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Parliament of Australia, Joint Select Committee on Implementation of the National Redress Scheme

Submission by The Aboriginal and Torres Strait Islander Healing Foundation
22 June 2020

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“If you are truly sorry, you don’t do it again. Redress has to give us the opportunity to take control and make our own choices.”

Uncle Michael, Stolen Generations survivor

The breakdown of family and social structures caused by removal and abuse decimated communities. It deeply impacted Stolen Generations survivors. They did not know where to go to seek support for anything; they no longer belonged to a community, held no memories of belonging to one and were not able to draw on the strengths of a community to help them. This disempowered Stolen Generations survivors in being able to take action and seek assistance resulting in many feeling isolated and distressed.¹

There have also been ongoing health and social effects for the Stolen Generations and their families. They have significantly poorer physical health and over double the rates of mental illness and alcohol abuse compared to that suffered by those Aboriginal and Torres Strait Islander people who were not removed. They have also, on average, received a poorer education and are more likely to be unemployed.²

In its *Redress and Civil Litigation Report*, the Royal Commission into Institutional Child Sexual Abuse cited research indicating that responses for Aboriginal and Torres Strait Islander people who have experienced child sexual abuse should recognise (amongst other things) the ongoing impact of intergenerational trauma and historical injustices and the effects of socio-economic disadvantage.³

The Healing Foundation, working with Aboriginal and Torres Strait Islander Redress Support Services, welcomes the opportunity to provide input to the review of the Joint Select Committee on Implementation of the National Redress Scheme.

The Healing Foundation is a national Aboriginal and Torres Strait Islander organisation that partners with communities to address the ongoing trauma caused by actions like the forced removal of children from their families. Under the leadership of our Board and Stolen Generations Reference Group, we support evidence-based healing programs and aim to create an understanding of the historical legacy of trauma and its manifestation in communities today.

On 15 May 2020, The Healing Foundation hosted a virtual forum attended by Aboriginal and Torres Strait Islander Redress Support Services from across Australia to inform this submission. The forum reflected on the expectations set by the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Participants explored the successes, limitations, improvements and the potential future direction of the Redress Scheme implementation. This included, identifying areas to support clients in the application, referral and social and emotional wellbeing of the Redress Scheme.

¹ Aboriginal and Torres Strait Islander Healing Foundation 2017. *Bringing Them Home 20 years on: an action plan for healing*

² Australian Bureau of Statistics (ABS). (2011). “4704.0 – The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples, Oct 2010.” Retrieved 25 August 2016, from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/lookup/4704.0Chapter470Oct+2010>.

³ Royal Commission into Institutional Child Sexual Abuse 2015. *Redress and Civil Litigation Report*, p164.

Redress Support Services provide essential support for survivors of institutional sexual abuse to engage with the National Redress Scheme. Delivered by Aboriginal and Torres Strait Islander organisations, these services work in a way which is culturally safe and community focused. Through their work they have developed a deep understanding of survivors' needs and the impact of National Redress Scheme implementation on them.

The impact of trauma

Unaddressed intergenerational trauma is a driver of some of the most serious social and wellbeing issues facing Aboriginal and Torres Strait Islander communities today, including drug and alcohol addiction, criminal behaviour, violence and suicide.

Delivered in 2018, we commissioned the Australian Institute of Health and Welfare (AIHW) to report on the numbers and demographic characteristics of Stolen Generations survivors and their descendants, and of the impact of removal on a variety of health, social and economic factors.⁴

Stolen Generations survivors have multiple complex, compounded needs and their health and wellbeing is significantly poorer than that of Aboriginal people of a similar age who were not removed. Stolen Generations carry a legacy of social and economic disadvantage, and often lack access to appropriate services including to address their needs as they age. For example, compared to other Aboriginal people of the same age who were not removed, in 2014-15, Stolen Generations survivors nationally were:

- 3.3 times as likely to have been incarcerated in the last five years
- 2.2 times as likely to have ever been formally charged by police
- 2 times as likely to have been arrested in the last five years
- 1.8 times as likely to have government payments as their main income source
- 1.7 times as likely to have been a victim of actual or threatened physical violence in the previous 12 months
- 1.7 times as likely not to be the owner of a home
- 1.7 times as likely to have poor self-assessed health
- 1.6 times as likely to be currently not employed
- 1.6 times as likely to have experienced homelessness in the last 10 years
- 1.6 times as likely not to have good health (based on the composite health measure)
- 1.5 times as likely to have experienced discrimination in the previous 12 months
- 1.5 times as likely to have poor mental health.

If people do not have the opportunity to heal from trauma, they may unknowingly pass it on to others through their behaviour. Their children may experience difficulties with attachment, disconnection from their extended families and culture and high levels of stress from family and community members who are dealing with the impacts of trauma. Epigenetically this can create developmental issues for children, who are particularly susceptible to distress at a young age. This creates a cycle of trauma, where the impact is passed from one generation to the next.

Significantly, the AIHW analysis also demonstrated the extent of intergenerational effects of removal on descendants of Stolen Generations survivors. Descendants of people who were removed also have significantly poorer health and wellbeing compared to other Aboriginal adults.

