

Submission form for the Proactive and Informal Release of Information in the Victorian Public Sector Discussion Paper

About this form

The Office of the Victorian Information Commissioner (**OVIC**) is seeking agencies' views on its discussion paper on proactive and informal release of information in the Victorian Public Sector.

OVIC encourages agencies to use this form when making a submission. This form contains space to provide comments on the questions listed in the discussion paper, and space for other general feedback.

More information on the proactive and informal release discussion paper can be found on OVIC's website www.ovic.vic.gov.au.

Collection of personal information

You are not required to provide any personal information in order to make a submission to OVIC's discussion paper. All fields on this form relating to personal information are optional. Where you choose to provide personal information, OVIC may use it to provide you consolidated feedback on the submissions we receive, seek clarification on your submission or follow up with you where you have indicated you wish to be involved further in OVIC's work. If you choose to provide personal information, we ask that you do not include this information anywhere other than the designated fields on this form.

If you choose to make your submission by email, we may be able to identify you from your email address. If you prefer to remain anonymous, you can post your submission to OVIC.

OVIC will not disclose your personal information without your consent, except where required to do so by law. You may contact OVIC to request access to any personal information you have provided to us by emailing enquiries@ovic.vic.gov.au.

For further information on how OVIC handles personal information, please review our privacy policy [here](#).

Publication of submission

OVIC intends to publish submissions received on the discussion paper but will not do so without prior consent. Please indicate below whether you would like your submission to be made public in full, public with personal information removed, or not made public.

Please indicate below if this submission can be published:

<input checked="" type="checkbox"/>	Publish in full	<input type="checkbox"/>	Publish but do not include personal information	<input type="checkbox"/>	Do not publish
-------------------------------------	-----------------	--------------------------	---	--------------------------	----------------

Information about who is making this submission

All fields below are optional.

Name:	
Email:	

If you are making this submission on behalf of an agency or organisation please identify below.

Agency / Organisation:	Care Leavers Australasia Network (CLAN)
------------------------	---

This submission is made by a:

<input type="checkbox"/>	Public sector agency subject to the FOI Act	<input checked="" type="checkbox"/>	Private organisation / Not for profit
<input type="checkbox"/>	Public sector agency outside of Victoria	<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Member of Parliament	<input type="checkbox"/>	Other

Participating in future work with OVIC

A reason for seeking submissions on the discussion paper is to identify future work for OVIC in relation to the proactive and informal release of information in the Victorian public sector.

Please indicate below if you would be interested in participating in future OVIC work, events, or provide additional information to OVIC regarding proactive and informal release in your agency.

If you are interested in being involved in OVIC's work further, please provide your name and contact details in the fields above so we can contact you.

I am interested in participating in a future OVIC event (for example, a roundtable discussion on proactive and informal release).

I am interested in being involved in future OVIC work in relation to proactive and informal release.

I am willing to provide additional information about my agency's proactive and informal release practices (for example, a proactive and/or informal release policy).

Completing this form

To complete this template, insert your response to individual questions, or provide general comments on proactive and/or informal release in the space provided.

Submitting this form

Submissions must be provided to OVIC by **5pm, Friday 1 May 2020**. You can make a submission by:

- **Emailing** your submission to policyteam@ovic.vic.gov.au
- **Posting** your submission to:
Policy team
Office of the Victorian Information Commissioner
PO Box 24274
Melbourne VIC 3001

Do you have any overall comments on the Proactive and Informal Release of Information in the Victorian Public Sector Discussion Paper?

Thank you for taking the initiative in this important matter.

The Proactive and Informal Release of Information is of critical interest to CLAN which is the peak body that provides support to people who have grown up in Orphanages, Children's Homes, Missions and Foster Care in Australia and New Zealand, or whose parents or other family members had this experience. More than 100,000 Victorian children were inmates (as they were called) of these institutions in the 20th century and there is no sign of the scale of the consequent problems diminishing. At 30 June 2018, there were more than 13,000 children in out-of-home Care in Victoria, and each one of them will be the subject of archived personal information. The number of children in Care is growing at around 11 per cent each year and Victoria is on track to have almost 26,000 children in out-of-home Care by 2026 (Social Ventures Australia, 2020, <https://www.berrystreet.org.au/sites/default/files/SVA%20Research%20Paper%20Early%20Intervention%20November%202019.pdf>.)

