

REDRESS WA — PAYMENT CAP

Urgency Motion

THE PRESIDENT (Hon Barry House): Members, I have a letter on an urgency motion, which reads —

Dear Mr President

Pursuant to Standing Order 72, I hereby give notice that at today's sitting I intend to move;

That the Council consider as a matter of urgency, its grave concern at the blatant disregard the Government has shown toward the victims of abuse in State and non-government institutions by reducing the amount of financial compensation they are able to claim under Redress WA.

Yours sincerely

Hon Sue Ellery MLC

OPPOSITION LEADER IN THE LEGISLATIVE COUNCIL

Members, it requires the support of at least four members standing in their places for this motion to proceed.

[At least four members rose in their places.]

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [3.50 pm]: I move the motion.

Today on the steps of Parliament House I addressed a rally of a couple of hundred people. I begin by commending all members of this place and the other place for attending the rally, for listening to all the speakers and for showing their concern for the issues that the people who attended the rally are concerned about. The words of this urgency motion require me to do two things. Firstly, I note the spelling mistake, which the President picked up as he read it out. Secondly, I should not have used the word “compensation” because under the Redress WA scheme we are talking about an ex gratia payment in recognition of pain and suffering; it was never deemed to be compensation.

In 2007, the previous government decided it needed to do something to address the long-forgotten group of Western Australians, some of whom were no longer residing in Western Australia, who had been let down by previous governments of all persuasions. Many of the children in state care had been removed from their families either because the families were unable to support them, because the powers that be decided that the children could expect a better life if they were sent to the other side of the world, or because of the practices that applied to the group of Indigenous Australians known as the stolen generation. There were others as well. The former government decided that it wanted to produce a scheme that could demonstrate to those people that the government recognised their pain and suffering and would help them move on with their lives to the extent that the government was able. It must be borne in mind that many of those people were entering the latter part of their lives.

We looked at the similar types of schemes that were operating around the world—in particular in Ireland and Canada—and in Queensland and Tasmania. We sought advice from victims' groups, from the agencies that represented them, from the agencies that had been in charge of some of the organisations involved, and from the governments of Queensland and Tasmania in particular about how they had put the elements of their respective schemes together. We did all of that in good faith. We sought advice from an insurance expert and finally from Treasury on the model that we put together to make sure, to the extent that it was possible, that we had properly estimated the number of people who were likely to apply for the payment, given that we knew there was a pool of just over 50 000 people who had been in that kind of care. We genuinely sought the best possible advice to implement a scheme that would provide a range of things, such as an ex gratia payment, which is the subject of contention before us now, and also a formal apology, a memorial, and access to counselling to help those people move on. To the extent that it now appears that that estimation was an underestimate, I accept responsibility. I was the minister at the time. I apologised to the people at today's rally for that and I am putting that apology on the public record in the house today. However, I did it in good faith. An allegation has been made that the previous government knowingly underfunded the scheme. I find that personally offensive. I note that on the day after that remark was made the Premier said on ABC radio—I was pleased that he said it—that he did not blame the previous government. He did not accept that we did such a thing knowingly. He also said that he knew that was the way the relevant minister felt today. I am not sure whether he was right about that because I heard the allegation that it was deliberately underfunded repeated again today. Nevertheless, if it is the case that it was an underestimation, it presents the current government with a number of choices. I say that the government has made the wrong choice. The government can choose either to honour a commitment given to a group of people who were badly damaged, or to perpetuate, in their eyes, a second act of betrayal by shifting the goalposts of the scheme and dropping the maximum payment that is available to them. This government has chosen the path of the second form of betrayal.

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I am sure that through their electorate offices and other places many members have heard about some of the terrible circumstances that these people went through when they were children. I know that there is no-one in this house or in the government who does not feel a deep sense of sympathy and distress for what those people went through as children. In fact, they lost their childhood when they were in the care of the state. We all are anguished and distressed about what has happened to them. I do not take that away from anybody. However, what we disagree on and what we need to apply cool and calm heads to is how to fix the problem. If the problem was, in part, my underestimation of the modelling, I will accept my responsibility for that, and I have. However, we must work out how we can fix it.

I draw the attention of the house to two letters. One is from *The West Australian* newspaper on 3 August and is signed by Michelle Stubbs, WA spokesperson for Adults Surviving Child Abuse. I spoke to Michelle today when she was at the rally. She wears a number of other hats, one of which is as a member of the Ministerial Advisory Council on Child Protection. That is a position she holds because she was appointed to it by the current minister. Michelle writes —

The State Government should fulfil the original commitment to compensate those abused in state care. Ten thousand West Australians were encouraged via an expensive advertising campaign, “don’t let your suffering be forgotten”, to lodge a claim.

