

CBERS CONSULTANCY

Christian Brothers Ex-Residents and Students Consultancy

Inquiry into Children in Institutional Care: Comments on Implementation

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ABSTRACT

Response to the Senate Community Affairs References Committee Inquiry into the implementation of the *Forgotten Australians* and *Lost Innocents* recommendations.

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FORGOTTEN AUSTRALIANS

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.

More than 56,000 Western Australians spent some of their childhood or adolescence in some form of out-of-home care during the twentieth century.

In some cases, children grew from infancy to young adulthood in the care of others. And that “care” wasn’t universally nurturing. Many people still bear the emotional and physical scars of this period of their life.

In their response to the original inquiry, the Christian Brothers Ex-Residents’ and Students’ Service advised that *acknowledgement and apology by the Christian Brothers is an important validation and recognition of the experience of some of our clients. This acknowledgement of their suffering has provided some clients with a measure of closure.* More recently, we have seen the value in the Apology offered by the Australian Parliament to the Stolen Generations. We see three key benefits of an apology issued by the Australian Parliament:

- ❑ an apology is offered to all Forgotten Australians, not just those in States whose governments recognise the need for such an acknowledgement;
- ❑ the issue of the care of children gains national prominence – and may rightly raise questions about how much has improved for those children who cannot now – in 2008 - be lovingly nurtured within their natural families;
- ❑ as with the Apology to the Stolen Generations, when an Apology is offered by its Parliament a responsibility is transferred to the citizenry to recognise that something of great moment has occurred in our country – something that we must all face up to and acknowledge. The “forgotten” Australians can come out from the shadows and have their survival as well as their hurt recognised.

Recommended Action

1.1 The Australian Parliament issue an Apology to the Forgotten Australians.

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.

The Christian Brothers issued a formal apology via the press in 1993 and continue to apologise personally to men who seek redress through the Catholic Church's *Towards Healing* process. See response to Recommendation 1 for more information.

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.

We urge the Senators to consider whether "just" outcomes are best pursued through the Courts. A legalistic model may not be the best way forward; there are other mechanisms that currently provide mediated settlements and their very nature means the restitution, or capacity for restorative justice is broadly associated with the complainant's emotional, spiritual and financial needs – not only the financial dimension. Should the Commonwealth seek to influence the Attorney-General of Western Australia to amend that State's legislation in line with Recommendation 3, we suggest the Commonwealth also urge the requirement for mandatory mediation as part of the proceedings.

Recommended Action

3.1 Mandatory mediation form part of any court actions brought about due to a lifting of the statute of limitations.

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.*

To date, three Australian states, Tasmania, Queensland and Western Australia, have introduced reparation schemes for people who were abused and /or neglected in State care. South Australia is currently considering its response to the Mullighan Inquiry. It is not known whether other states and territories will introduce redress schemes, creating inequity for abuse survivors across Australian.

Although the responsibility for funding and implementation of reparation schemes lies with each state and territory, the Commonwealth Government has an obligation to facilitate equity in the national arena, and to ensure that the provision of reparation to abuse survivors in Australia is not determined by the 'luck of the draw'.

Those people without access to a reparation scheme could perhaps be justified in feeling that they have been neglected by their Government once again.

The introduction of Redress WA in Western Australia has further highlighted the imbalance in forms of reparation offered across Australia.

The WA Government's scheme is the most generous of the three reparation schemes initiated to date. An upper level payment of \$80,000, offered to the most severely abused and adversely affected applicants under Redress WA, compares favourably to the maximum payment of \$60,000 offered under the Tasmanian scheme, and is more than twice the amount offered in Queensland (\$33,000). Comparable schemes in Canada and Ireland offered maximum payments of approximately AUD\$80,000 and AUD\$500,000 respectively. A common feature of all these reparation schemes is the provision of support services such as counselling, and assistance to applicants to 'tell their story'.

As one of the independent service providers contracted by Redress WA, CBERS Redress Service has considerable involvement in providing feedback to the scheme's administration, which has so far proved flexible and responsive to the identified needs of applicants as they arise. For example, a number of applicants have expressed a desire to be heard in person, and to have their complaints acknowledged by a government representative in a face-to-face meeting - rather than just receiving 'a cheque in the mail'. It appears that Redress WA may now provide such a facility in response to these requests.

While the WA scheme is only part-way through its 12 month application period, some significant issues have emerged from the work conducted so far:

- Perhaps the most striking observation is the considerable degree of trauma experienced by applicants as they go through the application process, which

necessarily involves revisiting painful memories and touches on core issues such as the fear of not being believed.

- ❑ Another key observation is the tendency for applicants to minimise the seriousness of abuse they experienced in childhood, and to downplay the effect it has had on their lives. This tendency is reflected in statements such as ‘I probably deserved it’, and ‘that’s just how kids like us got treated’; and is generally linked to the low self-esteem that is often found in abuse victims, who may internalise their abuser’s negative messages.

The observed tendency for applicants to minimise their abuse, and/or fail to recognise that their treatment was abusive, challenges the assumption that offering monetary compensation will lead to exaggeration or fabrication of stories for financial gain.

Feedback from CBERS Redress Service practitioners and contractors indicates a very small incidence of suspected false claims, and in the handful of cases where fabrication has been suspected, mental illness has been a factor.

While the process of preparing a redress claim is clearly distressing for many, if not most, applicants, it also has great potential for healing and resolution of trauma:

- ❑ Applicants generally report a feeling of relief from ‘telling their story’, particularly those who have not previously done so.
- ❑ Having one’s experiences of childhood abuse available in written form can also facilitate the sharing of it with significant others, and applicants commonly express a sense of affirmation from seeing their story presented in this way.

Recommended Actions

6.1 The types of reparation outlined in Recommendation Six of the Committee’s report generate a variety of positive outcomes for a range of stakeholders, and reparatory schemes can be viewed as an important step forward for any jurisdiction with a history of allowing child abuse to occur in its governance of out-of-home care.

A central concern of reparation schemes should be to treat abuse survivors with respect, and to ensure that they are not ‘re-abused’ within the systems governing the initiative.

6.2 In broader terms, the collective body of reparation schemes throughout Australia should be seen to offer equitable outcomes for abuse survivors in different States and Territories – an outcome that can only be achieved with assistance from the Commonwealth Government.

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/repairation 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.*

The Government's response to Recommendation 7 urges Churches and agencies to respond positively and compassionately in dealing with abuse allegations, and it appears that this type of approach has been adopted in some states. CBERS' work in this area indicates that key points in Recommendation 7 reflect the structures currently used to support complainants who allege abuse in institutions formerly operated by the Christian Brothers, Sisters of Mercy, and Sisters of Nazareth.

Opportunities are available for complainants to participate in reconciliation-type mediations (Towards Healing), and more informal face-to-face conversations with representatives of the particular religious order. A range of support services is offered to complainants, in addition to an offer of monetary payment. Confidentiality clauses have not been used in Towards Healing Deeds of Settlement for some years now, and the Christian Brothers recently announced that they are happy for those men with earlier Deeds containing this clause to use them as supporting documentation in Redress WA applications, or for any other purpose. Information about Towards Healing is disseminated via CBERS Consultancy, for example in the biannual newsletter, which is posted to 950 recipients within Australia and overseas, and is published electronically at www.cbbers.org/news.html

The experience of working alongside Towards Healing and other reconciliatory processes has highlighted particular factors that tend to generate the most positive outcomes for complainants:

- A central element of success appears to be allowing the complainant to have as much power as possible throughout the process, and to determine factors such as the agenda and location of any meetings.

- ❑ Positive outcomes are highly correlated with participation in a counselling process, particularly before a mediation takes place, but again, the complainant needs to have control over the decision whether to attend counselling or not.
- ❑ A genuine apology offered with humility and respect is a central feature of successful mediation processes, and the great majority of Towards Healing complainants report favourably on their experience.
- ❑ The most commonly reported causes of dissatisfaction are feeling ‘rushed’, and feeling ‘unprepared’. Both these potential problems can be minimised by offering counselling prior to the actual mediation.

While the handling of abuse allegations is clearly working well for many of the complainants known to CBERS, it is not known how well it works for complainants in other states and territories, and those dealing with other religious orders.

Recommended Action

7.1 An opportunity to meet and discuss different approaches and to share wisdom amongst the agencies and Church officials dealing with abuse allegations could provide a mechanism for gauging the degree of consistency across the states and religious denominations. It could also provide an opportunity to develop national standards of best practice. The Commonwealth Government could facilitate such an opportunity as a way to encourage equity for complainants throughout Australia.

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.*

Mechanisms for the review of complaints are currently available within the Catholic Church-sponsored Professional Standards Resource Group (PSRG), although the PSRG cannot compel religious orders to respond to Towards Healing complainants in any particular way. Complaints about the PSRG itself can be referred to the national body, which has authority over state-based operations.

