

Written Submission on the National Redress Scheme for Institutional Child Sexual Abuse Bill (2018)



Submitted To:
Queensland Parliament

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About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability and the organisation's motto is "nothing about us without us." QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability.

QDN has over 900 members across Queensland who provide QDN with the perspectives of people with disability.

Value Statement on People with Disability

QDN's work in providing feedback and input into systemic policy issues is based upon the organisation's core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

- All people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society.
- The place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents, and their lived experiences of disability are recognised and acknowledged.
- Culturally and historically, people with disability are not afforded the same value, opportunities or access to community life.
- Any inclusion in community for people with disability is conditional and vulnerable to withdrawal.
- Many people with disability in Queensland are excluded from the most basic experiences of ordinary lives.
- Current exclusionary practices are unacceptable and must be challenged.
- These issues affect not only people with disability but the whole community.
- The responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.
- Above all, we believe in, and seek to model, a human rights approach that recognises disability as a social issue and recognises the rights of all Australians as equal citizens.

Introduction

QDN welcomes the opportunity to make a brief submission to the *National Redress Scheme for Child Sexual Abuse Bill (2018)*. QDN welcomes proposed measures to provide redress to victims of child sexual abuse in institutions. QDN recognises that historically, many children with disability were removed from their families and placed in institutional care. It is widely acknowledged that people with disability, particularly children, are at increased risk of violence and abuse in closed systems. QDN strongly advocates that people with disability who have experienced child sexual abuse in institutions are entitled to equal access as others to the proposed Redress Scheme. Our submission highlights the importance of specific targeted strategies to ensure people with disability are able to seek redress.

The impact of abuse of people with disability in institutional settings

Given the high incidences of reported abuse of people with disability in institutional settings, QDN believes that, similar to Aboriginal and Torres Strait Islander people, people with disability should be mentioned as a specific group within the Redress framework.

Additionally, QDN highlights the need for specifically targeted strategies and considerations for people with impaired decision-making capacity as:

- People with impaired decision-making capacity may not have other family members who can provide their life story to make an application for redress
- Statutory bodies such as the Office of the Public Advocate do not have the resources to interview individuals about their past experiences of abuse
- Many people with impaired capacity are not able to recall information in sufficient detail to support their application

Additionally people with disability seeking redress may also have additional issues relating to their safety, housing, health, social and family relationships and identity and cultural issues and may need ongoing assistance to address these matters.

The Royal Commission acknowledges people with disability may have experienced abuse in closed or open settings and that some closed settings were established only for people with disability, thus leading people with disability to increased vulnerability.

It is widely acknowledged people with disability, and particularly those who have experienced abuse, generally have:

- An increased dependency on others for their everyday care

- A fear of disclosure of abuse/ possible service reprisal
- A lack of economic independence/ experiences of poverty
- A lack of access to information and education about systems and processes
- Social isolation
- Uncertainty about their housing/ place of residence
- Barriers relating to their communication
- Lack of services and support
- Lack of access to the criminal justice system – often abuse against people with disability goes unreported or people are unsuccessful in achieving justice as they are not seen as credible witnesses in court and police have limited skills in providing assistance
- Issues relating to the nature of their disability
- Low self-esteem and lack of assertiveness and knowledge of their rights

The Need for Targeted Strategies

QDN believes there is a need for targeted approaches to ensure people with disability have equitable access to redress measures. Strategies could include:

- The development of projects and campaigns which are explicitly designed to increase access to legal redress for people with disability and any other group of victims/witnesses having special needs in the court room. This needs to include a detailed engagement framework, including a clear plan on:
 - Finding people with disability who may have experienced institutional abuse so they are aware of the Redress Scheme
 - Presenting accessible information to people with disability on the Redress Scheme and how to access it
 - Supporting people with disability to make a claim, including advocacy and sourcing/ providing documentary evidence
- Agreements (Memorandums of Understanding) should be developed between various government and non-government agencies to cross-share information to assist people with disability in making claims. Agreements may be necessary between Department of Communities, Queensland Health, Education Queensland, Office of the Public Advocate, Office of the Adult Guardian, Public Trustee, advocacy organisations, the not-for-profit sector and commercial entities.
- Commencement of data matching processes of people under Guardianship legislation who may be affected and eligible for redress.

There needs to be a robust advocacy framework accompanying the Redress Scheme which is grounded in a human rights framework and includes:

- Independent support for people with disability, particularly people with intellectual disability, through the process

- Support to appeal a decision
- Access to, and creation of, targeted financial literacy programs

The outcomes of the Royal Commission into Institutional Responses to Child Sexual Abuse highlights the need for an ongoing Royal Commission into abuse and neglect of people with disability, as advocated by many groups and individuals in recent times.

QDN applauds the implementation of counselling and psychological care as elements of the Redress Scheme. However, there is also a need for targeted and specialist approaches that take into account the lived experience of people with disability. This ensures that counselling is meaningful for people with disability, particularly people with intellectual disability, and people have effective coping strategies to deal with the abuse and trauma they have experienced and can move on with the rest of their lives.

Other groups needing targeted strategies

QDN believes similar targeted strategies are required for other vulnerable groups such as:

- children and young people
- Aboriginal and Torres Strait Islander people
- culturally and linguistically diverse people; and
- people in prison

QDN believes the scheme should include people sentenced to a term of imprisonment who are presently proposed to be excluded from the scheme unless otherwise deemed eligible. It is widely acknowledged that people with disability are over-represented in the prison system. Furthermore, many vulnerable people have entered the prison system because they have little or no supporters looking out for their best interests, have often been victims of crime themselves with fewer pathways to justice, and are at increased risk of entering the criminal justice system as they have childhood experiences of abuse and trauma in various institutional settings. Effectively managed compensation for these individuals could be an essential element to successful rehabilitation after a prison term.

Conclusion

QDN is pleased to provide this submission to Queensland Parliament. QDN believes children and adults with disability have a right to seek redress for institutional abuse perpetrated against them. QDN believes specific, targeted measures are needed to ensure people with disability can have full access to the scheme and have some means of overcoming the heinous institutional abuse they have experienced.