

Abuse in Care – Information Sheet

Summary

Applications are now open to those who – for legitimate reasons – did not apply under the previous Abuse Review schemes.

Previous applicants are not eligible to apply, and previous applications are not open to review.

An Independent Assessor will assess applications with the assistance of an expert review team.

Ex-gratia payments may be provided up to \$35 000.

Eligibility

To be eligible an applicant must be a person who was:

- Aged 18 or over on 11 July 2003;
- In State Care in Tasmania as a child; and
- Placed in an institution or home established for the care of children

'State Care' refers to a child or young person who was in the care of the Tasmanian Department of Health and Human Services (the Department) in one of the following ways:

- Subject to a legal order transferring guardianship to the Director/Secretary of the Department; or
- Placed by the Department in a Departmental Receiving Home, Family Group Home or foster care on a legal or voluntary status; or
- Placed by the Department in an Approved Children's Home (i.e. Homes certified under an Act for the care of children) on a legal or voluntary status;
- On a relative placement approved and supervised by the Department at the request of another State Department; or
- Placed in temporary care under the Domestic Assistance Service Act 1947 (known as 'Res DA'); or
- Child migrants who came under the auspices of the Commonwealth Immigration (Guardianship of Children Act 1946 where guardianship was delegated to the Director of the Department.

Adults who were privately placed in Approved Children's Homes or homes certified for the care of children are not eligible. Nor are adults who were adopted as children and were not otherwise in the care of the State.

'Abuse' is defined in the *Children, Young Persons and Their Families Act 1997* and means:

- Sexual abuse; or

- Physical or emotional injury or other abuse, or neglect to the extent that:
 - The injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or
 - The injured, abused or neglected person's physical or psychological development is in jeopardy.

How your application will be assessed

The Tasmanian Government has appointed an Independent Assessor to consider all applications. An expert review team will assist the Assessor.

The Assessor will determine your eligibility for payment under the scheme and will make recommendations to the Government on the amount of payment you should receive should you be successful.

Persons wishing to apply must complete the application form provided and have it witnessed by a justice of the peace, commissioner for declarations or police officer. Copies of certified documents confirming your identity must accompany the application form.

If you would like a copy of your file please tick the box asking this question and we will arrange for a copy to be provided.

Your application form will be firstly used to decide whether you meet the eligibility criteria regarding 'State Care'. To assist in this the Assessor may request information from relevant agencies, including welfare files. In some instances we may seek further information from you. If the Assessor considers that you do not meet the criteria we will write to you notifying you of the decision.

If your claim is eligible for a review, the After Care Support Service will undertake a preliminary assessment of your file and arrange to speak to you.

You are welcome to have a family member, friend or other persons present at the interview. Following your interview, the Assessment Team will make recommendations to the Assessor regarding your case. In some instances the Assessor may wish to have a follow-up discussion with you or request that additional material be provided.

Once the assessment process is complete the Assessor will determine your eligibility for payment and make a recommendation regarding any payment considered due.

Confidentiality

Personal information will be collected from you for the purposes of considering your application. Failure to provide this information may result in your application not being processed.

Your personal information will only be used for the purposes of considering your claim and may be disclosed to other agencies or public sector bodies – where it is necessary – to assess your application, or to properly store and use the information.

No one else will have access to your information without your consent.

In some instances the information you provide may also be used to help verify the claims of others. If this is the case, no identifying information will be released to any person unless you agree for us to do so.

Referral of Claims to Tasmania Police

Depending on the nature of your claim, you may be asked whether you wish to refer the matter to the Tasmania Police for further investigation. This will only occur if you give your consent to do so. Your options in terms of pursuing civil proceedings against the alleged wrongdoer will also be discussed during the assessment process.

Deed of Waiver

Applicants whose claims are accepted will be offered a personal apology together with an ex gratia payment of up to \$35 000, as determined by the independent Assessor.

Prior to accepting any offer of payment you will be asked to sign a Deed of Waiver. The Deed of Waiver has the effect of waiving any rights you might have to take legal action against the State to recover compensation or damages in respect of the abuse you suffered.

Before signing the Deed of Waiver you will be offered the opportunity to seek legal advice. An amount of up to \$300 will be made available to assist in this.

Counselling

Up to three counselling sessions will be made available to you, if required.

How to make an application

A person wishing to make an application should do so on the form provided. Applications should be posted to:

**After Care Support Service
GPO Box 538
HOBART TAS 7001**

Change of Address

The Assessment Team may need to contact you to clarify aspects of your application or to arrange an interview.

It is important that if you change your address or other contact details you notify the After Care Support Service.

How to Contact Us

The After Care Support Service can be contacted:

By phone: **(03) 6233 2273**

In writing: **After Care Support Service
GPO Box 538
HOBART TAS 7001**