However, the philosophy underpinning the Towards Healing model is one of reconciliation and restoration, and is inconsistent with the legalistic framework of

appeals mechanisms. Properly mediated complaints and settlements should not require an appeals mechanism, and to impose this type of framework on the existing structure may prove counterproductive. Sound preparatory work with the complainant and adequate support during the mediation process is viewed as the most productive approach to achieving positive outcomes.

Again, these perspectives focus on just one Church-sponsored complaints scheme, Towards Healing, and the approach adopted by other schemes is unknown.

Recommended Action

Currently, there is no single agency with a mandate to encourage and promulgate best practice in this area. A potential role for the Commonwealth Government is to provide assistance to provide opportunities for sharing information and improving services, and thus help facilitate equity across the states and territories.

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.*

This recommendation highlights the role that the Commonwealth can play in encouraging best practice throughout the nation.

Currently, it is our understanding that individual agencies may or may not provide reports to their funders as the case may be.

Best practice in preventing abuse and dealing with allegations should be informing current practice! Information sought from agencies dealing with the issues faced by care leavers will highlight trends, service needs, restorative practices that work and those that don't, or which need more investigation.

Currently, there is no mechanism to 'bridge the gap' between managing the outcomes of previous poor practices and ensuring these problems are not arising now. Students and practitioners need access to information about how past practices influence outcomes for people who have been in out of home care.

Recommended Action

9.1 A national Children in Care clearing house and research body should be funded – to encourage dissemination of best practice in dealing with outcomes as well as

prevention. Using a common clearinghouse makes the information easily accessible to students and practitioners – in a similar way to that in which the Australian Institute of Torres Strait and Islander Studies (AIATSIS) is currently utilised.

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.

See response to Recommendation 9.

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.

A number of projects aimed at making historical information accessible to those people who have been in care have been undertaken in Western Australia by Church and other agencies since 1997. Those which have been most helpful to CBERS include:

- ❑ PHIND – the Personal History Index for former child migrants who were resident in Catholic Homes from 1939 to 1966.
- ❑ Signposts – A Guide to Children and Young People in Care in WA from 1920 (launched by the Minister for Community Development on October 27, 2004) which provides a historical overview of all residential care facilities where children, including former child migrants, were placed in WA.
- ❑ The Historical Photo Project – a DVD of historical images, including resident children – compiled in 2005 by two Clontarf 'old boys', Michal Hogan and Peter Bent, with assistance from Eddie Butler and the Christian Brothers (WA/SA) archivist Christina Garnett.

However, as with other services available to care-leavers, there is an underlying inequity arising from the different resources that have gone into locating records from the past and making them accessible. There is also a variety of approaches to releasing that information – not all services offer counselling, for example.

With Christian Brothers' funding, CBERS has continued to facilitate and support projects to identify photographs and other items of interest, and to disseminate information about them to the wider group of ex-residents. The 'Historic Photo Project', instigated in 2000, culminated in the collection of hundreds of images compiled in DVD format, copies of which were made available to ex-residents free of charge, and were advertised in the CBERS newsletter. The Historic Photos project has continued, and in

more recent years images from Nazareth House and St Joseph's orphanages have been added to the collection¹.

CBERS also supports and acts as a point of contact for historians and others with an interest in preserving and sharing information about the history of child migration and institutional care in Western Australia.

In the last two years CBERS has facilitated contact with ex-resident spokespeople in this area, and has provided information and images for a number of projects, including the 1947 Child Migrants' 60th Anniversary celebration; a book on child migration produced by the British National Archives; the Castledare Golden Jubilee celebration; and a forthcoming exhibition of child migration memorabilia organised by the Australian National Maritime Museum. The majority of external requests for information and images have been received via the CBERS website.

It is impossible to over-estimate the importance of photographs to people who have been in care. Photographic collections which can be made accessible have an enormous positive impact on people's lives. Indeed, even the creation of a photographic collection can stimulate a sense of community in people whose lives have been disrupted by periods in out of home care.

Recommended Action

12.1 To ensure equitable access to information about their past to all Forgotten Australians, the Commonwealth Government fund projects aimed at indexing and making accessible records, photographs and other memorabilia which can be electronically searched and preserved in perpetuity. Funding should be sufficient to include counselling if appropriate and free or very low-cost access to photographs and other memorabilia.

Recommendation 13

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

It is critically important to preserve records relating to those who have been in care, yet individual state governments and other agencies will give this differential priority.

There is clearly a facilitative, educative and encouragement role for the Commonwealth in ensuring that Forgotten Australians have some equity of access across the nation.

Experience in Canada has shown that the legacy of out of home care is inter-generational, and these records have a role to play in putting together the jigsaw of family history for the children and grand-children of care leavers. Thus, it is important

¹ See *CBERS Network* (p.12) http://www.cbbers.org/docs/Issue4_Network_newsletter_Dec_2007.pdf.

to not only preserve these records for the present, but to ensure they are accessible in perpetuity.

Recommended Action

13.1 The Commonwealth Government gain the formal agreement of all State and Territory governments to ensure the preservation and accessibility of records relating to the Forgotten Australians in perpetuity.

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.*

Access to records for former Wards of the state in Western Australia is facilitated by the Family Information Records Bureau (FIRB), which provides copies of personal file documents to those who apply. Access to records for former child migrants (also Wards of the state) is additionally catered to by PHIND (Personal History Index for former child migrants). However, as noted in the Forgotten Australians Report (pp.258-262), non-Wards often encounter greater difficulty in locating and accessing any personal records that may still exist. This difficulty has been alleviated to some degree by the development of Signposts, which provides a comprehensive index of government and non-government agencies and facilities for Western Australian care leavers.

However, while Signposts can point care leavers in the right direction, there is no guarantee they will find anything once they get there. As noted in Forgotten Australians (pp.264-67), care leavers often express disbelief and distress upon discovering that dates of admission and discharge are the only remaining records of sometimes many years of institutional care.

Two care leavers who requested help from CBERS in accessing personal records have encountered difficulties of a more fundamental kind. Both were privately placed in the same local church-run institution, which has recently advised that no record of one client's residency exists, while the dates of admission and discharge recorded for the other one vary significantly from those remembered by the client.

So the problem of tracing historical records for non-Wards remains a real issue, and one that has not been equitably addressed since the Forgotten Australians report was tabled.

The problems surrounding historical records and out-of-home care have been exacerbated to some degree by the recent introduction of the state government's redress scheme, which has added new incentives to the pursuit of records for care leavers. The scheme will provide redress for those who were in state care in Western Australia, regardless of whether or not they were Wards.

The most common difficulties encountered by people seeking records to inform their redress applications are that minimal records exist; information in records conflicts with their own recollection of events; or that waiting lists for Departmental records extend beyond the April 2009 closing date for receipt of applications.

From the outset of the scheme, Redress WA have stated that they will undertake the work of accessing applicants' records themselves, after applications have been received. In practice however, a number of potential applicants require access to whatever might remain of their Departmental records in order to piece together fragmented memories of childhood, and in order to make an informed application. Redress WA and FIRB have responded where possible to these identified problems, and have opened up access to limited 'fast track' information on behalf of some applicants.

Recommended Actions

14.1 The Commonwealth Government gain the formal agreement of all State and Territory governments to ensure the preservation and accessibility of records relating to the Forgotten Australians in perpetuity.

14.2 The Commonwealth Government take a proactive role in ensuring that Forgotten Australians who were **not** Wards of the state are also assisted in discovering records of their time in out of home care.

Recommendation 15

That a dedicated information and search service be established in each State and Territory to:

- develop a complete register of all records held by government and nongovernment agencies;*
- provide assistance to care leavers to locate and access records;*
- provide advocacy and mediation services to care leavers accessing records; and*
- ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them.*

See response to Recommendations 9, 12 13 and 14, particularly in relation to the role of the Commonwealth Government in ensuring equity to the Forgotten Australians, wherever they were in care across the nation.

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.*

Again, there is a facilitative role for the Commonwealth Government to ensure equity across the nation in the access to records and other memorabilia.

In particular, though, we would like to comment here on the “commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.”

Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Human Rights and Equal Opportunity Commission, April 1997), Chapter 16 identified this as a real problem. Recommendation 25 of that report, in part, proposed that it should be:

[at 7] The right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth).

and

[at 8] The right of every person who is the subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.

These recommendations are as pertinent now as they were when proposed in 1997 and again in 2005, when Recommendation 16 of *Forgotten Australians* was proposed. People exist within family and community networks which are an integral aspect of their identity. Denying access to information about those networks was certainly not the intention of privacy legislation, so flexibility is required – to the extent of a formal Exemption for this class of inquiry.

Recommended Action

16.1 The Commonwealth government gain an Exemption from the Privacy Commissioner which would facilitate access to family information for all Forgotten Australians seeking knowledge of their past.

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.

The response of the previous Government to Recommendation 17 was somewhat illogical. On the one hand, they considered support to be a matter for State and private agencies; on the other, they funded one agency! The Commonwealth should encourage equity through facilitating the development of services throughout the nation – if this is to happen, clearly choice of provider is an issue so funding must be disseminated across multiple agencies.