Personal records are very important to children in the out-of-home Care system for several reasons. Formal inquiries and research studies show that a high proportion of children left out-of-home Care angry, ashamed, and confused about their identity. They often did not understand the reasons for their separation from family because no one explained their situation at the time or thereafter. They wanted to re-connect with their families and communities wherever that was still possible. And they carried unresolved burdens resulting from the physical, emotional and sexual abuse and neglect that were inflicted on them. Any records that were made and archived in those circumstances may represent the only documented account of the person's childhood and time spent in such institutions. Many a child was in multiple institutions and records were often not passed on from one placement to the next, nor were they systematically archived.

The Royal Commission into Institutional Child Sexual Abuse (RCIRCSA) commented on the importance of access to records for people who were in out-of-home Care: "Importantly, these records matter to individuals when they are adults—to satisfy their essential human needs in relation to identity and personal history and for practical reasons, including in relation to redress and civil or criminal proceedings" (RCIRCSA 2017, Final Report: Vol. 8, 62).

Care Leavers who were wards of the state rely on agencies like DHHS to provide whatever records exist to

- help them to understand the answers to their questions;
- help them make meaning of the circumstances of their childhood;
- connect, if still possible, with living family and the community; and
- seek redress and other remedial action for abuse or neglect, where relevant.

I have summarised some of these matters in an article entitled 'The Care Leaver's perspective' in *Archives and Manuscripts*, Volume 44, Issue 3, 2016, pp. 160-164 and a YouTube version of the presentation can be found at https://www.youtube.com/watch?time_continue=18&v=WuaaokRuefE&feature=emb_logo

These issues are sometimes described as historical—as in lived experience—but that is a misconception in at least two ways. First, the problems described above endure into old age for many Care Leavers; the "lived" experience remains a "living" experience associated with the interplay of their memory and contested

versions of institutional life that are portrayed in the skewed histories and the narratives produced from flawed, incomplete and otherwise deficient archives. Second, there is plenty of evidence e.g. from the Royal Commission (RCIRCSA, 2017) to show that these problems are not restricted to the past (see F. Golding, “Problems with records and recordkeeping practices are not confined to the past”: A challenge from the Royal Commission, *Archival Science: International Journal on Recorded Information*, Vol. 20, No. 2, 2020). In his 2017 report, the Victorian Auditor-General reported that the poor records management practices of community service organisations “have made the evidence of [child sexual] abuses committed irretrievable, thereby hampering investigations and potentially protecting the perpetrators” (Victorian Auditor-General, Managing Public Sector Records, PP No 249, Session 2014–17, 2017, p. 31).

Proactive release

It is only in comparatively recent times that Care Leavers have learned about the existence of personal records that might document their childhood. Even more recently they have learned about the existence of legislated rights to have access to these records. We strongly advocate that Care Leavers have the right to know not only about the existence of records, but also to know what kinds of records are held about them. We are strongly of the view that record holders should be required to identify key and critical documents that provide a pathway when case files are voluminous. We are frustrated to learn of Care Leavers being asked to specify what particular records they want to access without being told in advance what records are available.

Informal Release

We agree with the thrust of the Discussion Paper that informal release is preferred to formal FOI processes because informal release would result in:

- simpler, more efficient process than responding to an FOI request,
- a reduction in the need for requests for formal access,
- agencies having more flexibility in how they deal with requests for information, and
- making information available more promptly and inexpensively.

These matters have been on the public policy agenda for many years. For example, after an exhaustive inquiry in 2003-2004, the Senate Community Affairs References Committee recommended

That all government and non-government agencies agree on access guidelines for the records of all care leavers and that the guidelines incorporate the following:

- *the right of every care leaver, upon proof of identity only, to view all information relating to himself or herself and to receive a full copy of the same;*
- *the right of every care leaver to undertake records searches, to be provided with records and the copying of records free of charge;*
- *the commitment to a maximum time period, agreed by the agencies, for the processing of applications for viewing records; and*
- *the commitment to the flexible and compassionate interpretation of privacy legislation to allow a care leaver to identify their family and background.* (Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children, 2004, Recommendation 16).

