



## CARE LEAVERS AUSTRALASIA NETWORK

CLAN is a National, Independent, Peak Membership Body which supports, represents and advocates for people who were raised in Australian Orphanages, Children's Homes, Foster Care & Other Institutions.

September 2018

Submission to the Joint Standing Commission:

**“Inquiry into the Oversight of the Implementation of Redress related Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse”**



CLAN - Care Leavers Australasia Network is the national, independent, peak membership body which represents and advocates for Care Leavers who were raised in Australia's and New Zealand's Orphanages, Children's Homes, Missions and Foster Care. CLAN's main objective is to assist and support Care Leavers and their families through the wide variety of work we do including, but not limited to, support and advocacy for the National Redress Scheme, support at the Royal Commission, the Senate Inquiry, searching for family and graves, counselling, casework, records, and publishing Care Leavers stories in the national newsletter.

CLAN would like to thank the Committee for providing us with the opportunity to add our valuable input and suggested provisions.

When CLAN began lobbying for a national independent Redress Scheme, we expected the government would provide a Care Leaver survivor-focused Redress Scheme. Instead, we have resulted in a scheme that is NOT Care Leaver survivor-focused, instead institution focused.

The application is 42 pages long. We are concerned that there is not ONE word about the criminality against children in Orphanages, Children's Homes, Missions and Foster Care. CLAN has advised Care Leavers to cross out the word 'abuse' and put 'crimes'.

We note that for some Care Leavers, the Redress Scheme is an advancement for those that were sexually used. CLAN feels however, whilst this Redress scheme is a major advancement for Care Leavers and their experiences, there must be major changes to this Redress application form, as it is retraumatising and not Care Leaver focused. CLAN feels the form needs to be scrapped and restarted.

### [Exclusions of other forms of abuse/neglect and unpaid labour](#)

Care Leavers Australasia Network is pleased to see the Commonwealth Government has implemented a scheme to provide justice for **some** Care Leavers who suffered sexual crimes in Orphanages, Children's Homes, Missions and Foster Care run by the Churches, Charities and State Government.

Following the Royal Commission into Institutional Responses to Child Sexual Abuse, findings have uncovered the extent to which children suffered extreme abuse of all forms. Finally, after many years of pain and suffering, Care Leavers horrific histories of institutional abuse have the chance to be recognised in the form of a Redress

Scheme. The Royal Commission has shone a light in a dark spot and no longer can people ignore it.

Whilst CLAN is supportive of the National Redress Scheme, we are not supportive of the application process. There are several changes required.

Our critical concern is the lack of recognition for other forms of abuse, including physical abuse, emotional abuse, neglect and unpaid labour.

### **There is more than just one way to harm a child.**

For any Redress Scheme to truly serve the purpose of recognition and justice for those abused in the Child Welfare system, it **MUST** include **ALL** forms of abuse.

It is important to note that all forms of abuse are intertwined. This Redress scheme only recognises the crime of sexual abuse.

However, non-sexual abuse is inclusive in the Redress Scheme as long as the Care Leaver had also been sexually abused. CLAN questions the purpose of including other forms of abuse, only in the presence of sexual abuse. This clearly outlines that abuse is intertwined and has had a serious effect on the lives of Care Leavers. It is unreasonable to only assume sexual abuse was the most damaging.

Care Leavers have often expressed how the psychological, physical abuse and neglect, was far more damaging than the sexual abuse. Other forms of abuse occurred DAILY for many Care Leavers.

“Overall my experiences in Care have affected my life greatly, all types of abuse must be considered, they are just as important as sexual abuse.”

“I never fronted the Royal Commission on my sexual abuse, purely because they didn’t care about other forms of abuse!”

“If the Australian Government is willing to pay refugees on Manus Island for physical abuse, then there should be no reason whatsoever not to compensate AUSTRALIAN survivors of physical, emotional abuse and neglect.”

“The sexual abuse I suffered was horrific, but nothing compared to the psychological abuse. I still carry the scars, though they may not be visible.”

Quotes taken from CLAN’s Surveys and CLAN members messages to the Nations Leaders.

As stated by a Care Leaver, the Manus Island Refugees have been recognised and compensated for the physical and psychological abuse they suffered. Care Leavers were victimised as **just children**, and still many years on are not being recognised for the severe physical, emotional, psychological abuse and neglect.

Asylum seekers alleged the Commonwealth breached its duty of care by falsely imprisoning them in sub-standard conditions without adequate food, medical treatment, personal hygiene and security.

