

Senator Clair Moore
Chair of the Community Affairs Reference Committee
C/- The Secretary
Senate Community Affairs Committee
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Parliament House
Canberra
ACT 2600

Dear Senator Moore

Firstly I would like to thank you for accepting my late public submission and for holding this Inquiry into why none of the recommendations from the last inquiry into the Forgotten Australians and Child Migrants, Lost Innocents Inquiries appear to have not been implemented. I hope the words of Mr Ted Mulligan at your last sitting here in Canberra and the experience and knowledge he gained through the inquiry he chaired into sexual abuse of girls in institutions in SA resonates in the Committee's and Kevin Rudd's ears. I would also like to thank you for your individual appointments as members of this Senate Inquiry. I observed you to be diligent in your investigations into our very recent and yet still unknown violent and abusive Australian history inflicted towards hundreds of thousands of Indigenous and non-Indigenous, multicultural innocent children.

I was one of those 500,000 non-Indigenous children, some of whom, and I was one, were also Privately Adopted, then made a Ward of the State. I sincerely hope that our Prime Minister, Mr Rudd, agrees with what seems to me to be the consensus and a Royal Commission does proceed and a national compensation fund implemented.

As I said it appears that the recommendations of the previous Parliamentary Inquiry have not been implemented. Or if they have, it has not been in a way that is not of any assistance to someone like me, a member of the Forgotten Australians. We still have not been acknowledged, apologised to with compassion, offered compensation, have ready or reasonable access to documents detailing our past, access to affordable legal assistance or health services to help us cope with the affects of the trauma we went through and continue to go through. Following are some of my thoughts on these matters and some of my history and the brick walls I keep finding in my road as I try to seek some justice for me and many others like me.

The individual States legislative powers towards us seem to be based on ancient discriminatory laws enforced by overworked public servants. Unfortunately it does seem

apathy and an economic crisis will sweep the Forgotten Australians into silence and we will again be forgotten. We will become a further burden to already overstretched health and social services organisations. In Canberra many facilities are filled to capacity and there are very few people trained to counsel Forgotten Australians. During this last inquiry in the ACT I thought so many State government representatives did very little research into who we were or where we socially fitted into their government departments' services of programs and their expenditure. My experience so far is every facility is filled to capacity and there has become amongst these professions an inability to recognise our needs as Forgotten Australian or for that matter where we fit into Australian history or to recognise the needs for laws to be changed.

I am sure Mr Templeton may be correct in his analogy of Child Migrants still living in Australia and why his department is not wanting to proceed with further funding for international reunions. Many Child Migrants may be dead or dieing or afraid to fly because of terrorism. If I could make another analogy, I could argue that in this scenario that terrorism is another word for Post Traumatic Stress Disorder, which coupled with the illnesses associated with the ongoing distress our past has caused, continues to cost many of us dearly into our older age. These people in older age also include "Forgotten Australians". That is if we make it to older age. In Germany Holocaust victims are now filling the country's Dementia Units. Many of us who already suffer from PTSD will endure their same fate in later life. None of us will ever be acknowledged or remembered. I am still alive and I do want legal acknowledgement for what happened to me. Preferably before I am dead thanks. It did seem these representatives were unable to present to this last Inquiry appropriate information when any Senate member had requested any further information from them. I hope they did get back to you.

It is obvious the Forgotten Australians need to come under the Commonwealth's legislative powers and the same respect recently given to the Stolen Generation be given to us as well. We went to the same institutions. Many have also suffered the same fate. Legislation needs to change in all States right now. Not posthumously. The ones who are still living need support with health and education, socialisation and legal redress now. We need greater access to legal representation, especially when the individual has the evidence to substantiate their claims of abuse regardless of their social standing or lack of social standing in society. We all deserve to be acknowledged legally and the Federal and State Governments publicly apologise to all who endured these violations.