The Redress scheme was initiated by another government but surely the only ethical thing to do now is to see it through properly?

She goes on in her letter to suggest that claimants could consider withdrawing their applications and make a civil case. She ends by saying —

Obviously the last government did not do its sums well when it launched this scheme and encouraged applicants. But this Government must do the right thing and find the money to ensure the scheme meets its purpose. This is about addressing the past and moving forward.

Today I was pleased to hear the Premier announce, and the minister reinforce, that it is the government’s intention, if necessary, to top up the fund to ensure that everybody who is eligible, having met the tests set, will receive some form of payment. However, the government will not shift on its position that the cap will be \$45 000 rather than up to \$80 000. I welcome the first part of the government’s announcement. The response that that announcement has received was less than the government expected. It demonstrates how the government has misread the mindset of these victims. The closest example of another group of citizens in our community that I can find who feel this kind of outrage and distrust of government—I do not mean to belittle or in any way demean both groups’ experience—is Vietnam veterans. They have a sense that governments have let them down badly. Ever since then, they have had an innate distrust of all governments. They feel that they were let down badly by the government when they were returned to Australia and that they were hidden. They do not believe that their service and the implementation of the policy of the government of the day that required them to put their lives on the line was properly recognised by either the Australian government or the community. Shifting the goalposts for Vietnam veterans and for the group of people who attended the rally today reinforces in their minds their distrust of government and the fact that they have been betrayed a second time. Frankly, in the minds of most of them it is not about the money; it is about them feeling that they were let down because the goalposts have been shifted.

An allegation has been made that the former government raised expectations. After that allegation was made to me by a member of this house today on the steps of Parliament, I checked the records. I have with me—I am happy to show anyone who wants to see it—the information kit that all applicants were required to receive. It contains instructions on how they were to fill in their application and offers them advice about the components of the scheme. That instruction kit stated that the maximum payment would be up to \$80 000 and would be based on the severity of the abuse sustained. Every media release that I put out and every report of the information that we released in the course of addressing the Redress WA announcement referred to payments being up to \$80 000. The notion that we somehow deliberately set out to raise people’s expectations that they would all receive \$80 000 in a two-tiered scheme is wrong. It was made clear to them that they would need to provide medical evidence, and every form of the documentation available stated a maximum of up to \$80 000.

Hon Nick Goiran: Be careful; are you sure they needed to provide medical evidence?

Hon SUE ELLERY: I am pretty sure about the scheme.

Hon Nick Goiran: Pretty sure?

Hon SUE ELLERY: The second tier required a higher level of evidence of abuse, which included medical and psychological evidence.

Hon Nick Goiran: And who had to provide it?

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Hon SUE ELLERY: A range of people could provide it. An assessment was made by government-appointed assessors. I hope the member will have his chance to contribute to the debate, but I have less than three and a half minutes left.

Hon Nick Goiran: Be careful what you tell us.

Hon SUE ELLERY: I am happy to have a conversation with the member outside the chamber.

Each time the goalposts are shifted for this group of people, whether by 50c or \$1, or, in this case, by \$35 000 at the maximum end of payments available to people, a huge level of distress is caused to this group. Those of us who have not had the same experiences might say that theirs is an irrational response. In conducting a cool, calm, collected assessment of the situation we might say that it is not a bad outcome in that the government is recognising them and making an ex gratia payment to a group of people who have been badly treated by former governments. We might say that is a reasonable outcome, but we have not had their life experiences and we must put ourselves in their shoes.

I will share a story with members in the last couple of minutes I have available to me. I was not going to share the details because we are all adult enough to understand these people's circumstances. Today, while I was walking among the crowd after the rally, a man came up to me and told me his story. He was in one of the church-run institutions in Western Australia that made straps that the brothers used to beat the children. The straps were not for just his institution, but also for other institutions. They were made up of three strips of leather, interspersed with hacksaw blades to give the strap strength and flexibility. At the end of each of the leather straps were three ball bearings. That is the strap that was used on those boys if they dared to question their obligation to provide slave labour to that institution. At that time in this state, that institution not only manufactured those straps for its own use, it provided them for other institutions across Western Australia. I find it staggering that there is a person alive in Western Australia who can recall a time when that practice was considered a reasonable way to deal with children in the care of the state. Imagine the damage that that kind of thing has caused to that man. That is why, when that man is told that the goalposts are being shifted, he is outraged and rises up and says that he will not listen to the Premier or the minister in silence and, with respect, he will express his anger. This situation is fixable. The government can sit down with the stakeholders and find a way to make this one-off payment in staggered payments. I am sure a range of options are available. We can fix this. I urge the government to seriously consider changing the position so that we can give these people the respect they deserve.

