legislation by each House of Parliament enabled the redress scheme to commence on 1 July 2018”.***

In my Submission to this Committee I have considered those organizations, groups, bodies, persons who have benefited over many years and who are supposed to play a significant role (in some way to help Survivors of historical abuse) and I have weighed these benefits against the financial cost they would have received and further assistance that Care Leavers/Forgotten Australians **should receive**.

Organization/Governments vs Care Leavers/Forgotten Australians  
\$Millions = no training, minimal funding \$800 per year approximately

**Where does the expenditure go?**

- The Royal Commission enquiry into *Sexual Abuse of Children in Care* and their Call Centre staff over 5 years;
- Find and Connect Services to assist Survivor/Victims locate missing family and trace their origins;
- Providers throughout Australia who are employed independently to provide *Counselling, Brokerage and Programming*, many staff are employed from managers, administrative, programming and counselling. In New South Wales this equates to a mere \$800 per person (I am advised in NSW, funds are allocated on a needs basis. I am unable to comment on other States/Territories, as I am not sure how this is monitored by Family and Community Services).
- *Victims Services* staff in each State/Territory in respective sections that deal with *Victims of Crime* (Historical);
- *Victim Services Counsellor* in each State/Territory (historical abuse), although after working in Government Finance I realize a State Budget allocates to States/Territories;

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- Knowmore Legal Services, who also are stated as being independent are engaged to provide advice to Victims before seeking Redress. Now although the latter is independent it is odd that when positions were advertised they were advertised throughput Australia under Government advertising. These are to name a few and nearly all of these people attend “trauma informed training to deal with us the Victim/Survivor.
- Many Grants have been issued to Universities, Braveheart’s and other Organizations who claim the research will assist Forgotten Australians. What a lot of rubbish!!! Where is this accountability?

We have never seen any reports generated from moneys spent with these Organizations. I recommend in future that all bodies given research monies, report their findings back to Family and Community Services so that reports can be distributed to all Providers who receive monies to assist Forgotten Australians. We have experienced NO benefits from research. Yet we are still under the microscope like lab-rats.

- *To date I have never seen allocated finances for courses paid for Survivors through State/Territory Services for PTSD, depression, anxiety or other mental health strategies.*

*“Volume 9 of the Advocacy, Support and therapeutic services recommendation in the Final Report, of Institutional Responses to Child Sexual Abuse.*

- **enhanced capacity of sexual assault services to provide specialist advocacy and support and therapeutic treatment for victims and survivors, and address service gaps**
- **mainstream services capable of responding effectively to survivors with complex trauma”.**
- *I have never seen an allocation available to assist Survivor/Victims reunite with their families that they spent many years away from as a consequence of separation of families*
- Pass the legislation quickly they said, we can always revisit it??????? These are called amendments to existing legislation. I wonder how many this Committee will recommend. **(Recommendation 1 8.17)**
- We have yet to be advised as to *why the payment of \$200K (Recommendation 14 8.94)* was dropped overnight when Church and Government officials met.

An unsavory taste left in the mouth of Survivor/Victims who had already undergone tragic upbringings and left devastated to try and prepare for their elderly years in an environment in which they would feel safe. These moneys could help them prepare for the needs they require in old age. Increase the payment to \$200K **(Recommendation 15 8.95)**

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- Counselling ongoing for the term of one’s natural life as required. A must for Survivor/Victims (**Recommendation 19 8.122**)
- Redress support payments are accessible regardless of location, culture (**Recommendation 21 8.133**)
- **Further to 21.8.133** that funds be made available to assist regional recipients to travel to see appropriate person for assistance with their forms
- “Noting that the Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse committed to providing survivors with access to financial support services, the committee recommends that Commonwealth, state and territory governments explore mechanisms to ensure xiii that survivors have access to free and *appropriate financial counselling services*, when required” (**Recommendation 22 8.1340**)
- Sadly, in respect to (**Recommendation 22 8.134**) many do **NOT** have Redress monies left as a consequence on this being overlooked. The States/Territories have it back in taxes. ***This should have been mandatory.*** These adults grew up without anything, often left on the streets, not taught how to save or manage money. *The Royal Commission Reports identified this as a unique situation and problem through their investigations.* Trust Accounts should have been considered, or a way that part payments could be made through Department of Social Security or free Financial Guardianship Services in each State/Territory.
- It is my understanding that a claimant of redress may claim up to \$150K based on the type of sexual abuse (where the child was subjected to penetrative, exposure or contact). However, if that child for example had penetrative abuse over many years only one payment is made and they are made to sign a declaration not to take further action. However, the learned Justices under the Letters Patent made the following Recommendation in their (**non-rushed**) **five year study**.