This was the same experience of half a million Care Leavers who were under the legal guardianship of each State Government as State Wards. Some children who were in Missions and Child Migrants were under the Commonwealth Government.

However, when our parents lost the Commonwealth child endowment money, the Government provided it back to the Churches, Charities and State Governments where the children were being ‘warehoused’. The Commonwealth took no direct responsibility of children. The Commonwealth failed in their duty of care to monitor and protect the vulnerable children they were providing money to, through the child endowment.

These children were kept against their will – many for their entire childhoods; starved, beaten, locked up and stripped of their human rights, dignity, families and their identity. Not all children in institutions were sexually abused, but all of them were harmed emotional and psychologically, and have lived their lives as damaged adults.

It is unjust to assume other forms of abuse are insignificant. Care Leavers have lobbied for many years to have their voices heard regarding their experiences.

CLAN has received an incredible amount of feedback following the lack of recognition for other forms of abuse. Many are feeling neglected, vulnerable and re-abused by the Scheme as it continues to exclude them.

Some feedback CLAN has received includes:

“I can’t believe Redress is only about sexual abuse – even when combined with physical! I was in an orphanage for 10 years of my life, up at 5am doing 12 hours of labour. The physical and mental abuse should count for something.”

“Did they not care or listen to what we have been through? Surely the Royal Commission became aware of all of the other types of abuse through their enquiries. I am exhausted by all of this, it just falls on deaf ears.”

All forms of abuse, neglect, and unpaid labour must be included in this Redress Scheme to ensure all Care Leavers receive some sense of justice, before it's too late.

See Appendix 1 CLAN flyer explaining many different ways Children were harmed in Care.

## Other Exclusions

CLAN would like to express our extreme disappointment in the Scheme for excluding those who are currently in gaol from applying to the Scheme. As clarified in the Bills and the Explanatory Memorandum, the purpose of this scheme is to recognise the wrong, and alleviate the impact of past institutional child abuse. CLAN questions the truthfulness and direction of this statement, if the scheme chooses to neglect those who are currently in prison.

The Redress Scheme has stated that Care Leavers currently incarcerated cannot apply, as the support is minimal in prison.

The Royal Commission heard 700 victims' stories who were incarcerated across Australian prisons. They had the same amount of support then as they do now. CLAN believes this is not a good enough excuse.

CLAN believes that by not providing Redress to all Care Leavers who have been in prison, is just as incriminating as the abuse they suffered at the hands of the system.

If they were held responsible for their crimes, why should the Churches, Charities and Child Welfare System get away with it? This scheme has been too long coming, and to expect them to wait further is criminal.

Many Care Leavers were abandoned and released from 'Care' with nothing but the clothes on their backs. The Child Welfare System did not set these vulnerable children up with futures, they were left to fend for themselves and in survival mode, many turned to small crimes to feed and dress themselves while they lived on the streets. Following this, some engaged in crimes out of an overwhelming need to

displace their anger from the abuse and neglect they suffered in the Child Welfare System.

“I’m in prison, and there are many of us victims of abuse by the system, yet I feel that we are out of sight, out of mind, and forgotten.”

“I started to live on the streets, and couldn’t trust anyone at all. To survive I would rob and cheat people to make money. I started going to juvenile prisons, and then gaol itself, and now I am in for murdering a paedophile. I realise I did the wrong thing, life didn’t go the way I wanted it to.”

“I’m a product of the prison system now, my abuse started when I was very young, and I became a troubled teen.”

Those who have been incarcerated deserve access to Redress now, just like any other Care Leaver who was sexually abused in an Orphanage, Children’s Home, Mission or Foster Care. It is important to again state that if the Churches, Charities and State Governments had cared properly for these children, many may not have committed crimes against society. The human rights of Care Leavers must be considered, and their entitlement to Redress.

For many Care Leavers in prison, this monetary element will set them up for their release.

**How is the Redress Scheme dealing with the feedback of angry and distressed Care Leavers?**

**Why should the Federal Government and State Governments, Churches, Charities get away with these crimes against children, when Care Leavers had to pay for theirs in prison?**

**Where is the duty of Care?**

As stated in the explanatory memorandum, the purpose of this scheme is to be supportive, survivor-focused and avoid re-traumatisation. If those who have been in prison are expected to wait until their release, the scheme will fail to meet these expectations. Following the proposition of a Redress Scheme for all Care Leavers, CLAN felt that the nation was finally coming to understand the intense impact of past institutional abuse on Care Leavers lives. However, to incorporate this limitation in the scheme, proves that perhaps the nation has not fully understood the suffering Care Leavers have been subjected to.