A further consideration is that the sensitive work of supporting care leavers as they access and view personal records should be informed by a sound knowledge base and practice wisdom. It is necessary to recognise, for example, that while it is important to offer services such as counselling, the paramount concern should be respect for individual self-determination. Some people don't want counselling when they access their records, and agency practice in this area should be informed by an understanding of the significant power imbalance that exist between agency and consumer, which can mirror historic imbalances in authority and control experienced during a childhood in out-of-home care.

Across Australia, agencies such as MacKillop Family Services, Care Leavers Australia National (CLAN), Broken Rites, Victorian Adoption Network for Information and Self Help (VANISH), Child Migrants Trust, and CBERS have developed individual approaches and policies for assisting clients to access records. The practice wisdom gathered by these and other agencies is captured in a 'silo effect', with little sharing of knowledge and nothing resembling a 'national standard of best practice'. A notable exception is the recent journal article, Building a Life Story: Providing records and support to former residents of children's homes². This article takes Recommendation 17 of Forgotten Australians as its starting point, and presents a framework for good practice in the provision of records and support. It is viewed as a progressive move

² Murray, S., Malone, J. & Glare, G. (2008) Building a Life Story: Providing records and support to former residents of children's homes, *Australian Journal of Social Work*, Vol.61, No.3, pp-239-255.

towards broader understanding of the issues and a higher standard of service in supporting care leavers' access to records.

Recommended Actions

17.1 A national Children in Care clearing house and research body should be funded – to encourage dissemination of best practice in dealing with outcomes as well as prevention. Using a common clearinghouse makes the information easily accessible to students and practitioners – in a similar way to that in which the Australian Institute of Torres Strait and Islander Studies (AIATSIS) is currently utilised.

17.2 Instead of funding one Australian agency to enhance its 'silo', Commonwealth government funding could be used to support initiatives that facilitate sharing of knowledge and development of national standards of best practice.

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.

An important first point in addressing Recommendation 18 is this: "Records" these days include a lot of semi formal emails, phone calls, texts between agencies, staff and even clients and, given that field staff generally have the authority to determine the archival value of this level of communication, most of these will not be retained as formal records into the longer term. It is more likely that the formal record will only include final statements and none of the negotiation, organisational and structural flavour of the interactions which give colour and depth to the interaction between people in care and the variety of people who liaise about their welfare. This information can provide insight into how the agencies actually went about the business of serving clients and may help clients understand why things happened, or why they experienced things in certain ways.

A complicating factor regarding FOI is how all government and non-government agencies view access to their files.

One example that raises many concerns in this field might be access to prison medical files. Currently prisoners and ex-prisoners can easily access their prison administration records relating to their offending history and to bail, parole and community corrections records but they have far more difficulty accessing prison medical records. This appears to be because the medical record is interpreted as belonging to the service, rather than the client – as are ordinary GP's records. However the medical file also records essential collateral information including assessment at the time of reception, psychiatric and psychological records (psychiatric conditions, disorders, diagnosis and

medications or other treatment) or the absence of assessment and treatment, self harm and suicide attempts, family background and abuse history. The files also include exit treatment plans and liaison (or not) with mental health or other services planned upon release. Matching prison administration records with medical records would no doubt explain many rule infractions, fights or the need for protection from other prisoners. Some prison medical files would be the only record of such information for upwards of twenty years for repeat offenders whilst others might show the early post care dysfunction of some people who go on to settle down into pro-social lifestyles.

Shame about a prison record, on top of an earlier shame about being in care may mean that for some people, half of their life record is inaccessible to the care leaver him or herself and to future helpers.

Continuing with the prison theme, other issues are raised when external service providers treat people in prisons but maintain their own records – for example in-reach services and private psychologists or psychiatrists who see prisoners on contract. These practitioners are only required to keep their records for seven years and then are encouraged to destroy them. When they do so, essential information about the then prisoner, their situation and treatment is lost.

In terms of young people in care, experts who write reports requested by government agencies or courts are not required to provide a “child-friendly” version of same. As the report is ‘owned’ by the agency that instigated it, the young person may never know its contents – even as an adult.

This brings up another problem with FOI legislation - it can be “document-specific”. That is to say, an agency will not “go on a fishing expedition” to see if there is anything else in the agency’s files that might be meaningful to a care leaver. The young person who did not know about the report mentioned above would not know to ask for a copy, or at least a summary. Yet, that report may be the ‘missing piece’ of information that answers a number of ‘why?’ questions later in life.

It is not uncommon for agencies to provide more information through the goodwill of helpful staff than they are able to provide through a formal FOI claim.

Recommended Actions

Government agencies that contract out assessment services should retain a copy of the report in perpetuity.

Experts who write reports about young people should be required to provide a ‘child friendly’ or ‘lay person friendly’ summary which becomes a person’s right to receive.

The Commonwealth Government take a facilitative role in ensuring model clauses in State-based FOI legislation provide equitable, and meaningful, access to information held by government around Australia. By this, we mean access to information which helps people who have been in care to make sense of the experience rather than just a chronology of events.

The Commonwealth Government should encourage, possibly through funding agreements, best practice in sharing expert reports which they have undertaken or required to be undertaken on people in care with those people who are the subjects of the report.

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.

The national forum, *Moving Forward: Developing a response to the recommendations of the Forgotten Australians Report*, held at Parliament House Canberra in August 2005, was attended by service providers, individuals, and advocacy groups from around Australia, including Dr Maria Harries and Philippa White, who presented *CBERS: The Journey and the Learning*, on behalf of CBERS Services. The event, which was organised by CLAN, created a valuable opportunity for sharing different perspectives and common goals for the future.

While the subsequent launch of the *Alliance for Forgotten Australians* in October 2007 was not a direct outcome of the forum, the 2005 event had helped to demonstrate the potential value of collaborative and cooperative action by a national coalition of support groups and individuals working to promote the interests of Forgotten Australians.

The booklet, *Forgotten Australians: Supporting survivors of childhood institutional care in Australia*, produced by the Alliance in 2008 for the purpose of informing service providers in the medical, mental health and social welfare sectors on particular issues common to care-leaver populations is viewed as a useful contribution to the field³. The booklet also identifies various forms of abuse and neglect that may have been experienced by children in care, and some of the more pervasive long term impacts. It has proven to be a particularly valuable resource for CBERS clients preparing applications for the Redress WA scheme. CBERS' work with adults who were abused and/or neglected as children indicates that the inevitable damage to self-esteem can create a diminished capacity to recognise one's childhood ill-treatment as abusive or

³ <http://www.forgottenaustralians.org.au/media/index.html>

neglectful. In this regard, the Alliance for Forgotten Australians booklet, with its accessible style and content, has been enormously helpful to this group of applicants.

Recommended action

19.1 It is recommended that Commonwealth funding of the Alliance, through the Department of Families, Housing, Community Services and Indigenous Affairs, should be continued in order to support the future activities of this fledgling national coalition.

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.

CLAN has been instrumental in prompting responses to the identified needs of care leavers, and the Australian Government's funding of CLAN and its activities are to be commended. The Government's more recent support of the Alliance for Forgotten Australians is viewed as a further progressive step in the ongoing acknowledgment and support of care leavers on a national level. Future challenges for any national coalition include not only maintaining a cohesive and equitable recognition of needs across Australia, but a capacity to accommodate key differences that characterise care leaver populations in the various states and territories.

A common lament amongst West Australian entities that comprise one arm of a national body is that WA, primarily because of its geographic location, gets 'left out' of the equation, and that decisions made at a national level tend to cater to requirements identified by counterparts on the eastern seaboard. To some degree this is unavoidable, and perhaps what is more important is that the national body has the capacity to recognise and cater to the differences between WA and other care leaver populations. For example, issues affecting former child migrants are more prominent in Western Australia, which received far more child migrants than any other Australian state. Of the 1,898 children sent from the UK to Australia after War War II, 961 were placed in WA institutions, and all but seven of the child migrants sent from Malta ended up in WA⁴. In addition, the rural setting of many WA institutions contrasts with the more urban 'homie' populations of NSW and Victoria.

⁴ Senate Community Affairs References Committee (2001), *Lost Innocents: Righting the Record*, Report on Child Migration, August 2001 (pp.270-75).

Recommended Actions

20.1 Commonwealth Government should recognise and support the development of services that are specific to the needs of diverse populations across the nation, and for sub-groups within particular states and territories.

