

**NSW Government comment on the recommendations of the Senate  
Community Affairs References Committee reports  
*Forgotten Australians and Lost Innocents***

**Forgotten Australians**

**Recommendation 1**

7.110 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.

**This is a matter for the Commonwealth Government to consider.**

**Recommendation 2**

7.111 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.

**This recommendation is supported. On 23 June 2005, the NSW Minister for Community Services apologised on behalf of the NSW Government to those children who suffered physical, psychological or social harm or distress as a result of their experiences in institutional care. The NSW Government recognises that an apology is an important step in the journey of healing for people who suffered neglect or abuse in institutional care, and encourages other Governments, churches and agencies to consider such a step.**

**Recommendation 3**

8.67 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.

**The purpose of the *Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Act 2003 (SA)* was to abolish a three year time limit that applied to sexual crimes committed between 1952 and 1982. There are no time limits on indictable sexual offences in NSW. Therefore, the application of the South Australian law in NSW does not seem appropriate.**

**Recommendation 4**

8.68 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.

**This is primarily an issue for Commonwealth consideration.**

## **Recommendation 5**

8.69 That the Commonwealth Government examine the desirability and feasibility of introducing whistleblower legislation for the not-for-profit religious and charitable sectors.

**This is a matter for Commonwealth Government consideration. The NSW Government supports the recommendation in principle, and urges the Commonwealth Government to consider a range of investigative and complaints handling mechanisms such as those which already exist in NSW.**

## **Recommendation 6**

8.125 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.

**It should be noted that, under current arrangements in NSW, a claim for compensation can be made on an individual case-by-case basis. The Department of Community Services makes a determination based on the available evidence and, if a legal liability is considered to exist, the claim is settled. Claimants also have the option of filing a suit against the Department.**

**NSW supports the issue of compensation being considered on a national level, and would be willing to assess the viability of a proposal for a national compensation scheme - developed through the contribution and cooperation of all jurisdictions, as well as churches and other relevant agencies – should such a proposal arise from national deliberations on the issue. However, NSW notes that other jurisdictions have not expressed support for such a scheme.**

## **Recommendation 7**

8.170 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/reparation 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 NSW Government supports this recommendation in principle. The NSW Government has put a number of measures in place to ensure that out of-home care services meet the highest standards. The Office of the Children's Guardian, which provides accreditation of all government and non-government out-of-home care agencies, requires that all agencies meet the *NSW Out-of-Home Care Standards*. This process includes a requirement that agencies have adequate complaints handling policies and processes.

The NSW Department of Community Services (DoCS) treats seriously all allegations of abuse which are alleged to have taken place while a child is in foster care. In addition to carrying out its own investigations, DoCS is legislatively obligated to report these types of allegations to both the NSW Ombudsman and to the Commission for Children and Young People, which provide an additional, independent level of oversight.

In order to ensure thorough investigation of all allegations of child abuse made against employees of DoCS, including foster carers, DoCS established an Allegations Against Employees Unit (AAE). The AAE manages DoCS' statutory reporting obligations to the NSW Ombudsman and the Commission for Children and Young People.

### **Recommendation 8**

- 8.171 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.

NSW notes this recommendation, but has some concerns that the introduction of a national Commissioner for Children and Young People may duplicate existing complaints review mechanisms and cause confusion. As noted in response to recommendation 7, NSW already has a significant number of oversight and complaints management mechanisms in place. Independent bodies such as the NSW Commissioner for Children and Young People, the Office of the Children's Guardian and the NSW Ombudsman all play important roles in protecting the well-being and safety of children and young people in care and in ensuring that allegations of abuse against the Church and other out-of-home care agencies are adequately dealt with.

### **Recommendation 9**

- 8.172 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.

The NSW Government supports transparency and accountability. To this end, the NSW Ombudsman publishes information in his annual report regarding allegations of reportable conduct from government and non-government agencies involved in out-of-home care and child protection.