CLAN is pleased to see that the scheme allows for family members to be entitled to a Redress payment if a Care Leaver was to die while waiting for justice and Redress. However, we question whether the family has a right to request a review if they don't agree with the amount being offered. Furthermore, If CLAN is the nominee for the Care Leaver, are we able to request a review?

CLAN hopes this review process is still open to the family or nominee if the Care Leaver is deceased, as they are still assisting their rightful fight for justice.

Additionally, CLAN still advocates for families to be eligible for Counselling and a Direct Personal Response in the instance that a Care Leaver dies. They too have suffered vicarious trauma.

### Monetary Payment

As stated in the Bill, this scheme is designed to avoid further trauma for the survivors. However, if one is offered an amount seen as unworthy for the crimes and abuse they suffered, this will surely cause more pain and suffering. In the instance that an applicant declines the offer due to it being too minimal, they are left with limited options.

If they see the payment to be pitiful, they have only the option of an internal review. Based on CLAN's experiences with internal reviews in different aspects of our work, we often find them ineffective and sometimes biased.

We note that the scheme offers the option of an internal review if an applicant is insulted with the decision. CLAN would like to see the alternative of an external review.

Considering this scheme has supposedly been created as survivor-focused and 'trauma-informed', we must understand that this may be a Care Leaver's last chance at receiving a monetary recognition payment. It is imperative that an accurate decision is being made to ensure the Care Leaver feels rightfully acknowledged with a satisfactory sum.

CLAN queries why the scheme did not accept the Royal Commissions recommendation of \$200,000. The Federal Government should respect and adopt this recommendation. The intention of this scheme is to create an alternate non-adversarial method, far less intrusive than a civil claim. We question however, the aim of avoiding further risk or harm to Care Leavers. Many were subjected to up to 18 years of abuse and misery, some even longer.

Consequently, even if a Care Leaver received the maximum amount of \$150,000, it would not be justifiable for what they suffered. It is insulting, and does not reflect the long-term legacy of abuse that Care Leavers carry. We do not believe this scheme should be a 'cherry pick' of the recommendations put forward by the Royal Commission.

CLAN has supported many Care Leavers through the civil claims process. Some have received monetary payments of over \$200,000 for what they endured as children. If we aim to make this Redress Scheme a survivor focused, worthwhile and less traumatic process, we must consider what amount is truly going to recognise the suffering. Otherwise, many Care Leavers may choose to take the civil path. This Redress scheme must provide adequate justice for Care Leavers, and **a maximum amount of \$150,000 is just not enough.**

## Counselling

The scheme outlines that counselling will be available throughout the duration of the scheme only. CLAN is concerned with the efficacy of this idea. If a Care Leaver applies to Redress in the last year of the scheme of 2028, this will limit their access to adequate counselling as it would cease once the Scheme is complete. For many, building rapport with a counsellor can be a timely process due to the many internal trust issues formed over the years of being subjected to abuse. The need for ongoing counselling is vital for Care Leavers and should be funded by government-funded agencies.

The Royal Commission recommended counselling should be available throughout the survivor's life, with no fixed limits. We are concerned that the Redress Scheme funds only \$5000 worth of counselling. Additionally, the Royal Commission recommended counselling be available to families of Care Leavers, which is not evident in this Redress Scheme.



Fundamentally, CLAN would like to see counselling continue for the Care Leavers and their families, even after the scheme has finished, with no fixed amount, to ensure they receive the best possible support.

### Elements of the Scheme/Application Form

The prospect of this scheme being based upon assessment will result in inconsistencies. CLAN questions the efficacy of assessing each individual case, and what provisions are in place to come to a final decision. We note the maximum monetary payment is \$150,000, but question what circumstances a Care Leaver would have been subjected to in order to access the full amount. We note the assessment is based on the nature and impact of the abuse, as well as the cultural impacts and vulnerable needs of Care Leavers. However, CLAN has been working with Care Leavers for over 18 years, and we are very aware of the differing coping mechanisms as well as visible and invisible impacts that abuse has had on Care Leavers. Some do not express their pain and suffering like others, and some are introverted with their experiences.

We are apprehensive about determining the ‘impact’ via assessment that abuse has had on an individual life, as they may downplay the effects, or are merely unaware of them.

We feel that any survivor of sexual abuse should be entitled to a substantial payment, as determining the impact may prove inconsistent across cases.

ALL Care Leavers who are survivors of abuse have been traumatised,

ALL Care Leavers have been or are vulnerable and,

ALL Care Leavers should be entitled to a substantial payment.