20.2 This can be achieved by supporting research and funding services through a Commonwealth agency such as the Department of Families, Housing, Community Services and Indigenous Affairs

Recommendation 21

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

The CBERS model of service provision has incorporated a broad range of support services that responded to changing client needs over the past 14 years. Statistical data from the former CBERS Services in Subiaco (1994 to 2005) shows that 528 individuals registered for services at this agency, and accessed support in the following areas:

Services Accessed by Clients (many clients presented with multiple needs)

- 36% Occasional Support
- 33% Reunification Assistance
- 22% Advocacy
- 22% Counselling
- 13% Family Tracing Requests
- 1.5% No Interest Loans
- 0.75% Photographic Records

In addition to these services, other types of support provided to clients included literacy and numeracy tuition, funeral funding, transcribing individual clients' stories, a Maltese Oral history project, a quarterly newsletter, organised reunions and facilitated peer-support networking, and representation in the public arena, including submissions to the British Government's Inquiry into the Welfare of Former British Child Migrants, and the Australian Government's Lost Innocents and Forgotten Australians Senate Inquiries. CBERS Services was also active in supporting the memorial to commemorate former child migrants, a plaque to commemorate Maltese former child migrants, the removal of Br Keaney's statue at Bindoon, and the restoration of graves at Tardun and Bindoon.

Between 1994 and 2005 the Christian Brothers, through CBERS Services, funded reunification travel for:

- ❑ 251 former child migrants to the UK and Malta
- ❑ 33 accompanying carers
- ❑ 13 ex-residents within Australia

CBERS provided assistance to a further 150 clients who applied for travel assistance through the International Social Service (ISS) Australian Former Child Migrant Fund. As mentioned in the ISS Final Report⁵, almost half the applicants under the Fund were Western Australian, and more than half of these were assisted by CBERS Services.

After the closure of the ISS Fund in 2005, demand for services diminished to the point where a full-time service was no longer required and, as noted in the discussion of Recommendation 23, CBERS Services in Subiaco ceased operation at the end of 2005, and CBERS Consultancy was established as a counselling service operating 1-2 days per week in Fremantle.

Core principles informing the approach developed by CBERS Services, which have been carried through to CBERS Consultancy, provide a sound theoretical framework for service delivery to care leavers. These principles include:

- ❑ Mutual respect between staff and care leavers, and other concerned agencies and persons
- ❑ The provision of services on a confidential basis
- ❑ The provision of services shaped by client needs
- ❑ The development of services in consultation with interested persons and organizations
- ❑ Professional accountability to care leavers
- ❑ The employment of qualified, competent and committed staff
- ❑ The delivery of best practice professional services
- ❑ The development and implementation of policies and procedures that are made public
- ❑ The improvement of operations and services by way of periodic reviews and evaluations.

⁵ International Social Service Australian Branch (2005) *The Journey of Discovery: A Report on the Australian Former Child Migrant Travel Fund*, October 2005, p.22. <http://iss.org.au/documents/JourneyDiscoveryReport05Web.pdf>

CBERS provides services that are funded by the Christian Brothers, the Sisters of Nazareth and the Sisters of Mercy as required. It also gains funding through Redress WA, via the charitable institution the Edmund Rice Centre Mirrabooka Inc. In its entire history, CBERS has never been able to access Commonwealth funding and the State government funding only came about with Redress WA.

Recommended Action

21.1 CBERS enjoys a very sound reputation among care-leavers who have had contact with it, and it would welcome the opportunity to apply for funding to contribute to the wider, national need – particularly in the development of best practice around restorative practices and their relevance for contemporary practices.

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.

CBERS response to many of the recommendations has emphasised the need for equity among Forgotten Australians, wherever they currently live or were previously in out-of-home care.

The problem of access to support services for care leavers who have moved interstate is not an insignificant one, and there are a number of reasons why people who were in out-of-home care tend to be a more mobile population than others. Care leavers often lack the type of extended family networks that commonly bind people to one location; and for those who were abused, a common psychological response is 'avoidance', which can include the geographic removal of oneself from the site of the original trauma. Of the 758 ex-residents of Christian Brothers, Sisters of Mercy and Sisters of Nazareth institutions currently listed on the CBERS database, 137 live interstate and 14 overseas. A further 180 ex-residents live in rural or semi-rural areas of Western Australia. These statistics suggest the importance of facilitating equitable access to support services for care leavers across the different states and territories.

Problems associated with uneven access to services for Australian care leavers have been highlighted recently by the announcement of state government redress schemes in some jurisdictions and not others. Ex-residents living outside their 'home' state are at a considerable disadvantage in terms of accessing face-to-face assistance with their redress application forms. While some measures are in place to address this problem, a national approach to providing equitable redress to survivors of abuse in state care could potentially allow those living in other states to access redress support services on a 'reciprocal' basis.

Recommended Action

22.1 Commonwealth Government should recognise and support the development of services that are specific to the needs of diverse populations across the nation, and for sub-groups within particular states and territories. Funding should be sufficient to enable contact with institutions or care-givers in a person's 'home state/territory' if the person has subsequently relocated.

22.2 This can be achieved by supporting research and funding services through a Commonwealth agency such as the Department of Families, Housing, Community Services and Indigenous Affairs, and by recognising intra-country migration can currently place additional barriers in the way of people seeking to understand their past.

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.*

The framework of counselling services for care leavers and their families developed over the ten years CBERS Services operated in Subiaco WA, and carried through in more recent years by CBERS Consultancy in Fremantle, has much to offer as a model of service provision. The potential problem of client distrust of a service offered by the original 'service provider' was overcome by CBERS' role as financially accountable to but functionally independent from the Christian Brothers, who were the sole funding agency until CBERS introduced counselling for ex-residents of Sisters of Mercy and Sisters of Nazareth institutions in 2002.

The CBERS counselling model responds to needs identified amongst the client group, and accommodates factors such as:

- the 'ripple effect' on care leavers' families;
- the need for open-ended and sometimes long-term counselling;
- the need to fund external counselling for clients living in rural and interstate locations; and

- the importance of facilitating access to specialist counselling services such as sex offender treatment programs.

Prior to the announcement of Redress WA, requests for counselling by ex-residents of Christian Brothers, Sisters of Mercy, and Sisters of Nazareth institutions had diminished to the point where a full-time service was no longer required, and after CBERS Services in Subiaco closed its doors at the end of 2005, the demand for counselling could be easily accommodated by a sole practitioner working one or two days per week.

Feedback from a reference group of ex-residents at this time indicated that 'just knowing it was there' was as important a consideration as any, and that the mere presence of a counselling service provided a sense of security for many ex-residents.

The announcement of Redress WA in December 2007 changed the face of counselling services at CBERS Consultancy, which experienced an immediate influx of clients requesting counselling when the scheme was introduced. As one of the support services now funded by Redress WA, CBERS is in a position to observe its impact on a broad population of care leavers and, as noted in the discussion of Recommendation 6, **one of the most striking observations has been the considerable distress and trauma reported by clients as they approach the application process, which necessarily involves revisiting painful memories and touches on core issues such as the fear of not being believed.**

The impacts observed amongst Redress WA applicants and Towards Healing participants indicates that access to counselling during the initial part of the process is an important part of a compassionate model of reparation.

The observations of CBERS Redress Service also suggest that the need for counselling support tends to be transitory, and that people generally return to their previous level of functioning quite rapidly after they have completed the process and their application form has been lodged.

Anecdotal evidence suggests that a considerable proportion of redress applicants and Towards Healing participants experience an enhanced level of functioning after the process, particularly those who had not previously felt able to disclose their childhood abuse, and those who used the application process to confide in family members, only to discover that their disclosure improved communication and understanding in family relationships.

New challenges for redress applicants will no doubt arise at forthcoming stages of the scheme, and it is expected that the need for counselling support could peak again

when applicants are offered a particular level of payment, and are informed of the basis for that offer.

It seems inevitable that some applicants will be dissatisfied with the level of payment they are offered. At that stage, applicants could be assisted by skilled counselling that focuses on resolution and 'moving forward', in addition to facilitating access to a multidisciplinary network of advisory services to assist applicants as they decide what course of action to take.

It seems logical for redress counselling services to learn from the practice wisdom of support services in Tasmania and Queensland, which have recently encountered the same issues in their work with redress applicants in those states. Counsellors working alongside church-funded reparation schemes could also have much to offer in this area.

While this 'seeking of wisdom' can be done on an informal networking basis, there is no guarantee that consistent information can be accessed this way. It is to be hoped that counselling and support services for any future redress schemes introduced in Australia will not have to 'reinvent the wheel' to discover the most effective means of supporting applicants through the process.

Recommended Action

23.1 That the Commonwealth Government facilitate a means of sharing information between the states and territories regarding the provision of support to care leavers engaging in systems of reparation and redress, including drawing upon the practice wisdom of services engaged in church-operated reparation initiatives.

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.

Survivors of institutional abuse are amongst the consumers of a variety of public services, and the planning of educational initiatives needs to reflect this diversity. It would be useful the training curricula of a range of disciplines, such as nursing, aged care, and mental health to incorporate an awareness of the psychological and psychiatric effects of institutional abuse. Consumer advocacy groups are best placed to promote the interests of Forgotten Australians in this regard, and to raise awareness across the education and training sectors.

Recommended Action

24.1 The Commonwealth Government should facilitate information reaching the Forgotten Australians through the provision of funding support for advocacy,

counselling and peer support groups and through the establishment of a national clearinghouse of information.