HON ROBYN MCSWEENEY (South West — Minister for Child Protection) [4.05 pm]: The government will not support this motion. I will detail the blatant disregard that the former government and Hon Sue Ellery, as former minister with responsibility for Redress WA, had for the people who were abused as children and young people before 2006. The former Labor government had an appalling record where children were concerned, even going back to 2004-05, when 59 young children were abused in state care in a short period of time. It was an absolutely disgraceful period. I used the term "blatant disregard" because it was blatant disregard for the emotions of children, now adults, who had been formerly housed in state and religious organisations to lead them to believe that they would receive up to \$80 000, when the government was never, ever going to be able to do that. I have with me a letter that I will read out —

I have been reading the recent media about Redress WA. I feel the criticism towards your Minister is very unfair and such be directed to the previous Minister.

It may help your Minister to know:

When I met the previous Minister in late 2007 I was told by her that a WA scheme had to be created within a few months and be announced before Christmas? The WA scheme had to be similar to the Queensland scheme. The time frame to create and implement the WA scheme was far too short in my opinion. There was no time for proper stakeholder consultation, planning, due diligence and implementation.

When I was developing the scheme (with reluctance due to the foreseeable risk of failure) I provided the following advice:

My preliminary forecast estimate for a WA scheme similar to Queensland would cost in excess of \$200 million. I was instructed to make it work for \$100 million? For this reason, I used the words up to \$80,000.00 for ex-gratia payments as a safe guard, combined with capturing the claim numbers first. Basically, the only way to make the scheme work within budget was to divide the claims into \$100 million. You would need to apply an average cost per claim rationale to remain within the \$100 million budget. Experienced and objective claim assessors together with a fast tracked claims management process would be essential. The scheme was essentially to capture the claims, assess them quickly and finalise within 2 years.

Claimant's were to make an election on their application forms if they wanted a tier 1 payment only up to \$10,000.00 without medical evidence. I designed this into the scheme to encourage claimants to settle their claims within the first \$10,000.00 rather than bothering to prove abuse and/or loss via medical evidence to gain access to the higher amount ...

The scheme was originally intended for children neglected/abused in State care. The previous Government added Stolen Generation midstream which was not well suited to the assessment methodology that we were going to adopt. The issues are very different ...

Briefly some of the recommendations I made which were not followed included:

An independent actuarial assessment.

Adult serial sex offenders be excluded from the scheme.

Applicants had to nominate on their application form if they wanted tier 1 or tier 2 ex-gratia payments.

The project should not be transferred to the newly formed DfC as it did not have the resources or skill-set to manage the scheme.

The Redress WA budget be separated from DfC operational costs.

Once the project transferred from DCP it was run by the previous Minister's office staff and DfC.

I wonder who is ethical now.

Hon Sue Ellery: Will you table the letter? Who signed the letter?

Hon ROBYN McSWEENEY: I am happy to table it. I do not have to, but the member can read it.

Hon Sue Ellery: Who signed it?

Hon ROBYN McSWEENEY: It is not signed, but the member can look at it.

Hon Sue Ellery: How do we know it is true then?

Hon ROBYN McSWEENEY: Because I have said it is true. The scheme would have cost \$200 million, and I will prove it.

Hon Sue Ellery: How do we know it's not a disgruntled former employee?

Point of Order

Hon KATE DOUST: Can we ask that the minister table the letter that she quoted from and identify it?

The PRESIDENT: Hon Kate Doust can ask, but ministers are not required to table documents, although they can if they wish to. It is up to the minister.

Hon ROBYN McSWEENEY: I am happy to table it, but I will not identify where it came from. I will table it, but there is no need to as it is recorded in Hansard for posterity.

[See paper 1001.]

Debate Resumed

Hon ROBYN McSWEENEY: I acknowledge the pain and suffering that all victims of child abuse have to live with every day of their lives and those who were placed in state and religious institutions who had horrific abuse inflicted upon them. As the minister and on behalf of my government, I apologise to each and every one of them. When the opposition announced Redress WA on 17 December 2007, it was seen as a major step forward for both the Western Australian government and the community. It acknowledged Western Australians who were neglected and abused as vulnerable children in state care. When announced, the intentions behind the scheme seemed very sincere. Former Premier Hon Alan Carpenter said that the scheme would provide monetary and emotional recompense for anyone who suffered. The Carpenter government allocated \$114 million for Redress WA, of which \$90.2 million was for ex gratia payments. I would like it noted that this government has preserved the \$90.2 million.