The Senate report further recommended

That the Commonwealth request the Council of Australian Governments to review all Federal and State and Territory Freedom of Information regimes to ensure that they do not hinder access by care leavers to information about their childhoods and families (Forgotten Australians, 2004, Recommendation 18).

In 2015, after extensive consultation with stakeholders across Australia, the Commonwealth Department of Social Services released *Access to Records by Forgotten Australians and Former Child Migrants: Access Principles and Best Practice Guidelines*. The Principles and Guidelines support maximum access to those who are the ‘subject’ of the records and recommend a liberal approach to access, “not relying solely on the provisions of the various legislative instruments that govern access (particularly to government records) in each jurisdiction” (p. 9). The document also specifically referenced informal or administrative release, stating that “All legislative environments have an element of discretion. Much freer access to records of their time in care operates within this discretionary area” (p. 18).

Do you have any comments on specific questions listed in the discussion paper?

Selected Questions	Question: Please note that we have adapted some questions to allow a client perspective rather than an agency view to be presented	Comments
No. 10	Do agencies informally release information outside the FOI Act? If yes, what kind of information do they typically release informally? What kind of information or FOI requests does your agency typically decide must be processed under the FOI Act, and why?	<p>The Royal Commission reported in 2017 that it heard countless personal accounts of “obstructive and unresponsive processes for accessing records” (RCIRCSA 2017, Final Report: Vol. 8, p. 30). The Commissioners were struck by the number of occasions that they “received more complete records about individuals in response to our summonses than the individual received in response to their own requests for access” (RCIRCSA 2017, p. 398).</p> <p>Many Care Leavers believe, rightly or wrongly, that agencies employ FOI officers with the specific task of managing perceived risks to their agency in releasing personal information. Over many years, some agencies have used FOI and related privacy legislation perversely to prevent full access to personal records, often citing merely the existence of the names of third parties in a person’s record as sufficient reason to redact important information concerning, for example, parents, siblings, and childhood friends. Section 33.1 [of the FOI Act] has often been written in the margins of redacted pages of documents as a magical barrier beyond which nothing more shall pass.</p>

		<p>Yet the risks may be more in the minds of records managers than a reality. CLAN has been active in this area for 20 years, but not once has it seen any evidence of the perceived risks coming to pass in reality. No agencies anywhere in Victoria have been penalised for releasing personal information. By contrast, there are many examples of Care Leavers experiencing trauma as a consequence of ham-fisted and insensitive obstruction of release. For example, we have evidence that some agencies are still withholding precious photographs from Care Leavers. These might be the only photograph of them as children, and we fail to see the public interest being put at risk if photos of children are released.</p>
No. 12	Approximately how often/what proportion of information or FOI requests are responded to informally?	<p>CLAN's experience of supporting Care Leavers to access their files is that the vast majority of releases are formal. We applaud some vanguard agencies that are implementing the use of informal or administrative release processes, but it is not common across the sector.</p>
No. 14	What factors influence the informal release of information?	<p>The agencies that are most aware of the benefits of informal release are those with staff who have a deep understanding of the significance to Care Leavers of having been deprived of family connections and the profound effect on identity of institutional practices. These agencies are particularly attuned to the need for a liberal interpretation of the third-party privacy rule which has been the single most frustrating element of access to records for Care Leavers. The present writer is one of countless Care Leavers who experienced redactions of information about parents and siblings when the redacted information was critical to the very purpose of making an FOI request. To make matters worse, in my case, I was able to gain the information I wanted from other public sources, so that when I was finally able to see the redacted material, the prior redactions were seen to be all the more irrational and pointless.</p> <p>The DSS Guidelines cited above propose a more apposite view of what constitutes a third party in Care Leaver records. Taking the view that a person growing up within a regular family will generally know the factual details of their close family, the Guidelines concluded, rightly, that these details form part of the personal information of an individual. So, for example, your mother's name and family identification is your mother's personal information, but it is equally your personal information. Your family includes parents, grandparents, siblings and half siblings, aunts, uncles and first cousins, including deceased family members. A great deal of information about family can legitimately be released informally to a Care Leaver. There is no need or justification for formal processes. One could reasonably ask: why was that information recorded in the first instance? Why was it placed in a file under your name? And what public interest is served by retaining it after so many years, when the only person who might benefit from its release is the person to whom it relates?</p>