In addition to this, CLAN is extremely disturbed by the idea that section 3 “Impact” is sent to the abusers. The people who lied, failed to give us our records, averted their eyes, were deceitful – do not have a right to know this personal information.

The handing over of our most personal information leaves some Care Leavers filled with anger and rage. If they reject an offer of Redress, what happens to their statement? As a result, they may choose to go down the civil litigation path, which is detrimental to their case as the abusers already have their impacts statements.

Furthermore, this information is highly confidential, personal and sensitive.

**We don't give paedophiles and rapist impact statements, why should this be any different?**

Care Leavers and their families have suffered enough without the traumatic thought of their abusers being knowledgeable of what this has done to the uttermost deepest, personal and sensitive parts of their lives.

We all know the effect that sexual, physical, emotional, psychological abuse and neglect has on a child.

Why should Care Leavers have to spell out how it has affected their sexuality? Sexual Health? Fertility?

If the abusers want to know more about the impact, they can join CLAN and read the stories in our newsletter. They can read the Royal Commission reports. They can read Joanna Penglase's "Orphans of the Living".

**These Redress forms are NOT survivor-focused. They are institution-focused.**

CLAN would also like to see the word 'abuse' replaced with 'crimes' against children. This accurately describes the reality of what Care Leavers suffered.

The DART application is much more 'survivor-focused'. It asks what the applicant would like to receive out of the application process, it allows the individual to feel the process is about THEM.

Let's make this scheme about the Care Leaver, not the institution! They have suffered enough, and are still suffering due to these forms.

"It's a nightmare and it's awkward. I find it hard to even talk to my wife about these things, let alone put it in a form!"

"I won't even do an application until I know for sure that my responsible institution WILL NOT see it."

"I will not apply for Redress while the Sisters of Mercy and the Catholic Church know my most personal and sensitive information. This is amoral. I do not want an apology from them, Care Leavers should be given a choice, like the DART scheme."

CLAN notes this vital information surrounding section 3 was not raised for discussion in previous meetings prior to the implementation of the Scheme. We were not told that this would be given to the abusers.

Before more applications are printed, Part 3 needs to be seriously reconsidered. At the consultation meetings, CEO Leonie Sheedy requested these words be covered to protect Care Leavers. This suggestion was not undertaken. This section is NOT survivor-focused.

We are concerned that Care Leavers impacts are not fully understood, as specific words such as

- Unemployment,
- Fearful of authority,
- Hypervigilance,
- Suicidality,
- Lack of Identity,
- Lack of Family,
- Reliance on the Pension,
- Lack of preparation for adulthood and parenthood

Furthermore, CLAN is concerned that due to the assessment framework being based on what the individual experienced, Care Leavers are required to again disclose the horrific and traumatising pasts they have, IN DETAIL.

CLAN has already received an overwhelming number of negative responses regarding the requirement to be specific about the abuse they suffered. It is incredibly traumatising, most feeling as if the experience is far worse than the Royal Commission.

“I am sick to death of filling in forms over and over again.”

“We’ve already told our stories to the Royal Commission, that was hard enough, now you want our detailed sexual abuse encounters?!”

“It’s only because I am sober and have been to AA that I have been able to calm myself. Redress drags out all the problems and it’s opening old wounds and threatening 30 years of sobriety!”

As a precautionary measure, Care Leavers have tried to make sense of the Assessment Framework to ensure they are covering all bases. CLAN feels the Framework is very complex in nature, and is difficult to make sense of. Many Care Leavers suffer with literacy issues due to being provided with little-to-no education in the Child Welfare system, and being incapable of learning due to extensive trauma.

CLAN feels the Framework must be adopted from what the Royal Commission suggested, without the jargon and complexity so Care Leavers can truly understand what needs to be put into their applications, ensuring they receive the correct Redress payment.

We have only heard of one Church Bishop speak truthfully about the Matrix. It is not being openly discussed by those who should be opting in to the Redress Scheme.

See below CLAN tweet.

**CLAN (@CLAN\_AU)**

16/9/18, 10:59 am

Interestingly only 1 Church Bishop is speaking out about the Redress Matrix Bishop Richard Condie [#Tasmania](#)

Where are voices of Catholics Salvation Army Uniting Church Lutherans Baptists other Anglicans

Staying Silent social justice

[@ScottMorrisonMP](#) [@billshortenmp](#)

[#Apology](#) 5wks

A further concern is that only one application can be made per person. We note that in the instance where someone was abused in 2 different institutions, and only one has opted in to the scheme, Care Leavers wait until the other opts in. CLAN is strongly against the notion of one application per person as it is making the scheme highly ineffective, and many people are feeling distressed due to waiting for the other institution to opt in.

