

Attorney General of Australia

3-5 National Circuit,

Barton, ACT.

2600

Dear Attorney General,

Re: Child Sexual Assault survivors convicted of a serious offense.

On 08 November 2018, I gave evidence before the joint parliamentary select committee into the implementation of the national redress scheme.

In my opening address (copy attached) I made reference to a number of provisions contained in the *National Redress Scheme for Institutional Child Sexual assault Act (Cth) 2018*. I write to you regarding those provisions related specifically to circumstances where a survivor of CSA is currently incarcerated or has been convicted to a gaol sentence of five years or more.

A number of provisions within the legislation limit the capacity of CSA survivors to apply for or receive redress if they have been convicted of a serious offence. They also provide for Attorney's General to decline redress, and seek to avoid survivor caused situations where the scheme may come into disrepute or suffer from a loss in public confidence. (These provisions can be found in sections 20 (1) (d), S 20 (2), S 63 (1) (b) and S 63 (5) (a) and (b).)

While the latter objective is laudable, it is misguided and at odds with the objects of the scheme – particularly with regard to proceeding in the knowledge of the nature and impacts of CSA. There is no dispute that anti-social behaviour and criminality are present in the lives of many CSA survivors and that there is a direct correlation between abuse and the risk of such behaviours. Nor can there be any dispute that criminal actions should be punished.

However, the conflation of the two issues in order to deny some people access to the redress scheme is inappropriate and unjust. The operator of the scheme, and the country's politicians need to hold firm and educate the community about CSA rather than surrendering to base instincts. There is irony in the fact that while legislators are concerned for the integrity of the scheme arising from the acts of some CSA survivors, there is no statutory provision regarding

bringing the scheme into disrepute or damaging public confidence through the failure of culpable institutions to participate.

I urge you, at the next meeting of Attorney's General to move that these provisions be repealed and replaced with a single provision which holds any redress payable to a current inmate in trust until her or his release. (unless there are compelling reasons to release the payment to family members) In the interim, I request that you and your fellow Attorney's confirm in writing your commitment to declining your rights under these specific provisions.

Should it be of assistance, I would be prepared to meet with the Attorney's general to explain my reasoning in detail.

Yours Sincerely,

Peter Gogarty

12 November 2018

Copy to:

All State and Territory Attorney's General

Commonwealth Attorney General

Joint Select Committee on the Implementation of the national Redress Scheme

Shadow Attorney's General - NSW and Victoria.