The Australian State Governments' behaviour and the Federal Governments inability to act on our behalf have continued to limit our lives educationally, socially, medically, psychologically, physically, financially and legally to this very day. It is a bit of a double whammy especially if you are adopted and are then also a Former State Ward. For adopted people who do not fit the criteria for Legal Aid one has to individually find a law firm prepared to invest in issues pertaining to what I consider my human rights and the rights of all who have been affected by abuse from these various bodies. I can tell you from my personal experience, it is impossible.

These Government and non-government bodies now hide behind and are protected by antiquated legislations at the victim's expense. It does now seem I will be one of those Forgotten Australians who will fall through the cracks of the laws that abide Australia today. My needs for legal redress are a civil issue. However, I am adopted and now fall under the Family Law Act. For me this means I am not entitled to Legal Aid nor am I entitled to Pro-Bono assistance.

Some of the issues/problems facing Forgotten Australians like myself include:

- simply knowing how and where to find information about ourselves;
- having to approach many institutions and government departments to try and access information, often through Freedom of Information;
- dealing with government bureaucracy and the various different pieces of legislation that apply to us;
- trying to find legal advice and assistance, where there seems to be very few lawyers or legal firms with knowledge of or interest in the situation and applicable laws to us; and
- that there has not been more than a few token apologies, rather than any more concrete and practical acts to help with the results of our upbringing in terms of compensation, assistance with education and health issues many of us suffer from.

Following are some points from my experience in trying to find out about myself and to help others in a similar situation.

In 2005 having been given my first "prescribed copy" of my Institution files from the NSW Department of Community Services (DOCS) I immediately applied here in the ACT for Legal Aid. This was refused on the basis of my partner's income. However after I had appealed their decision, the then Assistant Executive Officer found a law firm who had agreed to help me with Victims Compensation representation. I am now being represented I suppose a tad illegally under the company's Pro Bono scheme. They ceased to act for me recently. They had however to date totally ignored anything I have said, and after 3 years have only bothered to meet with me once. That was after their Authorised Report Writer wrote in favour of all my claims of abuse. This firm, instead of filing 1 out of time application against the DOCS (costing \$20,000 per application), have now chosen to apply for 8 individual out of time applications and have excluded DOCS. The NGO known as Communicare and were responsible for my placement as an infant with an extremely dysfunctional family is again a separate legal issue!

So again I am not entitled to "all documentation" regarding my own origins. This is not why I stood up and asked for help. I do feel the firm representing me for Victims Compensation has ignored my needs. I at present do not have any other legal resource left. This means I may not be represented at all.

At first the law firm only wanted to represent me for one of my perpetrators. Not DOCS, just one individual. It took another 2 years and a lot of personal re-education to obtain under FOI evidence against all other perpetrators including DOCS and at one point not the one individual whom the law firm had already made an out of time application for Victims Compensation. Further information regarding the one individual is held with the AFP in their archives. Police records predating 1992 are in AFP Archives. One needs a lawyer and a subpoena to obtain those records. None of what had happened to me would have existed had I not been adopted into absolute dysfunction and then charged with Neglect and sentenced to a children's gaol where I was legally overdosed and brainwashed on a drug that is now banned world wide.

Even if you are fortunate to somehow find someone to represent you whether it is Civil action, Personal Injury or Victims Compensation, if you are unable to obtain Legal Aid, from my experience we will never be believed and are ignored. It is unfortunate these violations happened because I was born illegitimately and as a newborn infant my fate was in the hands of NSW Government and a NGO now renamed Communicare who thought it was all right to sell me and many others into dysfunction and who continue to negate their responsibility towards us to this day. It is not all right to buy and sell children in this country or any country. I was a birthday present.

Since 2005 I have helped a number of people obtain their full documentation regarding their adoption via the Supreme Court not through DOCS in NSW. If they have been charged as a child "all documentation" can be obtained via the Children's Court in NSW, not DOCS. Through DOCS Adopted people and Former Wards are only given "Prescribed Information". This can take anywhere up to 2 years to obtain under the Former Wards Act sections 162-8. Under FOI it takes approximately 2-3 months. Then DOCS has to inform you what they are not releasing, and in my circumstance quite a lot of information has not been released. That information needs to be subpoenaed. All information regarding my birth needs to be subpoenaed from Communicare as well.