Due to the lengthy wait for many to receive justice, the implementation of this scheme is best if it recognises the importance of time. We cannot expect Care Leavers to sit back and wait for the other institutions to opt in. CLAN is adamant that the scheme should adopt and allow one application per institution if necessary, NOT per person. Many Care Leavers are elderly, and need the monetary payment NOW.

We are disgusted that the Federal Government has given the abusive Churches, Charities, and State Governments another 2 years before they are required to participate.

**If they wait, they may die, and never receive financial recognition or justice. We have already lost too many Care Leavers, who never had this opportunity.**

The Royal Commission reported their concerns to the Government in 2015 regarding the need for a Redress Scheme to provide justice to survivors of abuse before time runs out. The Government is already well behind the Royal Commission's Timeline.

To CLAN's knowledge, we have already lost **40** CLAN members since the establishment of the Royal Commission in 2013. This number is only of those who contact and are a part of CLAN. Nationally, many Care Leavers have died without the respect, recognition or compensation they deserve.

Due to the scheme being conducted in such a way many will miss out, as they need to apply as soon as possible. The responsible institutions won't be capable of being held accountable if they choose to opt in 2 years down the track. We reiterate that the purpose of this Redress scheme is to provide justice and recognition, without re-traumatising Care Leavers. Care Leavers have had their reservations regarding an effective Redress scheme, and are being proved correct.

"The longer it takes means the more of those eligible will die before any action is taken."

"My situation is such that I cannot wait any longer, I will be dead soon."

Following many Redress meetings, CLAN raised the importance of allowing applications to be prioritised and 'fast tracked' for the elderly and ill, to ensure they don't die before they get justice and Redress. We have not seen this as an option on forms. We question what the scheme is doing to ensure more Care Leavers do not die before they receive justice.

### Feedback from Care Leavers

Since the commencement of the scheme on July 1<sup>st</sup> 2018, CLAN has supported more than 90 people to complete their applications to the Redress Scheme. During this time, many Care Leavers have expressed their concerns towards the scheme.

#### Indexation:

We respect all of the Royal Commission's recommendations, EXCEPT indexation. The idea of indexation must be abolished. Care Leavers don't deserve further disappointment because this scheme has been so long awaited. It is the responsibility of the institution to provide justice. Again, this scheme presents as institution-focused, not survivor-focused.

Additionally, there is no clarification surrounding how the indexing will work if the scheme takes longer to process an application. If a Care Leaver puts in a claim this year, however it is not assessed until next, will another year of indexing be added to their payment?

We are appalled to see that the indexing is applied to the gross amount, not the net amount. Care Leavers didn't receive that money, lawyers did. Years ago, many South Australian Care Leavers were coerced in to settling for \$39,000 each through a class action. The law firm Duncan, Basheer and Hannon took \$12,000 per payment, leaving each Care Leaver with a insulting \$27,000, that is now to be indexed. This is completely unacceptable.

If a scheme had been introduced many years ago as it should have been, Care Leavers wouldn't have had to take their own legal action against the responsible institutions. It is unreasonable and immoral to index them at all, let alone on the gross amount.

This is proving to be another insult to Care Leavers, and is exacerbating their trauma and distress.

### Participation

Firstly, we have noticed poor communication from scheme operators. Many Care Leavers were of the opinion that specific institutions (Salvation Army, Anglican and Catholic Church) HAD verbally opted in to the scheme, however the Redress Scheme phone operators are saying they have not. They have not completed their paperwork, however this is not being clearly conveyed to Care Leavers, instead they are being made to believe their responsible institution has taken no part or interest in the Redress Scheme.

We question why there is no pressure on them to increase these processes?

Furthermore, we wish to see no more delays and that these institutions put their money in to this Redress Scheme immediately!

### Statutory Declaration and Identity

Many Care Leavers have had their forms returned to them due to the Statutory Declaration being incorrect. This process is extremely confronting for Care Leavers, and being required to revisit the forms after submitting them is causing further distress. The declaration is confusing for many, it is not clear and CLAN suggests the Scheme adopts the declaration used in the DART applications, as it is simplified and suitable.

See in Appendix 3 & 4 The DART Statutory Declaration VS National Redress Scheme Declaration.