	<p>What kinds of barriers affect agencies informally releasing information?</p>	<p>CLAN believes that deeply ingrained culture of risk aversion in some agencies governs and determines practice. We have not been able to engage agencies in meaningful discussion about informal release.</p> <p>It could be argued that the very existence of the FOI Act is an impediment to informal or administrative release because records holders are intimidated by the prospect (unlikely as it is) of doing something that is unlawful. Legalistic concerns get in the way of plain common sense and humane decisions.</p> <p>CLAN believes that in addition to cultures of risk aversion, many officers are poorly informed about the FOI Act—sometimes misquoting or not being able to explain accurately the provisions of the FOI Act, but invoking the Act as the reason they can't give Care Leavers the information they seek. The National Redress Scheme (NRS) is having an impact too in some cases. We have anecdotal evidence that personal information that was withheld from applicants is now being made available to the NRS by institutions without the consent of the applicant. This practice is unethical and should cease.</p>
<p>No. 17</p>	<p>What factors, assistance, or support would assist agencies to begin or improve informally releasing information?</p>	<p>A clear and unequivocal policy directive by the relevant Minister endorsed by senior managers might help. CLAN believes that governments have not been sufficiently clear in the past about policy on Care leaver records. CLAN has had assurances from a number of Ministers over the years that the matters we complain about need to be fixed, and that the policy will change. But the message doesn't seem to get through to those who work at the coal face of records access.</p> <p>Better training would be beneficial such that personal childhood institutional records are perceived by agencies to be qualitatively different from other records, serve a different purpose, and have a different function from records such as commercial documents, tenders, contracts and so on.</p> <p>Better still, a tailor-made administrative policy and/or instrument focussed specifically on Care Leaver rights to records (in the same spirit as rights in the adoption area) might lead to better outcomes.</p>
	<p>Should we be asking another question?</p>	<p>We believe that one of the biggest barriers to access to records lies in the nature of the records and record making processes themselves. The children who are the subject of child welfare records were, and are, not aware of records being written about them. Case notes and reports of critical incidents or developmental milestones were, and are, written without the participation and engagement of the children themselves. Moreover, the records were and are never written in the expectation that the 'subjects' would want to read them—or have a right to do so. There is still contestation about ownership in many cases. When Care Leavers ask to see, or to have copies, or to be given possession of their files, they are often shocked to be told the files are not theirs; they belong to the agency.</p> <p>In 2010, Mick Gooda, former Aboriginal and Torres Strait Islander Social Justice Commissioner, called for a fundamental repositioning of Indigenous people from “passive, powerless subjects of records to active participatory agents” in recordkeeping (Archives and Indigenous Human Rights: Towards an understanding of the archival and recordkeeping</p>

		<p>implications of Australian and international human rights for Indigenous Australians, Interdisciplinary Workshop, Melbourne).</p> <p>The Royal Commission stated in its final report that “One of the most important things we have learned about out-of-home care is that children should be given a voice, and their rights should be recognised and respected” (RCIRCSA, <i>Final Report</i>, Vol. 12, 2017, p. 184).</p> <p>The United Nations <i>Guidelines for the Alternative Care of Children</i> (2009) state that decision-making in Out-of-Home Care “should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians”. Article 110 of the UN <i>Guidelines</i> make explicit provisions regarding making records available to children and guardians as key sources of information and an evidence base for decision making.</p> <p>Many Care Leavers feel not only that their rights to records are not respected, but also that their rights in records are not recognised. Many find humiliating personal judgements and disparaging remarks about them or their family. Others find inaccurate information was recorded and perpetuated as they passed through the system. Most complain that they were never asked to contribute their thoughts and feeling about critical events that occurred. Their ‘side of the story’ is missing.</p> <p>With that in mind, we would like to insert for your information two short papers in support of the above material.</p> <ol style="list-style-type: none"> 1. A recent short case study written by Sarah M., a relatively young Care Leaver. Sarah is happy to put her name to this piece. She provides a contemporary example of an adverse and obstructive interaction between a Care Leaver and records holding agencies. Sarah’s account goes on to contrast what was recorded about her with what she herself experiences as a young person in Care. 2. CLAN’s Charter of Rights
--	--	---

A contemporary case study

Proactive and Informal Release of Information in the Victorian Public Sector: Challenges, Perceptions and the False Narrative within Archival Texts, by Sarah M., MSW (included here with her approval)

After an extensive period of transience and department involvement in 2005, I was made a ward of the state from 2006. In January 2006 I was placed in my first residential care facility, moving into a family group home only weeks after my initial placement. On 16 February 2006, the Melbourne Children's Court issued an Interim Protection Order. I was then placed on a Custody to Secretary Order on 15 May 2006 until my 18th birthday, 20 February 2010.

