



Dr Sean Turner
Acting Committee Secretary
Department of the Senate
PO Box 6100
Parliament House
Canberra, ACT 2600

17 August 2018

To Dr Sean Turner

Re: Joint Select Committee on Oversight of the implementation of Redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to contribute to the Joint Select Committee on Oversight of the implementation of Redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse Inquiry. As the peak body for child and family services in Victoria, the Centre develops and advocates for public policies and legislation that advance the rights and wellbeing of children, young people and families.

We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care. Our members have a deep understanding of the profound and life-changing impact of sexual and other forms of institutional abuse on children.

The Centre refers to and attaches our previous submissions regarding the National Redress Scheme.

We note that although the scheme is now operational our two overarching concerns remain valid. The first relates to the financial implications of the scheme and the second to the limited scope of the scheme.

Redress Payments, the Rules and the Assessment Framework

The Centre is concerned that the payment ceiling for the scheme has been set at \$150,000. We note that the Royal Commission recommended a maximum payment of \$200,000. The Minister for Social Services claims, in his second reading speech, that the average payments are anticipated to be around \$76,000.



On our analysis of the Rules and the Framework it is unlikely that any but the most horrific abuse will be granted the maximum payment under the scheme. Table one of the Assessment Framework is as follows:

Table 1:

| Amount of redress payment | | | | | | |
|---|------------------------------------|--|--|--|---|--|
| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | |
| Kind of sexual abuse of the person | Recognition of sexual abuse | Recognition of impact of sexual abuse | Recognition of related non-sexual abuse | Recognition person was institutionally vulnerable | Recognition of extreme circumstances of sexual abuse | |
| 1 Penetrative abuse | \$70,000 | \$20,000 | \$5,000 | \$5,000 | \$50,000 | |
| 2 Contact abuse | \$30,000 | \$10,000 | \$5,000 | \$5,000 | Nil | |
| 3 Exposure abuse | \$5,000 | \$5,000 | \$5,000 | \$5,000 | Nil | |

For an applicant to be eligible for the \$50,000 payment under column six, for penetrative abuse the person must have been ***institutionally vulnerable*** at the time the abuse took place.

An applicant can be assessed as having been institutionally vulnerable if they lived in accommodation provided by the institution that was responsible for their day-to-day care, they were not reasonably able to leave the institution or the place of activities of the institution, and if they did not have access to friends or relatives outside of the institution. On our reading, this limits the scope to victim survivors in closed institutions.

The Centre is concerned that redress payments as set in the scheme are not indexed for inflation over the life of the scheme. We note that the scheme will last for ten years, with the option to be extended.

The Framework provides that counselling payments will be limited to \$5,000. The Centre notes that for some survivors, this may be sufficient, however others will require ongoing and unlimited counselling services.

The Rules outline the process for apportioning responsibility for payment of the redress amount between non government institutions and the state. Each institution and the state is responsible to pay a proportion of the total amount, depending on their apportioned responsibility for the abuse as determined by a formula. The Centre is concerned that in the event one or more of the institutions have not opted in to the scheme, the applicant will only receive payment in respect of any responsible institutions that have opted in. This means many people will not receive the full amount to which they would otherwise be entitled.



An ongoing issue of concern for Victorian non government institutions is the lack of insurance coverage being offered by the state insurer, VMIA for government funded out of home care providers. In order to opt in to the scheme institutions must demonstrate a capacity to meet the projected expected liability over the ten year scheme through cash reserves or other assets. This will have a real impact on the ability for these non government organisations to continue with current levels of service delivery for out of home care services. The uncertainty regarding insurance coverage for redress needs to be resolved as a matter of priority.

An inclusive scheme

The Centre regards the Commonwealth redress scheme as a critical step in reparation for past wrongs done to thousands of children by governments and institutions.

However, we believe strongly that a redress scheme should not limit eligibility only to those who were sexually abused as children in institutional care. Redress should extend to all children who suffered forms of abuse while in care settings – sexual abuse, physical abuse, emotional and psychological abuse, neglect and forced separation from their families.

Victim survivors and non government institutions must now navigate between the redress scheme, for sexual abuse claims and the civil law system for other claims. This creates uncertainty and for many duplication.

The Centre is able to provide additional information and feedback on this early phase of implementation of the scheme. Please do not hesitate to contact Georgette Antonas on to discuss the issues raised further.

Sincerely,

Deb Tsorbaris

CEO