

Community Affairs References Committee

Inquiry into the Implementation of the Recommendations of the Forgotten Australians Report

Department of Families, Housing, Community Services and
Indigenous Affairs implementation of the Recommendations in the
Community Affairs References Committee report *Forgotten Australians,*
a report on Australians who experienced institutional or out-of-home care
as children.

November 2008

Background

The Forgotten Australians report made 39 recommendations. Recognising their primary responsibility for the well being of children in institutional care, the majority were aimed at State and Territory Governments, churches or other non-government agencies

The former Australian Government rejected a number of recommendations, considering that they were:

- Matters for State and Territory Governments, churches or other organisations;
- Not appropriate given wider implications; or
- Not within the power of the Government, given existing arrangements.

It is worth noting that in the relatively short period since the last Federal election, the Government has made further responses to the Forgotten Australians in several areas and has indicated its commitment to a healing process.

The Government is in the process of examining previous responses to the report's recommendations, to determine areas in which it is appropriate to make improvements and how improvements can be implemented. Given the need to do more, the Government is currently working with key stakeholder groups and several Government members, in both the Senate and the House, to progress matters further.

The information provided in this submission relates only to the recommendations contained in the *Forgotten Australians* report that were the responsibility of the department at that time.

This submission has been approved by the responsible FaHCSIA Deputy Secretary, Ms Glenys Beauchamp. The Minister for Families, Housing, Community Services and Indigenous Affairs, the hon Jenny Macklin MP, is aware of its content.

Former Government's response

In November 2005, the former Government tabled its response to the Forgotten Australians report. This response had several funded elements:

1. A \$100,000 grant to assist people who were in institutional care as children through advocacy and/or support groups – the allocation of which was to be decided in conjunction with the planning and holding of the Forgotten Australians conference;
2. A \$100,000 contribution towards memorials to Forgotten Australians, divided equally between all six states;
3. A national conference focussing on the Forgotten Australians; and
4. A \$100,000 grant to the Care Leavers of Australia Network (CLAN), for professional counselling services to assist care leavers dealing with personal or family trauma.

Also, as child protection is primarily the responsibility of State and Territory Governments, the then Minister, the Hon Kay Patterson, wrote to responsible State and Territory Ministers urging them to take positive steps to address those recommendations that are the responsibility of their respective jurisdictions.

Status of implementation

Given statutory responsibility for this issue, it is important to note that each jurisdiction has developed, or continues to develop, individual policies and service delivery processes.

To further progress the report's recommendations, work needs to occur collaboratively with, and across, all jurisdictions. It is now important that State and Territory Governments, churches and agencies take responsibility for delivering positive and concrete responses. The Government continues to work with stakeholders to deliver appropriate responses.

Australian Government responses to specific Recommendations

In response to Recommendation 19, the former Government convened a national conference in 2006. The conference identified the ongoing needs of Australians who experienced institutional care as children and made recommendations about the most effective way of meeting those needs. Also in 2006, a second national conference was held to identify a practical way forward in developing a national approach to child protection in Australia.

The Forgotten Australians conference discussed the current and future needs of people who were in institutional care as children. It brought together both levels of government, the churches and charities that ran institutions, support groups, service providers and Forgotten Australians.

There was general agreement at the conference on the need for a peak body to represent and advocate for the needs of Forgotten Australians at a national level. Following the conference, ongoing discussions with FaHCSIA and follow up meetings of Forgotten Australians and their representatives, agreement was reached on the formation of the Alliance of Forgotten Australians (AFA).

In response to recommendation 20, the former Government provided AFA with \$100,000 funding. FaHCSIA departmental staff provided substantial guidance and assistance during its initial establishment period and a good working relationship continues, with FaHCSIA staff periodically attending meetings of AFA's steering committee.

Ongoing support for care leavers is the responsibility of State and Territory Governments. However, while not directly in response to Recommendations 19 or 20, the Government recognised the need to continue supporting a national representative body and is providing AFA with an additional \$100,000 during 2008-09. This additional support will enable AFA to share information and continue advocating, coordinating and providing a voice for Forgotten Australians at the national level.

In response to elements of Recommendations 25 and 37, the Government provided AFA with a \$20,000 grant to greatly extend the publication of its booklet for service providers. AFA's information booklet was designed to improve community awareness and provide support services the background information they need to recognise, relate to and address the unique needs of people who spend their childhoods in out-of-home care.

