



The Secretary
Senate Community Affairs Committee
PO Box 6100
Parliament House
Canberra
ACT 2600



11 February 2009

Re: Review of the "Forgotten Australians" Report

Dear Member of the Senate Community Affairs Committee,

Congratulations and thank you for taking up this Review of the issues raised by the Forgotten Australians Report of 2004. We, like so many others, have been hoping that your Committee would, again, take the initiative and start deliberate follow-up action on the recommendations the Report made. We trust that you will accept our somewhat late submission.

We are an ad hoc group of Past Care Providers from New South Wales who have convened under the chairmanship of the Association of Children's Welfare Agencies (ACWA). We have representatives in our group from several of the church and charitable Agencies that ran out-of-home Children's Homes in this state up until the mid 1980's, as well as counsellors from the Aftercare Resource Centre (ARC) of Relationships Australia and elected office bearers from Care Leavers Australia Network (CLAN). NSW Department of Community Services managers attend and contribute to our meetings, but have not been involved in the development of this submission.

We have agreed to focus our attention on five of the Recommendations, not because the other Recommendations lack merit, but because we consider these five to be both the most strategic and most readily achievable in 2009. We are all concerned that the people who are the subject of the Forgotten Australians Report receive justice and mercy as soon as possible. Many Forgotten Australians have waited a lifetime for this hearing and some, sadly, have not lived long enough.

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Therefore, in numerical order, we make the following submissions:-

RECOMMENDATION 6.

National reparation fund

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.
- Firstly, please note that the Queensland (1999), Tasmanian (2003) and South Australian (2004) Governments each instituted inquiries and each has made differing responses in relation to reparations. The West Australian Government , in 2008, and the Victorian Government, also in 2008, decided to act without the benefit of an inquiry and to address what they understood to be the needs of the Forgotten Australians. The WA Government decided to set up a "Redress" scheme, somewhat like that of Queensland and Tasmania, but with different criteria and conditions and awards. As at the time of writing, the South Australian government was yet to announce what its reparations/ redress scheme will look like following its inquiry. In late 2008, Victoria announced that it will not set up a redress (reparations) scheme and that abuse allegations will be dealt with on a case-by-case basis through the courts. It has, instead, allocated \$7.1million over 4 years towards the provision of a number of services within Victoria to assist Forgotten Australians. The New South Wales Government has yet to publicly

consider any of these matters beyond making an apology and giving relatively small, non-recurrent, grants to CLAN and ARC.

In short, some of the states have offered reparations/ redress under varying conditional constraints – most have deadlines by which applications need to be lodged; some have sliding scales of reparations dependant upon degrees of abuse received; eligibility varies from state to state in terms of place of residence v Home location; and some have rigid levels of statutory compensation.

- It is our contention that a national approach is essential – too many people fall between the cracks in this State-by-State approach and too many people are forced to make odious comparisons in their treatment versus that available in another jurisdiction.

The last Federal government, in its responses, seemed to rely upon a “the-Commonwealth-historically-was-not-involved-in-child-care” argument to claim that the Forgotten Australians were a “States Only” matter. This, despite the undeniable fact that virtually all the homes depended heavily for their survival upon the Commonwealth Department of Social Security’s Child Endowment payments for a major part of their funding. It can be argued quite cogently that it was the issue of lack of adequate (State and Federal) funding in the first place that led to some of the more obvious discrepancies in the provision of food, clothing, housing and, especially, staffing levels in the homes.

Whilst it is probably historically true that the political balance, up until the 1980’s, was slanted towards the maintenance of the States’ rights to manage their own affairs, it seems equally true that, since then, the Federal Government has acquired clear political and legal authority to direct affairs that concern its citizens’ needs across the country.

- It is also our contention that the States and the Churches and Agencies must, morally and materially, be involved in any nation-wide reparation scheme, as we were all willing and active participants in what was, back then, conceived of as a positive and altruistic enterprise to rescue children in need of care and protection.

The fact that the model we all worked under was essentially faulty (large numbers of children in the hands of a small number of unrelated, sadly often uncaring, paid adult workers) is something Australian society came to (belatedly) realise by the mid 1980’s. It may be argued by some that, because of this history, we are not the ones to be involved in helping right the errors of the past. On the contrary, we past providers, including the States (who were usually the largest provider in their State) could and should argue that we, more than anyone, have an ethical need to be part of the solution, for our own consciences sake, to try to repair the damage that occurred on our watch.

It is a given that many of the State, Church and Agency bodies no longer exist or have now heavily committed their capital assets to new areas of charitable and welfare need.

- In short, therefore, we argue that the only body with sufficient funds to provide a meaningful reparations programme is the Federal Government.

Even those states that have already paid reparations have had to do so with one eye upon a limited fund and the other on trying to balance justice against need, so that, too often, applicants are left wondering why their own life affecting abuse or rape or permanent injury was worth so little. (We will argue below that this cohort of clients, numbering over 500,000 people, have needs that would be best managed by the recognition of them as a separate class or category within the Social Security framework.)

RECOMENDATIONS 21 AND 22.

Provision of support services

- 10.77 That all State Governments, Churches, and Agencies provide a comprehensive range of support services and assistance to care leavers and their families.
- 10.78 That all State Government funded services for care leavers be available to all care leavers in their respective State, irrespective of where the care leaver was institutionalised; and that all funding provisions for this arrangement be arranged through the Community and Disability Services Ministerial Council.

