



Tuart Place

Growing Strong Together

Submission to the Community Development and Justice Standing Committee

**Inquiry into the options available to survivors of institutional child
sexual abuse in Western Australia who are seeking justice**

Forgotten Australians Coming Together Inc, trading as Tuart Place

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About Tuart Place

Tuart Place is the State Government funded support service for Western Australian care leavers, including the 'Forgotten Australians', former child migrants from the UK and Malta, members of the Stolen Generations, and other Aboriginal people placed in out-of-home care during childhood.

In the 2022/23 financial year, Tuart Place provided direct service to 694 individuals. Of these, 43% were First Nations people; 35% were Forgotten Australians; and 21% were former child migrants.

Tuart Place is governed by the Board of Forgotten Australians Coming Together (FACT) Inc. Half our Board members are survivors of historical institutional abuse, and serve alongside members selected for their expertise and qualifications in areas such as law, accounting, service management, and governance.

Tuart Place is an incorporated, not-for-profit organisation and a Public Benevolent Institution with Deductible Gift Recipient 1 status. Tuart Place is recognised as a best practice model of community service; a leading model of authentic trauma-informed practice, co-designed with survivors; and ideally adapted to the needs of people who experienced child abuse in institutional settings.¹ Over the last 15 years, survivors have grown to trust 24 High Street Fremantle as a place of safety, with no wrong door.

Tuart Place receives core operational funding from the WA State Government and the WA Primary Health Network (for aged care navigator services). Our work supporting applicants to the National Redress Scheme (NRS) is funded via an arrangement with knowmore Legal Service.

Service model

The environment at Tuart Place is non-bureaucratic and the drop-in centre has a friendly, welcoming feel. People can build trust at their own pace and access services when they feel ready. It is an ideal therapeutic model of service developed with survivors, for survivors.

Professional and clinical services include NRS support, trauma-informed and culturally sensitive counselling, phone counselling, therapeutic and life-skills groups, assisted access to records and photos, family tracing and connection, advocacy and supported referral to mainstream services such as housing and health. Weekly financial counselling sessions are held onsite, along with regular Hearing Australia and podiatry clinics. We assist people to obtain free legal advice from knowmore, and/or to book a free consultation with private law firms specialising in civil claims for historical child sexual abuse.

An on-site Aged Care Service Navigator provides assistance to register with *My Aged Care*, and practical help to access a range of aged care and community services. Staff and IT volunteers are available to help with mobile phones or to use the equipment in our computer lab.

Activities organised with participant (client) involvement include art and craft workshops, a singing group, reunions, outings, and in-house events. A participant-produced newsletter is published every three months and is also available on the Tuart Place website.²

¹https://www.researchgate.net/publication/303923393_Tuart_Place_Providing_Support_of_Substance_to_Care_Leavers_in_Western_Australia

² <https://www.tuartplace.org/category/high-street-happenings/>

Support for survivors of institutional child abuse in WA who are seeking justice

Our agency has a long history of supporting survivors of institutional child abuse to seek justice. For example:

- Prior to the formal launch of Tuart Place in 2012, our staff operated the primary support service for the **Redress WA scheme** (2008-2012), assisting over 800 applicants.
- Tuart Place supported 201 survivors to engage with the **Royal Commission into Institutional Responses to Child Sexual Abuse** (2012-2017).
- Between 2006 and 2018 we supported more than 400 survivors with **Towards Healing** complaints against a range of Catholic past providers; and in **direct claims** with the Salvation Army, Parkerville Children & Youth Care, and the Anglican Archdiocese of Perth.
- In 2013 we provided a Report to **Northern Ireland’s Historical Institutional Abuse Inquiry** (HIAI), which was published as an Appendix to the Inquiry’s Final Report.³
- We supported 49 former child migrants to provide evidence to the HIAI at Public Hearings. The Inquiry Chairman sought our advice on trauma-informed support for former child migrants; and feedback on **developing a model for Northern Ireland’s redress scheme** (2019-2021).
- In 2017 and 2018, we hosted visits to WA by officers of the **Scottish Child Abuse Inquiry** (SCAI), who held **private sessions with former child migrants at Tuart Place**. In 2019, we submitted a Report on the impacts of migration on Scottish children sent to Australia under the UK Scheme⁴, and Philippa White gave evidence to a Public Hearing of the Inquiry on 11-3-2020.
- **The Scottish Government’s Report**⁵ identifies Tuart Place’s major role in publicising the Scottish scheme in Australia; supporting access to the **£10,000 Advance Payment**; and connecting survivors with the **Future Pathways Scheme**.⁶
- Tuart Place prepared 28 of the 34 *Advance Payment* applications received from Scottish child migrants, and we continue to work alongside **Scotland’s redress scheme** and *Future Pathways*.
- After **amendments to civil litigation laws in WA** were introduced in July 2018, we referred approximately 100 survivors to private law firms for assistance with civil claims, and supported many through the process. **The peak of our referrals for civil claims** occurred between 2018 and 2020. Most of these clients were former child migrants who had already received financial settlements exceeding the limit for payment under the NRS.
- Since 2018, Tuart Place has been a major provider of support for survivors navigating the **National Redress Scheme**. Since the Scheme commenced, we have assisted more than 593 clients; over 5,837 hours; in 7,979 occasions of service. We have submitted **238** comprehensive NRS applications, undertaking research necessary to achieve optimal results for these applicants.
- Tuart Place has contributed **five previous submissions to a series of Inquiries on the NRS**, and a submission to the **Second Year Review** of the Scheme.⁷

Introduction

This submission is Tuart Place’s initial contribution to the WA Inquiry, and focuses on a single issue falling within *Term of Reference 2: The effectiveness of WA’s support of the National Redress Scheme*:

- (a) the experience of survivors who have accessed the Scheme; and
- (b) the response of Government and non-government institutions to the Scheme.

³ <https://www.tuartplace.org/about/submissions-and-evaluations/northern-ireland-historical-institutional-abuse-inquiry-report/>

⁴ <https://www.tuartplace.org/about/submissions-and-evaluations/scottish-child-migration-submission/>

⁵ <https://www.childabuseinquiry.scot/media/3855/updated-sg-report-on-child-migration.pdf>, Section 4.

⁶ The *Future Pathways Scheme* is a leading-edge model of support for survivors, and is provided **alongside** Scotland’s financial redress scheme. This model could inform the WA Inquiry’s ToR 4: “lessons from other jurisdictions”. <https://future-pathways.co.uk>

⁷ All submissions are available at <https://www.tuartplace.org/about/submissions-and-evaluations/>

In a forthcoming supplementary submission, Tuart Place will address other significant issues, including: the experience of survivors using the civil litigation process in WA (ToR 1a); and the resourcing and provision of support services for survivors in WA (ToR 3).

The experience of survivors who have accessed the Scheme

Favourable outcomes are reported by most survivors who engage with the National Redress Scheme via Tuart Place. Between January and March 2023, we surveyed 30 people who participated in the Scheme with our support. The great majority of feedback was very positive, despite a general acknowledgment that aspects of the Scheme could be improved (particularly the lengthy waiting times). The results of Tuart Place's 'snapshot' survey of NRS applicants is available on our website.⁸

However, in the last six months we have seen the emergence of a new cohort of applicants in WA who are being found ineligible for an NRS offer. The outcome for these survivors is utter devastation.

The profile of survivors deemed ineligible for redress

The profile of this group is:

- Aboriginal people born after 1970;
- Did not participate in the *Redress WA* scheme;
- Descendants of Stolen Generations survivors of historical abuse in missions and orphanages;
- Placed by the WA Child Welfare Department in kinship care with Aboriginal relatives;
- Sexually abused by multiple offenders, the victims of adults who had themselves spent childhoods institutionalised and separated from parents.

As children they were *not* made wards of the State but were placed in 'private arrangements' where related foster carers were paid a government subsidy for their maintenance. They describe frequent contact with the Child Welfare Department; admissions to Reception Homes, and/or visits from police and departmental workers. Their very poor living conditions are often documented in departmental files, some of which also identify serious risks and actual harms experienced by these children.

