

The Hon. Catherine Branson
Human Rights Commissioner
GPO Box 5218
Sydney NSW 2001

Dear Ms Branson,

I am writing to you as a member of Care Leavers Australia Network (CLAN). CLAN is a national support and advocacy group for the 500 000 plus children who grew up in the 600 plus Orphanages, Children's Homes, Institutions and foster care. CLAN represents the group of Australians now known as 'Forgotten Australians' and who were given a Federal Apology on the 16th November 2009.

Although the 2004 Senate Inquiry into Forgotten Australians recommended that a national reparations fund for victims of the 'care' system be established, the Commonwealth Government refuses to take responsibility for this. The commonwealth government paid child endowment to the orphanages and homes which kept them running and was meant for the upkeep of the Homes and children. In this way the Commonwealth Government played a pivotal role in the child welfare system, but still refuses to take responsibility for this role.

Instead only three state governments of Australia have introduced a redress scheme. This is an incredible injustice to those care leavers who live outside these states. Furthermore the redress schemes in existence are also discriminatory. In Tasmania anyone who was placed in a home 'privately' or 'voluntarily' is not eligible for redress which has been made open ended. In QLD, redress has excluded anyone who was brought up in foster care and includes only the institutions outlined in the Forde Inquiry. The Western Australian Redress Scheme included all Care Leavers but was only open for a short time, meaning that many Care Leavers have missed out. In South Australia there is no redress scheme like NSW and VIC, however South Australia have set up a special process for care leavers who were sexually abused to gain ex-gratia payments through the Victims of Crime Scheme. Once again this discriminates against all those who were physically abused or neglected.

I feel that the discrimination which exists between states and their redress schemes is a human rights issue. I fail to understand why it should matter where a care leaver grew up if they were subjected to the same treatment in every state. Our human rights should not depend on where we live or where we were brought up. The inequality and discrimination which exists between different states of Australia only serves to re-traumatise and re-abuse victims of child abuse. Every care leaver in Australia should have the same right to seek recompense for the crimes and neglect committed against them as children. However, at the moment all Australian Care Leavers do not have this right.

I ask you to please examine the injustice which exists between the states and care leavers rights to seek recompense.

Thank you for taking the time to read this letter and I look forward to your response.

Regards,

CLAN member