## **Recommendation 10**

8.173 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.

**As noted in response to recommendation 8, NSW has strong reservations about the value of a national Commissioner for Children and Young People, and the potential for such a Commissioner to cause confusion and duplication.**

**The national Commissioner proposed under recommendation 8 would apply to church based agencies only. Recommendation 10 would appear to expand the role of such a person to oversight of all agencies providing services. As noted in response to recommendation 9, information regarding allegations of abuse are already published annually in NSW through the NSW Ombudsman. Duplicating this procedure through a national Commissioner for Children and Young People would be inefficient and could significantly interfere with the work currently undertaken by the NSW Ombudsman.**

## **Recommendation 11**

8.223 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:

- be of a short duration not exceeding 18 months, and be designed to bring closure to this issue, as far as that is possible; and
- 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.

**The NSW Government does not support the establishment of a Royal Commission, as it is unnecessary and prohibitively costly. Considerable research and enquiry into the abuse of children in institutional care has already been undertaken through a range of inquiries in NSW and in most other states. It is unclear what further progress regarding these issues is likely to be achieved through a further inquiry.**

**Under current legislation, police and statutory child protection agencies have authority to enter any premises (except for DIMIA detention centres) to investigate child abuse and/ or criminal activity.**

## Recommendation 12

9.113 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.

**This recommendation is supported in principle. The NSW Government recognises the importance of records and other memorabilia to current and former children in care in creating a sense of their own identity and heritage. Children and young people currently in care are encouraged to keep a *Life Story* book, in which they can keep their own record of their life journey including things like photographs, school certificates and reports. Carers are encouraged to help children with their *Life Story* book.**

The NSW State Archive has a program for the preservation of the files of former State wards. Regrettably, in accordance with past record-keeping practices, the Department routinely destroyed records throughout much of the twentieth century, with the concurrence of State Records NSW. The Department therefore has no surviving wardship records for approximately 16% of the mature-age care-leavers who apply to access departmental records about themselves.

The Department of Community Services does have some other types of surviving historical records. These records had been inaccessible for many years as they had not been indexed by State Records. In 2005, a program commenced to identify and index types of records which include some personal information about former wards, other former clients and the estimated 100 children's homes the Department formerly operated. To date, approximately 61,000 "new" client records have been indexed.

The NSW Government has also amended the *Children and Young Persons (Care and Protection) Act 1998* so that original birth certificates, school reports, medical reports and photographs, greeting cards and similar personal records on archived ward files can now be removed and given to former wards. This amendment prevails over the provisions of the *NSW State Records Act*.

## Recommendation 13

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

**This recommendation is supported. Legislation in NSW already prohibits the destruction of these records. DoCS records are kept at local offices while active and then transferred to the NSW Government repository where they are stored indefinitely.**

## Recommendation 14

- 9.115 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.

**This recommendation is supported. As noted in response to recommendation 13, the NSW Government recognises the importance of this information to care leavers, and arrangements are already in place to assist former wards to access departmental records about their time in care. This access is arranged by experienced casework staff at local DoCS Community Services Centres. Access for former wards who live outside NSW is arranged by DoCS' Freedom of Information Unit. A dedicated Records Officer is responsible for locating relevant departmental records about former wards.**

DoCS published *Connecting Kin: A Guide to help People Separated from their Families Search for their Records* in 1998. The Guide provides information about the records held by government and non-government agencies and how former wards can access them. The Guide can be accessed at [www.community.nsw.gov.au](http://www.community.nsw.gov.au) or at local Council libraries.

#### **Recommendation 15**

- 9.116 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 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.

**While the NSW Government supports this recommendation in principle, the significant operational impediments associated with any suggestion that such information services be both central and complete must be recognised. Unfortunately, this is probably not achievable.**

**As noted in response to recommendation 14, DoCS currently provides significant assistance in accessing records to care leavers in NSW.**

#### **Recommendation 16**

- 9.117 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.