I can do all of this work for others and now I am not entitled to legal redress through Legal Aid in NSW because my partner earns a rather minimal amount too much money. My health bills exceed this amount per year. I appealed and again was refused. I then went to the Law Society in the hope of finding a law firm to represent me on a Pro Bono scheme. I was informed I am not entitled to the Law Society's Pro Bono scheme because I am adopted. The Law Society gave me a number of firms to approach all to no avail. More so no one can be bothered. Even discussing a "Notice of Discharge", every NSW lawyer in Family Law seemed to know nothing about these aspects of the law or for that matter who we were and why we are seeking legal redress. Quite recently one law firm wanted thousands of dollars just to talk to me. This kind of money I do not have.

Although I started my search for my biological mother in Ormond, the social workers, files have not been prescribed to me and would need to be subpoenaed were I to be able to obtain legal redress. It was in the late 1970's I began my search as an adult to find out *about my biology. I went through an organisation called the Benevolent Society now known as PARC. That process took 13 years and it was all about reuniting adopted children with their biological family members where possible. I also lobbied the NSW Government in implementing changes to legislation regarding adoption laws enabling greater access to our biology and the opportunity to be able to meet with our biological families and learn of our genetic health issues. In 2009 we are still not allowed access to our original birth certificate. My real first name is "Unknown Female". My Surname is Bussey. Surely this is a fundamental human right given to all Australian citizens. But not us. Why?

This is my birth certificate, and I do want access to my birth certificate legally. It was not until I began my own inquiries in 2005 about my adoption when I also learned I was able to obtain some of my institutional files through DOCS. Had I not decided to investigate my history myself, I would not have known the original information given to me by PARC and DOCS regarding my adoption was absolutely incorrect. These people will tell us anything in order to keep us quiet. We are not meant to know the difference.

As hard as I have tried to be an accepted active member of society, my personal life has continued to be a living hell and I now believe this was also exacerbated by the adverse long-term side effects of the overdosing from the drug known then as Mellaril whilst in Ormond. The flashbacks continue every day ever since. Again I thought by now 2009 my human rights would be finally upheld. Well, that is not what has happened at all. Instead there is an Inquiry into the past Inquiries.

We do not need to be further abused or ignored or disbelieved when trying to obtain any form of legal redress. Or for that matter regardless of having as much evidence that could be obtainable through Freedom of Information {many of our files are sealed for life and are only obtainable through a subpoena or by changing legislation}. We quite simply fall through the gaps in the laws that stand in each state ensuring that it is financially impossible for any form of legal redress or acknowledgement of what had happened to us as individual human beings. We were supposed to be protected. Not continuously ignored and abused to death.

I am sincerely hoping that Kevin Rudd will have the integrity to right the wrongs of our discriminatory Australian history towards children who were victims of these abuses. All of us will carry the burden of stigma, illiteracy and shame, coupled with ongoing health issues until our ultimate demise. There will never be enough money to compensate what we have lost. Not ever.

I am grateful that Kevin Rudd made a formal apology to the Stolen Generation but what about us, The White Stolen Generation, The Forgotten Australians and Child Migrants???. Saying sorry is fantastic and very long overdue. Unfortunately it does not help the rest of us to pay our rent or stop our ongoing health issues, both physical and psychological. If Ireland and Canada can have a compensation fund for people like us on a national level, why can't my own country do the same??

Please dear members of this Committee give it your best shot and ensure Mr Rudd stands up to the plate and shows every State that they have a moral obligation to us and we are entitled to our human rights. Or place us under Commonwealth legislation and nationally apologise. We are human beings too. We remember what happened to us every day. Please don't let me hear those words again "we cost too much" or "we are filled to capacity" or for that matter "who are the Forgotten Australians?"

We need recognition for what happened to us now. Services need to be provided for us now. We do not need to be further ignored or disbelieved or forgotten. The Federal Government must accept that State Governments have failed us for decades and now needs to intercede with a Royal Commission and indeed a national compensation fund must be implemented.

Yours sincerely

Rozlyn de Bussey

27 May 2009