

Dr Sean Turner
Acting Committee Secretary
Joint Standing Committee on Oversight of the Implementation of Redress Related Recommendations of the
Royal Commission into Institutional Responses to Child Sexual Abuse

Sent by email to legcon.sen@aph.gov.au

Dear Dr Turner

Thank you for your invitation to make a written submission to the Committee.

About Relationships Australia

We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

Relationships Australia has provided family relationships support services for 70 years and today provides a range of family support services, including counselling, dispute resolution, children's services, services for victims and perpetrators of family violence, and relationship and professional education. We aim to support all people in Australia to live with positive and respectful relationships. We also believe that people have the capacity to change their behaviour and how they relate to others.

The core of our work is relationships – through our programs, we aim to enhance and improve relationships in the family, whatever its form, with friends and colleagues, and within communities. Relationships Australia believes that violence, coercion, control and inequality are unacceptable in any voluntary relationship. We respect the rights of all people in all their diversity to live life fully within their families and communities with dignity and safety, and to enjoy healthy relationships. These principles underpin our work.

Relationships Australia is committed to:

- Enriching family and community relationships and encouraging good and respectful communication.
- Transparency with clients.
- Supporting children affected by violence and abuse, recognising the harm it does to them, regardless of whether they are the direct or indirect victims.
- Working with people who have experienced violence and abuse to ensure they are safe, and supporting them to take control of their lives.
- Working with people who have been violent or abusive in their relationships to keep their family members safe and with the belief that they can, and do, change existing patterns of behaviour.
- Respecting cultural differences, but not accepting them as an excuse for violence or abuse.

- Working in rural and remote areas, recognising that there are fewer social support resources available to people in these areas, and that they live with pressures, complexities and uncertainties not experienced by those living in cities and regional centres.
- Collaboration. We work collectively with local social service provision and peak body organisations to deliver a spectrum of prevention, early intervention and tertiary intervention programs with men, women, young people and children. We recognise that often a complex suite of services (for example, drug and alcohol services, family support programs, mental health services and public housing) is needed by people affected by violence and abuse, and others who are experiencing vulnerability.
- Ensuring that social and financial disadvantage is not a barrier to accessing services.
- Contributing its practice evidence and skills to research projects, to the development of public policy and to the provision of effective programs.

Context for comments by Relationships Australia

Relationships Australia notes that the National Redress Scheme commenced operation on 1 July 2018, giving a short time for views to be formed on operation of the Scheme thus far. Relationships Australia organisations are working closely with their respective State and Territory Governments. We are pleased to indicate that this engagement continues to be positive and constructive.

We acknowledge that Division 5 of Part 7-3 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* provides for an annual report on the operation of the Scheme, and for reviews of the operation of the Scheme following the second and eighth anniversaries of the Scheme start day. We welcome the establishment, under the Intergovernmental Agreement, of the Ministers' Redress Governance Board and the Redress Scheme Committee. We consider that these bodies will be of great value in supporting the ongoing integrity and sustainability of the Scheme.

Relationships Australia would welcome opportunities to offer observations on operation of the Scheme in the context of those reviews.

This submission is made on behalf of Relationships Australia's member organisations, and reflects comments and observations from those organisations. It should be read in conjunction with Relationships Australia's submission, dated 31 May 2018, to the Senate Standing Committee on Community Affairs, made in relation to the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and its companion Bill, the National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018. That submission is publicly available:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/NationalRedressScheme/Submissions. Relationships Australia had previously made submissions to the 2017 Bills. In our understanding, no amendments were made to the 2018 Bills to address the concerns put forward in our submission of 31 May 2018, and so these comments remain pertinent.

In our submissions on the 2017 and 2018 Bills, Relationships Australia expressed a range of concerns grouped around particular themes, including:

- the types of services to be funded
- the level of payments to be made to recipients
- limits of who can receive payments, even though they are otherwise eligible
- potential infringements of human rights (including, for example, through time limits)
- potential inequity in application and in outcomes for clients exposed to the same damage and abuse, and
- independence, transparency and accountability of administration.

We consider that these concerns remain salient.

