

Tracie M. Oldham

Submission - Inquiry into the continuing operation of the National Redress Scheme

At the 2025 Joint Standing Committee Enquiry on the Operation of the National Redress Scheme in Canberra, I provided both written and oral testimony. While I was grateful that the National Redress gave me the chance to Voice my concerns especially highlighting the government's blatant prejudice against Voluntary Placement Survivors by failing to acknowledge us as Careleavers, even though we lived permanently in Out-of-Home care, continuing to invalidate the crimes committed against us as children while in informal Foster Care.

Voluntary Placement Bias

1. We do NOT qualify for the National Redress
2. We can NOT be called Forgotten Australians
3. Law firms will NOT represent as we have no childhood records

The National Redress Scheme provides Support for Survivors of “ Institutional child Sexual Abuse”

- Regardless whether they were Wards of the State or Non-Government Care.*

Eligible survivors - including Non-Wards, can receive a monetary payment (up to \$150,000), counselling, and a direct personal response (apology) if under 18.

Key Information for Non-Wards and Other Applicants

Eligibility: - You must have experienced institutional sexual abuse before turning 18, prior to July 1, 2018, and be an Australian citizen/permanent

resident.

Not a Ward: - *Being a "Ward of the State" is NOT a requirement.*

The scheme covers abuse in many settings, including non-government, church, and community organisations.

***** NATIONAL REDRESS CONTRADICTION *****

The National Redress rejected me because I was not registered in an institution, even though their own "Eligibility criteria" - **Not a Ward:** - *clearly states that - "Being a "Ward of the State" is **NOT** a requirement.*

In Summary:

The contradiction is that the National Redress Scheme is intended to Support "all" Survivors of Institutional Child Sexual Abuse, but the rigid application of legal definitions regarding "guardianship" or "wardship" f excludes those who were in Out of Home Care but not officially recognised as a "State Ward".

The National Redress Scheme is biased, inconsistent, and indifferent, especially when it comes to Survivors who were not "Wards of the State" (*Non-Wards*).

MY OBSERVATION: - As someone who experienced Horrific Abuse while in "informal" Foster Care, I am perplexed as to why the government and the National Redress view Survivors of Institutional Abuse as Victims – Yet, '*Non- Wards*' who experienced Abuse and Neglect also while in Out of Home Care go unrecognised - especially given that the government and all its staff were well aware of our existence.

"Voluntary Placement" in Informal Kinship or Relative care has a long, often undocumented history, traditionally functioning as a private family arrangement to manage crises without government intervention. - While historically viewed as an informal, private solution, modern interpretations—particularly in Australia—increasingly recognize these arrangements as a preferred alternative to statutory foster care for children unable to live with their parents.

In Australia the government are responsible for designing, implementing, and administering the welfare system

- According to the Australian government's own Social Services policies, children placed in institutions and "**OTHER FORMS** of Out-of-Home Care " - up until the end of 1989 are referred to as 'Careleavers'.
- The term Care Leavers is used in this context to refer to both Forgotten Australians and Former Child Migrants, in the understanding that this terminology is disputed.
- Care Leavers, refers to children who were placed in institutional and other forms of Out-of-Home care through the last century (up until the end of 1989)
□□

QUESTION: Why are Voluntary Placement Survivors "Excluded" as Careleavers

Historical Context and Evolution:

- Traditional Role: For decades, informal care (often by grandparents or extended family) was the default "first resort" for family crises, such as parental illness, imprisonment, or financial difficulty.

The "Private" Era (Pre-1970s):

- Large numbers of children were voluntarily placed by parents into care with relatives or in children's homes (orphanages) without becoming wards of the state. Between 1949 and 1954 in Australia, for example, there were often more voluntary, non-ward children in care than official state wards.

Shift in Child Welfare Policy - (1970s-80s)

- Historical "practice wisdom" shifted toward viewing extended family (particularly grandparents) as part of the "problem" or a source of parental deficiency, leading to increased removal of children into formal, often stranger, foster care.

Resurgence of Kinship Care (1990s-Present):

- In recent decades, there has been a significant shift back toward kinship care as a preferred, less restrictive, and more stable alternative to stranger care.
-

Key Historical Trends:

- Prevalence: Informal kinship care is highly prevalent globally, with an estimated 100,000 to 300,000 children entering "diversion" or Voluntary, Non-Formal, Relative-Care arrangements annually in some regions.

Key Aspects of - "Lost in System" Voluntary/Informal Care

Definition & Lack of Oversight:

- Unlike formal foster care, voluntary/informal kinship care usually involves no court intervention and little to no monitoring by state child protection, meaning these children are often not documented in official records.

