

Submission to the Senate Community Affairs Legislation Committee on the:

**Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017
and related bill**

2 February 2018

The Western Australian Council of Social Service Inc. (WACOSS) welcomes the opportunity to comment on the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and related bill.

WACOSS is the peak body of community service organisations and individuals in Western Australia. WACOSS stands for an inclusive, just and equitable society. We advocate for social change to improve the wellbeing of West Australians and to strengthen the community sector service that supports them. WACOSS is part of a national network consisting of ACOSS and the State and Territory Councils of Social Service, who assist low income and disadvantaged people Australia wide.

The Commonwealth Redress Scheme provides a profound opportunity for the recognition of the wrongs inflicted upon child victims of sexual abuse in institutions and some small measure towards a level of redress for the failure of institutions to protect those who were supposed to be under their care.

Western Australian Context

In 2008 the [Redress WA](#) scheme was established by the Western Australian Government to acknowledge and apologise to adults who as children were abused and/or neglected while they were in the care of the state.

A lack of clarity and limited advertising about this scheme meant that there was a great deal of anxiety created in the community by misunderstandings of the State-based Redress Scheme announcements, and many missed out. Others expressed concern that the level of compensation offered was inadequate, given the life-long impacts they experienced. Concern has also been expressed about issues of eligibility and timing, transparency of decision making, therapeutic assessment, re-traumatisation, managing of expectations and shifting of goal-posts during the inquiry (see for instance [Reflections from the Redress WA experience](#), 2013, AASW).

Redress WA ran from 2008 until December 2011, making 5,212 payments at four levels of payment that ranged from a minimum of \$5000 to a maximum of \$45000 for very severe abuse and neglect with ongoing symptoms and disabilities.

The proposed Commonwealth Scheme could provide an important opportunity for those who missed out or were inadequately compensated by the WA scheme to benefit. Clarity may need to be sought about whether acceptance of previous redress and associated waivers may exclude those who did receive some benefit from Redress WA.

At the time of writing, it is unknown whether the Western Australian State Government will agree to opt-in to the Commonwealth Redress Scheme.

Although the Commonwealth Scheme will take account of previous ex-gratia payments in the State Scheme, there will still be a financial cost to the WA Government if it joins the National Scheme. Many people who have come forward to the Royal Commission did not claim under the State Scheme. Federal and state governments will act as ‘funders of last resort’ where organisations have closed or been bankrupted.

WACOSS strongly advocated in our 2018/19 State Pre-Budget Submission, [At The Heart Of Our Community](#), that Western Australia should opt-in to the scheme. We believe there would be enormous public distress if survivors of institutional child sexual abuse in Western Australia were ineligible to claim for Redress because the State government had not opted in.

Indigenous Children and Families

WACOSS strongly agrees with the sentiments expressed by Libesman and McGlade that:

Any redress scheme must take into account of the fact that Indigenous child survivors of sexual abuse have suffered particular hardship, because their institutional abuse has often taken place in the context of removals driven historically by racially discriminatory policies...The current legacy of these policies is seen in the ongoing disproportionate experience of institutionalisation of Indigenous children in out-of-home care including within kin and foster care. The systemic factors which result in disproportionate experience of institutional abuse, including sexual abuse in institutions, must be taken into account in redress schemes.¹

WACOSS urges support for Aboriginal Community Controlled healing solutions that address the underlying costs of harm, stemming from institutional abuse. This healing needs to be culturally appropriate, provide a collective redress and meet both individual, family and community needs. The principles of self-determination, participation and consent must be firmly embedded in redress schemes for Aboriginal people and their communities.

Eligibility

WACOSS is concerned by the statement that was made in October 2017 by the Hon Christian Porter MP that the Federal Government would be seeking to exclude from redress anyone convicted of a sex offence, and those sentenced to prison terms of five years or more for serious crimes.

The provision of justice should be available to all who experienced the trauma of child sexual abuse, regardless of what may have later happened in their life. Further, culpable institutions should be held to account for that trauma through avenues such as redress payments and not be able to avoid that responsibility due to the exclusion of certain victims seemingly deemed ‘not worthy’.

We note that the Bill does not contain such an exclusion in its present form and we would discourage such an exclusion being introduced or implemented at any stage.

Dissemination and clarity of information

In The 2008-2011 *Redress WA* scheme provides lessons that should be taken on board for the rollout of the Commonwealth Redress Scheme including unclear and insufficient information about eligibility for and access to therapeutic healing and counselling services.

It is critical, therefore, that clear and unambiguous information about the National Redress Scheme is disseminated widely. There needs to be absolute clarity on who is eligible and the nature of

¹ Redress in Response to Institutional Sexual Abuse of Indigenous Children. T. Libesman and H. McGlade. Indigenous Law Bulletin. March/April. Vol 8, Issue 17 p 34.

compensation they might expect. It is important to not raise expectations too high, while also ensuring that those who are eligible do not miss out.

Particular effort needs to be made to ensure that those in remote and regional communities are made aware of the Scheme, and resources made accessible to those whose first language is not English.

Access to Quality Supports and Services

The Commission advises that:

Access to counselling or psychological services is intended to enable survivors to access trauma-informed and culturally appropriate counselling or psychological services to assist with the impacts of the childhood sexual abuse they experienced. The Scheme will allow survivors maximum flexibility to access counselling or psychological care services of their choice throughout their lives. It will empower survivors to make decisions about their needs and support them to maintain existing therapeutic relationships.

WACOSS supports the empowerment of survivors and providing choice, however with regard to accessing counselling or psychological services, we would encourage Government to develop an accreditation and quality assurance system. It is important that survivors receive high quality support from suitably qualified and trained professionals providing healing and counselling.

At a minimum, a Guide for Survivors should be developed to help inform them about their rights and responsibilities and how to identify a suitable service and/or practitioner.

Existing services that have been providing counselling and support to survivors of child sexual abuse have developed experience and expertise and many urgently require a commitment to long term funding. Concern has been expressed that some long-term providers of advocacy and support to survivors of child sexual abuse lack ongoing or sustainable funding, with some services not funded beyond June 2018 and at threat of imminent closure.

Given the disproportionately high representation of Indigenous people who have been abused, specific healing services delivered by Aboriginal Community Controlled Organisations are urgently required. Where there are alternatives to applying for Redress, it is crucial that people are able to make an informed choice as to what is in their best interest and that best suits their circumstances.

If you would like to discuss this submission further, please feel free to contact the WACOSS Research and Policy Development Leader Chris Twomey at chris@wacoss.org.au or 9420 7222.

Yours sincerely,



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