Comments by Relationships Australia

Application processes

Relationships Australia acknowledges that considerable effort has been devoted to make the application processes accessible to all survivors, including highly marginalised people. However, there are some practical issues that are being encountered, however. These include:

- for people living remotely with low English literacy, the application forms pose a formidable challenge. These areas often have unreliable internet access, and/or a lack of private internet access. It would be very helpful to provide some modest funding to enable service providers to travel to these survivors, to offer in person help to fill out forms. Without this, the Scheme will – unintentionally – discriminate on the basis of geography and literacy
- we are concerned that, where sections of the application form are sent to the institution before the survivor has made a decision on the offer, this might disadvantage survivors who decide to decline an offer and pursue civil litigation against the institution.

Types of services to be funded

Relationships Australia notes the National Service Standards for the Provision of State and/or Territory Based Counselling and Psychological Care (CPC), which are contained in a Schedule to the Intergovernmental Agreement. We remain deeply concerned by the commitment, set out in the National Service Standards, to only 20 hours of CPC over the lifetime of a survivor which, given the nature of trauma suffered by survivors, is likely to be inadequate. Caps on access to CPC, whether by reference to hours or dollar value, do not reflect a trauma-informed response to the needs of survivors across the lifespan. Relationships Australia notes that the Royal Commission recommended life-long access to counselling be made available to survivors. The imposition of a cap is a serious and substantial departure from the Royal Commission's recommendations.

Relationships Australia continues to recommend the lifelong provision of therapeutic counselling and psychological care, and a flexible, client-centred approach to the kinds of services offered, so that these are tailored to the needs of each survivor. We continue to recommend the intensive case management services described in our submissions on the 2017 and 2018 Bills. Survivors deserve the right to choose their supports, and not be confronted with a limited range/approach of supports. We are of the view that an assurance, provided through the Scheme, of lifelong and uncapped access to CPC would provide survivors with long-term security, and thereby reflect sincere and informed acknowledgement of the impact of trauma, and the complexities of recovery from it.

Further, Relationships Australia believes that for the Scheme to sufficiently reflect the intergenerational impact of child sexual abuse on survivors across the lifespan, family members of survivors should be able to access all components of the Scheme. They, too, are survivors of the abuse perpetrated against their family member. They have often directly and indirectly experienced the far-reaching effects of the abuse perpetrated upon their family member.

Exclusion of survivors with serious criminal convictions, or who are subject to security notices

As noted in Relationships Australia's submission about the 2018 Bills, we acknowledge the critical importance of the Scheme maintaining community support and confidence. Nevertheless, we continue to hold the view that the Scheme does not take into full consideration the complex and extensive impact that child sexual abuse has on survivors, and the well-documented links (see references in our submission to the 2017 Bills) to subsequent criminal offending commencing during juvenile years and persisting into adulthood.

Since March 2016, Relationships Australia Queensland has provided Royal Commission counselling support to identified survivors within the Queensland prison population. In the course of the Royal Commission Inmate Engagement Strategy, it has been identified that Queensland prisons represent the highest number across Australia of currently-incarcerated survivors engaging the Royal Commission. In particular, Wolston Men's Correctional Centre (Brisbane) represented the highest population of identified survivors across all Australian prisons.

Relationships Australia supports survivors with serious criminal convictions having access to crucial therapeutic components of the Scheme – direct personal response and access to CPC. Our comments in response to the 2018 Bill bear repeating – that the exclusions of survivors with serious criminal convictions or who are subject to a security notice

...undermine[s] the proposition that child sexual abuse is always, absolutely and unconditionally, a wrong done to the child. Child sexual abuse, and its impact, cannot be retrospectively diminished or disregarded, or its blameworthiness to any degree attenuated, by subsequent acts of the victim.
(see p 6)

Exclusion of survivors who are in gaol at the time of applying

Relationships Australia remains concerned by the overall exclusion of survivors who are in gaol at the time of applying. While we have previously acknowledged difficulties in providing elements of the Scheme to incarcerated persons, we do not consider these to be insurmountable. Indeed, in addition to the prisoner welfare services identified in our submissions on the 2017 Bills, Relationships Australia was able to accomplish solid therapeutic work to young people detained in the criminal justice system of the Northern Territory, when it was commissioned to do so during the conduct of the Royal Commission into Protection and Detention of Children in the Northern Territory. The effectiveness of the programs run by Relationships Australia Northern Territory was positively evaluated. Details of these programs, and the evaluation, can be found at <http://www.nt.relationships.org.au/resources/royal-commission-into-protection-and-detention-of-children-in-the-northern-territory>.