**The NSW Government supports this recommendation. NSW legislation provides for all persons who were in care to have access to any personal information held by the designated agency that provided care or the carer. The agency must also provide appropriate support to the person accessing the information.**

#### **Recommendation 17**

- 9.118 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.

**Recommendation 17 is not supported as it is likely to duplicate services already provided by DoCS. DoCS provides significant levels of support and assistance to care leavers accessing records held by the Department. Some examples of existing support are outlined in response to recommendation 14.**

**The NSW Government recognises that, for some former state wards, counselling is an essential element of the healing process. To this end, DoCS provides referral to counselling**

services for care leavers who require them. NSW also already provides funding to agencies to provide after care services.

### **Recommendation 18**

9.119 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.

**This recommendation is supported in principle. It is important to note that, in NSW, measures have already been taken to facilitate access by care leavers to their personal information. Former wards of the state do not need to apply for access to their records under the *NSW Freedom of Information Act 1989*. Records access is processed in accordance with the provisions of the *NSW Children and Young Persons (Care and Protection) Act 1998* and the *NSW Privacy and Personal Information Protection Act 1998*.**

### **Recommendation 19**

10.58 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 former Commonwealth Government convened a national conference in response to this recommendation in 2006. This ultimately led to the establishment of a new national peak body, the Alliance of Forgotten Australians.**

**The NSW Government acknowledges the valuable support and advocacy work undertaken by other organisations such as Care Leavers of Australia Network, or CLAN. The NSW Government provides significant funding and support for care leaver programs within its jurisdiction, as do other State and Territory Governments.**

### **Recommendation 20**

10.59 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.

### **Recommendation 21**

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

**The NSW Government already provides significant support services to care leavers. Services which are currently available include access to counselling for care leavers who have suffered as a result of their experiences in care, assistance and support for care leavers to research their personal histories and records, assistance in tracing birth family, and financial assistance and after-care support for young people just leaving care.**

**Relationships Australia is funded to operate a helpline for older care leavers who would like assistance dealing with issues that have arisen as a result of their time in care. Relationships Australia can also assist care leavers to make contact with family members from whom they have been separated.**

**Link-Up is funded to assist Aboriginal adults who were separated from their families as children through wardship, adoption, fostering or institutional care.**

**The Salvation Army Special Search Service also receives funding to help care leavers locate family members. The Service assists people who were separated from their child or family through the intervention of the NSW Government to trace and reconnect with their loved ones. The separation from a child or family could be due to adoption, placement in a children's home or having been made a Ward of the State.**

**This service is for people who have already attempted to locate family members but have been unsuccessful. The Special Search Service conducts extensive and complex searches nationally and internationally to locate family members and then provides counselling, casework or support to those individuals or families.**

**In March 2008, the former NSW Minister for Community Services announced a funding boost of \$70,000 over 2 years for the Care Leavers Australia Network (CLAN) to support its valuable work in advocacy, support and information to people who were in care.**

#### **Recommendation 22**

10.78 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.

**There may be merit in national or bilateral state reciprocity protocols for care leavers who move to other states. However, as the CDSMC does not have a stand alone budget, this may not be the most appropriate way to progress this proposal.**

#### **Recommendation 23**

10.106 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 NSW Government continues to support children and young people in care and those who have left care. However, in order to ensure that children in care and care leavers receive the greatest benefit, some targeting of service delivery is essential. This being the case, the NSW Government does not support the provision of specific support services to the families of care leavers as this may detract from the ability to provide support to children in care and care leavers themselves.**

**In NSW, while the majority of specialist services are targeted to care leavers aged between 15 and 25 years, financial assistance can also be made available to a person over 25 years to access a specialist service. DoCS also works closely with other mainstream services, such as NSW Health and the Department of Housing, as well as other government and non government agencies, to ensure that care leavers' needs are met.**

#### **Recommendation 24**

10.107 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.