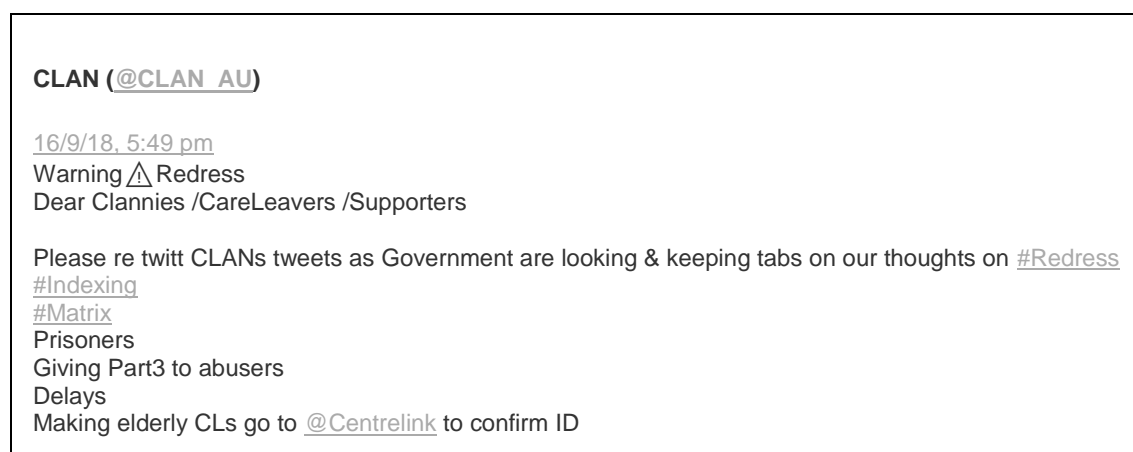


The current declaration requests information such as occupation, which CLAN deems as unnecessary as most Care Leavers are pensioners. The writing giving instructions is in a very small font, which many elderly Care Leavers cannot read.

In addition to this, we have had increasing complaints of Care Leavers being requested to visit their local Centrelink to confirm their identity.

CLAN is adamant that providing their Centrelink Reference Number is enough! CLAN was told at The Windsor Hotel in Melbourne in a Redress meeting, if you had a CRN you were not required to go to Centrelink to prove your identification.

See below a CLAN Tweet acknowledging many Care Leaver concerns.



It is widely known that abuse survivors often isolate themselves due to social complexities, and uneasiness in high density living, that some Care Leavers purposefully live in remote areas. For some, visiting Centrelink could be 2 hours away, it is not affordable for them to travel these distances, as many live week by week on a pension and the expense is straining. Many Care Leavers suffer extreme anxiety at the thought of visiting a Centrelink Centre due to their fear of authority figures.

Care Leavers are elderly, and have health issues. It is unreasonable to expect them to travel to identify themselves, especially when Centrelink has been happily providing them with pension payments for years without any concerns. This scheme must accommodate and be understanding of Care Leavers and their capabilities. We have had an overwhelming number of distressed complaints from our members.

“They don’t understand, Centrelink is two hours away for me! Forget it, I just told them to throw my application in the bin.”

“I am 87 with no means of transport, why are they making it so hard for us?”

CLAN is adamant this MUST change. Care Leavers were not informed that this would be a requirement. This was not discussed in Redress meetings prior to it’s commencement. This scheme is causing far too much suffering for the vulnerable and elderly.

See Below CLAN Tweet regarding Centrelink requests.



### Inappropriate Requests

Care Leavers anxiously await their first contact from the scheme once they have mailed off their forms. The eldest CLAN member of 96 years of age was asked on the first call whether or not she had shares. This is making our members distrust the scheme operators, and we question the need to know such things; this should not impact what a Care Leaver is entitled to.

### Miscellaneous

CLAN calls attention to the importance of this scheme being Care Leaver-informed. We note that the scheme has been designed in a way such that it is trauma-informed, however it is vital that those who are involved in the scheme have a detailed knowledge and understanding of Care Leaver issues and their histories. Many support workers and counsellors claim to be trauma-informed, but know

nothing about Care Leavers and their trauma experiences. CLAN wishes to know what Care Leaver training has been provided to those working as a part of this scheme. Care Leavers have many in-depth issues that must be understood, as they have suffered trauma upon trauma and often face a loss of identity and family. It is imperative that the Redress Scheme adopts a Care Leaver-informed approach, as it is evident it currently has not.

We note that the scheme encompasses only those who suffered abuse under the age of 18. We are aware of a discrepancy here, as a small number of Care Leavers, were kept as State Wards until 21.

CLAN has knowledge of Care Leavers who were abused from 18 through to 21 years of age whilst still considered in 'Care' as a State Ward. We raise the issue in the hope that those State Government who are still considered responsible for Care Leavers abuse histories are held accountable. Abusers did not discriminate abuse once a child had reached their 18<sup>th</sup> birthday.

