

Joint Standing Committee on Implementation of the National Redress Scheme

Discussion Paper: Inquiry into the operation of the National Redress Scheme

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About Survivors & Mates Support Network

Survivors & Mates Support Network (SAMSN) is grateful for the opportunity to respond to the important issues raised in this Discussion Paper.

SAMSN is one of the Commonwealth-funded Redress Support Services providing support in NSW to male survivors of institutional child sexual abuse as they work through their options for compensation and/or redress. This funding also enables SAMSN to capacity build Redress Support Services in South Australia and Tasmania and to accept referrals from those services of clients they are not able to assist for example where the client has requested a male counsellor.

SAMSN was founded 10 years ago by a small group of survivors who set out to build a service dedicated to supporting men and their families.

SAMSN's purpose is to build a support network that gives voice and agency to male survivors, their families and supporters. SAMSN believes male survivors of childhood sexual abuse can recover, support others to thrive and be leaders for change.

SAMSN offers a range of professional and peer support services and resources to assist men to recover from the impacts of child sexual abuse.

Combining a lived experience and professional service model, SAMSN has established itself as an essential service that is in high demand.

SAMSN has responded to the Discussion Paper in its capacity as a Redress Support Service.

KEY THEMES

Lived experience of First Nations people and people with disability

What extra support would have helped you access the scheme?

Many of our clients including those who identify as Aboriginal or Torres Strait Islander people and clients who advise they are people with disability, tell us of the difficulties they have with the redress application form. Even with SAMSN's help to complete the application form they experience shame and embarrassment in completing Part 2 of the application. Most of our clients require many appointments and considerable time and support to complete the form. Unfortunately, we know that support especially for male survivors, is not always there especially in regional, rural and remote regions.



It has also been our experience that people with disability need alternate ways to provide the information. It would certainly assist some of the SAMSN clients if there were alternate ways of providing information to answer the questions, for example either by recording their answers or by being able to draw the answers to the questions.

Have you tried to access the scheme but been turned away or deterred by a certain aspect or requirement?

Many male survivors contact SAMSN making an initial enquiry about redress. It is not unusual for those clients to delay reconnecting with SAMSN for another twelve months. Many SAMSN clients experience shame, guilt and embarrassment as they begin to talk about their childhood and the abuse. They have often not disclosed details of their childhood abuse to close family members or friends. This can be an incredibly confronting and difficult process.

Many men tell us that the language around the scheme, especially the legal aspects of the scheme can be overwhelming. Many find the initial outbound call they receive from the scheme difficult.

Do you see there as being barriers to accessing the scheme?

The experience of childhood sexual abuse is such an intimate issue to discuss with people you do not know. Talking about such matters often for the first time, takes courage and takes a willingness to trust people. Some clients accessing support from SAMSN are often taking 12 months after making initial contact, to reconnect. Then they often take another 12 to 14 months to complete the redress application.

As a service we are concerned that many people will not be able to safely apply for redress before the closing date for the receipt of applications on 30 June 2027.

How could the operation of the scheme be improved?

SAMSN advocates for the extension of the closing date for the receipt by the scheme of applications by at least 5 years, to 2032.

Information about the scheme needs to be disseminated to community organisations not just those in remote and regional communities, but also suburban communities, where we are still finding there is either little or no information about the scheme.

In terms of improving the operation of the scheme, SAMSN would suggest that as a matter of urgency, the following be established:

- i. access be set up to the scheme by way of email (this can be done by secure email) for support services. This would enable the free flow of information about the applicant and their application between the support service and the scheme in a timely way. Reliance on mail, when postal deliveries are often delayed or mail is lost, cannot be seen as being in the best interests of the applicants.



- ii. Where an application has been in the investigation/Stage 2 of the process, for more than 12 months, that the applicant and/or support service be told why this has happened and what if anything can be done to remedy the situation. This will ensure transparency of the process and help manage expectations.
- iii. The applicant and/or the support service be told that the application has been sent to the Independent Decision Maker/Stage 3 of the process. This would ensure transparency of the process and also help the applicant manage their expectations around the likely time-frame of an outcome.

Availability of legal support

What was your experience seeking legal assistance with redress?

Obtaining legal advice about options is vital, enabling the survivor to make an informed choice about the type of legal help they receive. SAMSN encourages all clients seeking redress to first obtain advice as to their legal options from knowmore. SAMSN is grateful for the support provided by knowmore.

