

Redress – a pathway to where?

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I'd like to read you a few lines from a letter I recently got from a Forgotten Australian I'll call Mike.

How do we explain the facts that make up our life's traumatic events to the people who decide our monetary value? Don't ask about sexual assault unless you're willing to ask about how we felt after the assault. Guilt, shame, and embarrassment changed my life forever; I no longer felt whole; no longer the person I was.

Feeling alone in the world is far more than being physically alone; it's social isolation, fear and shame. All these feelings only exist because of emotional guilt and shame of the inadequate control in that initial abuse. Redress may drag you into the emotional depths of despair; I desperately need to speak to the person in government who sets a monetary value on my life¹.

Like Mike, I'm one of the estimated 500,000 adult survivors of institutional and other out-of-home 'care' last century. That's equivalent to the entire population of Tasmania.

¹ Undated personal correspondence received August 2017

The Senate Inquiry Report called *Forgotten Australians* in 2004 estimated there were 500,000 of us, but our numbers are falling². We were in what was supposed to be 'care' from the 1940s to the 1980s, which means we are now ageing, many have died, and many are living in poverty, ill health and despair.

The wounds people like Mike received are invisible. Outwardly many of us have survived and even made an apparent success of our lives.

That's what I tell myself when I have flashbacks during the night.

There were thirty-nine recommendations in the Senate Inquiry report. Six, just six, have been acted upon by governments or institutions in a systematic way. None of those relate to redress, access to records, and priority for health and housing.

It's taken the moral weight of the Royal Commission to get some recognition of the damage civil litigation causes. There's no transparency about the settlement of claims.

One of the main recommendations of the Senate Inquiry was that the Commonwealth Government establishes what we are now calling a redress scheme.

Since 2004, various redress schemes have been established in Australia; by the governments of Western Australia, South Australia, Queensland and Tasmania, and by past providers.

The Catholic Church introduced *Towards Healing* and the *Melbourne Response*; and the Salvation Army has also had a scheme. All of these have well documented deficiencies and flaws. None amounts to a national scheme.

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http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/report/index accessed 5 September 2017

There have been well studied redress schemes in Ireland and Canada³.

Since we began, AFA has lobbied for a national redress scheme.

The Royal Commission into Institutional Responses to Child Sexual Abuse released its excellent *Redress and Civil Litigation Report*, which makes ninety-nine detailed and comprehensive recommendations on these topics⁴.

It's important to note that while the Commission's reports to the government are due on 15 December this year, this is the Commission's final report on redress and is therefore significant for the possible future directions of governments.

I'll only briefly refer to this report, but I strongly encourage you read at least the Executive Summary and recommendations.

Twelve years after the Senate Inquiry Report *Forgotten Australians*, that's half a generation later, last year [2016] the Australian Government announced the establishment of a national redress scheme⁵, and in this year's budget [2017], made funding of just over thirty three million dollars [\$33.4] initially available for the scheme⁶.

The scheme is expected to operate for ten years. Work undertaken by Finity Consulting for the Royal Commission shows that the cost of the scheme is likely to be just over \$4 billion for ten years⁷.

³ <http://www.childabuseroyalcommission.gov.au/policy-and-research/our-policy-work/redress> accessed 5 September 2017

⁴ <http://www.childabuseroyalcommission.gov.au/policy-and-research/our-policy-work/redress> accessed 5 September 2017

⁵ <https://christianporter.dss.gov.au/media-releases/commonwealth-redress-scheme-for-survivors-of-institutional-child-sexual-abuse> accessed 5 September 2017

⁶ <https://www.dss.gov.au/families-and-children/programs-services/children/commonwealth-redress-scheme-for-survivors-of-institutional-child-sexual-abuse> accessed 5 September 2017

⁷ [http://www.childabuseroyalcommission.gov.au/documents/final-actuarial-report-\(1\).pdf](http://www.childabuseroyalcommission.gov.au/documents/final-actuarial-report-(1).pdf) accessed 5 September 2017

From March next year [2018], there'll be a phone helpline and website to provide information about the scheme; and from 1 July [2018] survivors of child sexual abuse in *Commonwealth* institutions will be able to apply for redress.

In his letter to me, Mike says he can't wait much longer for a scheme as his heart function is down to 30 per cent.

The components of the scheme announced follow the Royal Commission's recommendations – a direct personal response from the institution; counselling and psychological care; and a financial payment.

I commend the Australian Government for establishing and funding the scheme, and for seeking the views of an independent advisory council about the design of the scheme. I was privileged to be on that council⁸.

But two things worry me. When the eligibility for the scheme becomes more widely known, they'll worry and most likely re-traumatise Forgotten Australians.

First, the Letters Patent, or terms of reference for the Royal Commission require the Commission to focus specifically on sexual abuse⁹.

The recommendations the Commission made reflect these Letters Patent. In response to these recommendations, the Australian Government's scheme will be for those who experienced *sexual* abuse.

These are understandable government strategies to manage costs.

⁸ <https://www.attorneygeneral.gov.au/Mediareleases/Pages/2016/FourthQuarter/Redress-for-survivors-of-institutional-child-sexual-abuse-members-of-independent-advisory-council-announced.aspx> accessed 5 September 2017

⁹ <http://childabuseroyalcommission.gov.au/about-us/terms-of-reference> accessed 5 September 2017

If I were a politician I might have been tempted to do that too.