As with the Recommendation concerning reparations, these Recommendations concerning Support Services assume that the best people to deliver these services are those that provided the original care. Once again, we agree with the sentiment of the two Recommendations, in that:

1. The Care Leavers and their families are in need of a comprehensive range of support services; and
2. That the State Governments, Churches and Agencies are the people best placed to administer these services, in partnership and consultation with the existing care leaver support agencies, **BUT**
3. We also argue that they do not have the financial means to provide them properly.

- Once again, we contend that the Federal Government is the only body with the financial ability to heal these injustices. Notably, 10.78 recognises that many Care Leavers are now in need of services after having crossed a State border since leaving the Home they grew up in, often to escape traumatic memories.

RECOMMENDATION 23

Counselling services

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 practical 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 issue of counselling service provision is, arguably, the one of greatest significance to care leavers and their families. The States that have attempted to deal with this all have different approaches – Queensland allows as much counselling as their in-house counselling team consider necessary; Western Australia's Department of Communities has a cap of 6 sessions; and NSW's ARC has a cap of 12. The South Australia and Victoria Departments are still to release details of their allowances, but both seem likely to be capped. In point of fact, whilst some clients only need a small number of counselling sessions, others will need ongoing care for a number of years. No one-size-fits-all approach can possibly work for this population.

- Once again, the issues of limited funds and a variety of responses to similar needs points to the need for an overall approach managed, or at least overseen, by the Federal Government.

RECOMMENDATION 25

Health Care, Housing and Aged Care Programs

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.

This Recommendation gets to the nub of a problem that besets many Care Leavers, in that they do not fit into a particular Centrelink category and are also not recognised as a specific needs group in some States. Just as some specific and special needs of the Homeless, Veterans, Aged, or various classes of Disabled people are recognised as soon as a client presents their Medicare or Centrelink Card at an appropriate point of contact, so too do Care Leavers need to be recognised. This cohort of 500,000 people is currently hidden in the wider Australian population. Some are caught by various other welfare and assistance programmes and are dealt with to varying degrees of satisfaction, but many others need to access several different programmes to effectively meet their Care Leaving needs. Clearly, some existing programmes are effective, but, again, there is both efficiency and personal gratification to be had from being recognised properly. We would anticipate that as this cohort becomes more fully understood by professional workers, there will be greater opportunity to tailor programmes to fit their needs more effectively.

SUMMARY

- Firstly, we Past Providers are convinced that the one body that helps this population best is their own national self-help support network – Care Leavers Australia Network (CLAN). This organisation is in great need of recurrent funding from the Federal Government. They did receive a Federal Government one-off grant of \$100,000 in 2004 to provide the greatly increased need for counselling services directly following the Inquiry, but they have received no more. To date CLAN has survived on annual gifts from a few Past Providers and some States, and membership fees, but no one has committed to recurrent funding to date. We argue that the Federal government should take on the national responsibility of funding this essential national organisation.
- Secondly, the Federal Government is the single body with the jurisdiction to deal with the Forgotten Australians across Australia. The piecemeal approach of the States has left many gaps through which far too many people fall – some don't quite fit the prescribed criteria or have moved across state borders or have issues that need handling by a variety of Agencies – either state or federal – that often don't connect with each other.
- Thirdly, some Past Providers are those who still maintain their concern for the provision of care services to this population. They would wish to be part of the solution, if practicable, but will generally, due to present charitable demands, not be in a position to provide much of the necessary funding for such provision.
- Fourthly, it is our experience that too many Forgotten Australians are recipients of bits and pieces of Federal and State aid, but are never properly classified, so that they usually can't quite make it into a place within the two systems where there are people who understand their needs. It is our contention that there needs to be a Former-Out-of-Home-Care-Child / Forgotten Australians classification on the Centrelink (and maybe, Medicare) system.
- Fifthly, we offer the following anecdotal observation in relation to requests for help. It is our experience that the vast majority of the Forgotten Australians only begin to discover that they have related life and emotional health issues that can be directly linked back to their time in Out of Home Care after they turn 40 or so. Typically, younger than that and they are usually too optimistic and too busy with such things as work, young family, and housing concerns to think about their past, or they have enough youthful resilience to keep traumatic memories at bay. After 40, though, they often seem to have the time and need to reflect and to wonder what happened and why to them in their youth, and to need help to address these questions. Given that the majority of the living Forgotten Australians were placed in care between 1950 and 1985, this cohort are rapidly approaching the age where they will demand more and more government assistance to

keep food on the table and a roof over their heads. They will also place increasing demands upon counselling, health care, housing, and aged care programmes across the country. These issues are already addressed by Federal Government departments, reinforcing our view that the Forgotten Australians should fall into a Federal government category of care.

Thank you for your attention to our submission – we wish you well in your deliberations and in your efforts to raise the hopes of some of the most disadvantaged people in our society.

Yours faithfully,



Andrew McCullum
Chairman and CEO of Association of Child Welfare Agencies

For and on behalf of representatives of:

Anglicare (Sydney and Canberra-Goulburn)

Barnardos

Benevolent Society

Care Leavers Australia Network (CLAN)

Centacare (Sydney, Broken Bay, and Wagga Wagga)

Edmund Rice Community Services/ Christian Brothers

Lutanda

Relationships Australia

St. Josephs Cowper

The Salvation Army

United Protestant Association of NSW

Uniting Care Burnside

Wesley Mission (Dalmar)