

Community Affairs Legislation Committee

INQUIRY INTO THE COMMONWEALTH REDRESS SCHEME FOR SURVIVORS OF INSTITUTIONAL CHILD SEXUAL ABUSE BILL 2017 AND RELATED BILL – 6 MARCH 2018 ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Treatment of payments made under the Redress Scheme

Question reference number: 1

Senator: Murray Watt

Type of question: Hansard page 71

Date set by the committee for the return of answer: 16 March 2018

Number of pages: 1

Question: How is the monetary redress payment treated differently compared to civil damages in terms of taxation, means testing and government debt recovery?

Answer: Clauses 45 and 46 of the *Commonwealth Redress Scheme for Child Sexual Abuse Bill 2017* are designed to protect redress payments from government debt recovery and garnishee orders.

Redress payments will be excluded from the definition of income in the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986* under Schedule 1 of the *Commonwealth Redress Scheme for Child Sexual Abuse (Consequential Amendments) Bill 2017*.

Payments arising out of civil proceedings do not generally have such protections and may affect a person's social security payments, for example, by making the person subject to a preclusion period.

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Department of Social Services

Topic: Commonwealth as funder of last resort

Question reference number: 2

Senator: Rachel Siewert

Type of question: Hansard page 72

Date set by the committee for the return of answer: 16 March 2018

Number of pages: 1

Question: Would child endowment payments made by the Commonwealth to a non-government institution provide sufficient connection to establish a funder of last resort arrangement? Has legal advice been sought on this issue?

Answer: The final parameters of the policy on funders of last resort are still being negotiated between the Commonwealth and state and territory governments, consequently legal advice has not been required.

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Department of Social Services

Topic: Nominee arrangements

Question reference number: 3

Senator: Rachel Siewert

Type of question: Hansard page 74

Date set by the committee for the return of answer: 16 March 2018

Number of pages: 1

Question: What is your response to the issues raised by People with Disability Australia regarding the nominee provisions in the Bill?

Answer: To support all survivors, including those with disability, culturally-appropriate and trauma-informed Redress Support Services will be made available to assist survivors to prepare and submit an application. Legal Support Services will also be available to ensure that applicants understand the effect of accepting an offer under the Scheme, and understand alternatives to the Scheme including civil litigation.

There will be no requirements that people with disability establish a nominee arrangement to apply to the Scheme or to accept an offer of redress. Where any person wishes to establish a nominee arrangement, the Bill mirrors other social security legislation. Under subclause 94(3) of the Bill, nominees must not be appointed by the Operator without taking into the consideration the wishes of the principal regarding the appointment. The reason that the consent of the principal is not required in the legislation is to ensure that survivors who cannot provide consent are not prohibited from accessing the Scheme.

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Department of Social Services

Topic: Telephone Information Line

Question reference number: 5

Senator: Rachel Siewert (acting chair)

Type of question: Hansard page 77

Date set by the committee for the return of answer: 16 March 2018

Number of pages: 1

Question: Can we get some detail about how the telephone information line will operate, where it will be located and who will be providing that service?

Answer: Since 9 March 2018, a dedicated National Redress Information Line has been available to provide information to people about the Redress Scheme. It connects them, if required, to specialist community-based support services, including legal, financial and other social supports.

The National Redress Information Line service is operating from Monday to Friday, 8:00 am to 5:00 pm (excluding national public holidays).

From 1 July 2018, in addition to the information and referral services in place, people will be able to access information about the application lodgement process.

The National Redress Information Line is located within and operated by the Department of Human Services.

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Department of Social Services

Topic: Law Council of Australia recommendations on information sharing

Question reference number: 6

Senator: Rachel Siewert

Type of question: Hansard page 77

Date set by the committee for the return of answer: 16 March 2018

Number of pages: 1

Question: What is your response to the Law Council of Australia's recommendations regarding clause 77 of the Bill?

Answer: Clause 77 of the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 (the Bill) gives the Scheme Operator power to make disclosures in the public interest. All legislation in the social services portfolio has a similar set of circumstances in which Public Interest Certificates are issued, which include for Ministerial briefings and where there are threats to life, health or welfare. It is proposed that these circumstances will be specified in the Rules for the Scheme.

Further consideration will be given to including a provision similar to subclause 79(3) in clause 77 of the Bill.