



**Australian Government**

**Department of Social Services**

**KATHRYN CAMPBELL CSC**

**SECRETARY OF THE DEPARTMENT OF SOCIAL  
SERVICES**

**STATEMENT TO THE COMMUNITY AFFAIRS LEGISLATION  
COMMITTEE**

**COMMITTEE ROOM 2S1**

**PARLIAMENT HOUSE**

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Senators, the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and the National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 were introduced into the House of Representatives on 10 May this year and passed on 29 May. They are now with the Senate for consideration.

To assist the Senate in considering this Bill, I will clarify several issues that have been raised with the Department about the operation of the Bill and the National Redress Scheme.

To develop a national scheme, at least one state had to refer its powers in this area to the Commonwealth.

Seven of the eight states and territories have agreed to opt into the scheme based on the bills before the Senate. Western Australia is expected to join shortly.

New South Wales has now referred its powers with legislation passing its parliament. Victoria is expected to complete this process in coming

weeks. Having these states pass this legislation relies on the National Bill remaining intact when it passes the Commonwealth Parliament.

Should the Commonwealth bill not pass or if it is amended in any way, any referral of powers will be rendered ineffective and there will be no National Scheme commencing on July 1.

If this happens, a new Bill will have to be renegotiated – not only with New South Wales and Victoria, but with every state which has agreed to the detail of these bills, and with each non-government institution that has decided to join.

In summary, a process that has taken 18 months will have to start again. There is no guarantee a state parliament would provide a referral to a new Bill.

Survivors, who have already waited a long time for redress, will have to wait longer.

All key elements of the scheme were negotiated and agreed with each state and territory. This approach is part of a system in which the average payment to survivors is \$11,000 more than that recommended by the Royal Commission. Put simply, more survivors will receive more in redress in this scheme.

This approach recognises that for the scheme to be truly national, all institutions must opt-in. Some have considerable resources; others do not. But we need them all in the scheme so that all survivors have the opportunity to access redress.

If a Commonwealth bill is passed, those states which have not referred their powers will pass adoption legislation. Non-government institutions which have agreed to opt in will sign Memorandum of Understanding with the Commonwealth Government, governing matters such as information sharing and how they will take financial responsibility for their survivors. The Minister for Social Services will then need to make declarations declaring institutions as participating in the Scheme.

The scheme is ready to commence on 1 July if the Commonwealth Parliament passes this legislation. In preparation, the Department of Social Services is working closely with the Department of Human Services which is responsible for service delivery, and with relevant government and non-government institutions.

The Departments of Social Services and Human Services have been developing the service delivery framework in close consultation with survivors' representative groups and advocates. Support and legal services have been funded to help survivors through the redress process.

Careful attention has been given to application and determination of process to ensure survivors are sensitively managed throughout.

I will now address a few matters which have been of particular interest to this committee.

Firstly, the National Bill does not prevent incarcerated survivors or survivors with a criminal history from applying. People who have been convicted of a serious criminal offence and sentenced to imprisonment for five years or longer will go through a special assessment process.

People who have a serious criminal conviction will have their application assessed on a case-by-case basis.

This is a decision of all governments and balances the need for the Scheme to recognise the impact that childhood abuse can have on a person's life with the need to ensure that the Scheme is not brought into disrepute.

Secondly, the indexation of past payments is included in the Scheme as was recommended by the Royal Commission. However, the Scheme will not deduct or index payments provided for access to counselling and psychological services, or routine payments of treatment, or other expenses like medical or dental bills.

The Scheme will not take into account one-off payments for specific purposes that are not in recognition of harm, even if the payment was requested by the survivor, for example, for consumer items or covering rent.

Also in line with the recommendations of the Royal Commission, relevant prior payments will be adjusted for inflation to account for changes in the value of money over time. The Scheme will be using a flat inflation rate of 1.9 per cent per annum when adjusting prior payments for inflation.

Thirdly, the Scheme will no longer use a matrix for assessment. In consultation with stakeholders, an assessment framework will be used for the scheme and will be publically available. This will be a high-level document demonstrating how assessments will be made under the Scheme. It will be declared as an instrument once legislation passes.

We have taken advice from survivor groups and the Independent Advisory Council that the language in this framework should be reasonably high level, to avoid triggering or re-traumatising survivors.

Fourthly, there are some key areas where changes have been made to the scheme following the recommendations of the Senate Community Affairs Legislation on 28 March. In addition to changes made to the criminal convictions policy, the time a person can take considering a redress offer has been extended from three to six months, with more time able to be provided if needed.

We are happy to answer any questions you may have about this important initiative.

Thank you