Hon Alan Carpenter, in a joint media statement with Hon Sue Ellery, said that Redress WA would help correct the wrongs of the past. I sincerely hope that it goes some way towards doing that. I agree with that sentiment. However, since becoming minister I have found serious issues impacting the scheme. This is the first time I have addressed the Parliament when I have called into question decisions made by the opposition when in government in establishing Redress WA; namely, the fact that it created a scheme that was underfunded from the start, and it knew it was underfunded. Many of the 10 000 courageous people who applied to Redress WA see it as a new beginning. In large part, it is about the acknowledgement and recognition of the abuse that they all suffered. The people I speak of were rallying on the steps of Parliament today. That was not easy. It is never easy when a

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maximum payment has been reduced from \$80 000 to \$45 000. Many of them were angry. They were angry because their expectations had been raised. The opposition promised an ex gratia payment of up to \$80 000 in cases —

Hon Sue Ellery: They were angry at you.

Hon ROBYN McSWEENEY: They will be angry at the Leader of the Opposition when they see that \$200 million should have been there in the first place.

The scheme was announced as being the most generous of its kind in Australia, with a bigger funding commitment than either Queensland or Tasmania. To understand the position I have inherited in having to reduce maximum payments, I will outline these failures. The failures include the opposition not acting on crucial advice when it should have. Based on information provided to me, I understand that Hon Sue Ellery was advised that preliminary forecasts showed that more than \$200 million was needed to adequately fund Redress WA. In 2007, when this state was experiencing its biggest financial boom in history, it is inconceivable that the opposition made a decision to fund only \$114 million, to underfund its own scheme. I have been advised by the Department for Communities that a document was prepared for the former Labor government on the forecast costing model for the scheme. I am advised that this was used to forecast the scheme that would receive about 10 000 applications based on 17 per cent of the approximately 54 321 children who were in state care from 1947 to 2006. To that forecast, the general insurance principle was applied that 80 per cent of the claims would be assessed within 20 per cent of the maximum value allowed. This would suggest that 8 000 people would get about \$16 000 each, requiring \$128 million for that group alone, which is more than the total funding for that scheme. Given that the scheme had \$90.2 million of its \$114 million budget to disperse to applicants as announced by the previous government, the forecasts seem to be at odds with the allocated funding. I understand that the document advises that if the original forecasted number of applications were received, not only would low payments likely to eventuate for potentially suicidal applicants but also the scheme would be inadequately funded. To the most vulnerable, this is an absolute betrayal by the former Labor government.

Following the announcement of the scheme, public speculation mounted about whether the scheme was adequately funded. When it became apparent that it was not—I refer to an article from *The West Australian* on 22 February 2008—Hon Sue Ellery said that there were no plans to increase the amount of money allocated to the scheme. Before the details were even announced, advice provided to Hon Sue Ellery recommended that an independent actuarial assessment be undertaken to determine the budget needed to adequately administer the scheme. These recommendations were never acted upon.

I found it very difficult standing on the steps of Parliament House today. I note that Hon Sue Ellery said as much. It is not easy to stand there with people who have had absolutely horrific things happen to them in religious institutions. Those institutions also have a responsibility and a duty of care to these people because they are part of our society. I cannot imagine the horror that they went through. I cannot walk in their shoes.

HON ALISON XAMON (East Metropolitan) [4.16 pm]: The Greens (WA) support this motion. Redress WA is a scheme that was able to provide an opportunity for the community to acknowledge compassion for those who were abused while in state care. Redress WA is a powerful symbolic recognition of the horrendous experiences that have been suffered by so many. In making an application to Redress WA, individuals demonstrated a substantial level of courage and trust. I know that it was not easy for many people. People who had attempted to get on with their lives had to revisit past trauma that had a profound impact on their lives. For many of them, revisiting this trauma has painfully opened old wounds. As I mentioned on the steps of Parliament House, this has been brought home very closely to me because 20 years ago my mother, who is a psychologist, worked very closely with the men who came out of Bindoon. These men struggled to deal with the trauma that they had experienced. Many men did not make it; they had taken their lives or they were at the point of taking their lives. There were cases of substance abuse and alcoholism and there was very deep trauma. They had broken marriages, they basically struggled with work and they found it very difficult to move on with their lives. I met a lot of these men at that time. It was incredibly painful to work through what happened to them.

