



The Honourable Lindy Nelson-Carr MP
Member for Mundingburra



**Queensland
Government**

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**Minister for Communities
Minister for Disability Services
Minister for Aboriginal and
Torres Strait Islander Partnerships
Minister for Multicultural Affairs,
Seniors and Youth**

Senator Claire Moore
Chair
Senate Community Affairs Committee
Parliament House
CANBERRA
community.affairs.sem@aph.gov.au

Dear Senator *Claire,*

Thank you for your letter of 23 September 2008 inviting the Queensland Government to make a submission to the Senate Community Affairs Committee on the progress of implementation of the recommendations of the *Lost Innocents* and *Forgotten Australians* reports. I understand that approval has been given by the Committee Secretary for this submission to be lodged by 26 November 2008.

On behalf of the Queensland Government I would like to commend the Committee for its decision to review the implementation of the recommendations of the two reports. I am aware that for many Australians, these reports provide validation and acknowledgement of experiences of suffering which they have long kept secret from their family and friends.

As you would be aware, Queensland confronted the difficult issue of abuse of children in out-home-care in 1998 with the establishment of the *Forde Inquiry*. This inquiry found that children had suffered and continue to suffer the legacy of pain throughout their lives. In response to these findings the Queensland Government implemented a range of initiatives specifically designed to redress the impact of past abuse and assist former state wards improve the quality of their lives. In the nine years subsequent to the Inquiry, the government has worked on an ongoing basis to enhance existing services and supports and implement new initiatives to respond to the emerging needs of former state wards.

In May 2007, the Queensland Government approved up to \$100 million for a redress scheme to address recommendation 39 of the *Forde Inquiry* report relating to monetary compensation. Queensland's Redress Scheme provides ex gratia payments of between \$7,000 (Level 1) and up to \$40,000 (Level 1 and Level 2) to people who suffered abuse in institutions covered by the terms of reference of the *Forde Inquiry*. The scheme has been designed to be non-adversarial in nature and to take account of the Inquiry's findings in relation to unsafe, improper and unlawful care or treatment of children in licensed institutions in Queensland. The government is aware that payments offered under the scheme can never compensate for the harm suffered, but hopes that they will bring some closure to the past and assist people to move forward with their lives.

Level 13
111 George Street Brisbane
GPO Box 806 Brisbane
Queensland 4001 Australia
Telephone +61 7 3235 4280
Facsimile +61 7 3210 2186
Email CandDS@ministerial.qld.gov.au
Website www.communities.qld.gov.au
Website www.disability.qld.gov.au
ABN 65 959 415 158

At the closure of the 12 month application period for the scheme on 30 September 2008, more than 10,200 applications had been received from across Australia and overseas. The size of this response is indicative of the extent of abuse and neglect suffered by children in out-of-home care and a sad reflection of the failure of past systems. The total number of applicants who are eligible for a Level 1 payment is yet to be determined. Level 2 payments of up to \$33,000 will be made from the funds remaining in the \$100 million allocation for the scheme after the finalisation of Level 1 applications.

The attached submission provides details of initiatives implemented by the Queensland Government in response to the recommendations of the *Forde Inquiry* and their correlation with relevant recommendations of the *Lost Innocents* and *Forgotten Australians* report

If you require any further information or assistance in relation to this matter, please contact Ms Barbara Shaw, A/Executive Director, Policy Development and Coordination Branch, Department of Communities on (07) 3224 7463.

Yours sincerely



Lindy Nelson-Carr MP
Minister for Communities

Enc

Cc The Honourable Anna Bligh MP
Premier
PO Box 15185
CITY EAST QLD 4002

**Department of Communities
Queensland**

Submission to Senate Community Affairs Committee inquiry

**Update report on Queensland initiatives and implementation
of the recommendations of the *Lost Innocents* and *Forgotten
Australians* reports**

NOVEMBER 2008

TABLE OF CONTENTS

1. Introduction.....	3
2. Apology and redress	3
3. Location, preservation, recording and access to records.....	4
4. Advocacy/support groups and provision of support services	5
5. Whole of government approach to programs and service delivery	7
6. Memorials	7

1. Introduction

Since the tabling of the report by the *Commission of Inquiry into Abuse of Children in Queensland institutions* (Forde Inquiry) in 1999, the Queensland Government has implemented a number of initiatives specifically targeted at assisting former child residents of institutions, detention centres and foster care. These initiatives extend to the small number of British child migrants who were placed in Queensland children's institutions under the child migration scheme and whose experiences are addressed by the *Lost Innocents* report.