Timeframes

As Relationships Australia noted in our submission of 31 May 2018, we are concerned that the timeframes in which survivors must make a decision about offers do not reflect a full understanding of the complex trauma experienced by survivors and how this can impair daily functioning, the ability to engage with necessary supports, and the ability to make decisions in what is considered by others to be a timely manner.

Relationships Australia acknowledges that the framers of the Scheme have sought to provide considerable flexibility in the processes underpinning application, offers and acceptance. We remain concerned, however, that if a survivor's needs change during the course of their engagement with the Scheme then, for example, if a survivor originally declined access to psychological support, they cannot later access this. Or, as suggested in our submission of 31 May 2018, if a survivor initially declines a direct personal response, but later feels able (and wishes to) receive one, they cannot revisit their initial decision declining it. Again, this would seem not to reflect the realities of experiencing and recovering from complex trauma. This is not a linear process. Relationships Australia considers that the Scheme should expressly allow for greater flexibility for survivors to access all components of the Scheme at any stage during the life of the Scheme.

Decision-making under the Scheme

Relationships Australia notes the appointment of independent decision-makers under Division 4 of Part 7-3 of the Act. We strongly welcome the engagement of trauma-informed and appropriately trained professionals to act as independent decision-makers. Due to the immense impact of complex, historical and often intergenerational trauma endured by survivors, Relationships Australia believes that it is of paramount importance that the independent decision-makers have a thorough understanding of the trajectory and impact of childhood sexual abuse upon survivors across their lifespans and, potentially, those of family members. We would like to take this opportunity to reiterate the importance that those involved in administering the Scheme and delivering services pursuant to it be mindful of survivors'

negative prior experiences engaging with organisations, service providers, and 'institution-like' bodies, to avoid re-traumatisation.

Direct Personal Response

We are concerned about institutions leading the provision of direct personal responses. Survivors perceive this as a conflict of interest. Understandably, they have no trust in the perpetrating institutions, and may see the institutions taking this role as an opportunity to further perpetuate dynamics of control and abuse. It would be strongly preferable for a body/agency that is fully independent from perpetrating institutions to lead and administer Direct Personal Responses.

Inequities in quantum of payments

Relationships Australia is very uneasy about the potential for unjustified inequities between survivors and the financial redress offered using the proposed tier model. We are concerned that the use of this model will adversely affect survivors. While no amount of financial recognition of harm payment can ever undo or 'make up for' the pervasive trauma of child sexual abuse, the use of a tiered model will compound harm. How can one survivor's experience of trauma be compared to another's, with a differentiation of the intensity of suffering?

Accountability and transparency

As canvassed in our submission about the 2018 Bills, Relationships Australia supports a highly transparent and accountable Scheme. Because of previous negative engagement with institutions, survivors may understandably mistrust the Scheme and its supporting mechanisms.

Survivors have the right to be kept informed of the 'real time' status of their applications and all processes undertaken in an efficient, trauma-informed manner and to be aware of the rationale for all decisions made about them pursuant to the Scheme. Lack of information may exacerbate trauma, while a highly transparent and accountable Scheme may have a restorative impact.

Relationships Australia remains concerned about the extent of reliance on delegated legislation, as discussed in our submission dated 31 May 2018.

Duration of the Scheme

As suggested in our submission on the 2017 Bills, and reiterated in our submission of 31 May 2018, Relationships Australia continues to take the view that the Scheme should not have a fixed closing date.

Relationships Australia also notes that there is an ongoing need for education and consultation about the Scheme, particularly (although not only) in remote Aboriginal and Torres Strait Islander communities. Many affected people in these communities are confused about eligibility and have been distressed. We were also concerned that local Aboriginal and Torres Strait Islander services have been excluded in the rollout of Redress Scheme support services. It would be optimal if Aboriginal and Torres Strait Islander

could turn to Aboriginal-controlled organisations, like NAAJA, for support in engaging with the process, to better provide cultural safety for this cohort of survivors.

Closing comments

Thank you again for the opportunity to put forward our views on the implementation of redress-related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. We would welcome further opportunities to be involved. Should you require any clarification of any aspect of this submission, or need information on the services that Relationships Australia provides, please contact me or Dr Susan Cochrane, National Policy Manager, Family Law, Relationships Australia.

Yours sincerely,

Alison Brōok
National Executive Officer

16 August

2018