Fortunately I'm not a politician. The nature of the experiences I've been through, and those of the Forgotten Australians we represent, means we can't and won't compromise on people's lives.

It's also worth noting that none of the redress schemes in Australia or internationally focuses solely on sexual abuse.

The *second* thing that worries us is that the redress scheme – as it currently stands – is for those who were in the 'care' of Commonwealth-funded institutions.

That's not many institutions, when you consider that in Australia the majority were funded by state governments and churches.

The Commonwealth had no constitutional role in child protection, other than in the territories.

And we know that most institutions were in New South Wales, Victoria and Queensland.

The Australian Government is asking states and territories and past providers of 'care' to 'opt in' to the national scheme.

It's voluntary. There's no incentive to do so. It's not subject to a COAG decision.

I understand that states, territories and past providers are considering the Commonwealth's request and asking for more details before they make the decision to opt in or otherwise.

And if it goes the way of other Commonwealth /state processes, someone will be brave enough to sign up first, gradually followed by the others.

Many Forgotten Australians, and other survivors, believe they are eligible for redress.

They won't necessarily know, or care, whether their institution was Commonwealth or state funded.

They may have experienced abuse which they have never told anyone about, not even their families.

Some will *never* tell their stories and some will die before the scheme starts.

Some have had the memory of the extent of their abuse reawakened in later life, triggered by further trauma, or by issues within their families - even happy issues such as the birth of a grandchild.

It's not simple to categorise the abuse you've experienced as sexual and non-sexual.

Do you think a child could possibly have the capacity to understand and define the experience of abuse except in terms of pain, helplessness and utter aloneness?

In an institutional setting, all forms of abuse: sexual, physical, emotional and psychological are connected.

The ability to tell one type of abuse from another is affected by many factors.

These include intellectual capacity; sexual knowledge; understanding of consent; loss of identity and sense of family; the pre-existing experiences of the child and trauma of removal from family; and the child's knowledge and understanding of their body.

Into adulthood, other factors will include the ability or opportunity to participate in healing; the levels of fear which are carried internally;

and the experience of powerlessness, which may take a lifetime to overcome.

Any redress scheme needs to turn this powerlessness into a process where individual perceptions of abuse do not discriminate, disadvantage or ignore the reality of being a victim or survivor.

An inclusive redress scheme will give survivors the choice about the degree of disclosure they're comfortable to provide.

I said before that that there are around 500,000 Forgotten Australians. If we accept the data modelled for the Royal Commission, only an estimated 60,000 are likely to be eligible for the national scheme as it stands¹⁰.

So we Forgotten Australians experience further trauma and disappointment, and again we feel betrayed by the institutions of government which failed us once and may well fail us again.

If states and past providers don't join the scheme, if the eligibility for the scheme isn't extended beyond sexual abuse, the scale of response from Forgotten Australians and other survivors is likely to be immense.

We need to be prepared for this and we are very far from being prepared.

Why is it that despite numerous Senate Inquiries, government initiatives, research and social policy, why is it that the most vulnerable are at serious risk yet again, and at risk at a time of their lives when old age approaches, and the prospect – the terror – of re-institutionalisation into aged care facilities beckons for some?

¹⁰ [http://www.childabuseroyalcommission.gov.au/documents/final-actuarial-report-\(1\).pdf](http://www.childabuseroyalcommission.gov.au/documents/final-actuarial-report-(1).pdf) accessed 5 September 2017

Redress for survivors of abuse in institutions and out-of-home-‘care’ is a moral issue.

It’s about righting injustices perpetrated under the watch of those who were supposed to be our guardians.

It’s also a legal and financial issue.

Many of us lost educational opportunities.

We were separated from families and siblings. Many didn’t experience love, and consequently found it difficult to give or accept love.

The abuse many experienced in childhood haunts our health and wellbeing, our ability to form relationships and live a good life, to live even an ‘ordinary life’, to be hopeful and optimistic for the future.

Some made up for this against the odds, and many didn’t. You don’t get time back.

I won’t get my childhood back.

The Alliance for Forgotten Australians wants a truly national and inclusive redress scheme for survivors of all forms of abuse in institutional and other forms of out-of-home-‘care’, to which the Commonwealth, states, territories and past providers sign up.

It’s not negotiable.

It’s not too late. It can be done. There are examples from overseas. We have drawn on these to develop a manifesto and framework for what we want in a national redress scheme. The details are on our website¹¹.

¹¹ <http://www.forgottenaustralians.org.au/news> accessed 5 September 2017

If there are representatives of governments and institutions here today, please read them, and please lobby your organisation to join and support a national scheme which covers all forms of abuse.

We've sent out more than 10,000 postcards nationally in the last months to politicians and institutions around Australia, lobbying for a national redress scheme.

We're lobbying for all states and past providers to sign up, and we've also been lobbying for things like statutes of limitations to be removed from legislation.

As a result, I think, or I'd like to believe, there are a few glimmers of light and of hope shining in the darkness.

I'll leave you with some final words from Mike's letter.

There is constant fear of the next assault. At first you cry yourself to sleep, then you attempt to stay awake all night; the fear takes over your life. You start off as a victim within the system, and then you become a victim *of* the system. Redress takes you back into the system to become a victim again, confronted with uncertainty.

I hope that redress turns out better than Mike's prediction for those of us who are living with the scars, whether they are visible or invisible, from our time as children under the watch of those who were supposed to care for us.

I hope someone is listening this time, and having listened, that someone will act.

ENDS

(Final version of 18 September 2017)