The legislative context for the Department's treatment of this group of children was the repeal of the *Native Welfare Act in WA* (1963-1972), whereby the Commissioner ceased to be the guardian but was still responsible for "custody, maintenance and education of the children of natives".

After 1972, the lives of Aboriginal children were governed by the *Child Welfare Act 1947 (WA)*,⁹ under which the Department had broad powers to intervene in the lives of children considered to need care and protection, without taking formal responsibility for that child's welfare or placing the child under state wardship.

The commendable aim of this legislative change was to prevent another generation of Aboriginal children being 'stolen', and arose from:

"...the efforts of Aboriginal and Islander Child Care Agencies (AICCAS) during the 1970s to ensure that Aboriginal children were placed with Aboriginal families when adoption or fostering was thought to be necessary. It recognises the significance and value of family, extended family, kinship networks, The aim is to ensure that Aboriginal children are raised in a culturally appropriate environment".¹⁰

⁸ <https://www.tuartplace.org/about/submissions-and-evaluations/tuart-place-service-evaluations/>

⁹ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtile_135_homepage.html

¹⁰ <https://www.findandconnect.gov.au/guide/australia/FE00002>

This work led to the development of Aboriginal Child Placement Principles (ACPP) to guide the practice of child protection services in Western Australia. ACPP were eventually ratified by the Department for Community Services in 1985. From that time, Aboriginal children in Western Australia could not be placed with non-Aboriginal carers without the approval of the Director General.

However, while the motives for these policies were exemplary, the outcome was a generation of Aboriginal children in Western Australia who had substantial involvement with Department, but were denied statutory protection in circumstances that clearly warranted it. These are the survivors now being found ineligible for the NRS, because they were not made wards of the state.

Anecdotal evidence and sector feedback suggests this trend is only emerging in WA, and may be due to differing interpretations of eligibility across the states, or differing historical policies on state wardship for Aboriginal children. Tuart Place has been working closely with knowmore Legal Service to more fully understand the context of this trend, so we are better equipped to advise survivors on eligibility.

knowmore's submission to the WA Inquiry will include further discussion of this issue, while our submission focuses on the personal experiences of applicants. We use three in-depth case studies to illustrate the human cost to survivors.

Case study One: MK

MK, born in 1984, is a second-generation care leaver, being the daughter of a survivor of abuse at Roelands Mission. The first departmental record of MK is in 1987, when she is three years old and is placed in residential care at the *Wanslea Hostel for the Care of Children of Sick Mothers*.

The Department's next recorded contact with MK is in 1993, when she is **eight** years old, and: *"it was thought that M may be sexually active, as she appeared with love bites on her neck..."* ... and disclosed to officers that *"someone had done something to her"*. MK is described as *"placing herself at risk wandering round the Medina area..."* (DCW, *Case Conference Summary*, 20-12-1995).

It is also recorded in MK's departmental file that:

"This pattern continued, with M becoming more and more unkempt and waif like...[redacted]... On 25 July 1994, M was admitted to Rockingham Hospital as she was underfed and dehydrated but was released the following day. M continued to refuse to return home, choosing instead to return to the family she had been staying with prior to her admission to hospital..."

At this point, MK is **nine** years old.

A month later, MK is placed by the Department as a *Non-Ward in departmental foster care* with a maternal aunt, a departmentally funded foster carer.

While living in this placement, 10-year-old MK is sent to look after the young children of her foster-mother's daughter (MK's older cousin). Here, MK is raped by an older man, who follows her into a bedroom while she is putting one of the children to sleep.

When she is 11, and has once again been sent to look after these children, MK is raped by a different perpetrator, RT.

When she is about 12, MK's foster mother sends her to stay with another relative, and she is molested and digitally raped by a third offender, DD.