In response to Recommendation 34, and as a way of making the history and suffering of people who were in institutional care more visible, the former Government provided \$100,000 across the six States to assist with the establishment of memorials to the Forgotten Australians. The Government invited applications from all State and Territory Governments and, in 2007, all six states received \$16,666 (GST ex) to assist them establish memorials.

To further allow States the freedom to work closely with Forgotten Australians and given the lengthy process needed to develop and deliver suitable memorials, the spending timeframe and the reporting commitments related to this funding were reduced to a minimum.

In response to elements of Recommendations 12, 37 and 38, and to acknowledge the ongoing need to help uncover lost and incomplete personal histories, the Government has provided an Australian Research Council grant to assist several Victorian based organisations undertake a study on children and adolescents who formerly lived in foster or institutional homes. This project is providing information to people who have been in care, offer a history and set of resources to people currently in care, and inform current organisations on best practice models.

In addition, the Government has placed a high priority on child safety and wellbeing. It is developing a framework for protecting Australia's children to help prevent abuse and neglect of all children and avoid the harm inflicted on many children while in care.

The Framework will be practical and will aim to ensure nationally consistent approaches to the protection of children and the services needed to support victims of abuse.

The Australian Taxation Office (ATO) has ruled that payments made under the redress schemes in operation in Tasmania, Queensland and Western Australia are specifically exempted from the income test under section 8(11) of the Social Security Act 1991 (SSA). Redress payments will not be taken into account when assessing entitlements for social security payments.

Status of Implementations

Forgotten Australians A Report on Australians Who Experienced Institutional or Out-Of-Home Care as Children

Recommendation 1	Response	Current Status
<p>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.</p>	<p>The Australian Government has great sympathy for those children who suffered hurt and distress in institutional care. While it would not be appropriate for the Australian Government to issue an apology for a matter for which it does not have responsibility, the Government expresses its sincere regret that these children were placed in situations where they did not receive the care they deserved.</p> <p>The Government appreciates that many of these unfortunate Australians and their families continue to experience the serious personal consequences of their experiences of abuse, assault and abandonment.</p> <p>The Government urges state, territory and local governments, churches, institutions and community organisations to acknowledge their responsibilities and to take action, where appropriate, to alleviate the suffering of those who were in their care. In particular, the Government urges a collaborative approach to assistance, through improved information access as well as practical support for care leavers.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 2</p> <p>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.</p>	<p>Response</p> <p>This is a matter for state and territory governments, churches and agencies to consider.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 3</p> <p>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.</p>	<p>Response</p> <p>This is a matter for state and territory governments to consider.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>

Recommendation 4	Response	Current Status
<p>That in recognising the difficulty that applicants have in taking civil action against unincorporated religious or charitable organisations, the Government examine whether it would be either an appropriate or a feasible incentive to incorporation, to make the availability of federal tax concessions to charitable, religious and not-for-profit organisations dependent on, or alternatively linked to, them being incorporated under the corporations act or under state incorporated associations statutes.</p>	<p>The Government does not support this recommendation. The Australian Government recognises that the requirement for charities to be incorporated, as a condition for receiving tax concessions, may be desirable in some cases; however, the Government considers that such a requirement would not be feasible on administration or equity grounds.</p> <p>In regards to charities, the Australian Government has already taken steps to safeguard against the potential abuse of the tax status of charities and has announced that it will provide for greater scrutiny of the taxation concessions available to charities. In addition, the Australian Taxation Office maintains a compliance program under which organisations' charitable status can be reviewed. Compulsory incorporation of charities as a precondition to granting tax concessions will add significant compliance and financial costs to the sector as a whole. For example, not-for-profit organisations may need to consider maintaining a constitution, appointing a board of directors, holding annual general meetings and hiring a lawyer and an accountant to meet the requirements of incorporation. These requirements can impose prohibitive costs on smaller charities (such as locally based community organisations), which currently do not undertake activities that may warrant incorporation. Confining tax concessions to incorporated not-for-profit organisations may draw public criticism that the Government's tax concessions favour larger not-for profit organisations at the expense of the smaller ones.</p> <p>Furthermore, such a requirement may result in reduced levels of charitable activity across the community and community wellbeing more generally. In that regard, compulsory incorporation may also create a distortion in the sector by favouring those organisations that are sufficiently large or have the capacity to justify incorporation. Placing further restrictions on the sector by using a tax policy instrument to achieve a non-tax policy outcome is likely to result in unintended consequences that would be difficult to address. Other non-tax options, such as requiring that certain governance arrangements be observed by charitable organisations of a certain size, may offer a more appropriately targeted means to achieve the desired outcome.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 5</p> <p>That the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.</p>	<p>The Government supports this recommendation. In its examination of the desirability and viability of introducing whistleblower legislation to provide protection for those working in the not-for-profit religious and charitable sectors, the Australian Government will need to explore a number of issues, including the extent to which it is possible, practical and appropriate for the Australian Government to legislate in this area.</p>	<p>FaHCSIA is not aware of further action.</p>