“Monetary payments”

15. The purpose of a monetary payment under redress should be to provide a tangible recognition of the seriousness of the hurt and injury suffered by a survivor.
16. Monetary payments should be assessed and determined by using the following matrix:

<b>Factor</b>	<b>Value</b>
Severity of abuse	1-40
Impact of abuse	1-40

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Additional elements

1-20

17. The 'Additional elements' factor should recognize the following elements:
1. whether the applicant was in state care at the time of the abuse – that is, as a ward of the state or under the guardianship of the relevant Minister or government agency
  2. whether the applicant experienced other forms of abuse in conjunction with the sexual abuse – including physical, emotional or cultural abuse or neglect
  3. whether the applicant was in a 'closed' institution or without the support of family or friends at the time of the abuse
  4. whether the applicant was particularly vulnerable to abuse because of his or her disability.
18. Those establishing a redress scheme should commission further work to develop this matrix and the detailed assessment procedures and guidelines required to implement it:"

The above extract from Royal Commission into Institutional Responses to Child Sexual Abuse does not mention the number of times a child was penetrated but moreover considers the other abuses that child in question suffered, which has a life-long toll on the abused. Many supporting reports were provided to the Royal Commission to substantiate the lifelong effects of abuse over a long period of time has on the abused. Following this, is the continued counselling, psychological health needs, medication, training such as Courses like living with PTSD, anxiety, depression, meditation, yoga, mindfulness, retreats etc. Many "help" courses offered to our Veterans could also assist these sufferers.

*One can see why Knowmore has warned Survivors to seek legal advice prior to undertaking Redress.*

Is it expected that the Victims should also cater for these financial matters for the term of their natural life. The meager amount of redress for many victims comes nowhere near what is required to ensure.

Since 2012 I have stated the only way to assist Survivors is for all Jurisdictions to ensure through the Commonwealth that a **PRIORITY ONE ACCESS CARD** is made available which has

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provisions for Survivors to be covered for specific medications and all health needs associated with their medications conditions from childhood abuse.

It is unspeakable that a Survivor still needs to spend these monies on either Allied Health equipment, medication or mental health needs due to the abusive and malnourished childhoods they were placed in under the care of the States/Territories. **Recommendation 13 8.87; Recommendation 14 8.94; Recommendation 15 8.95**

In respect to counselling and psychological services these should be available for the term on the Survivors natural life and no “hoops or assessments” should be required. These services should be based on a needs basis by the Survivor of the abuse. Where a Survivor lives in a rural or remote area and has no access to technology they should be offered the opportunity to travel for assistance. Many Survivors hide themselves in rural and remote areas as they feel less threatened.

*Further to this it is recommended that any counsellor, staff member in a position of trust that deals with Survivors on a daily bases; whether for Redress, counselling, funding or administration be mandatory that they attend “trauma focused training” and training on Forgotten Australians/Care Leavers. Bucello’s Recommendation*

A digest of the Parliamentary response times shows how rushed this legislation was and certainly need to be looked at again in conjunctions with those Recommendations made by the learned Commissioners employed over a five year period to conclude a fair and just outcome.

I sincerely hope that the 46<sup>th</sup> Joint Select Senate Committee on Redress will do Survivors Justice on throughout these talks within Australia and compromise a better outcome for these people whom you represent.

**EXTRACT**

**“National Redress Scheme for Institutional Child Sexual Abuse Bill 2018”**

**Type**

Government

**Portfolio**

Social Services

**Originating house**

House of Representatives

**Status**

Act

**Parliament no**

45

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**“Summary”**

Introduced with the National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018, the bill implements the joint response of the Commonwealth Government, the government of each participating state and territory, and each participating non-government institution to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse’s *Redress and Civil Litigation Report* by: establishing the National Redress Scheme for Institutional Child Sexual Abuse to operate for a 10-year period from 1 July 2018; providing a payment of up to \$150 000 to survivors; providing access to counselling and psychological services to survivors; and providing an option for survivors to receive a direct personal response from the responsible institution.