When Redress WA came up, a lot of these men came back to see my mother. Since going through very extensive and painful counselling with her, they had attempted to move on with their lives. Part of that process involved putting behind them the very real trauma that they had to work through with her two decades earlier. She assisted a lot of them by going back through her notes and helping them to revisit that trauma. It had been a real juggling act for them to decide whether they would take this next step. I referred to the fact that the Minister for Child Protection has rightfully acknowledged that no amount of money can rightfully compensate these people. For a lot of these people \$80 000 is an enormous amount of money. It does not go close to making things better. I am sure that the minister and everyone in this room would acknowledge that. It is a significant amount of money and it is better than \$45 000 because people will weigh up what makes it worthwhile for them to relive that incredible trauma. In refusing to honour the commitment to pay the full \$80 000, in many ways the government

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has broken the trust that these men—I am speaking particularly about these men because they are the men I know—were prepared to tentatively place in the government. The government has a moral obligation to fulfil the original commitments. It must not undermine the powerful symbol of compassion and healing that the Redress WA scheme represented. It must respect the trust that was shown by these applicants in being prepared to revisit and go through that pain once again.

I also argue that it is a false economy to go down this path. It was going to be one of those scenarios whereby both parties, the government and the survivors of abuse, were potentially going to come out better off. For the survivors it would mean avoiding going through lengthy, drawn out, painful court proceedings, where there would be no sense of certainty and where people would have to revisit all the problems with witnesses and the like. Those of us who have worked in the legal profession understand that it is quite a complex process. For the government it would mean some certainty. I want to draw members' attention to the recent South Australian case of Trevorrow, which is being appealed at the moment. It is a common law case that resulted in a claim of \$500 000. In comparison, an \$80 000 claim is a relatively small amount. I have been led to believe that there are currently about 100 District Court writs against the Department for Child Protection. This would be a scenario whereby the government would get some certainty and not leave itself so open to common law claims. That is why I am arguing that it is perhaps not a particularly smart idea to leave people feeling as though it is not worthwhile resolving a complaint via the Redress WA scheme and feeling, particularly because they have already had their wounds opened, that they effectively need to go through a drawn-out common law process in order to get some sort of justice.

The argument has been put up that there is no money. I am not suggesting that we have unlimited funds in this state—far from it—but I do think that this is about priorities and that we need to acknowledge we are relatively quite wealthy. I draw members' attention to what I said on the steps of Parliament House when I gave the example of first home owner grants. We do not put a cap on the number of people who can access the grants. If the budgetary expectations on first home owner grants are exceeded, we simply get more money. This is a one-off payment. I would suggest that is what members need to remember. This is an opportunity to finalise this situation for a lot of people. The suggested number of people involved has been all over the shop. I do not know what the expectations were when the scheme was first put up. I have a figure of 20 000 that Hon Sue Ellery originally cited when she was minister. I have also a figure of 5 000 from the Department for Child Protection and I have figure of 10 000 that the previous Premier gave. I know only that we have ended up with the number of people that we have, and because of their suffering, we owe it to them to find the money to try to resolve this situation. I do not believe that any member would want to belittle the suffering they have experienced. I am not interested in sheeting home blame, whether it be for the failings of the previous Labor government or of this government. We need to find a way to fix this problem. I am urging the government to reconsider its position.

HON NICK GOIRAN (South Metropolitan) [4.25 pm]: I start my comments by referring to the language of the Leader of the Opposition when moving the motion today. I encourage members to think carefully about their choice of language when debating this matter. I find it increasingly frustrating that we continue to perpetuate the myth that other avenues are available to these people. We have already heard a couple of times this afternoon the suggestion of a common law action and reference to the South Australian situation. I find that frustrating because, quite frankly, it is typical of lawyers. They unfortunately increase people's expectations of what might be available. The Leader of the Opposition read out a letter written to the editor of *The West Australian*, and this was reflected in some of the other comments this afternoon, in which it was said that it is an option. Once again this increases people's expectations. People listening to this debate and reading the *Hansard* will think that they legitimately have a case to take to the Supreme Court. Members know better than that; they know that there is no legitimate cause of action to run and that it is an experiment at best. As was the case when the scheme was first put in place and the suggestion was made that compensation could be up to \$80 000, what do members think people grab on to? They grab on to the \$80 000 and say that is what they will be getting. When we make these types of comments and we are not careful about the choice of language we use in this place, we continue to perpetuate the myth. I plead with members to be careful, because people will be listening to what is being said here today and they will be reviewing the *Hansard*. They will because it is a very emotional issue.