Recommendation 6	Response	Current Status
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>The Government does not support this recommendation.</p> <p>The Government deeply regrets the pain and suffering experienced by children in institutional care but is of the view that all reparations for victims rests with those who managed or funded the institutions, namely state and territory governments, charitable organisations and churches. It is for them to consider whether compensation is appropriate and how it should be administered, taking into account the situation of people who have moved interstate.</p>	<p>This Recommendation was not supported.</p> <p>The former Prime Minister sent a letter to Premiers, 20 November 2006, urging them to investigate lost wages of children in institutional and out-of-home care.</p> <p>Several states have implemented specific redress schemes.</p> <p>FaHCSIA is not aware of further action.</p>
Recommendation 7	Response	Current Status
<p>That all internal Church and agency-related processes for handling abuse allegations ensure that:</p> <ul style="list-style-type: none"> 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. 	<p>This is a matter for churches and agencies to consider.</p> <p>The Australian Government urges churches and agencies to respond positively and compassionately</p>	<p>FaHCSIA is not aware of further action.</p>

Recommendation 8	Response	Current Status
<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>The Australian Government does not support this recommendation. A Children's Commission or similar office may be appropriate for state and territory governments to establish, given the primary responsibility the states and territories have for child welfare, and that decision rests with them. NSW, Queensland and Tasmania have Children's Commissioners, and they are regarded as performing valuable functions. The ACT Government also plans to have a Children's Commissioner. However, the Australian Government does not believe there would be any benefit in having a National Children's Commissioner, as this would duplicate processes already in place.</p> <p>The Australian Government does not seek to influence state and territory governments regarding the establishment of state or territory children's commissions. This is a decision for each state or territory government.</p>	<p>While not directly in response to this Recommendation, the Australian Government appointed the Hon Bill Shorten MP as Parliamentary Secretary for Disabilities and Children's Services. The Parliamentary Secretary has a key role in delivering children's programs and advising on children's issues, including child protection.</p> <p>The Australian Government is developing a National Child Protection Framework to help prevent abuse and neglect of all children and avoid the harm inflicted on many children while in care.</p> <p>The Australian Government has established an Office of Work and Family within the Department of Prime Minister and Cabinet to give the Prime Minister direct involvement in the formulation of policies that provide for the wellbeing of our children. The Government is currently examining the merits of a Children's Commissioner.</p>
Recommendation 9	Response	Current Status
<p>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:</p> <ul style="list-style-type: none"> • numbers of complainants and type of complaints received; • numbers of Church/agency personnel involved in complaint allegations; and • amounts of compensation paid to complainants. 	<p>This is a matter for state and territory governments, churches and agencies to consider.</p> <p>Privacy considerations would be paramount.</p>	<p>FaHCSIA is not aware of further action.</p>