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.

Rather than ask government to 'remember' the Forgotten Australians in all their literature, and remain up-to-date with support group contact details, CBERS believes the most efficient way to ensure multiple benefits accrue to the Forgotten Australians is to fund advocacy, counselling and peer support groups who can liaise directly with various government and other agencies on behalf of their clients/ members.

This process will be made even more beneficial if there is a national clearinghouse of information, so that one group can learn from another's activities.

Recommended Action

25.1 The Commonwealth Government should facilitate information reaching the Forgotten Australians through the provision of funding support for advocacy, counselling and peer support groups and through the establishment of a national clearinghouse of information.

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.

See response to Recommendation 25.

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.

See response to Recommendation 25.

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.

This Recommendation and the response from the previous Government indicate considerable support for the provision of adult literacy and numeracy services for care leavers, and this degree of support is commendable. A number of the men who have

accessed adult literacy tuition through CBERS have been able to achieve considerable improvement in their literacy skills, which has had a number of positive impacts, including enhanced self-esteem. However, those men who report successful outcomes have generally persevered with literacy classes over a number of years, and continue to do so to the present day. Unfortunately, a more common scenario is reflected in the group of clients who started literacy classes but became discouraged and gave up, which left them feeling worse about themselves than before.

A large body of research literature addresses the question of whether it is harder for adults to learn than children, and a number of scholars propose that age diminishes the capacity to retain new information. For example, an American study of two different populations found that “effortless reading is much more difficult to acquire when readers are adults than when they are children”⁶. These findings reflect the outcomes observed amongst CBERS clients, and in the relatively small number of individuals who appear to have been able to maintain a significant improvement in their literacy skills.

Other factors may also affect the likelihood of successful outcomes for this client group, and those who experienced ridicule or physical punishment in the classroom during childhood tend to face additional barriers to adult learning. A considerable number of clients say they only feel comfortable with their ‘backs to the wall’, and so the prospect of sitting in a classroom-like situation with a tutor walking behind them is unthinkable. Reminders of childhood abuse experienced in classroom settings can trigger post-trauma reactions that certainly do not aid the learning process. For this reason, many of the men who have continued with literacy tuition opted for one-to-one tutoring provided in the home.

Recommended Action

While it is important that literacy and numeracy services continue to be offered to care leavers, it is also important to recognise the barriers that may exist to adult learning. Most importantly, the availability of literacy services should not be used to ‘blame the victim’ who is unwilling to access literacy tuition, or is unable to achieve successful outcomes from it.

29.1 Funding for literacy programs that are “non-classroom” based, and which acknowledge the need for individual tuition in the early stages, should be provided through the Commonwealth.

⁶ Abadzi, H. (1996), Does age diminish the ability to learn fluent reading?, *Educational Psychology Review*, Vol.8, No. 4. p.373.

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.

While the prospect of gathering data on care leavers to enhance our knowledge is appealing, some of the measures proposed in Recommendation 31 may not be in the broader best interests of care leavers. Collection of this data on Medicare and Centrelink forms may further stigmatise care leavers as a 'disadvantaged' social group, and could be construed as a suggestion that all care leavers were harmed in out-of-home care. Veterans Gold Cards etc are well established means of giving positive support to a group of people in the community and care leavers (especially former child migrants and those from the Stolen Generations). Younger care leavers now should probably be encouraged to think more in terms of rights to good care than being trapped in shame about being in care, so it is critical in any implementation of this recommendation that the impact on the person being asked for information is considered.

In some contexts, such as drug treatment, mental health, and prisons, it may be feasible to elicit this type of information as part of a more detailed profiling of a client's history, but again, any approach to capturing this data that may further stigmatise care leavers as a population should be avoided.

A more important issue is that any collection of information as an end in itself is counterproductive. If information is collected, there is a moral and ethical obligation to use information on behalf of the client pool – whatever it may be.

As there is already a wealth of information about the traumatic backgrounds of prisoners and also a lot of anecdotal evidence that care leavers are over-represented in prisons and mental health services, the issue is how to helpfully phrase questions (for both the questioner and the care leaver) to ensure diligent and unambiguous collection of information and then act upon the data collected.

For example, T Butler and S Allnutt in their document *Mental Illness Among New South Wales' Prisoners*. NSW Corrections Health Service, 2003 note that up to 74% of assessed clients had a mental illness in the preceding twelve months (p48) and that some 26% of reception prisoners and 21% of sentenced prisoners met the diagnostic criteria for Post-traumatic Stress Disorder (PTSD) (p25). The authors note that there is a dissonance between the goals of a prison system and those of a mental health system but at the same time:

“Arrest and detention can provide an opportunity for intervention and treatment, and in some cases may be the only time certain individuals receive mental health care. This treatment needs to be consistent with international best practice.” (p51)

As the CBERS Redress Service has noted, many care leavers have spent a lifetime trapped by their past and this past has remained hidden despite interactions with many government and non government agencies. A vital clue and opportunities to helpfully intervene well before imprisonment or at least during it, are lost when questions are not asked.

Recommended Action

The Commonwealth Government, in the delivery of its own services, has an opportunity to role model the appropriate collection of identifying information about ‘care leaver’ status – ensuring questions are helpfully phrased (for both the questioner and the care leaver) to ensure diligent and unambiguous collection of information.

The Commonwealth Government should not collect information if it does not intend to then act upon the data collected.

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.

As noted in the discussion of Recommendation 31, categorising care leavers as a distinct subgroup has apparent potential to amplify the social stigma associated with out-of-home care, and thereby further disadvantage the broader care leaver population. While it is important to acknowledge and address the needs of those who were abused and/or neglected in care, it is also important to recognise the interests of care leavers whose experience of out-of-home care was a positive one.

However, people who were abused in care, particularly in pre-1960s institutional care, often have particular needs, and it would be helpful to raise awareness of these needs amongst the welfare, health, and particularly aged care service sectors. Many CBERS clients, most of whom are now well into their senior years, have expressed a fear of becoming ‘re-institutionalised’ in aged care facilities, because of the negative associations with childhood experiences.

The former CBERS Services in Subiaco investigated issues surrounding aged care and ex-residents and, notwithstanding the fear of re-institutionalisation, many former residents were concerned about how they would manage their ageing with no family support. Those who had developed strong family relationships in their adult years

were particularly concerned about those others whom they knew had ‘not been so lucky’.

Recommendation 33

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

See response to Recommendations 25 and 9, particularly in relation to the role of the Commonwealth Government in ensuring equity to the Forgotten Australians, wherever they were in care across the nation.

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.

As noted in the discussion of Recommendation 12, CBERS was contacted earlier this year in regard to a forthcoming exhibition of child migration memorabilia organised by the Australian National Maritime Museum, which may take the form of a travelling exhibition, depending on the format and nature of material made available for it. CBERS facilitated contact with ex-residents who have an interest in this area, and photographs and archival newsletters were provided to the organisers.

While the abovementioned exhibition focuses solely on child migration, it could perhaps provide a model for a similar initiative capturing a history of the broader population of Australian care leavers. This type of initiative would be a particularly useful way to draw public attention to forms of institutional care that are unacceptable in today’s terms, without amplifying the social stigma associated with out-of-home care in general.

Recommended Action

35.1 Implement Recommendation 35 – it will be a particularly useful way to draw public attention to forms of institutional care that are unacceptable in today’s terms, without amplifying the social stigma associated with out-of-home care in general.

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.

In 2001, CBERS published oral histories of 10 Maltese former child migrants to much acclaim in Western Australia. These oral histories now reside in the Batty Library and

are one of a very small collection of personal recollections of a childhood which involved a period in out-of-home care.

Having the opportunity to “be heard” is extremely significant for people generally – for those whose family lives were disrupted through circumstance or policy, the opportunity to tell their life story is particularly meaningful.

Recommended Action

36.1 Implement Recommendation 36.

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.*

See our response to Recommendation 9 for more information.

Recommended Action

37.1 A national Children in Care clearing house and research body should be funded – to encourage dissemination of best practice in dealing with outcomes as well as prevention. Using a common clearinghouse makes the information easily accessible to students and practitioners – in a similar way to that in which the Australian Institute of Torres Strait and Islander Studies (AIATSIS) is currently utilised.

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.

See response to Recommendation 37.

LOST INNOCENTS

Recommendation 3

That the Commonwealth Government establish the means to accurately determine the numbers of child migrants sent to Australia during the 20th century to assist in determining the level of support services and other assistance needed for former child migrants.

The *Lost Innocents* Report comments on “appalling inaccuracies and discrepancies” in the Australian data on child migration, and ultimately the Committee could only estimate that between 6,000 and 7,500 unaccompanied children were sent to Australia during the course of the 20th century (p.69). However, as noted in the response to this Recommendation, former child migrants are not a homogenous group, and statistics on the numbers of child migrants living in Australia today will not necessarily reflect the level of support services required by them – other than in specific areas such as family tracing and reunification.