The language chosen by the Leader of the Opposition in the motion before us suggests that the current government has shown blatant disregard towards victims of abuse in state and non-government institutions. The emphasis is on "blatant disregard". I find it astonishing that the previous minister could choose to use that language in the circumstances that we find ourselves in. I will elaborate on that in the limited time I have. In doing so, I express to the house my own disappointment, which I think is consistent with the disappointment expressed by the minister, that we are in this unfortunate situation. It is most regrettable. Having taken instructions from approximately 150 of the applicants, I am devastated that we find ourselves in this situation. However, we are in this situation, not through any fault of the current minister. It was not the job of the current minister to quarantine the necessary funds; that was the job of the previous minister. I cannot say that I am

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surprised that we find ourselves in this quandary, because, quite frankly, the previous minister had no idea how to handle the system from day one. On 17 December 2007 that minister announced this new scheme. The scheme required a set of guidelines to be put together for assessment. What intrigues me is that, come the early election of September last year, some nine or 10 months after the scheme was put in place, the former minister had still not finalised the guidelines. The guidelines created a great deal of uncertainty for those of us who were trying to assist people to put their applications together.

Why would there be any confusion or uncertainty? The scheme allows for up to \$80 000 for people abused in state care. A victim of sexual abuse in state care could apply under this scheme for a maximum of \$80 000. Someone not in state care who was abused—members would appreciate that also regrettably happened on numerous occasions—would not be able to apply under this scheme but would be limited to what was available under the criminal injuries compensation scheme, which is still available to this day. That scheme allowed a maximum of \$2 000 for victims in 1971. People not in state care who were abused were entitled under the criminal injuries compensation system to \$2 000. If it happened more than once, people could get double the maximum amount, which would mean a grand total of \$4 000. However, those in state care who were abused could apply under this scheme for compensation to a maximum of \$80 000. The relevance of this is that the former minister had not finalised the guidelines to clarify whether there would be any issues for people who had already obtained criminal injuries compensation. Here we are some nine or 10 months after the scheme was announced, and we do not have even these basic principles set out clearly so that applicants know exactly where they stand.

Hon Sue Ellery: Because it was not opening. It was not opening straight away.

Hon NICK GOIRAN: It had already opened on 1 May —

Hon Sue Ellery: And the announcement was in December.

Hon NICK GOIRAN: That is right, and I am talking about September. The Premier called the election in August, so the then government had May, June, July and probably a little bit of August, if I am not mistaken, to get that right.

Hon Sue Ellery: Five days.

Hon NICK GOIRAN: The previous government had three months and—I will take Hon Sue Ellery’s word for it—five days, to get its act together, and it did not do so. Quite apart from that fact, one would have thought that the previous government would have known what was going on before the scheme started on 1 May, given that it proudly announced everything on 17 December 2007. Instead, we were not sure what was going on. To make matters worse—I find it quite objectionable that the former minister stood today to talk about medical reports—no-one knew what the story was in terms of the need to provide medical reports in this scheme. The system allows for, if members like, two categories of claimants. Some can apply for a maximum of \$10 000 and others can apply for a maximum of \$80 000. However, the claimant does not have the option to decide; it is a matter for the scheme’s assessors to determine which scenario a claimant falls under.

The relevance of the second section is that the claimants need to provide—in theory, this is what we thought—some medical evidence to support their claims. It took ages to get that clarified. It was well into the scheme and well past the dates that I am referring to here until the time of the election before we understood what was going on. In fact, if my memory serves me correctly, that was not able to be clarified until the current minister came to office. I find it a bit rich that the former minister can put together an urgency motion today to try to shift the blame to the current minister. I am pleased to hear that the former minister has apologised to the people at the rally; I think an apology to the current minister would also be in order. To choose to use language suggesting that the current government has had a blatant disregard for this issue is ridiculous. Who was responsible for quarantining the money? Who was responsible for putting the scheme together? Who raised everybody’s expectations by announcing payments of up to \$80 000? If it is the case, as has been stated today, that the advice was that \$200 million compensation was needed, yet the former government put together only \$114 million or thereabouts, \$90 million of which is available for applications, I wonder who has shown blatant disregard for this issue? By the sound of it, someone had blatant disregard for the advice that was given. I ask members of this place to watch the language that they use. Let us not increase peoples’ expectations and let us be serious about this important issue.