Recommendation 10	Response	Current Status
<p>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.</p>	<p>See response to Recommendations 8 and 9. However, national consolidation of data is possible through existing departmental mechanisms. The Australian Government will discuss consolidation processes with state and territory governments, churches and agencies if they choose to establish data collection mechanisms.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 11</p> <p>That the Commonwealth Government seek a means to require all charitable and church-run institutions and out-of-home care facilities to open their files and premises and provide full cooperation to authorities to investigate the nature and extent within these institutions of criminal physical assault, including assault leading to death, and criminal sexual assault, and to establish and report on concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant authorities, charities and/or Church organisations. And if the requisite full cooperation is not received, and failing full access and investigation as required above being commenced within six months of this Report's tabling, that the Commonwealth Government then, following consultation with state and territory governments, consider establishing a Royal Commission into State, charitable, and church-run institutions and out-of-home care during the last century, provided that the Royal Commission:</p> <ul style="list-style-type: none"> • be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; • be narrowly conceived so as to focus within these institutions, on the nature and extent of criminal physical assault of children and young persons, including assault leading to death; criminal sexual assault of children and young persons; • and any concealment of past criminal practices or of persons known, suspected or alleged to have committed crimes against children in their care, by the relevant State authorities, charities and/or Church organisations. 	<p>Response</p> <p>The Australian Government urges state governments, charitable organisations and churches that managed or funded institutions to cooperate fully with authorities to investigate the nature and extent of criminal offences and to work in good faith to address outstanding issues.</p> <p>The Australian Government considers that a royal commission into state government, charitable and church-run institutions is not appropriate. This inquiry has shown that there are a number of practical steps that can be taken to redress the experiences of children in institutional care.</p> <p>The offences dealt with under Recommendation 11 are offences under state/territory law. Any investigation of the nominated institutions is, therefore, a matter for state and territory governments.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 12</p> <p>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.</p>	<p>Response</p> <p>This is a matter for state and territory governments, churches and agencies to consider.</p> <p>The Australian Government strongly supports the proposal in principle.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>

Recommendation 13	Response	Current Status
That all government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.	This is a matter for state and territory governments, churches and agencies to consider. The Australian Government strongly supports the proposal in principle.	FaHCSIA is not aware of further action.
<p>Recommendation 14</p> <p>That all State Governments and non-government agencies, which have not already done so:</p> <ul style="list-style-type: none"> • 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. 	This is a matter for state and territory governments, churches and agencies to consider.	FaHCSIA is not aware of further action.
<p>Recommendation 15</p> <p>That a dedicated information and search service be established in each State and Territory to:</p> <ul style="list-style-type: none"> • develop a complete register of all records held by government and non-government agencies; • provide assistance to care leavers to locate and access records; • provide advocacy and mediation services to care leavers accessing records; and • ensure that all agencies holding records identify, preserve and make available all surviving records relating to care leavers and the institutions that housed them. 	This is a matter for state and territory governments to consider.	FaHCSIA is not aware of further action.
<p>Recommendation 16</p> <p>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:</p> <ul style="list-style-type: none"> • 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, 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. 	<p>This is a matter for state and territory governments, churches and agencies to consider.</p> <p>The Australian Government supports the proposal in principle.</p>	FaHCSIA is not aware of further action.

Recommendation 17	Response	Current Status
<p>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.</p>	<p>The Australian Government notes that counselling services are already funded and widely available, including to care leavers, and would be appropriately used in these circumstances.</p> <p>The Australian Government has provided one-off funding to the Care Leavers of Australia Network (CLAN) of \$100,000 for counselling support. In the longer term, this is the responsibility of state and territory governments, churches and agencies.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 18</p> <p>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.</p>	<p>The Australian Attorney-General will raise this proposal with his state and territory counterparts.</p>	<p>Current Status</p> <p>The then Australian Attorney General wrote to state premiers in May 2006, but did not suggest referral to the Standing Committee of Attorneys-General (SCAG). All jurisdictions responded saying that they were investigating the matter.</p> <p>Jurisdictions were to complete a template, requesting information on current practices in relation to information release and care leavers accessing records and forward this to the QLD Department of Communities.</p> <p>The template was completed, however contact needs to be made with the QLD Department of Communities to progress this information.</p> <p>FaHCSIA is not aware of further action.</p>