Responsibility for the monitoring and development of these initiatives rests with the Department of Communities. This work is supported by ongoing dialogue between the Government and former residents on the development of appropriate responses.

Current initiatives centre on three key elements identified by people who experienced harm in out-of-home care as important to redress:

- apology and acknowledgement;
- access to ongoing services; and
- reconciliation and provision of an ex-gratia payment.

An overview of Queensland's initiatives and their correlation with recommendations of the *Lost Innocents* and *Forgotten Australians* reports relevant to the roles and responsibilities of state governments is outlined below.

2. Apology and redress (Forgotten Australians recommendations 2, 3 and 6 and Lost Innocents recommendation 31)

Apology

In August 1999, in response to Recommendation 37 of the *Forde Inquiry* report, the Queensland Government and the Heads of Churches issued a joint statement of apology to those harmed in institutional care. The apology statement includes a commitment to ongoing dialogue with victims of abuse and the provision of appropriately coordinated support services. Copies of the apology statement are available upon request from the Department to Communities.

Redress/reparation

In May 2007, in response to Recommendation 39 of the *Forde Inquiry* report, the Queensland Government approved up to \$100 million in funding for a Redress Scheme. The scheme is administered by the Department to Communities and provides ex gratia payments to people who experienced abuse or neglect in institutions covered by the terms of reference of the *Forde Inquiry*.

The funding allocation for the scheme includes ex-gratia payments, access to legal and financial advice for eligible applicants and practical assistance to lodge an application. Administration costs of the scheme are funded internally by the Department of Communities.

Applicants to the scheme may pursue one or two levels of payments:

- Level 1 payment of \$7,000 to applicants who meet the basic eligibility criteria; and
- Level 2 payment of up to \$33,000 for approved Level 1 applicants who suffered more serious harm. Level 2 applications are assessed on a case-by-case basis by a panel of experts on the basis of harm suffered by the applicant. The assessment process is non-adversarial in nature and based on information provided by the applicant as to the harm suffered.

The maximum possible payment amount is \$40,000 (inclusive of Level 1 and Level 2). Payments are dependent on the applicant signing a waiver, releasing and indemnifying the State of Queensland from any current or future legal claims that fall within the scope of the scheme. Applicants are provided with access to independent legal advice to assist them make an informed decision in relation to this matter.

Under the terms of the scheme, Level 2 payments will be made from the funds remaining in the \$100 million funding envelope after all Level 1 applications have been finalised.

Applications to the scheme opened on 1 October 2007 and closed on 30 September 2008. At the closing date the scheme had received more than 10,200 applications from across Australian and overseas. More than 60% of applicants have indicated an intention to pursue both a Level 1 and Level 2 payment. As at 13 November 2008, more than 3,270 Level 1 payments had been made to eligible applicants.

- Further information is available on the department's website at:
www.communities.qld.gov.au

3. Location, preservation, recording and access to records (Forgotten Australians recommendations 12-18 and Lost Innocents recommendations 8-10)

Location of records

In 2001, the Queensland Government consulted with non-government organisations which formerly operated children's homes to develop an information directory entitled *Missing Pieces*. This directory includes detailed information on the types and location of records held by the Departments of Child Safety and Communities and religious authorities and is available on the Department of Communities' website.

The Department of Communities' *Statement of Affairs 2007* also provides information about the types of documents the department holds and how members of the public can exercise their rights to access and amend information held by the department.

- Further information about *Statement of Affairs* report is available at:
www.communities.qld.gov.au/department/publications/statement-of-affairs/

Preservation of records

In response to Recommendations 2 and 3 of the *Forde Inquiry*, the Queensland Government took immediate action to identify, locate and preserve client files and departmental records relevant to the administration of church run children's homes and departmental facilities.