Despite MK's own request in 1995 that she be put in a foster home, the Department repeatedly returns her to her mother's care, where it is reported that:

“M was placing herself at severe risk due to her behaviours, which included running away from home on a very regular basis, staying out, often for days at a time, hanging around the neighbourhood all hours of the day and night and knocking at the doors of strangers asking that they let her in. M was also mixing with older, undesirable teenagers and adults, and there was some concern that she may have been glue sniffing and may have been sexually active ... the Police reported that M was taking up a lot of their time...”

MK is still only 11 years old at this stage.

In December 1995, a Senior Casework Supervisor writes that:

“We clearly have more than adequate grounds to take Statutory Actions with regard to M. However, it is extremely important that we stabilise M in order to allow an assessment to be made...” (Family and Children’s Services Rockingham, Case Conference, 20-12-1995).

In accordance with the Department’s decision *not* to take “Statutory Actions”, MK is moved back and forth between her mother’s home and the foster placement with her aunt for a further 12 months. In December 1996, despite the Department’s acknowledgment that none of the original concerns had been resolved, MK is returned to live with her mother, and foster care is terminated. Six months later MK’s Case is Closed.

MK applies for redress

The process of preparing a redress application is harrowing for MK, who is significantly retraumatised by reliving the abuse and neglect of her early years. After submitting an NRS application in October 2021, MK waits for more than a year before she is deemed ineligible, on the basis that the Department of Communities is not responsible for the abuse. An IDM observes that:

“While the Department was responsible for placing Ms [MK] with her aunt, the Department had not made Ms [MK] a ward of the state...” (Independent Decision Maker – *Statement of Reasons*, 20-1-23).

A *Request for Review of Determination* is unsuccessful, and the IDM’s decision remains unchanged. The IDM points out that he or she is *“not satisfied that Ms [MK]’s application for redress had met all of the eligibility criteria under section 13 of the Act ... to the standard required by subsection 12(b)(c) of the Act...”*

The impersonal and dispassionate wording of the IDM’s *Final Determination* is impossible to reconcile with the life of poverty, trauma and abuse MK has experienced. The dreadful reality is that this extremely vulnerable person, who lives in poverty, endured the painful and humiliating process of applying for redress, assuming she was eligible because the Department’s intervention in her childhood had been so substantial. During the year she waited, MK had dared to dream about what she might do with a redress payment - all for nothing. She is far worse off now than before she applied for redress.

Case Study Two: Three siblings

FF (10 years old), and her two brothers CF (11) and KF (12) are living with their father and aunt and uncle in Rivervale, when they come to the Department’s attention in 1974. Their uncle applies for Departmental assistance as a private foster carer for the children after their father leaves the home.

Departmental records over the next four years show a series of reviews and renewals of departmental subsidies for these three children as ‘Private Foster Cases’. In 1976, the Director of the DCW lodges a ‘Complaint’ in the WA Children’s Court, against the father for neglecting to support his children, facilitating ongoing State subsidies for maintenance of the children.

FF, CF and KF all report years of sexual, physical, and emotional abuse while living in this foster placement. Their individual experiences are different, but all three siblings recall the following: sexual abuse by multiple perpetrators at the house; frequent visits by police to break up loud parties and fights; an environment of continuing chaos and violence; numerous visits by welfare workers; case conferences with departmental staff; and disrupted schooling.

In January 1977, KF is charged with *Pointing a firearm*, after “abusing a white adult” for calling him a “black boong-lover”. KK reportedly runs home, gets a rifle, and points it at the man and his friends, causing them to “clear off”. (DCW, *Informative Report on Child*, 24-1-1977).

A month after the rifle incident, subsidy payments are discontinued, because the “Father has been located”. This is the final (available) record of departmental contact with the three children. No information about their welfare is provided. The Supervisor’s only comment is that Private Foster Payments are “Already ceased”. (DCW *Subsidy Advice*, 16-2-1977). The Case is Closed.

Three siblings apply for redress

All three siblings submit NRS applications between July and September 2022. In June 2023, FF is advised that her application is ineligible. The IDM determines that the Department of Communities did not make her a ward of the state, and administered a private foster care arrangement only.

