



Our **Mission** is to provide a coordinated and holistic approach to the prevention and treatment of child sexual abuse.

Our **Vision** is a world where people, communities and systems all work together to protect children from sexual abuse.

# Submission to the Joint Standing Committee on Implementation of the National Redress Scheme

## Inquiry into the Operation of the National Redress Scheme

**Beyond Brave Redress Support Service**  
**27 February 2023**

## **ABOUT BRAVEHEARTS FOUNDATION**

Bravehearts Foundation is an Australian child protection not-for-profit organisation, solely dedicated to the prevention and treatment of child sexual abuse.

Our mission is to provide a coordinated and holistic approach to the prevention and treatment of child sexual abuse.

Our vision is a world where people, communities and systems all work together to protect children from sexual abuse.

For 26 years we have been providing advice and support to those affected by Child Sexual Assault and today we provide a range of services, including industry-leading child protection training and education programs, specialist child sexual assault counselling and Redress Support Services as well as engaging in research and lobbying.

We provide these services regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

## **BEYOND BRAVE**

Beyond Brave is a National Redress Support Service funded by the Department of Social Services ('DSS') to provide flexible and timely assistance and support to people engaging with the National Redress Scheme.

## BEYOND BRAVE'S SUBMISSION

Beyond Brave welcomes the opportunity to have an input into the Joint Standing Committee inquiry into the operation of the National Redress Scheme ('NRS').

Beyond Brave also acknowledges the open and frank conversations which take place at regular meetings between our service and senior representatives of DSS and other service providers in Queensland. These meetings have become an important forum for the sharing of information, feedback and explanations of policy. Important practice updates are also provided during these meetings.

Further, we want to acknowledge DSS's commitment to supporting the Redress Support Services ('RSS') and always willing to take our feedback.

In this submission we share our experiences as a support service and the feedback from our clients in relation to their experiences with the NRS.

This submission will focus on the following areas:

1. Applications for Redress from First Nations people; and
2. The availability of legal advice for applicants.

### 1. Applications for Redress from First Nations people

Since 2019, Beyond Brave has provided targeted outreach services to Townsville, Palm Island, Cairns and other areas in North Queensland, with a focus on Aboriginal and Torres Strait Islander communities.

Demand for our services in North Queensland has been significant and demonstrates the need for RSS's to provide consistent, reliable and culturally safe support in remote and regional communities.

Through our outreach work we have seen first-hand some of the difficulties experienced by First Nations people accessing the NRS. In particular, Beyond Brave staff have raised concerns about the level of cultural awareness and sensitivity among some NRS staff.

Many of our Aboriginal and Torres Strait Islander clients have also expressed concerns about the continued lack of knowledge and understanding within the NRS about the experiences of Aboriginal and Torres Strait Islander survivors, particularly as it relates to how policies, practices and laws of the day impacted their lives.

Some of our clients have also expressed frustration at the lack of information provided by the NRS about the progress of their applications and the length of time Applications are taking to process, with some clients now waiting between 12 to 18 months for an outcome.

In fact, we have one application that has been with the Independent Decision Maker for six months. The NRS has refused, despite repeatedly raising complaints about this application to be transparent about why the decision is taking so long. This has caused significant distress to our client and has led to her taking stress leave from work.

In addition, our staff have raised concerns about the growing inflexibility within the NRS particularly in relation to the nominee process. Many of our elderly Aboriginal and Torres Strait clients do not want to have direct contact with the NRS and allocate Beyond Brave as their Assistance Nominee. We express our client wishes in the Application form and in cover letter we send to the NRS.

Despite the Nominee form being completed correctly and signed by our clients, NRS staff often refuse to accept the form. At times, they even refuse to communicate with us unless they are able to obtain verbal consent from our clients, which they claim has to be done during the Outbound Acknowledgment Calls and in our absence. This is a frustrating situation that fails to consider the express wishes of clients, which we argue is not trauma informed.

The NRS is aware of this ongoing issue, and have assured us that they are working to improve training for staff. But this is not a new problem. Issues with the nominee process have existed since the beginning of the NRS and have been raised in several different forums.

Feedback from our staff is that there is also lack of understanding by the NRS of the privacy and confidentiality issues faced by many Aboriginal and Torres Strait Islander clients living in remote and regional communities.

An example of this was the recent experience of one of our clients located in a remote community in North QLD. We have chosen not to name the particular community to respect the privacy of our client.

The client submitted her application to the NRS in November 2021. Due to a number of administrative errors on the part of the NRS, the clients application spent seven months in the initial stages.

In October 2022, we were advised by a staff member of the Indigenous Team that the Policy team had requested that our client confirm her identity with Centrelink on their Customer First Client Management system. This is despite her ID being accepted in March 2022 by the NRS and having received her advance payment.