All Queensland Government departments are required to meet the record keeping obligations prescribed in *Public Records Act 2002* and the *Financial Administration and Audit Act 1977* and comply with Information Standard 40 (Recordkeeping). Retention and Disposal Schedules are in place for the former Department of Families, Youth and Community Care client files. These Schedules are currently under review.

A large number of original client records relating to youth detention institutions have been identified, catalogued and scanned electronically to provide easier access and to preserve these valuable documents.

Access to records

Under the provisions of the *Freedom of Information Act 1992*, members of the public have a legal right to apply for access to documents held by a government department and to amend documents which relate to their own personal affairs. There are no fees

or charges to access or copy documents which relate to an applicants personal affairs. Charges apply for access to non-personal affairs documents. Information about relevant fees and charges is available from the Department of Communities' website.

The Department of Communities offers former children in care access to personal information through the freedom of information (FOI) process or administrative release access arrangements. During the processing of applications, departmental officers will link individuals to other agencies, which might hold relevant information and to support agencies as required. Applications may be transferred in full or in part to other agencies for processing with the knowledge and consent of the applicants.

In addition, the Community and Personal Histories unit with the department's Office of Aboriginal and Torres Strait Islander Partnership provides assistance to Aboriginal and Torres Strait Islander peoples to locate state government records about themselves and their communities.

- Further information about the assistance provided by Community and Personal Histories unit is available at: www.atsip.qld.gov.au/programs/histories.html

In August 2008 in response to the recommendations of the FOI Independent Review Panel, the Queensland Government announced an overhaul of Queensland's freedom of information laws to provide the public with greater accessibility to information and better transparency. A commitment has been made to implement a new legislative framework for access to information known as the *Right to Information Act*.

- Further information about the proposed legislative framework is available on the Department of the Premier and Cabinet's website at: www.thepremier.qld.gov.au/initiatives/foi_review/index.aspx

4. Advocacy/support groups and provision of support services (Forgotten Australians recommendations 19-24 and Lost Innocents recommendation 23)

In response to Recommendation 40 of the *Forde Inquiry*, the Queensland Government established a comprehensive range of community based support services specifically designed to target the needs of former residents. The service system commenced operation in 2000, and has been progressively extended since that time to respond to the identified needs of former residents. Service system enhancements have occurred in consultation with former residents.

The Department of Communities currently provides approximately \$900,000 in funding on a triennial basis to support the delivery of support services through Lotus Place, a 'one stop shop' service centre at Merivale Street South Brisbane. Lotus Place serves as a 'drop in centre' for former residents and was established through the co-location of existing funded services in May 2006. The department provided an additional funding allocation of approximately \$600,000 to facilitate the establishment of the centre.

Since the commencement of the Redress Scheme in October 2007, Lotus Place services have been extended to include a centralised information, referral and assistance service for people seeking to lodge a Redress Scheme application. The department has made additional one-off funding allocations in 2007/08 and 2008/09 to support the provision of these services.

Lotus Place comprises:

- **Historical Abuse Network** - a peer support and advocacy network for people who experienced abuse in institutions, detention centres and foster care. The network has a current membership of 2,142 and has representation on the newly formed national *Alliance for Forgotten Australians*. Coordination of network activities is

undertaken by the Esther Centre (Micah Projects Inc) with auspices funding for the network.

➤ Further information is available at: www.han.merivale.org.au/

- **Esther Centre** (auspiced by Micah Projects Inc) provides:
 - support and advocacy for individual former residents and their families experiencing crisis;
 - advocacy and support for people processing complaints of historic abuse through internal church protocols, professional bodies or organisation and criminal justice processes;
 - facilitation and resourcing of the Historical Abuse Network and support to the network's representative on the *Alliance for Forgotten Australians*; and
 - information, referral and assistance with completing Redress Scheme applications.