Once I turned 18, I requested copies of the records of my time in "care". However, on that occasion I was only granted an hour to view my files, even despite applying for copies through Freedom of Information (FOI). I recall being questioned extensively about my intentions and the justification for my request. I am of the opinion that the organisation become defensive in my attempt to exert civil rights to my personal records. I was still the subjugate child and they the paternal bureaucrats. This treatment highlights the inherent oppression in the disparities of privilege between those in "care" and the providers of said "care".

The day had come I arrived at the Berry Street Eglemont Office, where I was granted a mere hour to view my files, I was escorted by my one-time case manager. I still remember the distain in her face as she walked me through the office building. It was if my simple request was taken as a direct threat, that I dare have had the audacity to question their authority or actions. Once escorted to a dimly lit small interview room, where there were two lime green upholstered and godly uncomfortable seats, with a white coffee table that had all been crammed into small space with a single archive box full to the brim with records stood atop of the table. I looked upon the box and recall thinking to myself, *how the hell am I going to get through all of this in one hour*. I looked at my former case manager, who smirked before leaving the interview room, closing the door behind me, as if she knew that there was no possible way I could read every item in this archive box in one hour. I then proceeded to push the furniture aside, placing myself and the archive box on the floor and began to rummage through the files, looking through LAC documents, case notes and DHS referrals as fast as I could. Before too long, the case manager returned informing me that my time was up and that she would escort me out.

In my early twenties, with the assistance of Berry Street's Coordinator of Client information and Support, I received my archival files. In January 2015, I was then provided two archive boxes overflowing with files. The sheer volume and weight of these files astonished me, but they represented five years of my life. In May 2015, I received my

Department of Health and Human Services (DHHS) files, which amounted to 757 pages. On 27 August, with the assistance of Angela Sdrinis Legal, I obtained 1484 pages of my DHS/DHHS files.

Even despite filing through FOI and with the Departments assurance that they had conducted a thorough and diligent search to locate all my personal archives, it was evident that I was still not a priority. It was only with the assistance of a solicitor that I received the ostensible total of my archives, despite being legally entitled to these documents. The notice of decision letter further read “The released documents contain sensitive information that may be potentially distressing to your client. Please consider the method in which you provide the documents to your client if you intend to do so”. I found this statement to be yet another overt display of oppression, it is implied that the individual lacks the emotional capacity to comprehend the details of their own life. Clearly, there remains to be major problems with accessing personal records through FOI, as there remains to be implicit power imbalances between children and young people subject to department involvement or care leavers and the government departments and community services organisations contracted to care for these children and young people, which need to be addressed.

However, there remain further issues relating to the content of what is recorded within personal archives and what formulates an individual’s life-narrative. The following excerpts are from my personal archives, which represent a direct conflict and even the creation of a false narrative.

Section 12 of the Confidential Court Report (2006), ‘Conclusion Regarding Current Application’:

This report concerns a Protection Application on the grounds of:

S63(c) The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.

S63(e) The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child’s emotional or intellectual development is, or is likely to be, significantly damaged and the child’s parents have not protected, or unlikely to protect, the child from harm of that type.

As described above, Sarah has been assessed as suffering or likely to suffer significant harm.

In the absence of effective intervention or change, it is believed likely that Sarah may suffer future harm of these types and that her parents and , have not and are unlikely to protect Sarah from harm of that type. This assessment is based on consideration of Sarah’s vulnerability to harm, the likelihood of future harm and a lack of safety factors for Sarah as assessed above.