It would be beneficial if free legal assistance were also available through the national community legal centres network. Many community legal centres are trusted sources of information in their community. Skilling up the lawyers in community legal centres would ensure there were different access points for free legal information and advice.

Did you use a free legal support service (such as knowmore) or a private law firm?

As a matter of policy SAMSN encourages all its redress clients to obtain free legal advice from knowmore before commencing the redress process or civil litigation.

If you used a private firm, do you feel your fees were excessive?

Many clients contacting SAMSN are already engaged in the civil litigation process. SAMSN supports these clients through the process only to find that the stress of the legal processes is often referred to by the clients as worse than the abuse itself. The fees charged are quite high. SAMSN has been involved (successfully) on several occasions in negotiations with law firms to reduce the fees they are looking to recover.

Unfortunately, the majority of these clients were not told by their lawyers of the National Redress Scheme. Some clients at the conclusion of their civil litigation proceedings do go on with support, to apply to the scheme for a top up. However, for many clients it is too much, even though the redress process itself is not as intense as that of civil litigation.



Did you feel pressured to make a civil claim rather than apply through the redress scheme?

Many of the clients contacting SAMSN tell us their lawyer did not tell them about the redress scheme. Many were promised very large compensation payouts and felt pressured to commence proceedings to achieve that payout. Many clients did not receive anywhere near the compensation promised by lawyers, those clients have reported feeling worthless, betrayed and diminished yet again.

Have you made an application for redress through the scheme where your civil proceedings for the same claim have been permanently stayed by a court?

SAMSN does not have any clients for whom this applies.

Were you made aware of free legal supports available?

All clients coming to SAMSN are made aware of the free legal service provided by knowmore. All clients who would like to access this service are supported to make an appointment to talk to a lawyer at knowmore. However, for those clients who come to SAMSN mid-way through their civil litigation claim, many advise they were not told that free legal support was available.

In addition, SAMSN wishes to endorse the implementation of recommendations 15, 16 and 17 of the Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme (November 2021), relating to legal advice and private law firms.

Accessibility and funding for support services

Did you feel like there were adequate support services available to you?

The Child Abuse Royal Commission noted that 63.3% of people attending private sessions were men.

SAMSN is a specialist support service for male survivors of child sexual abuse. SAMSN is based in NSW and is funded to support male survivors in that state. SAMSN also receives Commonwealth funding to capacity build Redress Support Services in South Australia and Tasmania, and to take referrals from those services where they are not able to provide that support, for example where a survivor wants to work with a male counsellor.

There is no other funded specialist Redress Support Service providing support for male survivors. SAMSN takes calls from men from around Australia seeking assistance. However, SAMSN is only able to support male survivors in NSW and those referred to SAMSN by Redress Support Services in South Australia and Tasmania where those support services are not able to offer the support needed.

There is a need for SAMSN to be funded nationally or for other male support services to be identified and funded.

Do you think there are areas where additional support should be available?

Please see our comments above.



Effect of the protected information provisions in legislation

Are current protected information provisions sufficient?

See our comments below.

Are these provisions too restrictive?

SAMSN is of the view the protected information provisions are too restrictive. SAMSN would support the relaxation of the protected information provisions for banks, enabling banks to contact clients when they see unusual transactions occurring. SAMSN believes this to be occurring in two situations. The first is where a large deposit is made and the bank's requirements to investigate possible money laundering are activated. The current protected information provisions prevent the bank from contacting the client to ask where the deposit has come from. Being unable to ask this question, often leads to extremely difficult and embarrassing interactions between the client/customer and the bank.

The second is when lump sums begin to be withdrawn at regular intervals from the customer's account prompting concern by banking staff about the possibility of financial abuse. The protected information provisions again prevent the bank from contacting the client/customer to express their concern and to offer support to manage the redress payment.

Application process in general

Could the application process be improved?

SAMSN acknowledges that the scheme is committed to making the application form more accessible. However the form still comprises 61 questions over 30 pages. Before the client begins completing the form there are 10 pages of information to read. All of this assumes the person completing the form has a high level of literacy. This assumption is not always correct.

It would be helpful if there could be other ways in which the application form could be worded and the questions answered. The form does not take into account people who even with support have difficulty with reading the form and writing down their answers

It would be helpful if the initial 10 pages providing information could be written in more accessible language, even making use of diagrams. This would enable people with cognitive disability to read, understand and go on to complete the application more easily.

Consideration could also be given to different ways of providing the information to answer the questions. For example,

- i. people could make recordings of their answers to the questions, or
- ii. people could draw answers to the questions.