**While this is primarily a Commonwealth responsibility, this recommendation is supported in principle. NSW notes that a workable outcome would be to ensure such elements were included as part of relevant mainstream educational streams.**

#### **Recommendation 25**

10.133 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.

**Mental health services are a priority for the NSW Government. The NSW Government funds a range of mental health and drug and alcohol health promotion, prevention and early intervention initiatives. These services are provided based on evidence of need and effectiveness for different age and risk groups and, where appropriate, covering infants, families, children, adolescents and young people. An increase in community awareness regarding service access and what these services offer may have broader positive impact than the development of services targeting a specific and narrow target group.**

**DoCS and NSW Health are continuing to work together to provide comprehensive physical and mental health assessment and intervention where required for children in out-of-home care. A Memorandum of Understanding between the Department of Community Services and NSW Health prioritises access to health services for children and young people in an agreed target group, including those under the care of the Minister for Community Services or those living in out-of-home care.**

**The delivery of NSW Health's mental health and drug and alcohol treatment services are based on a comprehensive clinical assessment of an individual's care needs and the development of an appropriate intervention. This assessment also takes into account relevant social and family factors and the individual's personal history. These services are provided to individuals of any age according to their need because of a current mental health problem or mental disorder.**

**Suicide is an infrequent and complex event influenced by a wide variety of factors. Increased community understanding of mental health problems, activities to intervene early to prevent and reduce such problems and appropriate treatment and support services for individuals with mental health problems or mental disorders can contribute to suicide prevention.**

#### **Recommendation 26**

10.134 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.

**This recommendation is primarily the responsibility of the Commonwealth Government. Further research may be required to determine what additional needs care leavers would have in relation to aged services that would differ from the general aged population.**

#### **Recommendation 27**

10.135 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.

**This recommendation is noted. The criteria for access to Home and Community Care (HACC) programs enable necessary services to be provided to all eligible people. That is, people who are living in their own home and have a functional disability which prevents them carrying out the activities of daily living and where they would be at risk of**

inappropriate admission to residential care such as an aged care nursing home or disability group home.

Information about local HACC services can be obtained through Commonwealth Carelink on 1800 052 222.

As noted in response to recommendation 26, further research may be required to determine what particular needs care leavers accessing the HACC program would require before this recommendation could be progressed.

### **Recommendation 28**

10.140 That the Supported Accommodation Assistance Program recognises the particular needs of care leavers; and that:

- 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.

**This recommendation is supported in principle.**

Care leavers in NSW are given information about services available to them when leaving care. Current legislation requires that leaving care 'plans' are developed for young persons who are leaving the care system and those who are moving to 'independent living' arrangements often transition to supported accommodation services as part of the leaving care plan.

While every effort is made to ensure effective data around SAAP service usage, it should be noted that data collection is based primarily on self disclosure, if the person has not been referred to the SAAP service by the agency that previously provided care. Persons who have been in care may or may not wish to disclose past care history. Making disclosure a requirement of service usage may discourage some people from accessing SAAP services.

### **Recommendation 29**

10.150 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 is supported. A range of adult education courses are provided in NSW, and these are widely publicised.**

### **Reading Writing Hotline**

TAFE NSW through the Access and General Education Curriculum Centre manages The Reading Writing Hotline which provides a national referral service for adults seeking to improve their literacy. The Reading Writing Hotline has been funded by the Department of Education, Science and Technology for 15 years. The Hotline received its 100,000<sup>th</sup> call in January 2005. In 2005, 59% of callers were seeking to improve their literacy and numeracy skills for employment-related reasons. 80% of Hotline callers were seeking help for the first time, a 4% increase since 2004. The Hotline consultancy and advisory service stimulates interest in learning and thereby helps build social and economic capital.

The Reading Writing Hotline is promoted extensively through television and radio advertisements offered as Community Service Announcements. The service is promoted through brochures and posters, and through advertisements and articles in various newsletters e.g. from the Australian Council of Literacy.