The main protective concerns are:

- *Sarah alleges is emotionally and physically abusive towards her*
- *Sarah’s is not able to control her oppositional behaviours*
- *Sarah displays high risk-taking behaviours including alcohol and drug abuse, self-harming and absconding.*

The above is a verbatim excerpt from the then Department of Human Services (DHS) archival texts I received through a FOI application. This narrative is compiled from the perception of the DHS Protective Worker. It paints a legislative and assessment-based picture of what were assumed to be my protective concerns—obviously utilising the provisions of *The Children, Youth and Families Act 2005*. The voice of the child—my voice as it was then—is lost within the legislative requirements and the justification of Departmental intervention. The report fails to highlight the issues I was experiencing at the time.

On the 21st of August in 2006 I wrote an emotional account of my feelings at the time:

I'm the subject of your image, the one thing I can never let go of.

When I am hating you, I am hating myself, when I am cutting myself, I am cutting you even deeper. I picture killing myself, just to take a piece of you with me.

All those things have left me nowhere, I see you when I look in the mirror, but I am nothing like you nor will I ever be.

There is nothing you can say or do that will justify what you did, it doesn't matter how much money you spend on me, no matter how many times you tell me that you say you love me, you will never have my respect or love.

I am longing for the one thing no one can give me, a sense of belonging, the one thing I will never get.

I have all this pain and anger but no where to put it, it just stays there and eats away at me piece by piece.

I try to be happy; I push all my other feelings aside until its too much to bare and it all comes down and floods.

My heart is always open, I tend to get close to people that usually screw me over, I have been raped and pillaged, now there is nothing left but the will to survive.

The above account was flagged by a direct care worker and emailed case management, however despite the graphic content it was never followed up with me or explored further. It was simply emailed off to my allocated Austin CAMHS worker at the time. It was not until several months later in October before I was engaged in a mental health assessment.

My voice was snuffed out, the adults employed by the state to ensure my safety and wellbeing expressed their assumptions, that my behaviours were; “attention seeking”, “abusive”, “self-centred”, “sullen and oppositional” and that I was “absorbed with her own issues”. During the first few months of my placement case management had even advocated that I be returned to my family home, without an adequate understanding of the complex and multidimensional issues that I was facing at the time. Their stance was based on the false narrative those corresponding

agencies had constructed with no regard for my storytelling rights, nor provided me with any opportunity to be involved in the process.

Below is some of my adult accounts from my childhood, excerpted from my memoirs:

They were not aware of the daily war-zone that was my family home; the violence that was inflicted by the head of this patriarchal family; a father that could best be described as a seventies-hangover, optimistically carefree, with his beer drinking party-time demeanour which disguised his conflicting conservative and patriarchal beliefs. Shaggy shoulder-length black hair, slowly peppering with age. A gut the size of a large esky. Despite his dark hair, he appears to be your stereotypical bogan. His eyes once bright with dreams, are now yellowed by alcohol and dulled by depression. A man split in two; the generous, friendly and loving father, the man who would say he would do anything for his children, his family. Then there is the patriarch, the man so attached to his ego and blinded by his alcoholism, the man who always needs to be right, the man who bullies and manipulates and disregards the feelings and emotions of other people, always to his own advantage. This man was broken and transformed by his father (my grandfather), a perfect example of intergenerational trauma. This is the part of him that sabotaged our family, breaking us down one by one, through emotional manipulation and alcohol induced violence. Sometimes physical, but more often something much more poisonous, violence of the mind.

My mother on the other hand was a typical 50's housewife, enduring the father's patriarchal ideals and sexist slander while she upheld the household and looked after the children. Long golden wavy locks, slender frame weathered by affliction (cerebral palsy). A woman mutually broken by her own mother (my grandmother), only to repeat the cycle with her own daughter (me). The barrages of relentless emotional abuse and humiliation concentrated on a child over years of their life, concealed by her apparent devotion to her friends and family.

Concealment, my entire family were guilty. Domestic violence, substance abuse and misuse, sexist slander and ideologies, where the common teachings within this highly dysfunctional family.

The development of "oppositional" and "high risk taking" behaviours where a mere product of my environment.

The above accounts told over time, reflect the divisions of power and privilege in the creation of archival texts and the portrayal of deeply contested narratives, the different voices, opinions, assumptions and mis-information held within those two overflowing archive boxes, remained filled with such conflicting accounts of a my life-narrative.

