



**Aboriginal Family Legal Service Response to Questions on Notice  
from the 7 July 2023 Public Hearing**

**The information provided below is based on the recollection and experiences of Kim Axford, AFLS Redress Program Managing Solicitor.**

Redress WA was approved by Cabinet on 3 December 2007, and it was publicly announced on 17 December 2007. To be eligible for Redress WA an applicant must have been in State care prior to 1 June 2006 under 18 years of age, and experienced abuse and/or neglect. An applicant did not have to be a survivor of sexual abuse to be eligible to this scheme, and it was in relation to State care only.

Redress WA was based on four pillars of support:

1. an opportunity to make a police referral;
2. a personal apology from the Premier and Minister for Community Services;
3. provision of support and counselling services; and
4. an ex-gratia payment.

The timeframe to lodge applications was over a 12-month period from 1 May 2008 until 30 April 2009. An extension of time was made for people who had not been able to lodge an application by 30 April 2009 but had their name and details provided in lists. They had a further 2 months to lodge applications, which this was further extended until 30 October 2009 to allow time for remote applicants.

Redress WA started out with a maximum payment of \$80,000, though in June 2009 the Government decided to change the maximum payment from \$80,000, to \$45,000 payment. An announcement was made on 28 July 2009 of the reduction in payment amounts. This scheme was the first the State Government had run of this kind. This scheme was in no way a perfect scheme.

My evidence in relation to the further Questions on Notice is provided below.

**1. You mentioned in your evidence before the committee on July 7 that the Redress WA Scheme was more straight forward and less regimented than the National Redress Scheme (NRS). The WA Redress Scheme ran for only 3 years, yet there were over 5200 offers made during that time.**

**a. How was the level of awareness amongst First Nations people throughout WA in comparison to the current National Redress Scheme?**

The Western Australian Government Department of Communities Final Report on Redress WA (the Final Report) prepared by Dr Marilyn Rock advises that there were 5917 completed and assessed applications and 3024 were from Aboriginal and Torres Strait Islander people. This means that 51% of all applications were from Aboriginal and Torres Strait Islander people.

In relation to the National Redress Scheme, I understand that the NRS has not reached the same figure of applicants in Western Australia as the State scheme over the first 5 years. I am unaware of the percentage of those applicants to the NRS who are Aboriginal or Torres Strait Islander.

I have only come into this space from July 2022, so 4 years into the NRS and I have been told by other service providers that there has been limited knowledge about the scheme especially in remote locations. It is my view that we need to go out to those remote locations more frequently to reach out to services and potential applicants. We need to be able to speak to people in the communities, as a best practice way of spreading the word. This is however, not possible, without sufficient funding and resourcing to do so.

**b. How was the WA scheme publicised, particularly in remote and regional areas, in comparison to the current National Redress Scheme?**

Dr Marilyn Rock advised in the Final Report that Redress WA was advertised widely through print and electronic media in WA and other states, and promoted through government departments and non-government agencies. This is not my recollection of the WA scheme. I do note that the Redress WA application did ask applicants how they heard about the scheme for statistical purposes, such as via newspapers, television, radio, website, Redress WA Information Session or through friends and family.

The organisation I worked for sent mail outs to clients and members of the Stolen Generations. This list contained hundreds if not a thousand people. The organisation also had offices all over the state including in remote locations, and local Aboriginal staff who were able to assist with engaging the local community and spreading the word about Redress WA. We conducted many trips, including with the assistance of pro-bono lawyers to regional locations and remote communities, to contact potential applicants. Aboriginal staff assisted on these engagements to overcome language barriers. I have been told by a colleague who also worked with the organisation at the time that she remembers the service had developed posters which were placed in different organisations and placed advertisements in newspapers. It is my understanding that word of mouth was one of the most successful forms of communication.

I believe that the NRS is not widely publicised for fear of re-traumatising potential applicants. Redress Support Services are able to provide information about the NRS in various forms of communication such as on websites, social media, posters, flyers, pamphlets, community education, radio etc. The content must be approved by NRS to make sure it is accurate, and trauma informed.

Since providing Redress services, AFLS has developed various forms of communication to inform the community about the NRS and other legal assistance and non-legal support services that AFLS offers. We share this information with stakeholders, service providers and community through open days, community engagement and community legal education activities. We strongly feel that we need to increase the accessibility of our Redress program to residents of remote Aboriginal communities, but again our capacity to do this is limited by our restrictive funding arrangements.

**c. How was the WA scheme more straightforward – was it the application process, the timeliness of the responses, etc?**

In my experience, the WA scheme was not as regimented as the NRS. The WA scheme application was nevertheless still detailed, and the timeliness of responses were still long.

The NRS provides thorough training resources to Redress Support Services through online courses, manuals, framework, and guides in how to support applicants. The NRS seeks to ensure all applicants are assisted in the most trauma-informed way possible. The NRS has regular network meetings with Redress Support Services.