**Progress**

<b>House of Representatives</b>	
Introduced and read a first time	10 May 2018
Second reading moved	10 May 2018
Second reading debate	23 May 2018
Second reading debate	24 May 2018
Second reading debate	29 May 2018
Second reading agreed to	29 May 2018
Third reading agreed to	29 May 2018
<b>Senate</b>	
Introduced and read a first time	18 Jun 2018
Second reading moved	18 Jun 2018
Second reading debate	18 Jun 2018
Second reading agreed to	18 Jun 2018
Committee of the Whole debate	18 Jun 2018
Committee of the Whole debate	19 Jun 2018
Third reading agreed to	19 Jun 2018
Finally passed both Houses	19 Jun 2018
Assent	
<ul style="list-style-type: none"> <li>• Act no: 45</li> <li>• Year: 2018</li> </ul>	21 Jun 2018

The above evidenced timeline shows how quickly the decisions were made.

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### Notes

- Referred to Committee (10/05/2018): Senate Community Affairs Legislation Committee; [Committee report \(15/06/2018\)](#); [Corrigendum \(29/06/2018\)](#)
- Considered by scrutiny committee (19/06/2018): Parliamentary Joint Committee on Human Rights; [Report 9 of 2018](#)
- Considered by scrutiny committee (20/06/2018): Senate Standing Committee for the Scrutiny of Bills; [Scrutiny Digest 6 of 2018](#)
- An electronic version of this Act is available on the Federal Register of Legislation ([www.legislation.gov.au](http://www.legislation.gov.au))”

[https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r6101](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6101)

Has the Trust Fund as follows for Counselling and psychological care for Survivors of Sexual Abuse of Institutional Care been established? As an Advocate I have heard of none. If so, where are these monies being held and how are they distributed. If they arise as a consequence of Redress, are these monies coming from opting in Organizations or from Redress Payees?

### Extract from the Royal Commission final Report and Recommendations

#### Trust fund for counselling and psychological care

40. The redress scheme, or each redress scheme, should establish a trust fund to receive the funding for counselling and psychological care paid under redress and to manage and apply that funding to meet the needs for counselling and psychological care of those eligible for redress under the relevant redress scheme.
41. The trust fund, or each trust fund, should be governed by a corporate trustee with a board of directors appointed by the government that establishes the relevant redress scheme. The board or each board should include:
  1. an independent Chair
  2. a representative of: government; non-government institutions; survivor advocacy and support groups; and the redress scheme
  3. those with any other expertise that is desired at board level to direct the trust
42. The trustee, or each trustee, should engage actuaries to conduct regular actuarial assessments to determine a ‘per head’ estimate of future counselling and psychological care costs to be met through redress. The trustee, or each trustee, should determine the amount from time to time that those who fund redress, including as the funder of last resort, must pay per eligible applicant to fund the counselling and psychological care element of redress.



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In respect to the amount of applications being processed with the Department of Social Security, I am sure they are undertaking the best outcome with the most resources given. However, given the age of many of these victims if we must have a Redress System, surely it is appropriate that the amount of applications processed monthly are statistically increased.

I am aware that many cannot be processed due to Institutions not opting in, however I cannot see that the Survivors need to be put under undue stress. If there is enough evidence I suggest that the Redress Applicant be paid and Attorney Generals Department seek legal status to collect the monies from the Institution. Also, Institutions that are not complying with opting in should be warned, that unless they opt in by the given due date their ability to claim tax free threshold on charitable earnings will be denied. Further to this, any monies collected as taxes to the full 100% will be deducted after collection by the Australian Taxation Office and 30% of each dollar will be held in trust by the Attorney Generals Department in lieu to be paid to DSS for redress for the said Institution.

These people are often waiting on payments to purchase allied health equipment for which they should not be paying for. Often this equipment is required to make their day-to-day living more comfortable. Walkers, ride on scooters etc. Monies for these type of equipment/services should be on top of any Redress monies.

In many cases the slave labor duties performed, deformed many a young person's bones. As well as, constant beltings fracturing bones that were left unattended to heal incorrectly. Now faced with waiting lists for orthopedic services in Public Hospital Systems is quite distressing. Their pain is a constant reminder and trigger of the abuse they suffered.

I thank the Joint Select Committee for their time.

Yours Sincerely

Ellen Bucello  
Advocate  
Forgotten Australians/Care Leavers  
03 March 2020