In early July 2023, CF is advised via Tuart Place that he too is unlikely to be found eligible, for the same reason.

At the time of writing, the outcome of KF’s redress application is unknown.

Case Study Three: SK

SK, born in 1974, recalls the Department for Community Welfare being involved in her life from the age of one or two. When she is four, SK is admitted to Princess Margaret Hospital, following a car accident with her mother. Her mother is taken to jail and SK is left in hospital with no one to pick her up. She is eventually collected by her grandmother’s brother, AL, and discharged into his care. AL sexually abuses SK on several occasions when she is left to sleep in his car outside a betting shop. While living with AL, SK starts kindergarten but is taken away by the DCW after a big argument at the house, when AL’s partner leaves him.

SK attends pre-primary and Grade 1 while living at Bridgewater care home. She is later sent to stay with a foster family in Geraldton, and also spends periods of time back with her mother. SK recalls: *“One time when mum went to jail, I was left living alone in her house with our dog before anyone from DCW realised. Police came to get me and my dog. I was very sad when it was put down. I loved that dog”*.

SK is eight when DCW places her at her grandmother’s house, where other Aboriginal children are also fostered. The house is overcrowded, with lots of people coming and going. Her bed is a mattress on the lounge room floor, and she doesn’t feel safe. When she is 10, SK is sexually molested by an uncle who lives at the house. On a second occasion she is anally raped by this man when he finds her bouncing on an old mattress in the back shed. The uncle is sent away to live with his brothers in Katanning.

SK often runs away from her Gran’s house, but is always taken back by the Police or relatives. She doesn’t attend school regularly, but no one says anything to her. Her health is neglected, and a heart condition is not picked up. She misses the public health nurse visits to her primary school and is not vaccinated. She is never taken to a dentist; she develops gum disease and her teeth rot. They have never been fixed.

At age 13, after a brutal nighttime rape by an unknown assailant at her Gran's house, SK runs away for the last time. She sleeps in toilets and breaks into houses, and gets into trouble with the police. She spends her 15th and 16th birthdays in Longmore and Nyandi youth detention centres.

SK applies for redress

SK submits an NRS application in October 2021. Despite Tuart Place being identified as Assistance Nominee, the Scheme calls her directly in June 2022, identifying itself as "the Department of Social Services". SK is confused by the call and thinks it is about another Centrelink matter. *She agrees to withdraw her NRS application*, without knowing what she is agreeing to. Months go by before anyone realises what has happened.

Usually, if a survivor withdraws a NRS application, they must 'start all over again, and go to the back of the queue'. Fortunately, in this instance, strenuous advocacy by Tuart Place and helpful NRS staff succeed in reinstating SK's 'place in the queue', when her application is resubmitted in October 2022. However, on 11 July 2023, Tuart Place is advised by phone that:

"[SK]'s application was found ineligible today by the IDM who said that her mother was her legal guardian during the periods when the sexual abuse happened; that the Department of Communities administered a private foster care arrangement; and that they only paid money for her care while living with her grandmother, so they were not responsible for the abuse".

At the time of writing, we have submitted a request for a *Full Determination* and the IDM's *Statement of Reasons*, which can take up to six months to arrive. We will also apply for Departmental records under FOI, which can take up to ten months. We did not seek SK's departmental records in the first instance so as not to delay her NRS application, and because ***the Department's involvement in SK's childhood was so pronounced and enduring that SK herself had been certain she was a State Ward.***

The words *disappointed* and *devastated* do not even begin to convey the extraordinary distress the NRS application and assessment process has caused, is now causing, and will continue to cause SK for many months to come.

Her childhood abuse and neglect have had predictable outcomes in adulthood, and SK continues to experience disadvantage and dysfunction in every area of her life. She had planned on getting her teeth fixed with her NRS payment, but that hope is now gone.

The State Government's failure to protect SK as a young and vulnerable child is now used as the rationale to deny her redress from the same Government department.

