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# **National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020**

**Sexual Assault Support Service Inc. (SASS) Submission**

**October 2020**

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Sexual  
Assault  
Support  
Service

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## National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020 *SASS Submission*

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### Introduction

Sexual Assault Support Service (SASS) Inc. is a community-based service committed to providing high-quality support and information services to survivors of sexual assault in Southern Tasmania, carers and support people, professionals and the general public. SASS offers a 24-hour sexual assault crisis response program; 24-hour phone support and counselling service to people affected by sexual assault; and face to face information, counselling, and referral services for anyone affected by sexual assault.

In order to provide responsive and holistic services to individuals, families and the broader community, SASS facilitates therapeutic intervention programs for children and young people (aged under 18 years) who are displaying harmful sexual behaviours. We are currently accepting referrals into this free program for children aged up to 11 years. We can provide a fee-for-service behavioural change program for adolescents aged 12-17 years.

SASS is also funded to provide a Redress Scheme Support Service. This is a free and confidential support service for people who are seeking information on or wanting to apply to the National Redress Scheme for people who have experienced institutional child sexual abuse.

SASS appreciates the opportunity to provide comment on the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020.

### Brief submission

From SASS's reading of the Bill, there do not appear to be any problematic components. We would like to make a submission on a broader issue of relevance. We note the revised deadline for institutions to participate in the National Redress Scheme, which was extended from 30<sup>th</sup> June 2020 until 31<sup>st</sup> December 2020 due to the wide scale effects of the COVID-19 pandemic. **We submit that this deadline should be extended further.**

The National Redress Scheme is set to run for another 7-8 years. We understand that at the outset, it was important to encourage institutions to join the voluntary Scheme sooner rather than later, to minimise the risk of causing further distress to survivors. However, we are concerned that some institutions may still be at the stage of considering, planning and decision-making, and therefore may need more time. By recognising this possibility, we do not seek to defend the actions of any institution; we simply acknowledge that some institutions may be engaged in complex financial and legal deliberations about the feasibility of participation. We are also concerned about the possibility that some institutions could be biding time quietly until the 2020 deadline passes.

It would appear that the option to extend the deadline is up for consideration. For the purposes of this submission, we draw the reader's attention to relevant wording from the Bill's Explanatory Memorandum and we have italicised a key statement:

***Part 7 – Disclosure to encourage institutions to participate in the scheme***

**Item 49** adds a new authorisation for disclosure of protected information to section 95. New subsection 95(1A) permits information about a non-participating institution that is provided to, or obtained by, an officer of the Scheme for the purposes of the Scheme to be disclosed to a third party for the purpose of encouraging the institution to participate in the Scheme.

This new provision will facilitate engagement with and between States, Territories and non-government institutions such as peak bodies, and support proactive engagement to encourage institutions to participate in the Scheme. *This will be of particular benefit in the lead up to the 31 December 2020 deadline for institutions to be declared participating institutions and in the event the Minister extends this timeframe by prescribing a later date [SASS's italics].* Having more institutions participate in the Scheme will maximise the number of survivors who have access to redress through the Scheme.

Earlier this year, we noted a spike in media coverage about the upcoming deadline for participation and the Australian Government's decision to "name and shame" institutions that had not yet signed up to the Scheme.<sup>1</sup> The coverage included announcements from Government that publicly named organisations would be deemed ineligible for Commonwealth grants and options to revoke tax concessions were being investigated.<sup>2</sup> Currently, the National Redress Scheme website lists four (4) institutions that have not yet joined the Scheme or signified their intent to join, and explains that:

This list is not exhaustive. There may be institutions that are defunct, meaning they no longer exist, and as such could not meet the requirements. *The Scheme is continuously working with organisations that have been named in applications or identified by other means, so this list will be updated frequently [SASS's italics].* The list may also not include

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<sup>1</sup> For example, see:

<https://www.abc.net.au/radionational/programs/breakfast/government-to-name-and-shame-organisations/12195976>

<https://www.abc.net.au/radio/programs/am/organisations-refusing-to-sign-redress-scheme-named-and-shamed/12408828>

<https://www.sbs.com.au/news/scott-morrison-slams-reprehensible-groups-refusing-to-join-child-abuse-redress-scheme>

<sup>2</sup> See:

<https://www.abc.net.au/radio/programs/am/organisations-refusing-to-sign-redress-scheme-named-and-shamed/12408828>

all names used by an institution, for example, each school or home operated by an institution.<sup>3</sup>

The logical assumption to make is that this list will only be maintained and updated until 31<sup>st</sup> December 2020, unless the Minister decides to extend this deadline for participation. In our view, efforts to influence behaviour and decision-making by drawing public attention to non-participating and ‘slow to move’ institutions are likely to have limited impact, when the timespan of increased focus and attention is so limited.

We urge the Minister to extend the deadline, at least until the midway point of the ten-year National Redress Scheme.

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<sup>3</sup> Site accessed most recently by SASS on 29<sup>th</sup> October 2020. See: <https://www.nationalredress.gov.au/institutions/institutions-have-not-yet-joined>