



Senator the Hon Slade Brockman
Chair
Community Affairs Legislation Committee
C/- Committee Secretary
Department of the Senate
PO Box 6100
Parliament House
Canberra, ACT 2600

1 June 2018

To Senator Brockman

Re: Inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018, and related Bills

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to contribute to the *Senate Inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018, and related Bills* (*the Bill*). As the peak body for child and family services in Victoria, the Centre develops and advocates for public policies and legislation that advance the rights and wellbeing of children, young people and families.

We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care. Our members have a deep understanding of the profound and life-changing impact of sexual and other forms of institutional abuse on children.

The Centre refers to and attaches our previous submission to this Inquiry earlier this year and highlights the following issues:

1. Ceiling for payment.

The Centre is concerned that the payment ceiling has been set at \$150,000. We note that the Royal Commission recommended a maximum payment of \$200,000. The Minister for Social Services claims, in his second reading speech, that the average payments are anticipated to be around \$76,000, which is higher than the estimates of the Royal Commission. The Centre requests that the assessment framework be publically released as a matter of priority.

2. Inflation

The Centre is concerned that the maximum payment set in the Bill is not indexed for inflation over the life of the scheme. We note that the scheme will last for ten years, with the option to be extended.



3. Counselling

The Bill proposes that counselling payments will be limited to \$5,000. The Centre notes that for some survivors, this may be sufficient, however others will require ongoing and unlimited counselling services. The Centre recommends that there is no cap on the amount awarded for counselling, and that each claim is assessed against the needs of the individual applicant.

4. Eligibility

The Bill proposes to limit eligibility to the scheme for:

- Persons convicted of an offence which received a custodial sentence of more than 5 years;
- A child who will not turn 18 before the sunset of the scheme,
- Persons who are not Australian citizens, or permanent residents.

The Bill also restricts eligibility to the scheme for people who are in prison. However, it is not clear whether the restriction applies only at the time of making the application, or whether someone who has been incarcerated at any time during the course of the scheme will be ineligible.

The Centre does not support any restrictions to the eligibility of survivors if they are otherwise in scope. We note that the operator may waive the exemptions if there are exceptional circumstances; however this is not defined in the Bill.

Individuals who have suffered as children should not be doubly punished for the culpability of adults by being excluded from compensation and services because they have been offenders or in prison, or are otherwise excluded. All survivors should be eligible to apply for redress under the scheme.

5. Defunct organisation

Sections 163-163 of the Bill relate to funder of last resort provisions. The Bill is silent on situations where a survivor was sexually abused in a now defunct organisation, but a government institution is not equally responsible for the abuse. It appears that in these situations a survivor will not be eligible for redress under the scheme. This means that the survivor will have no recourse in respect of the abuse suffered, either through the redress scheme or by civil litigation. The Bill should be amended to allow survivors who fall into this category to apply to the scheme, and the relevant state should be liable for the redress payments.

6. Rule and Frameworks

The Centre urges the Commonwealth to make the Rules and Assessment Framework Policy and Guidelines publically available as a matter of urgency. The operational details of the scheme are to be outlined in these supporting legislative documents, and until they are publically available it is difficult to make further comments about the operational aspects of the scheme.

7. A national and inclusive scheme



The Centre regards the proposed Commonwealth redress scheme as a critical step in reparation for past wrongs done to thousands of children by governments and institutions.

The Centre believes that for the scheme to be effective it needs to be truly national. It cannot be national unless all the states and territories sign up to it. Victoria and NSW have both introduced legislation to opt in to the scheme, the Centre urges all other states to do so as a matter for urgency.

However, we believe strongly that a redress scheme should not limit eligibility only to those who were sexually abused as children in institutional care. Redress should extend to all children who suffered forms of abuse while in care settings – sexual abuse, physical abuse, emotional and psychological abuse, neglect and forced separation from their families.

We note that the scheme is due to commence operation on 1 July 2018. Survivors, institutions and the Australian public need greater clarity about the details of the operation of the scheme. We request that all operational material, including the Rules, assessment frameworks, policy guidelines and application forms be released as a matter of urgency.

Sincerely,

Deb Tsorbaris

CEO