See Appendix 2 for an article from 1954.

## Conclusion and Recommendations

We commend the commencement of a National Redress Scheme to hopefully allow Care Leavers who have survived horrific childhood abuse, to feel heard, recognised, and most importantly feel believed and receive justice. Whilst we still await confirmation of those Churches and Charities that have verbally opted in to the scheme, we are hopeful that ALL will step up and take responsibility. Those that don't contribute should be named and shamed. They should not receive a cent from Australian Tax payers until they do!

The Redress Scheme is certainly not Care Leaver focused, however, with a stronger commitment, this Scheme could be far more suitable and improved upon.

We are displeased to see this scheme being just sexual abuse focused, and will continue to advocate for the importance of acknowledging ALL forms of abuse in the 'Care' system.

It is vital to avoid re-traumatisation of Care Leavers and we cannot ignore those who have suffered in ways just as damaging.

In addition, we are adamant that the capped payment of \$150,000 must be reviewed, as only a substantial payment will truly reflect a sincere apology for the abuse the Care Leaver has suffered.

Importantly, CLAN strongly opposes the idea of excluding Care Leavers who are currently in prison from applying. Those who have been incarcerated are already being punished for their crimes, now it's time for the institutions to pay their dues.

CLAN hopes this scheme will provide many Care Leavers with the justice they deserve, and alleviate the impact that abuse has had on their lives. We must see a scheme that is both trauma-informed, AND Care Leaver informed.

CLAN wants to see many changes within the functionality of the Application form, to ensure Care Leavers needs are the focus. We must see that releasing section 3 to institutions is abolished.

For many, this process can be a less invasive process than taking civil action, if our concerns outlined in this paper are changed. CLAN will continue to advocate and be the voice for Care Leavers who require our support and advocacy.

CLAN will keep fighting to make Redress right. We are happy to expand further on our submission at any public hearing.

## Appendix


### 1. CLAN Flyer

Children who were raised in Orphanages, Children's Homes, and other institutions run by the Government, Churches and Charities. Children in Homes suffered these indignities and the denial of their Basic Human Rights!

- Floggings
- Humiliation and constant put-downs
- Beltings for bed wetting and made to wear the soiled sheets on your head
- Neglected – health & education
- Child labour
- Minimal education
- Called by a number, had name changed
- Lost their families – were told lies about parents
- Lack of love and affection
- Denied food
- Made to eat their own vomit
- Sexually used
- Put into isolation
- Children were internally examined
- No shoes at some orphanages
- Never allowed to be children
- Separated from their brothers and sisters
- Locked in cupboards and cellars
- Not taught anything about being a parent

Please feel free to attach this flyer to your Redress form.

**WARNING:**  
This flyer contains material that some people might find distressing.




**Tell the Redress Scheme what happened to you in an Orphanage, Children's Home, Mission or Foster Care**

**You do not need a Lawyer to fill out your Redress forms**

**Please contact CLAN before filling out ANY REDRESS forms.**

**1800 008 774**  
**0425 204 747**

**Care Leavers Australasia Network (CLAN)**  
**Phone: 1800 008 774**  
**Email: [support@clan.org.au](mailto:support@clan.org.au)**  
** : CLAN\_AU**  
**Website: [www.clan.org.au](http://www.clan.org.au)**

Did you suffer from emotional abuse: fear, intimidation, shame, stigma, bullying, humiliation, trauma and being a witness to the abuse of other children? Do you have nightmares?

**Ears**  
Did you have middle ear infections from being hit on the ear? Did you suffer hearing loss? Do you suffer from Vertigo?

**Teeth**  
Did you lose any teeth from being hit in the face or being pushed down the stairs? Did you get regular dental treatment?

**Hands**  
Did you have any hand injuries from forced labour? Did you have chilblains? Did you have your fingernails cut regularly?

**Groin**  
Did you become infertile? Have an STD? Or have any other injuries?

**Knees**  
Did you have knee injuries from kneeling down, scrubbing floors as punishment? Were you forced to stand motionless for hours at a time?

**Head**  
Were you hit across the head with a strap, cane, cricket bat, bunch of keys or fists? Were you knocked unconscious?

**Neck**  
Were you choked or hit in the neck region and received an injury?

**Spine & Back**  
Did you have back problems from forced labour, heavy lifting and being punched and flogged on your back? Do you have scars from whippings and beatings?