### **Adult and Community Education**

In addition, the Adult and Community Education (ACE) sector in NSW delivers relevant programs primarily through a network of 62 community colleges, delivering at more than 400 locations annually.

ACE organisations are independent, non-profit, and community-owned and managed. They are incorporated as a company or association for the primary purpose of providing adult and community education.

ACE organisations offer an alternative entry point into a diverse range of education and training opportunities. Many people enrol in an ACE course to develop a foundation for further study at TAFE or university. For others, ACE organisations provide nationally recognised training that helps them to enter the workforce or add to their existing work-related skills. People can learn new skills for work, develop new areas of interest, or expand their creativity.

ACE providers throughout NSW deliver a wide range of adult literacy and numeracy programs which assist in gaining employment or enhancing trade or professional skills. These programs include accredited language and literacy courses such as the *Certificates I – IV in Spoken and Written English*.

Some community colleges also offer nationally recognised training from the Community Services Package. These courses include: *Certificate III in Community Services (Children's Services) CHC3042* and *Diploma of Community Services (Children's services) CHC5302*

These programs are publicised through both College brochures and websites. College brochures are distributed widely throughout local areas. Links to metropolitan and rural community colleges in NSW can be found at [www.communitycolleges.nsw.edu.au](http://www.communitycolleges.nsw.edu.au)

### **Recommendation 30**

10.151 That State Governments investigate options for alternative entry pathways to higher education courses for ex-residents of institutions and their children.

Pathways to and assistance for higher education are primarily a matter for institutions and the Commonwealth Government. Further research may be required to determine whether there is any clear indication that existing pathways to education are inadequate or whether care leavers have different access needs to other disadvantaged groups. Without further information, NSW does not support alternative entry pathways to higher education for children of care leavers.

### **Recommendation 31**

10.159 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.

Noting that data collection for these purposes is primarily the responsibility of the Commonwealth Government, this recommendation is not supported. Issues of privacy, consent and data comparability would be significant impediments to obtaining meaningful data. There is also the risk that requiring this kind of information from people entering mental health care facilities and aged care facilities may be potentially intrusive and stigmatising, and may deter some people from accessing such services.

### **Recommendation 32**

10.160 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.

**Greater information would be required to support the implication within recommendation 32 that all care leavers have 'specific requirements' due to their having been in care. The proposal in this recommendation may also add another layer of unnecessary bureaucracy to many programs while the potential benefits of such a requirement remain unclear. Recognition of care leavers as a sub-group with special requirements would need to be agreed at a national level for a number of programs that are delivered under bilateral /multilateral agreements, such as Home and Community Care (HACC).**

**If specific requirements for care leavers are demonstrated, their inclusion in relevant policy and operational guidelines may be considered. For example, the *Interagency Guidelines for Child Protection Intervention*, which provide operational guidance for agencies working together with children and young people, and refer to young people in out-of-home care.**

### **Recommendation 33**

10.164 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.

**As noted at recommendation 32, it is unclear what particular needs, in terms of services such as housing or welfare, care leavers as a group would have that cannot be met by existing services.**

**On 29 November 2008, the Council of Australian Governments agreed significant national reforms across the human services, including new Commonwealth-State funding arrangements in health, education, disability and affordable housing. Care leavers are likely to benefit from these reforms.**

**The NSW Government adopts a whole of government approach to the development of policy and the delivery of services. For example, the *New South Wales Interagency Action Plan for Better Mental Health* aims to enhance the mental health of people at risk of, or affected by, mental illness by improving the responsiveness and coordination of services. A key strategic area in the plan is prevention and early intervention, including targeted support for vulnerable children, young people and families.**

***Better Together: A new direction to make NSW Government services work better for people with a disability and their families 2007-2011* is a strategy that brings together all NSW Government departments that provide services to people with a disability, to ensure that service planning and delivery are better coordinated across departments and that the people who are most in need of services receive them. *Better Together* builds on the NSW State Plan's commitment to deliver better services and promote fairness and opportunity for all citizens.**

### **Recommendation 34**

11.46 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:

- 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.