Risk of Neglect and Abuse:

- Because these placements often occur in private, voluntary, or non-statutory capacities, children in these situations are at risk of being placed in unsafe environments, experiencing abuse (sexual, physical, psychological), and being neglected.

"Voluntary Wards" & No Records:

- Historically (specifically cited 1928-1970s in Victoria, Australia), large numbers of children were placed in voluntary care by parents during hardship and did not become state wards. As a result, adults seeking records of their time in care often find no official documentation exists—they "did not exist" to the state.

Exclusion from Support:

- Informal kinship carers often face financial, emotional, and legal hardships, and because these arrangements are not formalized, they frequently miss out

on access to support services, respite care, or financial assistance (like carer allowances).

Time in Care:

- Such placements were often intended for respite or short-term, but frequently extended into long-term arrangements, contributing to what researchers term a "*statistical limbo*" as they were often not officially recorded.

Invisibility to Policy:

- Due to the reliance on private, informal arrangements, there is limited data on these placements, making it difficult to track outcomes for the children involved.

Shift in the 1970s:

- These voluntary, often institutional, placements began to decline in the late 1960s and 1970s, largely following the introduction of "*Supporting parents' benefits*" and other social welfare changes.

Impact on Survivors:

- **Difficulty Accessing Information:** Adults who were in these "voluntary" placements often experience extreme difficulty locating records of their upbringing, as they were not officially recognized as wards of the state.

Differences in Care Types:

Informal Kinship: Private arrangement, no child protection involvement, usually no funding.

Voluntary Placement:

- Parents' consent to care, sometimes with "knowledge" of authorities, but no court order, causing a grey area where children can be overlooked.
- **Formal Kinship:** Statutory, child is in legal custody of the state, placed with kin.

Trauma without Recognition:

- Survivors of these arrangements, sometimes referred to as "**Voluntary Placement Survivors,**" are advocating for recognition and support from government bodies, arguing their experiences of abuse and neglect in these settings are as serious as those in formal state care.

HISTORICAL

It is estimated that at least half of the children in care during the 20th century were "Not" Wards of the State.

The Victorian Government stated that in **1928 -1970s** there were large numbers of children placed in care voluntarily by their parents, who did not become state wards in that State.

- In the period **1949 to 1954** there were at least 1,900 children in children's homes who were not wards at any one time, compared to 1,100 state wards in the same children's homes.

"Voluntary" Care or Non-government institutions as children—often referred to as "Non- Wards"—have historically faced significant barriers in being recognized as "care leavers" or "Forgotten Australians".

- Because they were "Not legally "Wards of the State" (i.e., not under state guardianship), they often fall outside the definition required to access redress schemes, compensation, or support services, despite experiencing similar abuse and neglect. ere not state wards as there were state wards in care.

In its submission to the Forgotten Australians inquiry, the Victorian Government stated that between 1928-1970s there were large numbers of children placed in care voluntarily by their parents, who did Not become Victorian State Wards.

- Children who were placed in the system under private or Voluntary arrangements left a different trace in the records and archives. - The lesser government intervention and oversight of these arrangements usually meant that fewer records were created or kept.

- Tierney observed in 1963 that the Children's Welfare Department had accurate lists of all state wards but little reliable information about

children based on a voluntary basis.

1960`s VOLUNTARY PLACEMENTS:

It is thought that Voluntary Placements declined in the 1960s and more or less ended after the introduction of the supporting parents benefits and other welfare and social changes in the 1970s.

- Children are still placed in Voluntary Foster Care (Not Formally Fostered) by their parents without any State involvement in the arrangement, but this is generally for respite or short-term placement during times of family difficulty, for example where a parent requires medical treatment in a hospital.

Committee of Enquiry into Child Care Services (1975 - 1976)

The Enquiry into Child Care Services in Victoria was announced by Premier R.J. Hamer in December 1974. Its final report, from June 1976, is often referred to as 'the Norgard Report' (after the Committee Chairman, Mr. J.D. Norgard).

The Enquiry led the Committee to a two-fold conclusion: 'not only is there a disconcerting degree of malfunction in many aspects of the child welfare system, but the system itself is in many ways inappropriate for contemporary society'.

The Norgard Report called for a 'fundamental revision and re-organisations of Victoria's child and family welfare system. Its recommendations framed the basis of the 1978 White Paper 'The future of social welfare in Victoria'.

- The Norgard Report described Victoria's child and family welfare system as 'Inappropriate to contemporary society':

In **1975** in Norgard Report the Committee recommended mandatory reviews of children in care to prevent children from becoming "Lost in the System".

Source: - Full Norgard Report link. - <https://catalogue.nla.gov.au/catalog/703252>

The Non-Ward Snub

The **2004 *Forgotten Australians*** report highlighted that because “ **Non-Wards**” were “*Not legally deemed Wards*, they were “***largely invisible***” to State Authorities, resulting in “*Minimal*” or “**No**” Records being created.

