

HISTORICAL ABUSE NETWORK FRAMEWORK FOR JUSTICE

The Historical Abuse Network (HAN) is a network of people who experienced abuse, including sexual abuse, in state or church run institutions, foster care, youth detention centres and those who as children were placed in adult mental health institutions.

PURPOSE OF THE FRAMEWORK

Accountability of governments, churches and non-government organisations for breach of statutory fiduciary duty:

- which created environments characterised by abuse, neglect and deprivation which enabled sexual abuse of children to occur which impacted on all children
- for crimes, lack of accountability in reporting sexual offenders to police, protecting the institution over the protection of children
- for aggravated harm due to the length of time it has taken government and churches to respond adequately to survivors
- to provide survivors with redress for the breach of fiduciary duty through a combination of processes for truth, healing and reconciliation, financial payments, specialist services, priority access to mainstream services including access to psychological care and law reform.



Above right: Sculpture by artist Gavin Fenelon, Roma Street Parklands, Brisbane.

Above left: The Youth Detention Commemoration by artist Gavin Fenelon, Corner of Boundary Street and Riverside Drive, Kurilpa Point, South Brisbane.



ADVERSITY
TO
HOPE

JUSTICE

CHILDHOOD

COMMUNITY



HISTORICAL ABUSE NETWORK

FOR PEOPLE WHO EXPERIENCED ABUSE
IN INSTITUTIONS, FOSTER CARE & DETENTION

FRAMEWORK FOR JUSTICE
ADULT SURVIVORS OF CHILDHOOD ABUSE, INCLUDING SEXUAL ABUSE, IN OUT OF HOME CARE
OPERATED BY GOVERNMENT, CHURCHES AND NON GOVERNMENT ORGANISANISATIONS
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TRUTH AND HEALING RECONCILIATION	ACCESS TO MAINSTREAM SERVICES	FINANCIAL PAYMENT	SPECIALIST SUPPORT SERVICES	POLICY AND LAW REFORM
Establish a truth, healing and reconciliation process that has a mandate to inform all Australians of the legacy of abuse including child sexual abuse in institutions and foster care run by governments and churches.	Reform the existing medicare programs to survivors of child sex abuse for a diagnosis of ‘assessed mental disorder’ by a GP to be eligible for services under a redress scheme.	A national redress scheme with contribution from churches, NGOs, state governments, and accessible in every state and territory underpinned by legislation.	Commonwealth and State governments commit to a legislative base to maintain funding to specialists support services (Find and Connect and Forgotten Australian support services) in every state and territory.	Ensure legal reform to civil litigation and removal of limitation periods where a survivor of sexual abuse makes a claim in relation to that abuse in any civil court.
Suitable memorials should be erected as a historical acknowledgement of institutional sites.	Survivors should be eligible for funding of an uncapped number of sessions of counselling or psychological care.	Eligibility for Redress needs to recognise adults who were in institutions as a result of statutory child protection care need to be recognised as a specific category.	Commonwealth and State governments recognise as per past Senate Inquiries that FA and FCM are a specific population.	Impose absolute liability on institutions in relation to child sexual abuse and that sexual abuse is a breach of fiduciary duty owed by institutions to children in their care.
Public events in local communities. State and commonwealth sponsored arrangements recognising the abuse of the past and to ensure abuse does not occur again, due to community ignorance and silence.	A separate Medical Benefits Schedule item number for counselling and psychological care is provided for eligible survivors.	Standard of Proof: Assessment of monetary payments in line with plausibility, establishing a specific category and corresponding matrix recognising the circumstances of the abuse and accountability associated with the child protection system.	The need for greater understanding of the experiences and needs of FA in the provision of counselling, health care, aged care, housing, adult literacy numeracy, education and employment.	Enacting legislation to ensure trusts that hold assets are liable for, and able to be sued in relation to, child sexual abuse or criminal behaviour.
Community based galleries for public access to witness the legacy of historical institutional care.	A set of ‘no-cost to patient’ medicare items for survivors of child sex abuse is supported.	Treatment of past monetary payments: Monetary payments should be in addition to past payments as generally these were inadequate.	Recognise the aged care needs of FA and FCM as they represent an aging group in the population and require assistance in accessing aged care of choice.	Ensure institutions adopt ‘model litigant’ guidelines for responding to claims for compensation in relation to allegations of child sexual abuse.
National research on Forgotten Australians (FA) and Former Child Migrants (FCM) to be used to educate all Australians on the historical record of institutional abuse and care.	The Council of Australian Governments commit to implement a whole of government approach for the provision of programs and services for FA and FCM across areas such as health, housing and welfare, aged care and community services.	Type of Abuse: Creation of a specific category and matrix for adult survivors placed as children in institutions and out of home care recognising the inter-relationship between all forms of abuse and the specific fiduciary relationship in relation to child protection.	Specialist services undertake community education with FA about the needs of FA in health programs, especially in aged care, mental health, suicide prevention and drug and alcohol prevention recognise the needs of FA and FCM.	Develop a legal framework for a redress scheme that provides present and future requirement for a public record of the abuse where the survivor consents.
Historical Abuse Network (HAN) supports the importance of holding reunions for ex-residents as peer support is a demonstrated process of acknowledging personal and past experiences to aid the healing process.	Professionals recognise the need for learning and improvement in various areas to adequately treat forgotten Australians and former child migrants.	Duration of Redress: Ongoing		Fiduciary law strengthened to enable accountability of churches, government, NGOs - imposing absolute liability on institutions made liable for child sexual abuse committed by employees unless they took reasonable steps.
Review of Apologies: Accepting responsibility and acknowledging harm.	Specialist higher education courses be available for training health professionals in areas related to the effects of institutional abuse and trauma informed care.	Deeds of Release: No deed of release should be made on financial payments.		Policy reform in child protection system to strengthen and support families in care and protection of children through early intervention and prevention programs.
	The Home and Community Care program recognise the needs of FA and FCM.	Amount: Further work required on amounts of money, as dependant upon reviewing eligibility. Suggested matrix.		