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.

**The Department of Community Services is planning for the establishment of a dedication to people who experienced institutional care as children. It has consulted with care leaver support organisations, including the Care Leavers Australian Network and past providers of institutional care, on the design and location of the dedication. The memorial will be located in the Royal Botanic Gardens in Sydney. The Department is planning for a ceremonial unveiling of the memorial in early 2009.**

#### **Recommendation 35**

11.47 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.

**While this recommendation is a Commonwealth Government responsibility, the NSW Government supports it in principle.**

#### **Recommendation 36**

11.48 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.

**While this recommendation is a Commonwealth Government responsibility, the NSW Government supports it in principle.**

#### **Recommendation 37**

11.49 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.

**While this recommendation is primarily a Commonwealth responsibility, it is supported. The wide understanding of the detrimental effects of institutional care is reflected by the significant changes that have taken place within the out of home care system since the 1980s.**

#### **Recommendation 38**

11.50 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.

**While this recommendation is primarily a Commonwealth Government responsibility, it is supported in principle as it may assist people who have suffered as a result of their time in institutional care in the process of healing.**

#### **Recommendation 39**

11.51 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.

**This recommendation is supported in principle. Issues such as family studies, child protection and early childhood development are already currently addressed in many relevant tertiary courses such as social work, psychology, and other social science and public policy courses.**

**For example, the NSW Department of Education and Training's Curriculum Centre has developed a range of courses focusing on child protection and related issues, early childhood and family studies. TAFE NSW provides delivery in conflict management and related employability skills. Currently statements of Attainment are offered in Dealing with Conflict, Skills for Non Violence, and Strategies for Non Violence.**

## Lost Innocents

Many of the recommendations of the *Report on Child Migration – Lost Innocents* related to areas of Commonwealth responsibility and a formal NSW Government response was not provided. Nevertheless, NSW can report action against three key recommendations.

### **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 NSW Government has supported former child migrants through counselling, family-tracing and family reunion services. Between 2001 and 2006, International Social Service (NSW Office) was allocated annual funding of \$60,000 to provide these services to former child migrants in NSW, and assisted many former child migrants to travel to their country of origin and reunite with their families.**

### **Recommendation 29**

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.

**As noted in the response to recommendation 29 of *Forgotten Australians*, a range of adult education courses are provided in NSW, and these are widely publicised.**

### **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 location(s) of such a memorial or memorials be determined by consulting widely with former child migrants and their representative organisations.

**A commemorative sculpture dedicated to former child migrants in NSW was unveiled on 23 March 2006. The sculpture was jointly funded by the NSW and Australian Governments and developed in consultation with former child migrants as part of the response to *Lost Innocents*. The design of the sculpture was chosen by a committee of former child migrants and representatives from the Department of Community Services and the Australian National Maritime Museum from six expressions of interest.**

***Coming or Going* is a stainless steel sculpture made by artist Sasha Reid.**

The purpose of the sculpture is to celebrate the valuable contribution made to the Australian community by former child migrants. At the unveiling ceremony, the then Minister for Community Services acknowledged that many child migrants suffered hardship after arriving in Australia. This fact is also reflected in the plaque accompanying the sculpture. It states that:

***This memorial is dedicated to child migrants from the United Kingdom and Malta who had to leave their families and country of birth during the years 1912 – 1967. After arriving by ship, these children faced an unknown future in New South Wales. Many endured personal hardships, some experienced great suffering. They and their families have made and continue to make a valuable contribution to their communities and to Australia.***

This commemorative sculpture is located within the grounds of the Australian Maritime Museum and is accessible to the many members of the public who visit the museum, including school children.