

Joint Select Committee on implementation of the National Redress Scheme

Public Hearing – 26 February 2020
ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 1

Question reference number: SQ20-000078

Senator: Rachel Siewert

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Senator SIEWERT: One has declined. How many applications does that affect?

Ms McGuirk: I don't have that particular figure on me.

Senator SIEWERT: Could you take that on notice?

Answer:

Following the commencement of Declaration No.2 of 2020 on 29 February 2020, of the revised 15 non-participating non-government institutions (NGI) that represent 47 per cent of applications on hold, there remains one non-participating NGI that has declined to join. This NGI has 14 applications.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 2

Question reference number: SQ20-000079

Senator: Rachel Siewert

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Senator SIEWERT: In terms of the others, how many are royal commission institutions? I'm using shorthand, but you know what I mean.

Ms McGuirk: I understand what you mean. I don't have that particular breakdown. Again, as Mr Arnaudo referred to, we need to discuss, potentially, with some of those organisations what we're able to comment on.

Senator SIEWERT: Okay. Could give us a breakdown of those 15 institutions—I know you've already discussed naming them—state by state, and also how many applications for each of the institutions.

Ms McGuirk: Yes, we'll see what we can get you.

Answer:

Following the commencement of Declaration No. 2 of 2020 on 29 February 2020, the revised breakdown of the 15 institutions with the largest number of applications on hold are as follows:

Top 15 Number	Engagement Status	Named in Royal Commission	Number of Applications
1	On-boarding	Yes	54
2	Defunct	Yes	45
3	On-boarding	No	19
4	Defunct	No	18
5	Outreach	No	17
6	Declined	No	14
7	Enquiring	No	14
8	Defunct	No	13
9	On-boarding	No	11
10	Outreach	No	10
11	On-boarding	No	9
12	On-boarding	Yes	9
13	On-boarding	No	8
14	On-boarding	Yes	8
15	On-boarding	Yes	7

The *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act) places strict protections around the disclosure of protected information. For the purposes of the Act, information the Scheme holds on institutions is protected information.

As a result, the Department of Social Services is unable to provide the location by State of each institution as this may lead to their identification and disclosure of protected information.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 3

Question reference number: SQ20-000080

Senator: Rachel Siewert

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Senator SIEWERT: Are you able say now which states have done that and the level of redress, or is that going beyond what you're allowed to say?

Ms Hefren-Webb: Can we take that on notice?

Senator SIEWERT: Okay. I'm interested in which states and the amounts that people received in redress.

Ms Hefren-Webb: I understand.

Answer:

As at 3 March 2020, there are seven institutions in three states that have been declared by the Minister under the funder of last resort arrangements under the Scheme. The institutions are:

- Queensland: Beemar Yumba Maud Phillips Memorial Children's Shelter, Beulah Homes, Opal House, and Opal Joyce Wilding Home.
- Tasmania: Glenara Children's Home (formerly the Northern Tasmania Home for Boys)
- South Australia: Emergency Foster Care Incorporated and Kurlbingai Hostel

The National Redress Scheme for Institutional Child Abuse Amendment (Funder of Last Resort) Declaration is available on the Federal Legislation Register at <https://www.legislation.gov.au/Series/F2019N00080>.

The Minister and department continue to work with participating jurisdictions to identify further potential defunct institutions that could be declared under the funder of last resort arrangements where the relevant jurisdiction agrees.

Providing a breakdown of the amounts of redress an applicant has received in relation to these institutions could potentially disclose protected information under the Scheme and unreasonably disclose personal information about an applicant to the Scheme.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 4

Question reference number: SQ20-000081

Member: Sharon Claydon

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Ms CLAYDON: Are you able to put on record the name of those organisations that have declined to join?

Ms Hefren-Webb: No, unfortunately, due to the nature of the legislation, that is protected information.

Ms CLAYDON: Despite a clear public right to know when these organisations decline to join the redress scheme, you are saying you are not allowed to disclose it?

Ms Hefren-Webb: I am saying I am not at liberty to disclose it here and now. However, it is something I could potentially take on notice.

Answer:

Part 4-3 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act) protects information about a person or an institution that was provided to, or obtained by, an officer of the Scheme for the purposes of the Scheme and is or was held in the records of the department.

Information the department holds about an institution that has declined to join the Scheme is protected information under the Act.

The Act sets out when a person is authorised to obtain, record, disclose or use protected information. It also has criminal offences for when a person obtains, records, discloses or uses protected information without authorisation under the Act.

