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21 October 2020

The Secretary
Standing Committee on Community Affairs
Legislation Committee
Parliament House
CANBERRA ACT 2600

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Dear Secretary

I would like to thank you for the invitation to provide a submission to the Inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020 on behalf of In Good Faith Foundation (IGFF).

I have attached, as context, a summary of IGFF and its mission.

Overall, IGFF considers that the amendments as proposed should facilitate improvements to the operation of the National Redress Scheme (the Scheme), and should have the potential to deliver better outcomes for survivors of institutional child abuse.

However, IGFF considers that there are some aspects of the amendments that would require care in implementation to prevent undesirable unintended consequences.

I have listed in the table below, against each of the proposed amendments, IGFF's views and comments, with particular reference to potential impacts for survivors of abuse.

IGFF further notes that there are some aspects of the current operation of the Scheme that are presenting problems for survivors that that could potentially have been addressed through the Bill that is the subject of the Inquiry.

IGFF acknowledges, however, that some of these aspects might also be addressed through the independent two-year review of the Scheme that is currently underway, and has provided input to that review accordingly.

Proposed Amendment	IGFF's comment
<p>Clarify how participating institutions that are associates of a responsible institution are to be determined and specified</p>	<p>IGFF considers that the changes may have a positive effect on some survivors through streamlining the identification of responsible institutions.</p> <p>The changes might also facilitate the association of organisations with responsible institutions where there is no direct organisational link but shared culpability, such as where abusers linked to an institution commit their offending at a location connected to a separate organisation.</p>
<p>Clarify that the amount for which a funder of last resort is liable in relation to a responsible defunct institution is based on the number of funders of last resort in relation to that institution</p>	<p>IGFF considers that the changes could reduce the resistance of some funders of last resort to cooperating with the Scheme, and thereby make access to the Scheme easier for some survivors.</p> <p>However, IGFF considers it important to ensure that the amended approach does not generate any additional delays in the redress process, through ensuring that the management of this aspect of the Scheme is adequately resourced.</p>
<p>Provide for greater efficiency in engaging independent decision-makers</p>	<p>IGFF considers that the changes should make it easier to appoint independent decision-makers, and thereby have the potential to reduce the time taken for some survivors to achieve redress.</p> <p>However, IGFF notes that the changes do not directly address the potential for the appointment of independent decision-makers with association (or perceived association) with institutions with responsibility for abuse. IGFF considers that the appointment of independent decision-makers with such associations would be inconsistent with the Scheme's clear and demonstrable freedom from any undue influence.</p>

Proposed Amendment	IGFF's comment
Introduce protections for the names and symbols used in connection with the Scheme	<p>IGFF considers this change to be a significant improvement.</p> <p>The proposed new protections should make it more difficult for organisations that are not complying with the Scheme to conceal that fact. The protections should also reduce the likelihood of survivors that are searching for services and assistance being misdirected to organisations that purport to provide assistance with access to the Scheme but do not actually do so.</p> <p>Similarly, the protections may also be able to reduce the practice where some Australian legal firms that have paid to come up first on web searches on Scheme terms then seek to stream survivors away from the Scheme and into their commercial practice for civil litigation or expensive NRS application processes without therapeutic support.</p>
Permit a redress payment to be made to a person who has been appointed by a court, tribunal or board to manage the financial affairs of a person entitled to redress	<p>IGFF considers this change to be an improvement, reflecting that many survivors have had their capability to manage their financial affairs adversely impacted by their abuse.</p> <p>However, IGFF would urge care in the application of this approach, to ensure that it does not result in inappropriate disempowerment of survivors or lead to their financial abuse.</p>
Permit the National Redress Scheme Operator to extend the timeframe for payment of a funding contribution by an institution;	If applied carefully, IGFF considers that the changes could make it more likely that contributions are received, and that survivors will eventually receive redress.
Authorise disclosure of protected information about a non-participating institution for the purpose of encouraging the institution to become a participating institution	<p>IGFF considers this change to be a significant improvement.</p> <p>IGFF supports all reasonable measures to influence non-participating institutions to sign up to the Scheme and thereby make the Scheme accessible to more survivors.</p>

IGFF would also like to alert the Committee to two other areas where either further review of the Scheme legislation or consideration of the outcomes of the 2-year review into the operation of the Scheme might prompt changes.

Firstly, under the current Scheme, a survivor has only one opportunity to submit an application for redress under the Scheme. Bearing in mind that many survivors have reduced capacity as a consequence of their abuse, and some have problems with recall of the details of their abuse, IGFF considers that a mechanism whereby an application already rejected could be revisited on the basis of significant new evidence would create fairer outcomes in many cases. It might also be helpful to have decisions to reject applications reviewed by Independent Decision Makers.

Secondly, the current overall suite of programmes that support survivors of abuse, of which the Scheme is one, focuses heavily on primary survivors. In many cases, secondary survivors have suffered significant and lasting harm. Many family members of primary survivors are profoundly damaged by feelings of guilt and responsibility for failing to foresee and prevent the abuse, without access to the Scheme to help them manage the impacts. Many whistle-blowers have suffered significant recriminations from responsible institutions seeking to silence them, resulting in long-term under-employment and unemployment and significant psychological impacts. These secondary survivors have limited access to services to help them manage the impacts. IGFF considers that extending the availability of services to these secondary survivors would improve their life outcomes and undo some of the harms of the abuse.

Again, I would like to thank you for the opportunity to provide input to the Committee's considerations.

Yours sincerely,

Clare Leaney
Chief Executive Officer
In Good Faith Foundation