<p>Recommendation 19</p> <p>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 Church and agencies.</p>	<p>Response</p> <p>The Australian Government supports in principle the proposal for a conference of service providers, but not with a pre-determined outcome. Such a conference could identify ongoing needs of care leavers and make recommendations about the most effective ways of meeting those needs. The Australian Government is prepared to work with states and territories to convene a meeting of service providers and will discuss cost-sharing arrangements with states and territories. The Government cannot commit to funding of any outcomes in advance. The Australian Government acknowledges the important role played by service providers and advocacy and support groups for care leavers. The Government notes that it already provides significant funding for counselling and support in the areas of child abuse and/or sexual assault. The Australian Government considers that the establishment of any national support and advocacy body for care leavers would need to ensure that it does not duplicate services already available in some states. A state-based approach to providing support and advocacy is beneficial as it provides care leavers with the opportunity to talk to others with similar experiences and with counsellors who are aware of the specific experiences of children in those locations. If there were seen to be a role for a national body, a fair and transparent selection process would be appropriate.</p>	<p>Current Status</p> <p>The former Australian Government convened a national conference to identify the ongoing needs of Australians who experienced institutional care as children and make recommendations about the most effective way of meeting those needs.</p> <p>Following the conference agreement was reached on the formation of the Alliance of Forgotten Australians (AFA). AFA received \$100,000 Commonwealth funding and it was launched on 16 October 2007. The Australian Government has provided an additional \$100,000 funding for AFA.</p> <p>The Australian Government provided CLAN with funding of \$100,000 to assist care leavers.</p>
<p>Recommendation 20</p> <p>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.</p>	<p>Response</p> <p>The Australian Government acknowledges the work CLAN has done in bringing together the stories of the individuals and families who suffered abuse and neglect in institutions. The Government commends CLAN for effectively reshaping the country's history by drawing the nation's attention to these tragic events. It is now important for governments, churches and agencies to take responsibility for delivering positive and concrete responses, and it remains to be seen what role CLAN and other support groups now have to play in encouraging them to do so. The Australian Government has committed \$100,000 to CLAN as a one-off grant for the provision of counselling services to care leavers. The definition of any ongoing role for CLAN, or another national support body, would be expected to emerge from the conference proposed in Recommendation 19. Appropriate structures and sources of funding would be determined following discussion of recommendations from that conference. There are other care leaver support bodies, specifically providing services in some states to people who were in care in each of those states. While ongoing support for care leavers is primarily a role for state and territory governments, churches and agencies, the Australian Government will commit additional funding of \$100,000 to assist care leavers through support groups, to be determined in conjunction with the planning and holding of the national conference.</p>	<p>Current Status</p> <p>See response to recommendation 19</p>

<p>Recommendation 21</p> <p>That all State Governments, Churches and agencies provide a comprehensive range of support services and assistance to care leavers and their families.</p>	<p>Response</p> <p>This is a matter for state and territory governments, churches and agencies to consider.</p> <p>The Australian Government strongly supports a process that is based on an assessment of need and an identification of gaps in existing services. These matters could be further discussed at appropriate Ministerial Councils.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 22</p> <p>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.</p>	<p>Response</p> <p>This is a matter for state and territory governments.</p> <p>The Australian Government supports the recommendation in principle and urges state and territory governments to continue to ensure access to services is provided for care leavers who have moved interstate.</p>	<p>Current Status</p> <p>Jurisdictions were to complete a template, requesting information on state government funded services and forward this to the QLD Department of Communities. The template was completed, however contact needs to be made with the QLD Department of Communities to progress this information.</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 23</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Response</p> <p>This is a matter for state and territory governments, churches and agencies to consider.</p> <p>The Australian Government supports this recommendation in principle.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>

Recommendation 24	Response	Current Status
<p>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.</p>	<p>Universities are self-accrediting institutions that decide the courses they will offer, within broad profiles agreed with the Australian Government. Under the new funding framework that commenced in 2005, there will be Funding Agreements with each University, specifying the number of places across the discipline mix to be supported by the Australian Government. In reaching these agreements, every year the Department of Education, Science and Training will meet with each University to discuss their strategic directions and plans for course offerings. This would be the stage at which the possibility of offering this training might be discussed, assuming that they are to be included in a health related degree. However, Universities decide how the funds they receive from the Government and the tuition fees they receive from their students will be used internally, as they are in the best position to allocate funds in a way that furthers their strategic direction in the provision of higher education.</p> <p>The Australian Government will ensure that the Australian Vice-Chancellor's Committee is aware of the recommendations of the Senate Community Affairs Committee in this regard. Other higher education providers are autonomous institutions, which determine their own teaching arrangements and course curricula.</p> <p>The Medical Specialist Training Steering Committee, commissioned by the Australian Health Ministers' Advisory Council, is currently looking at providing training for medical specialists, including psychiatrists, which is more applicable to the range of health care settings within which they will practice as professionals. This work is being done in conjunction with the Royal Australasian and New Zealand College of Psychiatrists who are responsible for the development of training programme content. It will ensure that training provided to the future psychiatry workforce is more applicable to the needs of the community, including those members of the community who present to a range of community based and acute settings for psychiatric treatment.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 25</p> <p>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.</p>	<p>The Australian Government, through the Department of Health and Ageing, funds a range of health care, health promotion and support programs, which are accessible to all Australians. While not targeted at care leavers, these programs are accessible to this group. These include the <i>National Suicide Prevention Strategy</i>, <i>National Mental Health Strategy</i> and the <i>Better Outcomes in Mental Health Care Initiative</i>.</p>	<p>Current Status</p> <p>In response to elements of this Recommendation, the Australian Government provided AFA with a \$20,000 grant to greatly extend the publication of its booklet for service providers.</p>