HON SALLY TALBOT (South West) [4.33 pm]: The previous speaker, Hon Nick Goiran, was using words such as “ridiculous” to characterise this debate. He may find some of this ridiculous. I think that more appropriate terms should be used to characterise this debate. If Hon Nick Goiran had been outside at the lunchtime rally, he would know how offensive it is to use terms like that. We are dealing with some absolutely disgraceful behaviour by this government—behaviour that is simply turning its back on some of the most needy and most deserving people in our community. For these two government members to stand before us today and,

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nearly 11 months after the election, say that somehow this situation that has led to that amount of distress being manifest on the steps of this place today can be laid at the feet of the opposition is the most outrageous denial. The government has shown once again that it just does not get it when it comes to working out its priorities.

I am very pleased to support Hon Sue Ellery's motion. I must say that I am very impressed by the way in which she couched her argument, both in terms of the substance of the argument and the tone in which it was presented. Her delivery is to be clearly distinguished from that of the contributions of the two honourable members who spoke for the government, both of whom just brushed aside the anguish and suffering behind this debate. Both stood and said, "It is not our problem", unlike Hon Sue Ellery who stated that if we really apply ourselves to this issue, we may be able to work our way through it and we may be able to find a way through whereby we minimise the distress that this government's actions are revisiting on some of the most abused and deserving people in our community.

I also acknowledge the contribution made by Hon Alison Xamon, who couched her contribution quite correctly, I think, in terms of priorities. This is exactly about priorities. The community will try to determine the government's priorities from the contributions made in this place, and the government will be sprung by its own actions. The community will see exactly what the government is up to. Members opposite just do not get it!

Before this place rose for the winter recess, I made a contribution to one of the budget bills. I ended my speech by saying how bitterly disappointed and, indeed, alarmed the community is by some of the activities of this government. Hon Norman Moore, the Leader of the Government, said, "If they were that upset, they would be marching on the house, wouldn't they? We don't see them in the street." We saw the people out there today. Members opposite saw them out there today. Do members opposite support their leader when he said, "If they were really upset, they would be out there in their numbers." I saw the people out there today, as did a number of people on this side. One could almost think that the members opposite who have contributed to this debate today must have been somewhere else at lunchtime, as they certainly were not describing what we saw at today's gathering on the steps of Parliament House.

On 7 April 2005, a previous Labor Premier of this state, Geoff Gallop, offered a formal apology to people who were abused while in state care. Why did the then Premier do that? He did that because in trying to work our way through this problem all the evidence from around the world suggests that people who were abused in state care need three things. First, they need an apology. That is what Geoff Gallop, former Labor Premier of this state, gave them in April 2005. Second, they need counselling; they need help. They need to be supported while they work through some of the issues and find out whether there is a life into which they can move. They need to be taken seriously because often when these people tell their stories now, it is the first time that they have ever been taken seriously. They need the apology. They need the counselling. The third thing that they need is monetary redress. They need some form of monetary redress. That is exactly what Hon Sue Ellery and the Premier of the day, Alan Carpenter, announced in December 2007. We know that these people can pursue civil litigation against the state through the courts.

Hon Nick Goiran interjected.

Hon SALLY TALBOT: I am not interested in the weasel words that former lawyers who become members of this place bring to this place. I am not interested in that. I hope that either Hon Giz Watson or Hon Sue Ellery will have time to respond to this debate, at which time we may be able to address that a little more fully. However, the honourable member is right when he says that people will be reading this debate. I can tell him that they will be very, very unimpressed with his ducking and weaving on this issue. When the former Labor government set up the Redress WA scheme, it was looking to set up a less adversarial process than the one that litigants become part of when they go through the courts. We were looking for a less adversarial process. That is why the former government set up this scheme; it is the best scheme in the country. We are only the third state, after Queensland and Tasmania, to set up a scheme of this kind. It was a scheme, until this government decided to walk away from the priorities, of which we were once very proud. However, now all we can do as legislators in this state is hang our heads in shame at what this government is doing. The Premier got up some months ago and gave his own troops a lecture. He said that now was the time when government members had to stop blaming the other side for what was going and that from that moment on his government would accept responsibility. I will tell members that the Premier is going to have to put that up in neon lights for this mob in this chamber to get the point of what he was saying!

