Speech By

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MEMBER FOR MAIWAR

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NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL

Mr BERKMAN (Maiwar—Grn) (2.11 pm): I rise to speak in support of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 and the amendments circulated yesterday. The passage of this bill obviously represents a watershed moment for survivors of child sexual abuse, giving effect in Queensland to the national redress scheme by adopting the federal scheme. The national redress scheme set out in the Commonwealth act stems from the royal commission's 2015 report into redress and civil litigation, in particular recommendations 1 to 84 of that report.

The Greens support the royal commission 100 per cent. Before it was established by then prime minister Gillard in 2012, the Greens and some MPs from other parties had been calling for a royal commission into sexual abuse in the Catholic Church. All through the process, and especially during the process of setting up the national redress scheme, Greens MPs across the country have been pushing state and federal governments to stick to the commission's recommendations. Senator Rachel Siewert at a federal level, Alison Xamon in Western Australia, David Shoebridge in New South Wales and many others have pushed to make the redress scheme fairer, more generous and more compassionate, including pushing for a higher maximum payment of $200,000, fighting to make sure victims with a criminal conviction could still claim redress and pushing for a joint state-Commonwealth funder of last resort covering all cases of abuse.

The minister and the government should be commended for moving swiftly in bringing the national redress scheme into operation. The members of the committee were in a position of having to consider the federal legislation before it had passed the Commonwealth parliament.

A number of concerns remain around certain shortcomings of the national redress scheme and were raised by advocacy groups in submissions and in evidence before the committee. Submitters raised concerns about the ways in which the scheme fails to meet the commission's recommendations, including: the lowering of the maximum redress payment from $200,000 to $150,000; the limitations imposed upon the provision of the redress elements of counselling and psychological care services; the shortening of the period for accepting redress offers to six months as opposed to the recommended 12 months; and the requirement that redress applications be in the form of a statutory declaration.

While these issues are specific to the national scheme and outside the scope of this bill, it is important that the government remain mindful of these issues and the consequences of these kinds of shortcomings for survivors of child sexual abuse. More important, though, are the issues that do fall squarely within the scope of the Queensland government's responsibility, but have so far gone unaddressed. Submissions and evidence in the hearings addressed the government's failure to address recommendations made by the commission with respect to civil litigation. Specifically, there has been no legislative response to recommendations 89 to 95 of the commission's *Redress and civil litigation report*.

The committee heard evidence that a discussion paper on these issues was released in late 2016 and consultation followed, but that is where it finished. Survivors are still awaiting any amending legislation to redress these recommendations. I asked the departmental representatives what progress had been made on implementation of these recommendations and the only response was that they are under consideration by the government. A similar response was given to questions about the progress of the aforementioned issues paper. The committee was told that it really is a policy matter and would be more appropriately directed to the Attorney-General on the floor of the House. I will take this opportunity to ask: when will the government take the necessary and relatively simple steps to implement these recommendations?

It should be clear to the government that the commission's recommendations address the importance of promptly making necessary amendments around civil litigation. In fact, recommendation 46 of the commission's *Redress and civil litigation report* places responsibility on each state and territory to pass these civil litigation reforms before the national redress scheme commences. Recommendation 46 states—

> Those who operate the redress scheme should specify the cut-off date—
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> that is the commencement of the national redress scheme—
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> as being the date on which the Royal Commission's recommended reforms to civil litigation ... commence.

In other words, the national redress scheme should not commence until the states and territories have legislated to enact recommendations 85 to 95.

The rationale behind recommendation 46 is integral to this bill being debated and the commencement of the scheme. We are proposing to implement a national scheme that provides an avenue for redress as an alternative to litigation. In many cases, while the scheme will provide a less complicated and taxing avenue than civil litigation, the amount of compensation available through civil litigation will in many cases be far greater than the maximum available under the redress scheme.

This recommendation reflects the reality of these decisions for survivors and that every survivor should have a full right to civil litigation when they are offered participation in the redress scheme. To be offered redress with no genuine alternative to civil litigation is a form or duress against survivors and potentially undermines the redress scheme's integrity and legitimacy. Other states have progressed with implementing these reforms and Queensland needs to do the same now.

I would like to thank the committee secretariat as always for their tireless efforts in conducting this inquiry and my fellow committee members. I thank also the officers of the Department of Child Safety, Youth and Women for their assistance and information provided in briefings to the committee.

I want to extend particular thanks to the groups that gave evidence at the public hearing. These include: knowmore, Community Legal Centres Queensland, Queensland Advocacy Inc., Micah Projects and the Australian Lawyers Alliance. Taking into the account the need for immediate reform to address those issues I identified a moment ago, I commend this bill to the House.