⁴ Australian Institute of Health and Welfare 2018. Aboriginal and Torres Strait Islander Stolen Generations and descendants: numbers, demographic characteristics and selected outcomes. Cat no IHW 195, Canberra <https://www.aihw.gov.au/reports/indigenous-australians/stolen-generations-descendants/contents/table-of-contents>

These findings underscore the insights reflected in the Royal Commission's *Redress and Civil Litigation Report*, and serve to highlight that the implementation of any formal response such as redress has the potential to compound the impact of intergenerational trauma.

The Report also acknowledged the critical place that healing plays in enabling people to address distress, overcome trauma and restore wellbeing. The Report made a number of references to the 2009 publication on Aboriginal and Torres Strait Islander healing⁵ and the establishment of The Healing Foundation, and our evidence base. The healing publication identified that many of the problems prevalent in communities today 'have their roots in the failure of Australian governments and society to acknowledge and address the legacy of unresolved trauma' (p.4). Unless trauma is actively addressed at every point of contact in the Redress response, there is a significant risk that survivors of institutional abuse will not be allowed to heal.

In line with this evidence, Recommendation 4 on Redress elements and principles by the Royal Commission specified that:

Any institution or redress scheme that offers or provides any element of redress should do so in accordance with the following principles:

- a. Redress should be survivor focused.
- b. There should be a 'no wrong door' approach for survivors in gaining access to redress.
- c. All redress should be offered, assessed and provided with appropriate regard to what is known about the nature and impact of child sexual abuse – and institutional child sexual abuse in particular – and to the cultural needs of survivors.
- d. All redress should be offered, assessed and provided with appropriate regard to the needs of particularly vulnerable survivors.

Specific feedback on the National Redress Scheme

The Healing Foundation and Redress Support Services acknowledge the commitment to, and investment made in, support for Aboriginal and Torres Strait Islander survivors of institutional abuse. The Royal Commission's recommendations provide a clear basis for implementation, including the importance of trauma aware and healing informed responses.

Feedback suggests that the implementation of the National Redress Scheme has been most effective in creating referral pathways, generally promoting the Scheme, acknowledging trauma and making support and counselling more available to survivors.

Feedback also points to areas where the National Redress Scheme is not fulfilling the expectations set by the recommendations of the Royal Commission. Unfortunately, our experience is that not all aspects of the Redress process are survivor focused, accessible, culturally safe and meet the needs of particularly vulnerable survivors.

"We feel the Redress Scheme needs be more trauma informed and supportive of healing because too many survivors are being harmed by the process"

National Redress Support Services virtual forum

⁵ The Aboriginal and Torres Strait Islander Healing Foundation Development Team, *Voices from the campfires: Establishing the Aboriginal and Torres Strait Islander Healing Foundation*, 2009, Canberra.

A key weakness in the Scheme’s administration is the response that Aboriginal and Torres Strait Islander survivors receive when engaging with formal agencies such as Centrelink. Survivors report discrimination and alienation in their contact with both staff and application processes, which can contribute to trauma and create a barrier to accessing redress.

All organisations that regularly work with survivors must have the workforce capability to work effectively with people and communities impacted by trauma. Common elements of a healing informed and trauma aware service model⁶ include understanding trauma and its impacts, creating safe places, employing culturally competent staff, sharing power and governance through community co-design, and supporting safe relationship building to promote healing.

Many people do not recognise that trauma played a role in their own lives and behaviours, and developing this understanding can be transformative. Where workforce training enables workers to better understand the impact of trauma and grief on the communities where they work, their confidence to recognise and address trauma increases, which in turn, better positions service providers to assist in Aboriginal and Torres Strait Islander healing.

A further area for improvement in implementation of the National Redress Scheme is the transparency and timeliness of the application process. Survivors feel that for redress to contribute to healing, it must give them the opportunity to take control and make their own choices. Particular attention must be given to ensuring support is available for applicants who have been rejected, and making review processes accessible. The current processes do not meet this expectation.

Referral pathways also require attention. These remain cumbersome for many survivors, who risk re-traumatisation and systemic racism. In many cases, generic services are offered when more tailored culturally safe responses are necessary to address complex needs.

Recommendations

The Healing Foundation and Redress Support Services acknowledge the commitment to, and investment in, supporting Aboriginal and Torres Strait Islander survivors of institutional abuse.

The National Redress Scheme is a fundamental part of the healing journey for survivors. However, unless trauma is actively addressed at every point of contact in the Redress response, there is a significant risk that survivors of institutional abuse will not be allowed to heal.

In order to ensure that redress reduces re-traumatisation and is delivered in a trauma aware and healing informed way, The Healing Foundation and Redress Support Services recommend:

- That all aspects of the redress response are reviewed against the Royal Commission’s Recommendation 4 on Redress Elements and Principles
- workforce capacity building to ensure all aspects of the redress response (both Aboriginal and Torres Strait Islander and mainstream services) help recognise and address trauma, and contribute to healing
- additional resources to ensure tailored culturally safe responses to address complex needs.

⁶ Atkinson J 2013. ‘Trauma-informed services and trauma-specific care for Indigenous Australian children’. Closing the Gap Resource Sheet No 21.