Racially-determined negligence and failure to exercise Duty of Care

Tuart Place submits that the sustained departmental neglect recorded in the Case Study files is racially oriented. In more than 15 years of accessing departmental records, we have never seen this kind of treatment recorded in the file of a non-Aboriginal person. A nine-year-old child admitted to hospital starving and dehydrated would not have been allowed to discharge herself *into her own care* the next day because she refused to return to her mother's care – unless she was Aboriginal.

An 11-year-old child *"thought to be sexually active, sniffing glue, and wandering the streets at night"* would not have been described as *"putting herself at risk"*; nor would she have been referred to as *"taking up a lot of the police's time"* – unless she was Aboriginal.

The decision recorded by departmental staff not to take “Statutory Actions” to protect MK “*despite having more than adequate grounds*” to do so, left her in circumstances that were identified in departmental records as being harmful.

The (non) actions of MK’s case workers reflect the environment in which they worked, and the degree to which they were hamstrung by a “hands off” policy towards Aboriginal children. This was an era in which the terrible damage wrought by the Stolen Generations was acknowledged and policy was trying to hold families together and strengthen communities. The intention was laudable, but did not take account of the devastating effects on parenting skills for the generation immediately above this group of survivors.

Response of Government & non-government institutions to the Scheme

The experiences of the five survivors in our three case studies are characteristic of a growing number of Aboriginal clients in WA whose NRS applications are being rejected.

They are being rejected because the Department avoided taking the formal step of making them wards of the state. However, the State of Western Australia was closely involved in their childhoods; had the power to make decisions about them; and used State powers to exercise substantial control in any or every area of their lives.

The Department failed to act to protect these children despite many years of warning signs, identified risks, and, in some instances, actual disclosures. Fortunately, there are ways to rectify this problem and avoid inflicting further injustice on this group of survivors. Two potential solutions are outlined below, followed by a request for action by the WA State Government.

Possible remedies

1. Currently, the NRS has a higher bar than civil litigation on principles of negligence and duty of care. Civil claims are often successfully brought on the premise that a responsible institution was negligent in its care of a child – *regardless of whether state wardship was in place, or whether it was foster care or an institutional setting.*

The disparity in this aspect of the two processes is inconsistent with the aim of providing a ‘lower bar’ for survivors seeking justice via the NRS.

A potential solution is for IDMs to be instructed to accept NRS claims in which the applicant’s childhood sexual abuse occurred in the context of departmental neglect. Previous NRS claims in this category that have been deemed ineligible should be reassessed.

2. The WA State Government could elect to acknowledge the unique circumstances of this cohort of Aboriginal people, ie. born after the demise of the Native Welfare Department and instead governed by the Child Welfare Act 1947 (WA), which allowed the Department to intervene in their care without becoming legal guardian. The State paid subsidies to foster carers to house children in placements that were monitored by the Department, and were reported on in DCW files. It is clear that a lower standard of care was accepted for Aboriginal children placed in kinship care arrangements at this time, and that some of these children were neglected and sexually abused in departmentally-sanctioned living arrangements.

Request for action by the WA State Government

We ask the WA State Government to choose to prevent a second injustice to descendants of the Stolen Generations who were sexually abused in kinship care and private foster arrangements, and are deemed ineligible for the NRS because they were not made wards of the state. We request that the WA Government recognises the unique experiences of this group and elects to accept their applications for redress.

Additional Matter: Inconsistent provision of Advance Payments

The experience of the siblings in Case Study Two illustrates an additional problem encountered by survivors accessing the NRS, particularly when members of the same family apply. Many of our NRS clients are related, including large Aboriginal families in which word of mouth referrals come from parents, grandparents, siblings, and cousins.

Apart from the devastation of ineligibility, the siblings in Case Study Two have experienced further harm from the Scheme's inconsistent offers of Advance Payment. FF, CF and KF all submitted their NRS applications between July and September 2022. CF received an advance payment in August 2022; and KF in June 2023. Despite being similarly eligible, FF was not offered the \$10,000 payment, instead she was notified in June 2023 that her application is ineligible, ruling out the possibility of advance payment.