- **Invisible to State Authorities:** - Because non-wards were not legally recognised as "Wards of the State", they often lacked official records, making it difficult to prove abuse and access support services available to former state wards.
- **Exclusion from Redress:** - Many Non-Wards are "Excluded from schemes designed for "Forgotten Australians" and have faced "exclusion from the National Redress Scheme.
- **Voluntary Placement Gaps:** - Victims who were "Voluntarily Placed" in non-government institutions by parents often fall through the cracks of justice, as their care was "NOT" officially overseen by the government.
- **Systemic Neglect:** - Petitions have highlighted that the Victorian government failed in its responsibility to protect these children, leaving them at the mercy of abusive family members or informal, uncaring foster situations.
- **Lack of Records:** - Non-wards struggle to prove their time in care because, unlike state wards, they often have no documentation other than admission data.

The (2013–2017)

- **Royal Commission** into Institutional Responses to Child Sexual Abuse **fac****ed criticism** that its focus on specific, "identifiable" institutions and legalistic definitions of Institutional Care left some victims, particularly those not legally classified as "Wards of the State" or "Careleavers", feeling ignored or excluded from certain redress outcomes.

- Evidence suggests that "Non- Ward" Victims—specifically those who were “Not” in Formal State Care - (Voluntary Placements, Private Institutions, or Kinship arrangements)—have historically been, and continue to be, “Overlooked” by "Government Redress and Support Systems.

Trauma without Recognition:

- Survivors of these arrangements, sometimes referred to as "**Voluntary Placement Survivors,**" are advocating for recognition and support from government bodies, arguing their experiences of abuse and neglect in these settings are as serious as those in formal state care.

MY CLOSING WORDS:

After I gave an oral testimony I knew my words fell on deaf ears so feeling frustrated I sent a copy of my written National Redress Submission to Premier Jacinta Allan MP and Prime Minister Anthony Albanese, along with a host of other MPs, including Rachel Payne MP, who introduced the Wrongs Amendment (Vicarious Liability) Bill 2025 after a recent High Court decision in Bird v DP means that survivors of institutional child abuse cannot rely on the law of vicarious liability.

If Vicarious liability is a legal principle where one party is held responsible for the wrongful actions of another, even if they weren't directly involved and the Australian government is in charge of creating, implementing, and managing the welfare system. - Then why wasn't it included in the Wrongs Amendment (Vicarious Liability) Bill for failing in its duty to safeguard vulnerable children?

- We were the non-Wards who were Voluntarily Placed in “informal Foster Care” by our parents, who were free to give their kids to friends, family, or even complete strangers without any documentation or legal involvement were bounced from one abusive family to another. There was no protection. No follow-up. No paperwork.

The Victorian government is “aware” that Non- Wards of State were placed in a Voluntary Placement (Not Formally Fostered) environment with no accountability - however, “No” accountability was actioned, this was to the detriment of children.

The government did “Nothing” to acknowledge its role in the neglect of non-Wards despite the "Royal Commission" presenting damning evidence detailing how government employees failed to fulfil their "duty of care" to protect Voluntary Placed children who were mistreated, abandoned, and forgotten in "informal" Out-of-Home Care.

- Voluntary Placement survivors are denied access to the National Redress Scheme, legal aid, counselling, and support services because the government neglected to document our time in care.

In Australia, the government is ultimately responsible for designing, implementing, and administering the welfare system, specifically child protection, which refers to the state and territory government’s responsibility to safeguard children who are experiencing or at risk of abuse, neglect, or inadequate care. This involves investigating reports of harm, providing support services to children and families, and, when necessary, intervening to ensure a child's safety and well-being.

Non-Wards continue to be shunned by the government, which refuses to recognise us as Careleavers, while Wards of the State or institutionalised Survivors receive all the attention and respect, including “Apologies and “Monuments.

Despite making empty promises at the time, the National Redress has not followed up on any of my recommendations or invited me back to hear about the implementations they have imposed since the last Joint Standing Committee Enquiry on the Operation of the National Redress Scheme in 2025.

As a "Lived Experience" Survivor, I have dedicated my entire adult life to using my personal trauma to help others by advocating for vital legislative changes for "Victims of Injustice.

I have written numerous submissions for various types of "Inquiries" over the years, and I continue to fight despite the fact that our own government and politicians, who have the authority to listen and make changes, continually ignore me.

“To Deny the Rights of Non - Wards based on circumstances of Care is to perpetuate Injustice – We Demand Equality for Every Survivor of Abuse – No Exceptions “– All Survivors of Child Abuse Matter - Not just the Select Few.” - “None of Us are Equal until All of Us are Equal" - Tracie M. Oldham