In my opinion front-line careers, case-managers, child protection workers, magistrates and other interconnected government bodies cannot comprehend the reality of the version of someone's life-narrative that they are constructing. Official records serve as a bureaucratic mechanism for justification of interventions and treatment, while snuffing out a child or young person's autonomy and agency. As explored above within my own file which reveals conflicting accounts of my life-narrative, holding no regard for my voice or storytelling rights within the creation of archival texts.

This example aims to demonstrate the importance of nuanced, accurate, and authentic documentation, that is also transparent and provides agency to the children and young people of whom the life-narrative is being constructed. There is little point of making records about children and young people in "care" if those records tell only one side of a complex story and the voice of the child or young person is silenced.

Care Leavers Australasia Network: A Charter of Rights to Childhood Records (2016)

PREAMBLE

Whereas:

Many Australian children, through no fault of their own, were placed in orphanages, children's Homes, foster 'care' and other forms of institutions that replaced their homes and families and isolated them from ordinary community life; and

Many children left such 'care' angry, ashamed, confused about their identity, often not understanding the reasons for their separation from family because no one explained their situation, wanting to re-connect with their families and communities wherever that was still possible, and carrying many unresolved burdens resulting from the physical, emotional and sexual abuse and neglect that were inflicted on them; and

Any records that were made and archived in those circumstances may represent the only documented account of the person's time in such institutions; and

The historic reasons for creating these childhood records are now, by the passage of time, redundant.

And recognising that the Australian government is a signatory to the United Nations Convention on the Rights of the Child (1989) which among other things:

Affirms that in all actions concerning children, whether undertaken by public or private social welfare institutions, the best interests of the child shall be a primary consideration; and

Requires governments to respect a child's right to know their parents and the right of the child to preserve his or her identity and family ties; and

Requires governments to respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis; and

Affirms the right of any child temporarily or permanently deprived of his or her family environment to special protection and assistance provided by the State; and

Affirms that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

CHARTER OF RIGHTS

Therefore, by ethical extension of the rights of the child to the adult the child has become, and in response to the contemporary needs of former institutionalised children, it is declared that:

1. The historic records now held in archives are there principally for the purpose of helping the 'subject' person make meaning of the circumstances of their childhood; and/or to connect, if still possible, with family and community; and/or to seek redress and other remedial action for abuse or neglect, where relevant.
2. Archivists, record-holders and support workers must expedite all requests for access to personal records. Special consideration should be given to the frail, elderly, and those involved in litigation or redress claims.
3. Under no circumstances should a request for records be influenced by consideration of any real or perceived conflict of interest in providing records. There should be no secret dossiers on children in 'care'.
4. In some cases, the records have been lost, others are incomplete, and many are found to be inadequate. Therefore, in addition to historic personal files and case notes, archivists and other support personnel have a duty to search for and identify other archived records that are relevant to the person's childhood experience to assist in providing a more complete narrative.
5. Many childhood records are partial; many contain statements that are inaccurate or misleading; and many include personal judgments or opinions and use language that is offensive. Archivists and records holders have a duty to inform the person of the right to challenge the records, and should encourage them to submit alternative relevant material for inclusion on the record.
6. Record holders have a duty to assist the 'subject' person interpret the record with issues like historical context and technical terminology.
7. The childhood records in archives are ultimately the property of the person who is the subject of the records. Originals should be provided and copies kept in archival collections.

8. The subject of the records (or, if deceased, that person's closest living blood relative or by agreement another blood relative) has the right to determine who should have access to those records and the terms of that access.

9. In acknowledgement of the importance of childhood records into the future, all agencies and organisations that take children into their custody from this time forward must create an official record comprising key documents including the child's birth certificate, the names and last-known addresses of members of the child's family, any court orders or documents related to the reasons for the child's placement, all medical and educational histories, the names of all people who visit the child during their time in custody, all documents related to transfers to other institutions including foster families and any other official documents that relate to the child's time in 'care'.

10. All agencies and organisations that take children into their custody from this time forward should encourage such children to contribute to their official records, and as well, to help them to create a personal collection of items such as relevant photographs of people, events and places that are central to their time in 'care', objects of significance to their time in any 'care' facility and any personal or descriptive accounts written by the child.