Demand for these specialist services is likely to be highest in Western Australia, which received far more child migrants than any other state. Of the 1898 children sent to Australia from the UK after the Second World War, 961 were placed in WA institutions, and all but seven of the 310 child migrants sent from Malta ended up in WA⁷.

As stated in the International Social Service (ISS) *Report on the Australian Former Child Migrant Travel Fund*, Western Australia was the jurisdiction with greatest demand for family reunification travel during the ISS scheme, and 330 of the 826 applications for travel were lodged in Western Australia⁸.

More than half the Western Australian applicants and many in other states received assistance from CBERS during the ISS Travel Fund, which operated from 2002 to 2005. After the scheme closed, a small number of former child migrants who had been unable to travel under the ISS Fund undertook family reunification trips funded by the Christian Brothers, in addition to the 250 trips the Brothers funded prior to the commencement of the ISS Fund.

CBERS’ work in supporting over 400 family reunification trips over the past 14 years has generated a number of significant observations. There have been some spectacular successes and some heartbreaking failures, with most reporting a mixture

⁷ Senate Community Affairs References Committee (2001), *Lost Innocents: Righting the Record*, Report on Child Migration, August 2001 (pp.270-75).

⁸ International Social Service Australian Branch (2005) *The Journey of Discovery: A Report on the Australian Former Child Migrant Travel Fund*, October 2005, p.22. <http://iss.org.au/documents/JourneyDiscoveryReport05Web.pdf>

of positive and negative experiences. Inevitably, the first meetings between former child migrants and newly-found family members were highly stressful and emotionally draining. Even the most successful reunifications were ultimately challenged by the ‘tyranny of distance’, and maintaining meaningful communication with family in the UK and Malta has proved difficult.

Recommended Action

The Commonwealth Government to adopt the three recommendations of the *Report on the Australian Former Child Migrant Travel Fund*⁹, which proposed a limited level of further travel assistance to former child migrants, ongoing provision of specialist services to former child migrants, and the provision of these services to their adult children.

Recommendation 5

That the Commonwealth Government continue to provide funding for at least three years directly to the Child Migrants Trust to ensure that the specialised services of tracing and counselling are provided or accessible to former child migrants living throughout Australia.

The Commonwealth should encourage equity through facilitating the development of services throughout the nation – if this is to happen, clearly choice of provider is an issue so funding must be disseminated across multiple agencies.

A further consideration is that the sensitive work of supporting care leavers as they access and view personal records should be informed by a sound knowledge base and practice wisdom. It is necessary to recognise, for example, that while it is important to offer services such as counselling, the paramount concern should be respect for individual self-determination. Some people don’t want counselling when they access their records, and agency practice in this area should be informed by an understanding of the significant power imbalance that exist between agency and consumer, which can mirror historic imbalances in authority and control experienced during a childhood in out-of-home care.

Across Australia, agencies such as MacKillop Family Services, Care Leavers Australia National (CLAN), Broken Rites, Victorian Adoption Network for Information and Self Help (VANISH), Child Migrants Trust, and CBERS have developed individual approaches and policies for assisting clients to access records. The practice wisdom gathered by these and other agencies is captured in a ‘silo effect’, with little sharing of knowledge and nothing resembling a ‘national standard of best practice’. A notable exception is the recent journal article, *Building a Life Story: Providing records and*

⁹ Ibid., p.24.

support to former residents of children's homes¹⁰. This article presents a framework for good practice in the provision of records and support. It is viewed as a progressive move towards broader understanding of the issues and a higher standard of service in supporting care leavers' access to records.

CBERS provides services that are funded by the Christian Brothers, the Sisters of Nazareth and the Sisters of Mercy as required. It also gains funding through Redress WA, via the charitable institution the Edmund Rice Centre Mirrabooka Inc, to work with a broader population of care leavers. In its entire history, CBERS has never been able to access Commonwealth funding and the State government funding only came about with Redress WA.

Recommended Actions

5.1 A national Children in Care clearing house and research body should be funded – to encourage dissemination of best practice in dealing with outcomes as well as prevention. Using a common clearinghouse makes the information easily accessible to students and practitioners – in a similar way to that in which the Australian Institute of Torres Strait and Islander Studies (AIATSIS) is currently utilised.

5.2 Instead of funding one Australian agency to enhance its 'silo', Commonwealth government funding could be used to support initiatives that facilitate sharing of knowledge and development of national standards of best practice. CBERS enjoys a very sound reputation among care-leavers who have had contact with it, and it would welcome the opportunity to apply for funding to contribute to the wider, national need – particularly in the development of best practice around restorative practices and their relevance for contemporary practices.

Recommendation 9

That the Commonwealth Government urge State and Territory Governments to publish directories of information to assist all former residents of children's institutions to access records similar to the directories published by the New South Wales and Queensland Governments.

A number of projects aimed at making historical information accessible to former child migrants have been undertaken in Western Australia by Church and other agencies since 1997. Those which have been most helpful to CBERS include:

- ❑ PHIND – the Personal History Index for former child migrants who were resident in Catholic Homes from 1939 to 1966.

¹⁰ Murray, S., Malone, J. & Glare, G. (2008) Building a Life Story: Providing records and support to former residents of children's homes, *Australian Journal of Social Work*, Vol.61, No.3, pp-239-255.

- ❑ Signposts – A Guide to Children and Young People in Care in WA from 1920 (launched by the Minister for Community Development on October 27, 2004) which provides a historical overview of all residential care facilities where children, including former child migrants, were placed in WA.
- ❑ The Historical Photo Project – a DVD of historical images, including resident children – compiled in 2005 by two Clontarf ‘old boys’, Michal Hogan and Peter Bent, with assistance from Eddie Butler and the Christian Brothers (WA/SA) archivist Christina Garnett.

However, as with other services available to former child migrants, there is an underlying inequity arising from the different resources that have gone into locating records from the past and making them accessible. There is also a variety of approaches to releasing that information – not all services offer counselling, for example.

With Christian Brothers’ funding, CBERS has continued to facilitate and support projects to identify photographs and other items of interest, and to disseminate information about them to the wider group of ex-residents. The ‘Historic Photo Project’, instigated in 2000, culminated in the collection of hundreds of images compiled in DVD format, copies of which were made available to ex-residents free of charge, and were advertised in the CBERS newsletter. The Historic Photos project has continued, and in more recent years images from Nazareth House and St Joseph’s orphanages have been added to the collection¹¹.

CBERS also supports and acts as a point of contact for historians and others with an interest in preserving and sharing information about the history of child migration and institutional care in Western Australia.

In the last two years CBERS has facilitated contact with ex-resident spokespeople in this area, and has provided information and images for a number of projects, including the 1947 Child Migrants’ 60th Anniversary celebration; a book on child migration produced by the British National Archives; the Castledare Golden Jubilee celebration; and a forthcoming exhibition of child migration memorabilia organised by the Australian National Maritime Museum. The majority of external requests for information and images have been received via the CBERS website.

It is impossible to over-estimate the importance of photographs to people who have been in care. Photographic collections which can be made accessible have an enormous positive impact on people’s lives. Indeed, even the creation of a

¹¹ See *CBERS Network* (p.12) http://www.cbbers.org/docs/Issue4_Network_newsletter_Dec_2007.pdf.

photographic collection can stimulate a sense of community in people whose lives have been disrupted by periods in out of home care.

Recommended Action

9.1 To ensure equitable access to information about their past to former child migrants regardless where they now live in Australia or where they first went into care in this country, the Commonwealth Government fund projects aimed at indexing and making accessible records, photographs and other memorabilia which can be electronically searched and preserved in perpetuity. Funding should be sufficient to include counselling if appropriate and free or very low-cost access to photographs and other memorabilia.

Recommendation 10

The Committee recommends that a national group of all receiving agencies, other relevant bodies and Commonwealth and State Governments be established to develop uniform protocols for accessing records and sharing information relevant to former child migrants, their families and descendants and to coordinate services for former child migrants.

Various mechanisms available to former child migrants wishing to access records in different states are identified in the Government's response to this Recommendation, which states that, in view of these arrangements, a national response is considered unnecessary. However, while access to records and service provision to former child migrants may be managed effectively in some jurisdictions, there is currently no way of ascertaining that this is the case, or of facilitating a consistent approach to service delivery.

Recommended Action

The Commonwealth Government provide an opportunity for service providers to share knowledge and develop national guidelines for best practice that would facilitate more informed and more uniform delivery of service to former child migrants in each Australian state. Existing materials could be used to inform this initiative, such as the framework for good practice outlined in *Building a Life Story: Providing records and support to former residents of children's homes*¹².

Recommendation 11

That the National Archives of Australia be provided with sufficient funding to ensure continuation of the program of digitising its records relating to child migration.

¹² Murray, S., Malone, J. & Glare, G. (2008) Building a Life Story: Providing records and support to former residents of children's homes, *Australian Journal of Social Work*, Vol.61, No.3, pp-239-255.