Recommendation 26	Response	Current Status
<p>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.</p>	<p>The Australian Government, through the Department of Health and Ageing, acknowledges the potential scope to develop a pilot proposal under the Aged Care Innovative Pool that would aim to test innovative models of aged care services for older people with specific needs, such as care leavers, whose care needs are not adequately met through existing aged care services.</p> <p>Consistent with Program Guidelines that specify the arrangements for developing innovative pool pilot proposals, stakeholder agencies can develop an outline of a proposed model and project parameters and make contact with the Department. More information about the Innovative Pool, including program guidelines, is available from the Department of Health and Ageing's website.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 27</p> <p>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.</p>	<p>This is a matter for state and territory governments. The Australian Government, through the Department of Health and Ageing, provides funding for the Home and Community Care (HACC) program, which is accessible to all Australians. The dissemination of information about state and regional specific programs funded under the HACC program is a state and territory government responsibility.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 28</p> <p>That the Supported Accommodation Assistance Program recognise the particular needs of care leavers; and that:</p> <ul style="list-style-type: none"> • data on the usage of the Program by care leavers be collected; and • information about the Program be widely disseminated to care leaver support and advocacy groups in all States. 	<p>The Government supports this recommendation in principle. Data collection on the use of the Supported Accommodation Assistance Program (SAAP) by care leavers is currently being investigated by the SAAP program's Information Sub Committee.</p> <p>Information on SAAP services may be of interest to care leaver support and advocacy groups, and such information will be made available through the Department of Family and Community Services.</p> <p>However, SAAP is a crisis response program for people who are homeless or about to become homeless. Support groups should familiarise themselves with the range of programs available for this particular client group which aim to prevent them from falling into crisis.</p>	<p>Current Status</p> <p>This recommendation has been supported by the Government.</p> <p>The vulnerability of young people leaving care to homelessness is recognised and raised in the Green Paper on Homelessness, Which Way Home? A New Approach to Homelessness released in May 2008 to promote discussion about how to reduce homelessness.</p> <p>A White Paper on homelessness will be released later this year and will be supported by a National Action Plan setting out reform directions for four years.</p>

In June 2008, a feasibility study funded by the Community and Disability Services Ministers' Advisory Council, into 'Linking SAAP, Child Protection and Juvenile Justice Data Collections' was produced by the Australian Institute of Health and Welfare. The study concluded that it is feasible to begin linking the currently suitable and available data from the juvenile justice and SAAP national data collections with future stages including child protection data when these are available.

The SAAP National Data Collection (NDC) is a continuous collection of information from July 1996 of the services provided to clients of SAAP and of the agencies funded to deliver those services. The NDC aims to continuously improve the quality and usefulness of data collection in order to provide a valuable information resource for service development, management and research into homelessness responses. The Australian Institute of Health and Welfare is currently contracted to carry out this task. Data on the usage of the Program by care leavers is not currently specifically collected by the SAAP National Data Collection Agency. From January 1 2009 the Supported Accommodation Assistance Program will be incorporated into the Housing Specific Purpose Payment (SPP). Care leaver support and advocacy groups should be informed about SAAP services, however early intervention and prevention of homelessness amongst young people leaving care would be preferable to a crisis response through SAAP or other homelessness services.

