



Submission to the

Health, Communities, Disability Services and
Domestic and Family Violence Prevention Committee

*National Redress Scheme for Institutional Child
Sexual Abuse (Commonwealth Powers) Bill 2018*

20 June 2018

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Part One: INTRODUCTION

On 12 June 2018, the Hon Dianne Farmer MP, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence introduced the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 into the Queensland Parliament. The Bill's three objectives are to:

1. enable the Federal Government's National Redress Scheme for Institutional Child Sexual Abuse (the National Scheme) to operate in Queensland
2. introduce a framework to enable appropriate information sharing by Queensland Government agencies for the purposes of the National Scheme, and
3. amend the Victims of Crime Assistance Act 2009 to provide that redress payments may not be deducted from victim assistance payments under that Act

Minister Farmer's second reading speech for the Bill states that the Queensland Government's participation in the National Redress Scheme, announced on 30 April 2018, was made following careful consideration of issues such as the eligibility of Queenslanders who had already made claims under Queensland's redress scheme, ensuring the scheme focused on survivors, and would offer the best approach to providing redress to people who were sexually abused in Queensland institutions.

The Bill was referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for consideration. The committee is required to report to the Parliament by 9 August 2018.

PeakCare Queensland Incorporated (PeakCare) welcomes the opportunity to make a submission in response to the Committee's invitation for submissions on the Bill.

Part Two: ABOUT PEAKCARE AND THIS SUBMISSION

PeakCare is a peak body for child and family services in Queensland. Across Queensland, PeakCare has 55 members. These organisations are a mix of small, medium and large, local and statewide non-government organisations that provide prevention and early intervention, and generic, targeted and intensive family support to children, young people, adults and families. Members also provide child protection and out-of-home care services (e.g. foster care, kinship care, residential care) to children and young people who are at risk of entry to or who are in Queensland's statutory child protection system, and their families. PeakCare's membership also includes a network of 22 individual members and other entities supportive of PeakCare's vision of 'Safe and well children. Safe and well families.'



PeakCare
Queensland Inc.

PeakCare was established in 1999 having evolved from the Child and Family Welfare Association of Queensland and prior to that, the Board of Governing Authorities for residential care.

In the late 1990s, PeakCare was an active participant in the Commission of Inquiry into Abuse of Children in Queensland Institutions (Forde Inquiry), which led to an apology to those who were harmed in church or state-run institutions and a redress scheme that provided for ex-gratia payments to former residents of Queensland institutions relating to abuse and neglect in institutions within the scope of the Forde Inquiry.

PeakCare made a number of submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), including in response to the consultation paper in 2015 about redress and civil litigation. Our submission to the Royal Commission in 2015 supported direct personal responses, counselling and psychological care, and monetary payments and no fixed closing date for the scheme. We supported the nexus between fairness, justice and equality, and redress encompassing a broader range of abuse and neglect than child sexual abuse. PeakCare argued for the establishment of a national mechanism to coordinate and monitor equitable, consistent processes and outcomes for applications and assessment. We supported clarity, transparency and congruence between what is on offer and what eventuates for individuals, including clarity if abusive organisations no longer exist so as not to raise expectations about the availability of a direct personal response. We supported a review process for decisions made by the redress scheme.

We understand however that the parameters for the scheme are established and it is time for implementation, not re-litigation.

The submission now turns to commenting on the Bill.

Part Three:

FEEDBACK IN RESPONSE TO THE NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL 2018

PeakCare supports the adoption of the Commonwealth's *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (National Redress Act) and the associated amendment reference to the Commonwealth Parliament to provide for express amendments to the National Redress Act.

The establishment of a National Redress Scheme is a positive step for which survivors of child sexual abuse, their advocates, and the Royal Commission are to be commended. The Commonwealth's engagement with an Independent Advisory Council to scope issues is also to be commended. The Queensland Government's participation, that of other state and territory governments, and the church and charity-based providers of institutional care that have joined the scheme are also to be commended.



We support the approach that the Queensland Government is taking in respect of enabling the national scheme to operate under the Commonwealth laws in Queensland by providing for the adoption of the federal government's national redress bill once it is enacted by the Commonwealth parliament, and proposing legislative amendments so that Queensland government agencies can do what they need to do to participate in the national scheme. As Minister Farmer stated, there are advantages to the bill providing for any future amendments to that Commonwealth law to automatically apply in Queensland.

We are supportive of the government's approach to enabling a framework for information sharing by Queensland government agencies for the purposes of the national scheme, for example, responding to requests from the national scheme operator to assist in determining applications, and to request and receive relevant information from other State agencies that had responsibility for operating institutions for providing back to the national scheme operator.

We are supportive of Queensland's central contact point being established administratively in the Department of Child Safety, Youth and Women for liaison with the national scheme operator.

We are also supportive of the Queensland government's decision that the definition of a 'relevant payment' in Queensland's *Victims of Crime Assistance Act 2009* for an act of violence is proposed to be amended to exclude a redress payment, payable by the Queensland government, under the national redress scheme.

Part Four: **CONCLUSION**

PeakCare concurs with Minister Farmer's comments in her second reading speech: "This redress scheme is about so much more than money. It is about healing, it is about recovery, and it is about recognising past wrongs and doing what is right."

PeakCare is pleased to support the National Redress Scheme for Institutional Sexual Abuse (Commonwealth Powers) Bill 2018. We urge the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to also support the Bill.

PeakCare appreciates the opportunity to make this submission.

