

## **Australian Government Departments' submission to the Joint Select Committee on the Oversight of the Implementation of Redress Related Recommendations of the Royal Commission**

### **1. Introduction**

The Australian Government Departments welcome the opportunity to make a submission to the *Joint Select Committee on the Oversight of Implementation of Redress Related Recommendations of the Royal Commission* (the Committee).

On 26 October 2017, the former Minister for Social Services, the Hon Christian Porter MP, introduced two bills into the House of Representatives: the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and the Commonwealth Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2017. The bills sought to establish a Commonwealth Redress Scheme for survivors of institutional child sexual abuse. This was a first step in acknowledging that child sexual abuse suffered by children in Commonwealth institutional settings was wrong and should not have happened.

The bills were introduced to ensure a Commonwealth Scheme could be implemented in the event state and territory governments and non-government institutions did not opt into a National Redress Scheme in time for commencement on 1 July 2018. The best outcome for survivors of child sexual abuse is for the Redress Scheme to be national in coverage with maximum participation from all responsible institutions in all jurisdictions.

Since the introduction of the Commonwealth bills, detailed negotiations with jurisdictions and non-government institutions continued to encourage them to opt in to a National Redress Scheme.

From March 2018, all jurisdictions progressively announced their commitment to join the National Redress Scheme. On 10 May 2018, the Minister for Social Services, the Hon Dan Tehan MP, introduced 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. The bills passed the Australian Parliament and received Royal Assent on 21 June 2018, to allow the National Redress Scheme to commence on 1 July 2018 in New South Wales (NSW), Victoria and the Australian Capital Territory (ACT). Work is underway in the other states to pass legislation in support of the Scheme. Now that the Australian Government has a commitment from all jurisdictions to join the National Redress Scheme, the Commonwealth will no longer proceed with the Commonwealth bills.

The development of the Scheme and the legislation were strongly informed by the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. Evidence collected by the Royal Commission demonstrated that the sexual abuse of children has occurred in over 4,000 institutions across Australia, indicating the importance of a National Redress Scheme.

The Scheme was also informed by the work of the Independent Advisory Council on Redress (IAC), which provided expert advice into policy and implementation considerations. The IAC includes survivors of institutional child sexual abuse, representatives from support organisations, as well as

legal and psychological experts, Indigenous and disability experts, institutional interest groups and those with a background in government.

The following submission provides a current overview of the Scheme's implementation by relevant Australian Government Departments, especially the Departments of Social Services (DSS) and Human Services (DHS).

## **2. Update post Scheme commencement**

### *Status of Scheme legislation and legislative instruments*

As mentioned above, the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (National Redress Scheme Act) has been passed and enacted, allowing the Scheme to have commenced on 1 July 2018.

The National Redress Scheme Act and related legislative and notifiable instruments have all now been made and registered:

- National Redress Scheme Act: [www.legislation.gov.au/Details/C2018A00045](http://www.legislation.gov.au/Details/C2018A00045)
- National Redress Scheme for Institutional Child Sexual Abuse Rules 2018: [www.legislation.gov.au/Details/F2018L00975](http://www.legislation.gov.au/Details/F2018L00975)
- National Redress Scheme for Institutional Child Sexual Abuse Declaration 2018: [www.legislation.gov.au/Details/F2018N00072](http://www.legislation.gov.au/Details/F2018N00072)
- National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018: [www.legislation.gov.au/Details/F2018L00969](http://www.legislation.gov.au/Details/F2018L00969)
- National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018: [www.legislation.gov.au/Details/F2018L00970](http://www.legislation.gov.au/Details/F2018L00970)

### *Status of participating jurisdictions*

All states and territories have announced their participation in the Scheme.

NSW, Victoria and ACT government institutions were declared to be participating in the Scheme on 29 June 2018. This follows referral legislation enacted by NSW on 23 May 2018 and Victoria on 13 June 2018.

Other states will need to pass legislation to adopt the National Redress Scheme Act and refer the power for the Commonwealth to make further amendments.

At the time of writing, the Queensland (QLD) and South Australian Governments had introduced their adoption legislation, with the QLD Bill expected to be debated in the August or September 2018 sitting periods. Other states were developing their adoption legislation.

The territories are not required to refer powers or pass adoption legislation. Applications about abuse that occurred in the Northern Territory (NT) are now in scope for the scheme and will be processed as they come in. The Department is currently working with the NT Government regarding the declaration for their participating institutions.

The Commonwealth and participating state and territory governments have finalised an Intergovernmental Agreement (IGA) to record their shared agreement and responsibility to implement the National Redress Scheme. Currently, the governments of NSW, Victoria, ACT,

Western Australia, South Australia and Tasmania have signed the IGA. The governments of Queensland and the Northern Territory are expected to sign the IGA shortly.

#### *Status of participating non-government institutions*

There are three non-government institutions (NGIs) that were declared to be participating in the Scheme from 1 July 2018. These are YMCA, Scouts NSW and Korowal School. These NGIs have formalised their participation in the Scheme by signing a Memorandum of Understanding (MoU) with the Department of Social Services (DSS), satisfying capacity to pay provisions in the National Redress Scheme Act and Rules, and providing other necessary information to the Scheme (e.g. their list of institutions).