The NRS has an additional form, the assistance nominee form, which needs to be completed if an applicant wants a service provider or another person to be able to speak to NRS in their behalf.

The NRS makes an initial phone call to all applicants called the acknowledgement call. This is to confirm identification and ask a few administrative questions. If an applicant does not receive Centrelink payments, they may have to attend a local Centrelink office to provide identification.

The only means of contacting the NRS is via post, telephone or via an applicant's myGov account, so accessing the NRS is difficult. It also takes a long time to provide further information or receive information back from the scheme. The WA scheme did not have these requirements.

**d. What other learnings from the WA scheme might be useful in improving the NRS?**

The importance of having flexibility to quickly adapt to a situation would be useful. The WA scheme was able to accept names and details on a list and allow further time to lodge a full application, though that scheme did not run for a long time.

**2. There have been several submissions which discuss the difficulties that many applicants have had in addressing question 44 on the NRS application due to the trauma that this often triggers. Some submissions report this as a major deterrent to progressing for many applicants.**

**a. Has this been the experience of the Aboriginal Family Legal Service of WA?**

Yes, every applicant seems to struggle with question 44.

Many applicants stop at this question and need to come back another time and prepare themselves to answer this question. Applicant responses tend to be vague, and you have to ask a lot of questions to get the necessary information out of them that we know the scheme wants.

More mature men tend to struggle with this as they do not seem to be able to make themselves say the words. We have to look for alternative ways for some applicants to be able to provide this information such as via email, in writing or over the phone. We avoid too much eye contact.

We have been told by some applicants that they know people who would be eligible for NRS but they are too shame to talk about what happened. We do have applicants who are not ready to answer question 44 yet and require counselling beforehand which may allow them to disclose the necessary information.

We are additionally concerned about meeting with applicants who live in remote areas where there are very minimal supports for them to access either before or after they decide to disclose this information, which is a risk for them.

**b. Were applicants for the WA scheme required to provide a response similar to that asked in question 44?**

Yes, detailed information had to be provided in relation to the abuse and/or neglect experienced, however not to the same level as required for the NRS.

**c. Are people who received an outcome under the WA scheme eligible to apply for the NRS?**

Yes, they are eligible to also apply to the NRS though any ex-gratia payment they previously received from the WA scheme for the same abuse they experienced will be deducted from any Redress payment offered by NRS.

**3. How long is your current wait time for new applicants under the current resourcing levels?**

We see applicants in various locations which means our wait times within those particular areas are more dependent on when we will be travelling back to those locations. We travel to the Midwest every 2 months and to the Gascoyne every 2 months, which is what our budget allows.

We have a constant flow of applicants coming to us within our service areas. Whenever we travel to these locations, we talk to community members and service providers and provide information to inform the local community of the NRS and what service AFLS can offer. We hope over time more people will become aware of the NRS and will seek assistance if that is what they wish to do.

**a. How does the level of funding your organisation received for the WA scheme compare to funding under the National Redress Scheme?**

I cannot answer this question, as I was not across the funding for the WA scheme program at my previous organisation. However, I do know that the service received payment for 6 hours of work per applicant.

The current funding levels AFLS has under the NRS are not sufficient to pay for all the salary of staff engaged in the Redress work, let alone the extent of the regional travel that is required.

**b. Current funding for AFLSWA is \$250,000 per year. How much would your funding need to be increased to meet the travel requirements for greater community outreach, face-to-face engagement, and reducing wait times to a more reasonable level?**

We would like the funding to be increased to \$750,000 per year to meet the costs of salary, administration costs and to allow us to travel more within the regions. We attach a copy of a budget breakdown that may suffice to be able to better service our funded regions.

We currently have a .7 FTE Managing Solicitor roll, a 1. FTE Solicitor, a .8 FTE Social Worker and a .4 FTE Administration Officer. We have had to source funding from alternative short-term sources to cover these expenses.

\$750,000 per year would allow our service to cover the salaries of our staff and provide more travel out to the regions to better engage with Aboriginal and Torres Strait Islander people in remote locations and be able to provide assistance to potential applicants.

**4. Does the organisation 'Aboriginal Interpreting WA' currently receive any funding from the NRS?**

The AFLS CEO sought advice from the CEO of Aboriginal Interpreting WA on this question and has confirmed that Aboriginal Interpreting WA does not receive any funding from the NRS.

**Aboriginal Family Legal Services**

**Budget - Redress**

2024

	<b>Redress</b>
<b>INCOME</b>	<b>750,000</b>
<b>EXPENDITURE</b>	
Consumables	48,248
Motor Vehicle	13,076
Program	17,140
Property	23,593
<b>Total Staffing and Employment</b>	<b>573,376</b>
Travel	74,568
<b>Total Expenses</b>	<b>750,000</b>
<b>Grant Underspend (Overspend)</b>	<b>-</b>