We explained to the case coordinator that our client was concerned that her privacy would be compromised if she was to do this as Centrelink is staffed by people from community. We stated that in the past the NRS was willing to compromise and work with our vulnerable clients in this remote area and that they were willing to accept the 'Confirmation of identity – Verification for Aboriginal and Torres Strait Islander People' (RA 010) Form with JP signed ID. This form enables individuals to provide information on their identity if they are Aboriginal and Torres Strait Islander who have no other identity documents available.

Unfortunately, our concerns regarding our clients confidentiality were dismissed by the case coordinator and we were advised that our client would not have to tell Centrelink staff it was for Redress. It seemed that the case coordinator in this instance did not grasp the difficulties that our clients face in remote communities. He also did not have an understanding of the RA 010 Form and in fact provided us with incorrect information, such as requiring that it be witnessed only by Centrelink staff.

On 21 October 2022, following the direction given by the case coordinator, our client attended Centrelink and attempted to provide her ID to Centrelink staff. The staff member she spoke to requested that she provide her with her RV number and stated that she needed this to confirm her ID on Customer First. Our client was understandably upset as her privacy was compromised and she feared that her community will know that she has an Application with the NRS. This is something she was desperately trying to avoid. Unfortunately, our client was not able to confirm her ID with Centrelink.

We contacted the case coordinator on 21 October and advised him of our clients experience and we commented on the need for the NRS to be more culturally responsive to the needs of our Aboriginal and Torres Strait Islander clients that reside in remote communities. The case coordinator did not seem to understand our concerns and stated that the NRS needed to do this because of the increase in 'fraudulent claims' being received. Following this experience, we raised a complaint with the NRS who acknowledged that our client should not have been made to do this and advised that NRS staff would receive training on RA 010 form.

Despite these assurances, privacy and confidentiality continue to be an ongoing issue for many of our clients in remote communities and its' something that the NRS needs to consider in their policies and practices.

## Recommendations

- We respectfully submit that the NRS needs to be more flexible in their approach particularly with respect to clients living in remote and regional communities and consider the individual circumstances of clients and alternative methods of confirm ID with Centrelink such as the RA 010 Form.
- Annual Cultural Responsiveness training for NRS staff not just at the beginning of their employment with the NRS.

## 2. The availability of legal advice for applicants

In our submission to the former Joint Select Committee on the Implementation of the National Redress Scheme in 2021, we raised our concerns about unscrupulous law firms and so called survivor advocate groups. We gave examples of some of the practices we have witnessed in Correctional Facilities and called for more government action to stop this predatory behaviour.

In June 2022, the *Personal Injuries Proceedings and Other Legislation Amendment Bill 2022* passed the Queensland Parliament, prohibiting the unscrupulous practices of claim farming for personal injury compensation claims. We welcome this development and are cautiously optimistic about the impact of this legislation in Queensland.

Despite this development, Beyond Brave remains concerned about the exploitative behaviour of some Personal Injury law firms and survivor advocate groups. We are aware that survivor advocate groups have shifted their focus away from Queensland and are now targeting vulnerable communities in the Northern Territory, New South Wales and Western Australia, where such laws do not exist and there is a lack of knowledge about

the NRS. Information we have received suggest that they are targeting clients through public forums and Facebook survivor groups.

Feedback from clients who have been approached by survivor advocate groups is that they are often subjected to daily calls, are not told that the NRS is an option for them and that there are free services available.

We have seen 'cost agreements' that are not explained to clients nor are they advised to obtain independent legal advice before signing. Clients often don't understand that their information has been passed onto a law firm and that they are signing a binding agreement that has financial implications for them.

One client approached us after signing a cost agreement with a Law Firm which he did not understand and only signed it after getting repeated phone calls from a Solicitor. He believed that the survivor advocate group who he approached for assistance was going to do the claim for him.

He was not advised about the NRS and was not even aware it existed until he was referred to us by a friend. The client was charged \$9,680 by the survivor advocate group to obtain a statement and investigate the matter. We attempted, with the support of knowmore, to have the Cost Agreement set aside but the client was pressured to continue with the law firm.

Feedback from Beyond Brave staff is that some clients are waiting for four or five years for their claims to reach an outcome, with many receiving limited communication from the law firm about the progress of their matters. Many clients who are in correctional facilities are told they are not eligible for Redress as they have been sentenced for more than 5 years imprisonment.

We acknowledge that the NRS has updated their website to provide more information about knowmore and has developed a fact sheet on 'Legal Support'. This fact sheet provides information about the legal support available to those applying to the NRS and provides advice on private legal support and warns clients about the potential fees that they may need to pay. This is helpful and a step in the right direction. However, we believe that more needs to be done to bring this important information to the attention of potential applicants.

## **Recommendations**

- We recommend putting warnings and/or alerts on the NRS website about claim farming and the recent law change in Queensland.
- We suggest also updating the 'free support' tab to warn people that there are organisations/law firms that may charge to complete Redress Applications and to seek free legal advice from knowmore before signing any documents.