Speech By

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MEMBER FOR BURNETT

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

Mr BENNETT (Burnett—LNP) (11.51 am): This is a very important bill and I inform the minister that there will be bipartisan support for it. It was important to have the five-year royal commission into something as insidious as institutional child sexual abuse, and it has led us to this place to debate this bill today. This has been a long haul around the Commonwealth and there is support from the states for it. I rise to address the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill introduced into the parliament on 12 June this year by the minister. The bill was considered by the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, and the committee tabled its report on 9 August 2018.

As outlined in the explanatory notes, the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill will: firstly, enable the federal government's National Redress Scheme for Institutional Child Sexual Abuse to operate in Queensland; secondly, introduce a framework to enable appropriate information sharing by Queensland government agencies for the purposes of the national scheme; and, thirdly, amend the Victims of Crime Assistance Act 2009 to provide that redress payments may not be deducted from victim assistance payments under that act.

The committee that looked at this bill was advised that consultation had been undertaken on the issues within this bill. This included engagement with victims of institutional child sexual abuse, support groups and institutions by the Royal Commission into Institutional Responses to Child Sexual Abuse. There was a very thorough engagement and a commitment to the process. This also included a series of meetings and round tables hosted by the Department of the Premier and Cabinet with stakeholders in response to the royal commission.

In its brief for the committee, the department advised that broader community consultation was not undertaken on the provisions in the bill as it 'relates to internal operations of the Queensland Government, and operationalises the Queensland Government's commitment to opt into the National Scheme'. I note that 16 stakeholder submissions were received. Of those, all but two were supportive of the bill in its entirety. However, most submissions raised a number of concerns relating to the divergence of the national scheme from the recommendations of the royal commission. As noted in submissions to this bill, the current scheme departs from the royal commission's recommended model.

Submitters have identified key issues including: the lowering of the maximum redress payment from $200,000 to $150,000; limitations imposed upon the provision of the redress element of counselling and psychological care services; restrictions upon eligibility that impact upon categories of survivors, including noncitizens; survivors currently in prison and survivors who have at some time of their life been sentenced to a term of imprisonment of five years or more; and the approach taken to providing a funder of last resort to provide redress in situations where the responsible institution no longer exists and/or has no assets or successor. An example of that is the church institutions that were widely named during the royal commission that are no longer operating. There are concerns about this

across Queensland. Some other issues included: shortening the period for accepting redress offers to six months, as opposed to the recommended 12 months; and requiring that redress applications be in the form of a statutory declaration.

These are important issues, and we would encourage the Queensland government to continue to work with the Commonwealth, other states and territories, and other stakeholders to improve the scheme to reflect the royal commission's recommendations and for it to operate as the commission intended, to provide survivors with access to justice. That is a very important outcome of the royal commission. I note that the Queensland parliament is unable to amend the provisions of the Commonwealth national redress act, as the minister alluded to.

I note the submissions from stakeholders and in particular concerns around section 63 regarding applicants with criminal histories. When the redress scheme was first introduced by the Commonwealth, there was a considerable lack of clarity surrounding the Commonwealth government's intention to introduce an exclusionary provision for applicants with certain criminal histories. Section 63 of the Commonwealth act provides that, if a person who makes an application for redress under the national scheme was sentenced to imprisonment for five years or longer for an offence before they made that application, they are effectively excluded from any redress. The concerns that were raised were about equality. If people are serving time, they are still victims of these insidious crimes. Some of the submissions were opposed to section 63 of the Commonwealth act. The royal commission report stated—

A number of survivors in private sessions and public hearings described how the impacts of child sexual abuse had contributed to their criminal behaviour as adolescents and adults.

We are not trying to make excuses, but it has been acknowledged widely that these victims sometimes have behaviours that we would not prefer. However, I think excluding them is unfair and, of course, we support the submitters who made that point. The Bar Association report stated—

A large cohort of individuals, many of whom have performed criminal actions which may be linked to themselves being victims of the sexual abuse which the National Scheme is intended to recognise, will be unfairly prejudiced by the default position in s 63 of the Commonwealth National Redress Act. From an individual and societal point of view this exclusion is both unjust and counter-productive.

That is something for consideration.

I turn also to sections 34 and 73. There has been a lot of debate over this issue at the Commonwealth level. It is not clear whether the review procedure is available only to someone whose application is rejected. This is about right of repeal and this is about options for people accessing the scheme.

As I mentioned earlier, concern was raised about church institutions that are no longer in operation or existence. There was some talk about the lead agencies using the term 'stand in their shoes' on this issue of church agencies or religious orders that are no longer in action. There is a potential problem for the operation of this national scheme when we have these institutions out of business, so to speak—that is, the church hierarchy might offer to stand in the shoes or they may not. We have to consider what that might look like.

The bar also raised the issue of family law proceedings and protected information. There were concerns surrounding section 90 of the Family Law Act. We have to be mindful of these issues. It is great to hear that we will continue to work with the Commonwealth government about what this will finally look like.

I note that the government took a slowly, slowly approach to this issue, in the sense that the national redress scheme was tabled some time ago. We will look at why it took so long to get on with the job. I have questions about the funding. There is nothing in the forward estimates about what this might look like for Queensland. We have examples in this place, unfortunately, about final reports not being issued in a timely manner. It took 16 months for the Youth Sexual Violence and Abuse Steering Committee report to be tabled during estimates, and that was so as to avoid any scrutiny of that.

Under this government we are seeing child safety statistics going backwards and notifications, separations and reported risk of harm figures returning to pre-Carmody inquiry days. Under this government and this minister, we have to question how effective the department and the processes are when we statistically see continual failures.

Not only do survivors deserve this redress but Queensland's current and future children deserve protection against abuse; we all would agree. That is why we called on Labor to take action on the issue well before the Premier reluctantly signed up to this scheme. It should not be about us calling on each other to get on with the job; it should be part of the role of the minister and the department to get on with the job of putting in place this redress and dealing with the child safety issues across this state. We all, particularly those of us on this side, want to address the child safety issues in Queensland.

We accepted and implemented the recommendations of the Carmody inquiry leading to child safety notifications in substantiated cases of harm decreasing during our time in government. We all should build on what is good public policy for the kids in this great state and not politicise what is a growing problem. Under the previous government, child safety officers were not forced to juggle unsubstantiated case loads. We built a system that was able to deal with the challenges of Child Safety through targeted funding and listening to the experts. We stand for safe communities and the safety of all Queensland children. We also stand for justice.

In my role it is my responsibility to hold the minister to account on the vital and important tasks of keeping children safe and supporting victims of domestic violence and institutional violence, which this bill addresses. It is also my role to oppose bills that are detrimental to Queensland. However, my role is not to oppose a bill that is long overdue in providing Queenslanders with redress for abuse suffered at the hands of Queensland institutions including institutions controlled by the Queensland government itself.

This bill will allow Queenslanders to fully participate in a national redress scheme. This bill is a vital part of Queensland and Australia attempting to make amends for survivors who have suffered in silence for too long. My colleagues on this side of the chamber will support the bill here today. This is not a controversial bill; this is a necessary bill. The proposed legislation will bring Queensland into line with the rest of the nation. It is a bill that serves to provide redress to thousands of Queensland survivors of institutional child abuse. This bill makes sense, it is long overdue and, as such, the bill will be supported by this side of the chamber.