The importance of the National Archives of Australia to former child migrants cannot be overstated. The staff at the NAA in Western Australia are unfailingly helpful, and the guides the NAA has produced are first class. In terms of equity, all NAA branches throughout the nation should be similarly helpful.

Recommended Action

11.1 Recommendation 11 should be implemented, particularly so that NAA records can be accessed remotely from anywhere in the nation.

Recommendation 12

That the National Archives of Australia liaise with the Genealogy and Personnel Records Section of the National Archives of Canada in relation to the technology, protocols, processes and procedures the Canadians have implemented to facilitate access to their records for former child migrants and their descendants.

See response to Recommendation 11.

Recommendation 14

That all organisations holding records pertaining to former child migrants make these records available to former child migrants or their authorised representative immediately and unconditionally.

Again, there is a facilitative role for the Commonwealth Government to ensure equity across the nation in the access to records and other memorabilia.

In particular, though, we would like to comment here on the recommendation that these records be made available “unconditionally”.

Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (Human Rights and Equal Opportunity Commission, April 1997), Chapter 16 identified this as a real problem.

Recommendation 25 of that report, in part, proposed that it should be:

[at 7] *The right of every person to receive all personal identifying information about himself or herself including information which is necessary to establish the identity of family members (for example, parent's identifying details such as name, community of origin, date of birth).*

and

[at 8] *The right of every person who is the subject of a record, subject to the exception above, to determine to whom and to what extent that information is divulged to a third person.*

These recommendations are as pertinent now as they were when proposed in 1997 and again in 2005, when Recommendation 16 of *Forgotten Australians* was proposed.

People exist within family and community networks which are an integral aspect of their identity. Denying access to information about those networks was certainly not the intention of privacy legislation, so flexibility is required – to the extent of a formal Exemption for this class of inquiry.

Recommended Action

14.1 The Commonwealth government gain an Exemption from the Privacy Commissioner which would facilitate access to family information for all Forgotten Australians seeking knowledge of their past.

Recommendation 15

That where any organisation holds primary documents, including birth certificates, relating to any living former child migrant without their express permission, former child migrants be entitled to recover that document from the holding organisation.

We support this Recommendation and believe that these primary documents should be made available without charge to the former child migrant.

Recommendation 16

That all sending and receiving agencies be required to extend access to their records to descendants of former child migrants.

There is clearly a facilitative, educative and encouragement role for the Commonwealth in ensuring that former child migrants have equity of access across sending and receiving agencies.

Additionally, experience in Canada has shown that the legacy of out of home care is inter-generational, and these records have a role to play in putting together the jigsaw of family history for the children and grand-children of care leavers. Thus, it is important to not only preserve these records for the present, but to ensure they are accessible in perpetuity.

In our experience, CBERS has found that one of the reasons that a receiving or sending agency may not provide easy access to records from the past is because it is no longer engaged in residential care, or has been subsumed into a larger, or smaller, organisation. The issue is not a lack of goodwill, but a lack of resources and/or specialist expertise.

Therefore, a funding program that helped agencies resource the historical research and modern data-entry needed to bring these records out of the shadows (even to confirm where they do/do not exist) will be most useful.

Recommended Action

16.1 To ensure equitable access to information about their past to all former child migrants, the Commonwealth Government fund projects aimed at indexing and making accessible records, photographs and other memorabilia which can be electronically searched and preserved in perpetuity. Funding should be sufficient to include counselling if appropriate and free or very low-cost access to photographs and other memorabilia.

Recommendation 17

The Committee recommends that the Commonwealth Government:

- confer automatic citizenship on all former child migrants, with provision for those who do not wish to become Australian citizens to decline automatic citizenship; and*
- that a special ceremony conferring citizenship be conducted for former child migrants.*

The Commonwealth Government's response to Recommendation 17 refers to the waiver of Australian citizenship fees for former child migrants, which was a symbolic concession that acknowledged former child migrants' unique position in regard to citizenship. However, the issues of citizenship and residency have continued to be problematic for many former child migrants.

When the Australian Citizenship Test was introduced in 2005, former child migrants found they were not excused from the test, and although in practice most of this group were already exempted under the 'over 60 years of age' provision, the principal of imposing a test of citizenship on people who had lived in Australia since childhood, and who did not travel here of their own volition, was viewed as 'insulting'.

Many difficulties involving the issue of citizenship have been recounted by CBERS clients:

- A former child migrant dutifully voted for years in each Australian election, until someone told him he was not eligible to do so.
- Another former child migrant managed to obtain an Australian passport before the Immigration Department realised its mistake, and threatened him with legal action if he did not return it immediately.
- A third man was called up for National Service and thought this meant he was an Australian citizen. Others joined the Australian armed forces, and even served the Vietnam war, yet were not given citizenship unless they underwent an application process.

These men reported reactions that included shame, humiliation, and a sense of having had 'the rug pulled out from underneath them' when they discovered they were not citizens of Australia, as they had - quite understandably – assumed to be the case.

The issue of citizenship and residency continues to surface periodically, and the particular circumstances under which former child migrants arrived in Australia are not adequately recognised in the policies of the Department for Immigration and Multicultural Affairs.

- ❑ For example, Joan is a former child migrant who arrived in Australia at the age of nine, and lived here until she turned 21 and returned to England to search for family. Now in her 70s, Joan would dearly love to return to Australia to be near her two surviving siblings, also former child migrants, but is not eligible for Australian residency.
- ❑ Nellie, another former child migrant, was separated from her older brother Stuart when she was sent from Scotland to Australia as a ten-year-old, but managed to regain contact with him in more recent years. Nellie and Stuart, both in their 70s, wish to live out their remaining years together, and have enquired about Australian residency for Stuart. DIMIA has no capacity for compassionate consideration of the particular circumstances under which these siblings were separated, and we find that that Stuart is not eligible to apply for Australian residency.

Recommended Action

It is recommended that greater acknowledgment is given to former child migrants' unique relationship with Australia, and that DIMIA's policies on residency and citizenship are revised to reflect a more compassionate approach to dealing with former child migrants.

Recommendation 23

That, to ensure that choice in counselling services remains available to former child migrants, the Commonwealth Government urge agencies and other State Welfare Departments providing counselling services to maintain those services and expand them where necessary.

The CBERS model of service provision has incorporated a broad range of support services that responded to changing client needs over the past 14 years. Statistical data from the former CBERS Services in Subiaco (1994 to 2005) shows that 528 individuals registered for services at this agency, and accessed support in the following areas:

Services Accessed by Clients (many clients presented with multiple needs)

- 36% Occasional Support
- 33% Reunification Assistance
- 22% Advocacy
- 22% Counselling
- 13% Family Tracing Requests
- 1.5% No Interest Loans
- 0.75% Photographic Records

In addition to these services, other types of support provided to clients included literacy and numeracy tuition, funeral funding, transcribing individual clients' stories, a Maltese Oral history project, a quarterly newsletter, organised reunions and facilitated peer-support networking, and representation in the public arena, including submissions to the British Government's *Inquiry into the Welfare of Former British Child Migrants*, and the Australian Government's *Lost Innocents and Forgotten Australians* Senate Inquiries. CBERS Services was also active in supporting the memorial to commemorate former child migrants, a plaque to commemorate Maltese former child migrants, the removal of Br Keaney's statue at Bindoon, and the restoration of graves at Tardun and Bindoon.

Between 1994 and 2005 the Christian Brothers, through CBERS Services, funded reunification travel for:

- 251 former child migrants to the UK and Malta
- 33 accompanying carers
- 13 ex-residents within Australia

CBERS provided assistance to a further 150 clients who applied for travel assistance through the International Social Service (ISS) Australian Former Child Migrant Fund. As mentioned in the ISS Final Report¹³, almost half the applicants under the Fund were Western Australian, and more than half of these were assisted by CBERS Services.

After the closure of the ISS Fund in 2005, demand for services diminished to the point where a full-time service was no longer required and, as noted in the discussion of Recommendation 23, CBERS Services in Subiaco ceased operation at the end of 2005, and CBERS Consultancy was established as a counselling service operating 1-2 days per week in Fremantle.

¹³ International Social Service Australian Branch (2005) *The Journey of Discovery: A Report on the Australian Former Child Migrant Travel Fund*, October 2005, p.22. <http://iss.org.au/documents/JourneyDiscoveryReport05Web.pdf>

Core principles informing the approach developed by CBERS Services, which have been carried through to CBERS Consultancy, provide a sound theoretical framework for service delivery to care leavers. These principles include:

- ❑ Mutual respect between staff and care leavers, and other concerned agencies and persons
- ❑ The provision of services on a confidential basis
- ❑ The provision of services shaped by client needs
- ❑ The development of services in consultation with interested persons and organizations
- ❑ Professional accountability to care leavers
- ❑ The employment of qualified, competent and committed staff
- ❑ The delivery of best practice professional services
- ❑ The development and implementation of policies and procedures that are made public
- ❑ The improvement of operations and services by way of periodic reviews and evaluations.