**Anus & Vagina**  
Did you need to have surgery for a damaged anus or vagina?

**Bed Wetting**  
Were you locked up at night? Were you humiliated when you wet the bed?

**Feet**  
Did you have foot problems from having no shoes or ill fitting shoes? Did you have your toenails cut regularly?

This is a guide to help you fill out your Redress form. Please ring CLAN on 1800 008 774 if you need more help. Don't suffer in silence.



2. Newspaper Article

# Welfare Reforms in Bill to Assist Children

**Child welfare laws were archaic and in urgent need of revision, the Chief Secretary (Mr. Galvin) told the Legislative Assembly last night, when he introduced the Children's Welfare Bill.**

The bill contains many reforms and consolidates in the one measure provisions for child welfare now scattered through various acts.

Mr. Galvin said good personal relationships between the Child Welfare department and private child welfare organisations were not enough.

The pattern of child welfare activities demanded a more definite basis for teamwork and co-ordinated activities of the statutory and voluntary bodies.

## Official Visitors

The bill provided for the appointment of honorary welfare officers and visitors to approved children's homes, juvenile schools and hostels.

A visiting committee would be appointed for receiving homes, industrial and probationary schools.

The head of the department would be termed "Director" instead of "Secretary."

An advisory council to be set up would include four representatives of the Victorian Council of Social Services. The members would hold office for three years.

The secretary of the council

would be an officer of the department.

## In Shows

Important proposals relating to the employment of

important proposals relating to the employment of children in public entertainments include:—

Persons shall be guilty of an offence if they employ any child who is not the holder of a permit in—

Any place used for broadcasting performances, Premises licensed for public entertainment, Any circus.

Any place used wholly or in part for providing entertainment or amusement.

In any place set apart for spectators at any sports or near access to or egress from any such place.

In any place used for photographing scenes to be depicted in cinema films.

In any place for the purpose of singing, playing or performing or offering anything for sale.

## Set Up Centres

Other provisions of the bill are:—

The establishment by the Governor in Council of

reception centres, children's homes, juvenile schools and juvenile hostels.

authority for the medical examination of a ward and for the department to give consent, despite a parent's objection, to any surgical or other operation advised by a doctor.

No foster parents can take

No foster parents can take into their home at the one time more than three children, except with the permission of the Minister, or where they are cared for by an institution.

## Until 21

The guardianship of a ward, as well as his estate, may now be continued at the direction of the Minister for 21 years.

The director of the department will be guardian of young persons committed to juvenile schools.

A father, as well as a mother, and any other individual persons may apply for assistance toward the maintenance of a child without sufficient means of support.

Parents may transfer guardianship of their children to the managers of approved private institutions and persons on the basis of gratuitous maintenance.

The existing department of reformatory schools is abolished and juvenile training schools substituted.

A section of the old act providing for the transfer of a child under 18 from gaol to a reformatory school is repealed.

## Reformatories

3. DART Statutory Declaration

**Please note:** A person witnessing your signature is only required to see you sign the documents and sign the signature declaration below. Witnesses are not required to view or read the details provided in this report.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration 3

4 Place Declared at 4 on 5 of 6

5 Day

6 Month and year Before me,

7 Signature of person before whom the declaration is made (see over) 7

8 Full name, qualification and address of person before whom the declaration is made (in printed letters) 8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

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4. National Redress Scheme Statutory Declaration

**Commonwealth of Australia**  
**STATUTORY DECLARATION**  
*Statutory Declarations Act 1959*

1 Insert the name, address and occupation of person making the declaration | 1

make the following declaration under the  
*Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs 2 All of the information in the attached application is true and correct.

Where I have provided documents in support of the application, those documents are true copies of the originals.

I have read and understand the Privacy Notice provided on page 5 of the Notes.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration 3

4 Place Declared at 4

5 Day on 5 of 6

6 Month and year

Before me,

7 Signature of person before whom the declaration is made (see next page) 7

8 Full name, qualification and address of person before whom the declaration is made (in printed letters) 8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the Criminal Code applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

## References

CLAN, 2011. *Struggling to Keep it Together*, CLAN's Survey Report

CLAN, 2016. *My Family Only Knows What I want them to know*, CLAN's Survey Report.

Royal Commission (2017) *Final Report Recommendations*, Commonwealth of Australia

Extracts from CLAN Members Responses to the Nations Leaders.

Twitter.com. (2018). *CLAN (@CLAN\_AU) on Twitter*. [online] Available at: [https://twitter.com/clan\\_au?refsrc=email&s=11](https://twitter.com/clan_au?refsrc=email&s=11) [Accessed 21 Sep. 2018].