<p>Recommendation 29</p> <p>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.</p>	<p>Response</p> <p>The Australian Government supports this recommendation.</p> <p>While funding of Adult and Community Education (ACE) provision is a State and Territory Government responsibility, from 1 July 2005 the Australian Government (through the Department of Education, Science and Training) will provide \$1.105 million to Adult Learning Australia (ALA) to undertake activities associated with adult learning. Part of this funding (\$730,000) supports the promotion of adult learning, research and other activities. An additional \$375,000 is provided to ALA to distribute to the States and Territories for activities associated with Adult Learners' Week.</p> <p>The Commonwealth Department of Education, Science and Training liaises with State Training Authorities and with peak bodies, such as the Australian Council for Adult Literacy (ACAL) and ALA, and will seek their support to further publicise the availability of adult literacy and numeracy courses and associated education courses to care leavers and care leaver support groups. The Department of Education, Science and Training also funds the Reading Writing Hotline which directs callers to their nearest literacy training provider and will ask ALA to further publicise it. State and Territory Governments also provide general education courses, which largely consist of literacy and numeracy training.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 30</p> <p>That State Governments investigate options for alternative entry pathways to higher education courses for ex-residents of institutions and their children.</p>	<p>Response</p> <p>This is a matter for state and territory governments to consider.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 31</p> <p>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.</p>	<p>Response</p> <p>The Australian Government will examine what the possibilities are of collecting information on existing forms.</p> <p>Not all situations will be appropriate. Collection of this type of information on Medicare forms is not supported. Access to such information through Medicare forms would infringe the Privacy Act 1988, as such collection is not a legislated purpose nor covered in the Information Privacy Principle 2 pathway as printed on the Medicare claim form. Further, section 130 of the Health Insurance Act 1973 would prevent any such disclosure. The inclusion of specific questions on Centrelink forms would only be appropriate if programs were specifically tailored for, or offered particular services to, care leavers. This recommendation will be revisited if specific programs or services are developed in the future that target care leavers as a distinct group.</p>	<p>Current Status</p> <p>This is a matter for state and territory governments to consider also.</p> <p>FaHCSIA is not aware of further action.</p>

Recommendation 32	Response	Current Status
<p>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.</p>	<p>The Australian Government recognises the issues faced by care leavers but does not endorse the recommendation to explicitly recognise care leavers as a sub-group with specific requirements in publications and public information materials.</p> <p>Australian Government departments will consider and address, where appropriate, the special needs of care leavers with regard to information and programs that specifically address the needs and circumstances of that group.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 33</p> <p>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.</p>	<p>The Australian Government believes that these issues are worthy of further discussion but does not support referral to COAG.</p> <p>The Australian Government will commit to a whole of government approach through relevant Ministers' Conferences, including the Community Services Ministers and the Health Ministers Councils. Appropriate strategies will be developed for government consideration.</p>	<p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 34</p> <p>That the Commonwealth and State Governments, in conjunction with the Churches and agencies, provide funding for the erection of suitable memorials commemorating care leavers. Where possible, memorials could take the form of:</p> <ul style="list-style-type: none"> • memorial gardens constructed in conjunction with local councils; • the placement of plaques at the site of former institutions; and/or • the construction of heritage centres on the site of former institutions. <p>The Committee further recommends that the appropriate form and location of memorials should be determined after local consultation with care leavers and their support and advocacy groups.</p>	<p>The Government supports the concept of memorials to commemorate the experiences of children in institutional care as an appropriate way to acknowledge past injustices.</p> <p>The Government will contribute funding of up to a total of \$100,000 towards any suitable proposals for memorials initiated by state or territory governments.</p>	<p>Current Status</p> <p>In its response, the former Australian Government provided \$100,000 across the six states to assist with the establishment of memorials to the Forgotten Australians. In 2007, all six states received a total of \$16,666 (GST ex) to assist them develop suitable memorials.</p> <p>To allow states the freedom to work closely with Forgotten Australians and given the lengthy process needed to deliver suitable memorials, the spending and reporting commitments related to this funding were reduced to a minimum</p>

<p>Recommendation 35</p> <p>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.</p>	<p>Response</p> <p>While the Australian Government has responsibility for the National Museum of Australia, the management of Australian Government institutions is at arm's length from the government of the day.</p> <p>The Council and Management of these institutions form their own policies on acquisitions, exhibitions and all collections issues. The Museum has advised that while similar social issues, in particular those that affect the lives of children, have been represented in its temporary exhibitions program, it would be unable to commit to a permanent exhibition on this theme.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 36</p> <p>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.</p>	<p>Response</p> <p>While the Australian Government has responsibility for the National Library of Australia, the management of Australian Government institutions is at arm's length from the government of the day. The Council and Management of these institutions form their own policies on acquisitions, exhibitions and all collections issues.</p> <p>The National Library has advised that it would be unable to undertake a project of this scale at this time.</p>	<p>Current Status</p> <p>FaHCSIA is not aware of further action.</p>
<p>Recommendation 37</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Response</p> <p>The Australian Institute of Family Studies is an independent entity, and the Australian Government has no capacity to determine its research priorities.</p> <p>However, the Government will explore, through the Department of Family and Community Services, possibilities for engaging other research partners to examine issues relating to the social impacts of institutional care, the ongoing needs of care leavers, service delivery ramifications and specific issues around family relationship effects. Historical research, if undertaken, would not be a primary focus. Any research should be tailored to improving outcomes for this group of care leavers. The National Child Protection Clearinghouse is contracted to the Department of Family and Community Services and can be funded to carry out additional research as required. This avenue will be pursued.</p>	<p>Current Status</p> <p>Funding is provided to the Australian Institute of Family Studies to maintain the National Child Protection Clearinghouse.</p> <p>The Clearinghouse disseminates information on child protection activities and research to professionals and organisations in this field. Among the clients of the Clearinghouse are: policy makers, including State and Territory government departments responsible for family and community services; service providers; professionals in child abuse prevention; researchers; and students.</p>