In the last few minutes remaining to me I want to share some stories with members to put this argument into perspective. The opposition has been given permission by a regional community legal centre to share these accounts with the house and to give honourable members opposite some sense of the pain they are causing by trampling around with this feeble attempt to pretend that they have no choice in this matter. Members should make no mistake—nobody on this side of the house makes the mistake—of thinking that members opposite are not in charge. Of course they are in charge! They have the choice about what they will do to handle this, and

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they have chosen to walk away from the commitments made by the previous government to people who tell this kind of story —

As a kid I used to wet the bed almost every night. X —

I will use the term “X” where the names are suppressed —

used to rub my face in it and made me have a cold shower in the morning. My brother and I slept in the same bed (top to toe) and sometimes he would take the blame for the wet bed and also take the punishment. Eventually the bed actually rotted through from being wet all the time and it broke. I remember getting a severe flogging for that.

Account number 2 reads —

Welfare would come and see us and take us to one side to ask if X was hurting us. I told them he was hurting (sexually abusing) me and they would send me to another family or a home for a few days or so. The longest I was away from X was about a week.

I don’t know why, but they always sent me back to X.

The third account reads —

The abuse and neglect brought on by taking us away from our family has affected me deeply. I have not been able to rebuild a strong bond with my brothers and sisters.

Having so much responsibilities put onto me as a young child didn’t allow me to have any childhood.

I craved love and security. When I moved to X with mum, I met X. We married when I was 16 years old in X and I had 2 children virtually straight away. I think that my childhood (or lack of one) led me down this path way to soon, as it was all I had known.

There is nothing that anyone can do to make my pain or hurt go away. I am making this application because I want situations like mine to be acknowledged and also to make sure that this doesn’t happen again.

It destroyed our family.

These are the people, telling these kinds of stories, that this government is walking away from. This government, this minister and the people who sit around the cabinet table with this minister have callously walked away from these people with no regard for the suffering they have endured.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [4.43 pm] — in reply: There was a range of options available to the relevant government agency looking at alternative forms of redress. That started prior to me becoming the minister; from my recollection, that work had been going on for at least two years before I became the minister. When I became the minister, I said to the agency that it should not take more than two years—it might have been longer—to put a proposal before the relevant minister of the day about a way forward to deal with a form of redress. I had to say that from time to time—certainly to the leadership of the respective agency at that time, shall we say, fairly often. When I said that we had to find a way to bring this work to conclusion and to put a model before government that it could sign off on, it certainly annoyed certain of the bureaucrats. It was certainly the case that a number of the bureaucrats who held senior positions, for example, in the then Department for Community Development, which became the Department for Child Protection, left. That was because the pace of reform in the newly resourced Department for Child Protection was too much for them. It is certainly the case that a number of people who were engaged, to a greater or lesser extent, in the work canvassing all the different options, including the Irish and Canadian models, are no longer in the Department for Child Protection. I am sure that the current minister will find out for herself—if she has not already—that there are certain occasions when as a minister one has to say that the community expects the work to be done quicker and for the department to get the job done. To the extent that that caused some senior bureaucrats to decide that the pace was too much for them and they ended up leaving the organisation, frankly, I think was a mutually satisfactory outcome.

The key issue before us today is how to fix the problem. To the extent that certain allegations are made about my level of culpability in the problem that faces the government today, I have already accepted responsibility to the extent that the modelling, which was done in good faith, underestimated the level of severity and the number of people affected. I apologised for that, but the issue that is before us now is how we fix the problem. I call on the government to seriously engage with the sector representatives, the three organisations who are represented out at the rally today: CBRs, the Christian Brothers organisation; CLAN, the Care Leavers Australia Network; and the Child Migrants Trust. I urge the government to seriously look at ways that we can properly fix the problem that was created. We can keep playing the blame game, if that is what the government wants, but I took the Premier at his word when he said that he wanted to stop doing that and to move on. That is what I am inviting

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the government to do: to find a real way to move on and to fix the problem, because these people require us to treat them with the dignity and the respect that previous governments failed to provide them with as children. I think that we, as a community, owe them a serious attempt to find a solution.

I was pleased to see former Senator Andrew Murray out at the rally today. He came up and spoke to me afterwards and put the proposition, which I think was canvassed in part by Hon Alison Xamon, that this is a one-off payment and we should be able to find a way to stagger instalments and make some sort of instalment plan, or something like that. However, the way that this announcement has been made and the way that the government has been tackling this issue has not been to sit down with the stakeholders and find ways of satisfying their needs; it has been to apply a blunt instrument to the problem. I urge the government to consider how we might fix this problem.

Motion lapsed, pursuant to standing orders.