



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.

Inquiry into the operation of the National Redress Scheme

Senator Catryna Bilyk
Chair
Joint Standing Committee on the
Implementation of the National Redress Scheme

By email: redress@aph.gov.au

25 August 2023

Dear Senator Bilyk

Re: Redress Committee – Questions on Notice

1. In evidence given on July 7, the opinion of Bravehearts is that the findings from the IDMs are becoming more inconsistent. An example was given where there were two applicants from the same institution. One was awarded the maximum amount, whereas the other was found to be ineligible because the institution was found not to be participating.

a. Was the institution listed as a participating institution on the NRS webpage at the time of both applications?

The institution we named in the Application was listed as a participating institution.

It is important to note that in both instances, the abuse happened in a Queensland Mission that is not a participating institution, however, we argued that the Department of Seniors, Disability Services and Aboriginal Torres Strait Islander Partnerships was primarily responsible for their abuse as it was their legal guardian (as was the case for all Aboriginal Children at the time) and was responsible for placing them in that Mission.

b. If so, how could the IDM have made the determination that the institution was not a participant in the Scheme – was the decision appealed?

In the case that was deemed the institution as not participating, the Scheme advised this prior to reaching the IDM. It seems that the case coordinator for the client focused on the abuse statement which named the Mission and deemed that the Mission was not participating. The institution we named in the application at Question 31 was not considered the responsible institution.

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We did appeal the decision and provided a submission pointing out the comparable decision that was found eligible by the IDM and argued that:

- The Department was our client's legal guardian for the entire time she was at the Mission and as such was responsible for placing her at the Mission.
- Like all Aboriginal children at the time, our client was under the legal guardianship of the Director of Native Affairs. As her legal guardian, the Department was responsible for her day-to-day her.
- The person responsible for the abuse was someone working for the Mission.

The application is still being assessed by the Scheme. No outcome has been delivered.

2. Concerns about the level of understanding amongst IDMs with regards to protectionism were raised by Bravehearts.

a. Does Bravehearts have many examples where an incorrect determination has been made based on misunderstanding of protectionism?

We currently have two applications that we have had to make further submissions on, however, we are aware that other services have had similar experiences.

b. If this has been the case, were decisions reviewed (and what were the subsequent outcomes, where applicable)?

In both instances we have made further submissions and provided additional statements to clarify our arguments and raise awareness as to the practices of the Queensland Government which were enshrined in the *Aboriginal Preservation and Protection Act 1939* and later Acts.

We are still waiting for both outcomes.

c. Is there some suggested training material which could assist the IDMs in better understanding protectionism?

Bravehearts would encourage the Scheme to provide training to not only the IDM's but also their staff to understand the history of protectionism in Queensland and other states and territories.

We would suggest that the Scheme provide the Human Rights and Equal Opportunity Commission Report '*Bringing them Home – Report of the National Inquiry into the*

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Separation of Aboriginal and Torres Strait Islander Children from their Families' (1997) to IDM's as it provides a good summary of the laws, practices and policies of forcible removal of Indigenous children in each State and Territory.

We would recommend Cultural Safety Training for Scheme staff, that is ongoing. The Beyond Brave team recently completed 'Cultural Responsive Training' with Indigenous Allied Health Australia, which was very informative and we would highly recommend.

- 3. In evidence given on July 7, the level of information required on the application is often beyond what is reasonable for an individual to recall due to the length of time since the incident (often 50 years or more). At the same time, the success of the Scheme depends on the voluntary participation of institutions, hence a certain level of accountability is required to keep them onboard.**

- a. Does Bravehearts have an opinion as to how to make the application fairer to the client, whilst maintaining the level of accountability expected by participating institutions?**

Bravehearts acknowledges that the information in the Applications is necessary for the assessment process and that the application form has been amended a number of times to reflect the feedback the Scheme has received. We also do not consider that changing the form is necessary.

We feel the issue is around how Scheme staff are processing these applications and the way they seek information from clients when clients are not able to answer questions on the form or when they have provided incorrect information, such as the wrong age or year.

In one instance, we had a client who was asked to provide evidence such as a school class photo or records, no explanation was given at the time. We later found out that this was because he provided the wrong year that he attended the school in his application. Unfortunately, our client was not able to provide any records and had to obtain a statutory declaration from a classmate that was in his year to prove he attended the school.

We believe that for the application to be fairer, the scheme needs to be more transparent when requesting clarification or further information from the client. Consideration should also be given as to whether the request is trauma informed and



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even necessary given that records are being requested from the responsible institution.