➤ Further information is available at: www.esther.merivale.org.au

- **Aftercare Resource Centre (ARC)**, a program of Relationships Australia (Qld) provides an Australia wide service to Queensland former residents offering:
 - face-to-face counselling at Lotus Place and brokered counselling through Relationships Australia branch offices Australia wide and approved private practitioners;
 - telephone counselling via a 1800 telephone number; and
 - limited financial assistance for education expenses or vocational training opportunities, medical and psychological reports, personal development programs, records searches, family reunification and victim impact statements.

➤ Further information is available at: www.aftercareresourcecentre.org.au

- **Forde Foundation** – the Foundation was established in 2000 as a charitable trust to assist former state wards and residents of children's institutions in Queensland. The Queensland Government has contributed \$4.15 million to the trust which is administered by the Public Trustee of Queensland. The Forde Foundation Board of Advice makes recommendations to the Public Trustee about the distribution of small monetary grants to beneficiaries. Through the Foundation's grants program, former residents are encouraged to create opportunities to rebuild their lives by accessing services or items which help with:
 - family reunification;
 - education, training and personal development;
 - health and dental care; and
 - other items or services to facilitate improve their quality of life.

The Department of Communities provides triennial funding to the Micah Projects Inc to auspice the secretariat support for the Board of Advice. The Foundation has recently undergone an external review for the purpose of setting a strategic direction for the future. The review was funded by the Department of Communities and commissioned by the Board of Advice and the Public Trustee and included consultation with beneficiaries of the Foundation.

➤ Further information is available at: www.fordefoundation.org.au/

Interstate care leavers

The primary focus of Lotus Place services is direct service delivery to people who were in out-of-home care in Queensland. Interstate care leavers who reside in Queensland can access information and referral services and participate in Historical Abuse Network activities and events. Lotus Place service providers also work with other

jurisdictions on a case by case basis, to assist state wards from other jurisdictions who reside in Queensland to access appropriate support services funded by the state of origin.

5. Whole of government approach to programs and service delivery (*Forgotten Australians* recommendations 24-33 and *Lost Innocents* recommendations 24-25, 28 and 33)

Following the release of the *Forgotten Australians* report, the Queensland Government committed to work through the Community and Disability Services Ministerial Council on the issue of a national response to recommendations of ongoing cross jurisdictional interest. The Departments of Communities and Child Safety took a lead role in a working group convened by Community and Disability Services Ministers' Advisory Council to progress this matter.

Due to different stages of jurisdictional actions and local issues impacting on the level of involvement by jurisdictions, limited outcomes were achieved by the working group. The Department of Communities is interested in resuming cross jurisdictional discussions on the Committee' recommendations, particularly those that relate to whole of government policy areas such as health, housing, aged care and education.

The Department of Communities has taken an active interest in the establishment of the *Alliance for Forgotten Australians* and is represented on an advisory committee which supports the work of the Alliance.

6. Memorials (*Forgotten Australians* recommendation 34 and *Lost Innocents* recommendation 32)

In response to Recommendation 38 of the *Forde Inquiry*, the Queensland Government implemented in consultation with former residents a number of reconciliation events and memorial projects to commemorate former residents including:

- August 2003 – opening of a joint memorial to British Child Migrants and former residents of St Joseph's Home, Neerkol (Rockhampton), funded by the Commonwealth Government under Recommendation 32 of the *Lost Innocents* report;
- December 2004 – launch of a Remembrance statue in the Roma Street forum precinct, Brisbane to commemorate former residents of orphanages and institutions. The memorial was funded by a Community Gaming Benefit Fund grant and developed with the support of the Department of Communities and Brisbane City Council;
- September 2004 – commencement of Annual Remembrance Day event during Child Protection Week to acknowledge the experiences of former residents;
- 2005 onwards – youth detention memorial project to develop a contemporary sculptural artwork commemorating former residents of detention centres (this project is funded by the Department of Communities and the Commonwealth Government under its response to Recommendation 34 of the *Forgotten Australians* report); and
- 2008 – Karrala House (Ipswich) memorial plaque (funded by the Commonwealth Government under its response to Recommendation 34 of the *Forgotten Australians* report and supported by the University of Queensland, Ipswich Campus and the Department of Communities).