CBERS provides services that are funded by the Christian Brothers, the Sisters of Nazareth and the Sisters of Mercy as required. It also gains funding through Redress WA, via the charitable institution the Edmund Rice Centre Mirrabooka Inc, to provide services to a broader population of care leavers. In its entire history, CBERS has never been able to access Commonwealth funding and the State government funding only came about with Redress WA.

Recommended Action

23.1 CBERS enjoys a very sound reputation among care-leavers who have had contact with it, and it would welcome the opportunity to apply for funding to contribute to the wider, national need – particularly in the development of best practice around restorative practices and their relevance for contemporary practices.

Recommendation 24

That the Commonwealth and State Governments in providing funding for boarding house and supported accommodation programs recognise the housing needs and requirements of former child migrants.

See discussion of Recommendation 25

Recommendation 25

That the Department of Health and Aged Care commission a study into the aged care needs of former child migrants; and that Commonwealth funding be directed into areas of need identified in that study.

Many former child migrants, most of whom are now well into their senior years, have expressed a fear of 're-institutionalisation' in aged care facilities. This appears to be a particular concern for care leavers who have never married or had children, or whose family relationships have broken down. These characteristics are higher among institutional ex-residents than in the general population. As noted in *Forgotten Australians* (pp.148-9), "The most profound impact of institutional care that has flowed into adult life is the difficulty in initiating and maintaining stable, loving relationships", and that "one of the most disturbing aspects of this inquiry is the impact on the ability of care leavers to successfully parent and raise families". The lack of any immediate family has particular implications for former child migrants, who also lost extended family connections when they were separated from their country of birth. This group is therefore especially vulnerable when they are no longer able to live independently.

The loss of individual identity and choice associated with the communal environment in aged care facilities may also prove particularly challenging to former child migrants, and they may also react negatively to particular organisational practices, such as being assigned a number.

Recommended Action

The Department of Health and Aged Care develop a set of specific protocols for the Aged Care Planning Advisory Committee and Aged Care Assessment Teams that recognise the particular needs of former child migrants, and significant issues arising from institutional care during childhood.

Recommendation 28

That the Commonwealth and State Governments widely publicise the availability of remedial education services and associated adult education courses to child migrants and child migrant organisations.

Rather than ask government to 'remember' the former child migrants in all their literature, and remain up-to-date with support group contact details, CBERS believes the most efficient way to ensure multiple benefits accrue to the former child migrants is to fund advocacy, counselling and peer support groups who can liaise directly with various government and other agencies on behalf of their clients/ members.

This process will be made even more beneficial if there is a national clearinghouse of information, so that one group can learn from another's activities. This national

clearinghouse should encompass the Forgotten Australians, with former child migrants being a sub-group within that larger cohort of people.

Recommended Action

25.1 The Commonwealth Government should facilitate information reaching the Forgotten Australians, of whom former child migrants form a sub-group, through the provision of funding support for advocacy, counselling and peer support groups and through the establishment of a national clearinghouse of information.

Recommendation 29

That the Commonwealth Government urge the Attorney-General of Western Australia to urgently review the recommendations of the Law Reform Commission of Western Australia Report on Limitation and Notice of Actions with a view to bringing the Western Australian law into line with other Australian jurisdictions.

We urge the Senators to consider whether “just” outcomes are best pursued through the Courts. A legalistic model may not be the best way forward; there are other mechanisms that currently provide mediated settlements and their very nature means the restitution, or capacity for restorative justice is broadly associated with the complainant’s emotional, spiritual and financial needs – not only the financial dimension. Should the Commonwealth seek to influence the Attorney-General of Western Australia to amend that State’s legislation in line with Recommendation 29, we suggest the Commonwealth also urge the requirement for mandatory mediation as part of the proceedings.

Recommended Action

Mandatory mediation form part of any court actions brought about due to a lifting of the statute of limitations.

Recommendation 30

That the Commonwealth Government issue a formal statement acknowledging that its predecessors’ promotion of the Child Migration schemes, that resulted in the removal of so many British and Maltese children to Australia, was wrong; and that the statement express deep sorrow and regret for the psychological, social and economic 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.

In all, 2,941 children came to Western Australia as unaccompanied child migrants; around 1,300 of those children went into the care of the Catholic Church. In their response to the Senate inquiry into the experiences of children in Institutional Care, the Christian Brothers Ex-Residents’ and Students’ Service advised that *acknowledgement and apology by the Christian Brothers is an important validation and recognition of the experience of some of our clients. This acknowledgement of their suffering has*

provided some clients with a measure of closure. More recently, we have seen the value in the Apology offered by the Australian Parliament to the Stolen Generations. We see three key benefits of an apology issued by the Australian Parliament:

- ❑ an apology is offered to all Forgotten Australians – specifically mentioning Former Child Migrants, not just those in States whose governments recognise the need for such an acknowledgement;
- ❑ the issue of the care of children gains national prominence – and may rightly raise questions about how much has improved for those children who cannot now – in 2008 - be lovingly nurtured within their natural families;
- ❑ as with the Apology to the Stolen Generations, when an Apology is offered by its Parliament a responsibility is transferred to the citizenry to recognise that something of great moment has occurred in our country – something that we must all face up to and acknowledge. The “forgotten” Australians and former child migrants can come out from the shadows and have their survival as well as their hurt recognised.

Recommended Action

The Australian Parliament issue an Apology to the Forgotten Australians – specifically mentioning former child migrants.

Recommendation 32

That the Commonwealth and State Governments, in conjunction with the receiving agencies, provide funding for the erection of a suitable memorial or memorials commemorating former child migrants, and that the appropriate form and locations(s) of such a memorial or memorials be determined by consulting widely with former child migrants and their representative organisations.

The Western Australian child migrant memorial, unveiled in 2004, was the product of wide consultation with former child migrants, undertaken by the Department for Community Development, and largely facilitated through the CBERS newsletter. The newsletter, which is posted to approximately 450 ex-residents and a further 400 agencies and service providers in Australia and overseas, provided progress reports on the memorial project, and gave former child migrants an opportunity to participate in the planning process¹⁴. The memorial’s unveiling in December 2004 was featured on the front page¹⁵, and a DVD of the unveiling ceremony was later publicised¹⁶.

¹⁴ For example, “Memorial moves ahead” <http://www.cbears.org/archive/ex-press.asp30.htm>

¹⁵ “Minister unveils child migrant memorial” <http://www.cbears.org/archive/ex-press.asp16.htm>

¹⁶ “DVD of unveiling of Child Migrant Memorial in Fremantle” <http://www.cbears.org/archive/ex-press.asp10.htm>

In therapeutic terms, memorials, like heritage trails, exhibitions, and other forms of public recognition, are useful in helping survivors of trauma to connect the past with the present in a way that promotes resolution and healing. Memorials provide a concrete form of remembrance, and can unburden survivors of the task of ensuring that the past is not forgotten. CBERS has a strong commitment to promoting initiatives of this kind, and often uses its newsletter to convey relevant information to the client group¹⁷. The role of memorials is discussed, with input from former child migrants, in an article published in Issue 4 of *CBERS Network*¹⁸, which also reports on the unveiling of the sixth and final child migrant memorial in Victoria in 2006.

Recommendation 33

That the Commonwealth Government support and promote international initiatives that facilitate the sharing of professional best practice, and that ensure uniformity of protocols relating to work with former child migrants and their families.

This recommendation highlights the role that the Commonwealth can play in encouraging best practice throughout the nation. Former child migrants form a sub-set of people who were in care and have faced similar issues in later life, though their experiences in care were heightened by cultural displacement.

Currently, it is our understanding that individual agencies may or may not provide reports to their funders as the case may be. And there is little in the way of dissemination of best practice - which is informal at best.

Best practice in preventing abuse and dealing with allegations should be informing current practice! Information sought from agencies dealing with the issues faced by care leavers will highlight trends, service needs, restorative practices that work and those that don't, or which need more investigation.

Currently, there is no mechanism to 'bridge the gap' between managing the outcomes of previous poor practices and ensuring these problems are not arising now. Students and practitioners need access to information about how past practices influence outcomes for people who have been in out of home care.

Recommended Action

A national Children in Care clearing house and research body should be funded – to encourage dissemination of best practice in dealing with outcomes as well as prevention. Using a common clearinghouse makes the information easily accessible to

¹⁷ For example, "Welcome Walls" to Record Western Australia's Migrant Heritage" <http://www.cbbers.org/archive/express.asp40.htm>; and "Michael Bowman Memorial Service 2006" *CBERS Network* (p.1) http://www.cbbers.org/docs/Issue2_Network_newsletter_Nov_2006.pdf

¹⁸ *CBERS Network*, (p.9) http://www.cbbers.org/docs/Issue4_Network_newsletter_Dec_2007.pdf

students and practitioners – in a similar way to that in which the Australian Institute of Torres Strait and Islander Studies (AIATSIS) is currently utilised.