The Act authorises the use or disclosure of protected information if it is done:

- for the purposes of the Scheme;
- with the express or implied consent of the person or institution to which the information relates;
- for the enforcement of the criminal law;
- for the safety and wellbeing of children; or

- to lessen a serious threat to an individual's life, health or safety.

The Act also authorises the disclosure of protected information if the Scheme Operator has certified that the disclosure is necessary in the public interest in a particular case or class of cases.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme - Question 5

Question reference number: SQ20-000082

Member: Milton Dick

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Mr DICK: On the 55 full-time equivalent decision-makers that they're ramping up towards, what is the background of the decision-makers? How are they chosen? What are their employment skill sets? Because they're making these critical decisions, could we get a breakdown of gender, non-English speaking backgrounds, community backgrounds, ATSI and all those kinds of things? I'm curious to know what sorts of people are making these decisions.

Ms McGuirk: That demographic background I'll have to take on notice. I don't have that available with me. The CVs of the independent decision-makers are available on our website, so you can understand the full range of skills and background that each individual decision-maker has. There are a broad range of skills that we look for—

Mr DICK: Were they mostly already public servants?

Ms McGuirk: Not necessarily, no. They're people with experience in administrative law, decision-making, social work, child protection, community support—those sorts of things.

Ms Hefren-Webb: Some have come out of the victim services and victim rights parts of state government. We have a real mix. I might also just comment that independent decision-makers need to be agreed to by a process that involves all states and territories, so there is opportunity for any concerns and issues that any state or territory might have about an individual to be discussed and aired.

Mr DICK: Thank you for that. If you could get me that granule detail, I'd really appreciate that.

Answer:

Independent Decision Makers (IDMs) are selected through competitive, merit-based processes. IDM candidates may be identified directly, for example, through labour hire companies, or may be nominated / referred by State, Territory and Commonwealth Governments. All potential candidates are assessed against the same criteria and are subject to rigorous screening and vetting processes. IDM candidates are approved by the Ministers'

Redress Scheme Governance Board and then appointed to the position of IDM by the Scheme Operator.

The criteria applied when identifying and assessing candidates is that they should have:

- A combination of highly specialised skills developed in a broad range of contexts including in the social welfare and legal sectors.
- Strong analytical skills and the ability to quickly identify relationships between issues, synthesise complex information and discern key implications.
- A strong understanding of the cohort and context of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- High level administrative decision making and time management skills, with the ability to work effectively under pressure and in situations of ambiguity.
- A strong understanding of the cultural, social, historical and political factors that will influence the perception of each decision.

The names and biographies of IDMs are published, with their consent, on the National Redress Scheme website. The Department of Social Services does not however collect personal demographic information about IDMs for the purpose of reporting. In addition, reporting of demographic details may identify individual IDMs' personal information, as the IDM cohort is small, and their names and background information is publicly available.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 6

Question reference number: SQ20-000083

Member: Milton Dick

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Mr DICK: I think that's probably the hardest job, Ms McGuirk—getting people to answer that phone or that email and beginning that conversation. How many FTEs are in that team?
Ms McGuirk: Off the top of my head, I couldn't tell you. I'll provide that on notice.

Answer:

There are 20 team members whose role is solely undertaking the engagement of non-participating non-government institutions (NGIs).

However, the task of on-boarding an NGI spans across several other teams and Executive staff due to the legal and financial complexities involved in ensuring an NGI is legally and financially capable of offering redress. There are a further 18 people who make a contribution to the process of on-boarding NGIs to the National Redress Scheme.

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Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 7

Question reference number: SQ20-000084

Senator: Rachel Siewert

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Senator SIEWERT: Of the now 1,196 applicants that have received payments, how many of those are First Nations peoples?

Ms Cartwright: We'll have to take that one on notice.

Answer:

Of the 1,196 applicants that have received payments, 231 have identified as First Nations peoples.

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Department of Social Services

Topic: Joint Select Committee on implementation of the National Redress Scheme -
Question 8

Question reference number: SQ20-000085

Senator: Rachel Siewert

Type of Question: Spoken. Hansard Page/s:

Date set by the Committee for the return of answer: 13 March 2020

Question:

Senator SIEWERT: How many institutions have you found where there is no-one responsible, such as the institution I was told about last week? The survivors are looking but can't find an institution they think is going to be held responsible. How many of those have you come across so far?

Ms McGuirk: To date, there has been a decision regarding funder of last resort in relation to four organisations.

Senator SIEWERT: Who, then, took responsibility?

Ms McGuirk: The relevant state.

Senator SIEWERT: Are you able say now which states have done that and the level of redress, or is that going beyond what you're allowed to say?

Ms Hefren-Webb: Can we take that on notice?

Answer:

See answer to Question on Notice SQ20-000080.