#### *General update on status of other non-government institutions*

A number of other NGIs have publicly announced that they will participate in the Scheme. DSS is working actively with these NGIs through the various on-boarding steps in order for them to officially participate in the Scheme.

The NGIs who have publicly announced their intention to join the Scheme (as at 20 July 2018) are:

- Catholic Church
- Anglican Church
- Uniting Church
- other Scouts branches
- United Protestant Association of NSW
- Lutheran Church
- Australian Christian Churches
- Jewish Care (VIC)
- Jewish House (NSW)
- Kesser Torah College
- Barnardos Australia, and
- the Salvation Army.

These institutions are currently going through on-boarding processes and it is expected they will be formally participating in the Scheme in the next few months.

### **3. Implementation update**

#### **3.a Support Services**

##### *General update*

The Department of Social Services (DSS) funded support services as part of the Royal Commission into Institutional Responses to Child Sexual Abuse. DSS has continued to fund these community based providers to now deliver redress support services.

Redress support services are in place across Australia to provide timely and seamless access to trauma-informed and culturally appropriate community-based support services to assist people's engagement with the Scheme.

For many people who experienced institutional child sexual abuse, applying for redress may be the first time they disclose their abuse. It has the potential to be a difficult and confronting experience and requires professional and qualified support.

Redress support services are trusted, professional and highly skilled providers who respond to client needs in a way that matters most to the client. Although client needs and experiences are highly unique, we are aware of some client's distrust of government services, their higher needs and the barriers this cohort can sometimes face.

#### *The reach of support services in rural and remote areas*

There are 33 community based redress support services operating across Australia that are available to answer enquiries and support people engage with the National Redress Scheme. Of these (noting some organisations provide multiple services):

- 29 (87.9%) offer face to face services either in specific locations or across their state,
- 10 (30.3 %) provide services nationally over the phone, and
- 18 (54.5%) organisations are based in regional areas or have outreach to regional locations.

In addition, two organisations – the Aboriginal and Torres Strait Islander Healing Foundation and the Children and Young People with Disability Australia – are funded to assist these services to better respond to the needs of Indigenous Australians and people with disability.

From 2016 to 2018, in their capacity as Royal Commission Support Services, these organisations supported 23,855 people across Australia to engage with the Royal Commission into Institutional Responses to Child Sexual Abuse. A breakdown of service locations is provided at **Attachment A**. As these services have now transitioned to deliver redress support services, this data provides an indication of the current service coverage of redress support services.

Separate to the redress support services, to ensure people have access to expert legal advice during the application process, the Government has funded the legal service 'knowmore'. knowmore's services are free for people applying or thinking about applying to the Scheme. This service assists people to understand who can access the Scheme, the application process and provide legal advice on participating in the Scheme.

### **3.b Website and Communications**

#### *Availability and accessibility of information about the scheme*

On 1 July 2018, DSS implemented a series of communication products, including a purpose built website, to ensure information is easily accessible for people who want to know more about the Scheme ([www.nationalredress.gov.au](http://www.nationalredress.gov.au)).

DSS has employed a user interface design and a trauma informed approach, taking into consideration the communication guidelines of respect, clarity, provision of help and support, tone and consistency.

The communication approach for the Scheme will target people who are already engaged with support services, and then conduct further outreach once more institutions have joined.

The website and communication products have undertaken several forms of user experience testing, including desktop analysis, discovery research, developmental research, moderated and unmoderated interviews and content review. DSS conducted this testing with both survivors and survivor support groups.

The website and communication products meet the Web Content Accessibility Guidelines (WCAG) 2.0. DSS is currently developing an easy read fact sheet for people with disability and a suite of Indigenous fact sheets.

As at 22 July 2018, there have been more than 100,000 webpage views, as well as more than 13,000 individual users accessing the Scheme website.

### **3.c Application Process**

The National Redress Scheme application process was successfully launched on 1 July 2018.

To support people to engage with and access the Scheme, the following services are available:

- a dedicated helpline 1800 737 377 available Monday to Friday between 8am and 5pm (local time), except for public holidays, to answer questions about the Scheme and how to apply
- a trauma informed paper based and online application form.

#### *Update on applications*

As at 22 July 2018, the application form has been downloaded more than 4,700 times, the nominee form more than 1,200 times and the Scheme has received over 300 applications, either online or in paper form.

DHS is calling applicants or their nominees to acknowledge receipt of their application and to provide advice if a named institution has not joined, or if the institution is in the process of joining the Scheme, and to provide advice about this process.

If an institution has not joined the Scheme, applicants are provided with a choice to either have their application held open until the institution has joined, or applicants can withdraw their application and apply again when the institution has joined.

All applications are checked for completeness, acknowledgement calls are made and responsible institutions are contacted to request further information. Some applicants are asked to attend a DHS Service Centre in order to provide the required proof of identity documents.