We have lodged a complaint with DSS about seemingly random offers of payment to the three siblings, which has created confusion and discord in their family. It has caused particular grief for FF, who, despite meeting the age criterion for advanced payment; being sexually abused in the same foster placement as her brothers; and lodging her NRS application before KF, was not offered the \$10,000 payment. FF thinks that she was disbelieved by the Scheme; that she was given lower priority because she is female; and that her brothers were given preferential treatment by the Scheme. Her brothers feel guilty and alienated from their sister because they received a benefit that was denied to her.

Sibling bonds already fractured by childhood trauma and abuse are now further damaged by a redress scheme's inconsistent and arbitrary allocation of advance funds.

There appears to be no set system for generating offers of Advance Payment under the Scheme, which creates greater uncertainty for survivors. Applicants have no way of knowing whether they will receive an offer, even if they qualify by age (70+ and 55+ for ATSI). This can be particularly problematic within families, as shown by the experience of the three siblings.

We have asked the Scheme how Advance Payments are triggered, but are yet to receive any information about what mechanism is used.

Request to the Community Development and Justice Committee

We ask the Committee to make enquiries about the Scheme's Advance Payment system. We would like to see consistency in the provision of offers, and greater transparency in the process that triggers advance payment.

Summary

Tuart Place's initial submission to the Community Development and Justice Standing Committee has purposefully focussed on just one issue – that of descendants of the Stolen Generations being found ineligible for redress, despite their appalling abuse, and despite the extensive State Government intervention in their young lives.

The reason for the sole focus on a single issue is to highlight a disturbing trend affecting an increasing number of *the most disadvantaged* Aboriginal survivors in Western Australia. We have suggested two

potential remedies for preventing a further injustice to people previously harmed under case management by the Department.

Detailed case studies were presented in the hope of eliciting humanity in those who read them, and a compassionate response from people who have the power to effect change.

Our second case study highlighted an additional problem – that of inconsistent Advance Payment offers. We have asked for greater transparency in the systems surrounding this aspect of the Scheme. It is not the first time this problem has come up.

As mentioned in the Introduction, a forthcoming submission from Tuart Place will address other Terms of Reference for this Inquiry. We will need to raise the matter of inconsistent and unfair resourcing of support services in Western Australia. This continues to be a tremendous problem for Tuart Place.

In the meantime, we direct the Committee’s attention to our most recent submission to the *Joint Standing Committee on implementation of the National Redress Scheme*,¹¹ given the areas of common interest between the two Inquiries. Tuart Place’s February 2023 submission to the national Inquiry raises issues of resourcing and accessibility that specifically affect West Australian survivors seeking justice, including those pursuing civil claims through the WA courts.

Conclusion

The major issue addressed in this submission represents an opportunity for the State of WA to take the lead in allowing a (statistically small) cohort of redress applicants to receive the acknowledgement and support they need from the National Scheme. Unfortunately, WA does not have a good history of providing redress to care leavers. We encourage the State to seize this chance to turn that around.

Clearly, a more compassionate approach is needed towards this group of extremely vulnerable Western Australian survivors. Most of Tuart Place’s clients experience disadvantage, but this particular group is beset by every kind of psycho/social/medical problem imaginable. They have had terrible lives; they were left in poverty as children, and they live in poverty today. They are severely re-traumatised by the redress application process and the length of time they wait for a government to (once again) decide their fate.

Can you imagine what it is like when they find out their childhood sexual abuse is ‘ineligible’?

Request for action by the WA State Government

We ask the WA State Government to choose to prevent a second injustice to descendants of the Stolen Generations who were sexually abused in kinship care and private foster arrangements, and are deemed ineligible for the NRS because they were not made wards of the state. We request that the WA Government recognises the unique experiences of this group and elects to accept their applications for redress.

¹¹ Tuart Place (2023). *Submission to the Joint Standing Committee on implementation of the National Redress Scheme*, 26-2-23. Submission No. 17. <https://www.aph.gov.au/DocumentStore.ashx?id=71be468f-e8bf-40a4-ba00-78438cfa38e9&subId=734315>