Recommendation 38	Response	Current Status
<p>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.</p> <p>Recommendation 39</p> <p>That the Commonwealth, in co-operation with State Governments, establish courses of study at selected tertiary institutions that focus on child protection and related issues, especially early childhood and family studies, psychology, conflict management, the impact of institutional care and social policy to address issues in these areas.</p>	<p>See response to Recommendation 37.</p> <p>Response</p> <p>The Australian Government supports this recommendation in principle but notes that universities are self-accrediting institutions that decide the courses they will offer, within broad profiles agreed with the Australian Government.</p> <p>Under the new funding framework that commenced in 2005, there will be Funding Agreements with each University, specifying the number of places across the discipline mix to be supported by the Australian Government. In reaching these agreements, every year the Department of Education, Science and Training will meet with each University to discuss their strategic directions and plans for course offerings. This would be the stage at which the possibility of offering this training might be discussed. However, Universities decide how the funds they receive from the Government and the tuition fees they receive from their students will be used internally, as they are in the best position to allocate funds in a way that furthers their strategic direction in the provision of higher education.</p> <p>Other higher education providers are autonomous institutions, which determine their own teaching arrangements and course curricula. Agencies that employ child protection workers could seek to work with individual Universities (or other higher education providers) to develop courses that meet their needs. Funding is being provided through the Higher Education Support Act 2003 under Section 41-45 (Other Grants), for a Chair in Child Protection at the University of South Australia. The Chair was announced by the Minister for Education, Science and Training on 19 March 2004. Ten million dollars has been committed over ten years from 2004, to provide a special focus on research into child protection issues. The position of the Chair, currently held by Professor Dorothy Scott, is to lead and promote research into child protection and assist researchers working to combat child abuse across the disciplines of early childhood and family studies, psychology, education and literacy, conflict management, Indigenous communities and cultures, service delivery and social policy.</p>	<p>See response to Recommendation 37.</p> <p>Current Status</p> <p>Australian Government funding has been provided for a Chair in Child Protection at the University of South Australia, currently held by Professor Dorothy Scott. The Australian Government agreed with state and territory governments, as a group, to write to Professor Scott to seek her input and guidance on this issue.</p> <p>This item was put on hold due to the death of Dorothy Scott's mother.</p> <p>FaHCSIA is not aware of further action.</p>

The Australian Government has agreed with state and territory governments to write, as a group, to Professor Scott and seek her input and guidance on these issues. The Australian Government will ensure that the Australian Vice-Chancellor's Committee is aware of the recommendations of the Senate Community Affairs Committee in regard to this recommendation. Additionally, in vocational education and training, the Community Services and Health Industry Skills Council will be developing a national competency framework for workforce planning for Family Counsellors, Family Dispute Resolution Practitioners and workers in Children's Contact Services. This project, to be undertaken during 2005-2006, was funded by the Attorney General's Department (Family Pathways Branch). Vocational/job outcomes for workers will be achieved by developing competency standards and qualifications, and supporting their work under a national structure.

The competency standards/qualifications are planned to be included in the Community Services Training Package. Further, the Certificate IV in Mental Health Work (Nonclinical), in the current Community Services Training Package, was developed for health workers who provide a range of community services and community interventions to clients with mental health issues and/or implement health promotion and community interventions. Their work may take place in a range of contexts such as community based organisations, residential rehabilitation services and outreach services. This qualification refers to specific knowledge of a "clients with mental health issues" group and appropriate intervention processes applied in residential and community settings.

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