#### *Update on Phone line*

As at 22 July 2018, 3,324 calls have been answered by DHS National Redress Scheme helpline staff.

### **3.d Independent Decision Makers**

The Scheme is in the process of appointing Independent Decision Makers (IDMs) to consider applications for redress.

All state and territory governments have been given the opportunity to provide nominations for IDMs. The first tranche of IDMs have undergone an extensive vetting and probity process to ensure independence from responsible institutions.

Additional IDMs will be on-boarded in the coming months as the volume of applications increase.

### **4. Ways in which this implementation might be improved**

The Scheme is still in the early stages of implementation. The Government will continue to monitor the implementation as the Scheme matures and applications progress through the assessment and acceptance stages.

### **5. Conclusion**

The Scheme will provide an avenue for the Commonwealth, state and territory governments, and non-government institutions, to acknowledge the wrongs of the past. It allows institutions to take responsibility for the harm of children that occurred under their watch. It is also an important step towards justice, and ensuring that governments and non-government institutions take steps to safeguard against these shameful acts being repeated in the future. The National Redress Scheme Act responds to the Royal Commission's redress recommendations, and establishes a nation-wide redress scheme that is larger than any previous state-based or overseas scheme, with greater coverage, scale and participating institutions.

The Australian Government Departments welcome the Committee's current inquiry into the implementation of the Scheme, and officials will be available to present evidence to the Committee, if necessary.

**Attachment A**

**Royal Commission Support Services data 2016 to 2018 by Statistical Area 4 (Data Source: DSS DEX)**

<b>State</b>	<b>Statistical Area 4</b>	<b>Individual clients</b>
ACT	Australian Capital Territory	546
NSW	Capital Region	141
NSW	Central Coast	185
NSW	Central West	157
NSW	Coffs Harbour - Grafton	123
NSW	Far West and Orana	60
NSW	Hunter Valley exc Newcastle	159
NSW	Illawarra	147
NSW	Mid North Coast	143
NSW	Murray	55
NSW	New England and North West	109
NSW	Newcastle and Lake Macquarie	295
NSW	Richmond - Tweed	264
NSW	Riverina	244
NSW	Southern Highlands and Shoalhaven	107
NSW	Sydney - Baulkham Hills and Hawkesbury	87
NSW	Sydney - Blacktown	118
NSW	Sydney - City and Inner South	770
NSW	Sydney - Eastern Suburbs	202
NSW	Sydney - Inner South West	169
NSW	Sydney - Inner West	615
NSW	Sydney - North Sydney and Hornsby*	8,313
NSW	Sydney - Northern Beaches	107
NSW	Sydney - Outer South West	109
NSW	Sydney - Outer West and Blue Mountains	251
NSW	Sydney - Parramatta	168
NSW	Sydney - Ryde	79
NSW	Sydney - South West	67
NSW	Sydney - Sutherland	107
NT	Darwin	151
NT	Northern Territory - Outback	52
QLD	Brisbane - East	130
QLD	Brisbane - North	130
QLD	Brisbane - South	227
QLD	Brisbane - West	70
QLD	Brisbane Inner City	643
QLD	Cairns	147
QLD	Darling Downs - Maranoa	74
QLD	Gold Coast	233
QLD	Ipswich	332
QLD	Logan - Beaudesert	208

State	Statistical Area 4	Individual clients
QLD	Mackay	83
QLD	Moreton Bay - North	254
QLD	Moreton Bay - South	136
QLD	Queensland - Outback	33
QLD	Sunshine Coast	177
QLD	Toowoomba	100
QLD	Townsville	179
QLD	Wide Bay	242
SA	Adelaide - Central and Hills	494
SA	Adelaide - North	184
SA	Adelaide - South	130
SA	Adelaide - West	99
SA	Barossa - Yorke - Mid North	36
SA	South Australia - Outback	49
SA	South Australia - South East	95
TAS	Hobart	242
TAS	Launceston and North East	140
TAS	South East	27
TAS	West and North West	77
VIC	Ballarat	131
VIC	Bendigo	117
VIC	Geelong	164
VIC	Hume	86
VIC	Latrobe - Gippsland	133
VIC	Melbourne - Inner	1,260
VIC	Melbourne - Inner East	150
VIC	Melbourne - Inner South	149
VIC	Melbourne - North East	150
VIC	Melbourne - North West	97
VIC	Melbourne - Outer East	192
VIC	Melbourne - South East	211
VIC	Melbourne - West	288
VIC	Mornington Peninsula	147
VIC	North West	77
VIC	Shepparton	42
VIC	Warrnambool and South West	57
WA	Bunbury	70
WA	Mandurah	39
WA	Perth - Inner	245
WA	Perth - North East	176
WA	Perth - North West	168
WA	Perth - South East	199
WA	Perth - South West	234



State	Statistical Area 4	Individual clients
WA	Western Australia - Outback	96
WA	Western Australia - Wheat Belt	106
	<b>Total</b>	<b>23,855</b>

\* Callers to Blue Knot Foundation call centre counted in Northern Sydney if the service is unable to determine the caller's location.