

**NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE
(COMMONWEALTH POWERS) BILL 2018**

Second Reading

Resumed from an earlier stage of the sitting.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [2.54 pm]: I rise to resume my comments on the National Redress Scheme amendment bill before the house. As I said, the Liberal opposition is supportive of this legislation. We are pleased that the government has taken steps to resolve the outstanding issues that had not been resolved when the Barnett government wound up in March 2017, particularly with respect to the scheme understanding how appropriate provision could be made for child migrants who had been abused in institutions and who would take responsibility for the redress scheme claims of those child migrants, and—it might surprise some members to hear me say this—survivors of institutionalised child sexual abuse in prison or who have a criminal history. Indeed, during my time as Minister for Police, I became quite aware of the effect that traumatic episodes in childhood, in particular, can have on individuals and their ability to participate in society as constructive citizens. Many victims of physical and sexual abuse as children carry with them a high level of rage, anger and trauma, and often the only avenue that they have, if they are not people of means, is to try to, if you like, self-medicate and manage that hurt, grief and sadness by using things like alcohol and methamphetamine. Once victims of trauma who have suppressed anger and rage take those drugs, the lid comes off, if you like, their inhibitions are removed and the rage and the anger comes out. Often, that is what we see played out on the streets.

Those victims who might be in prison for violent or other offences find themselves in prison because they really have not had the support they needed throughout their childhood to give them the opportunity to make different choices. It is easy for people who come from a loving and supportive family environment, a good school and a normal upbringing—if there is such a thing—to sit back on the sidelines and say, “They still have a choice whether to offend or not.” To a degree that is true, but for many people without means, living with the scars of child sexual and physical abuse as a trauma and without access to proper trauma counselling and clinical care, the opportunity to resolve those issues is lost and, indeed, all that is left is the rage and the anger. That rage and anger comes out and leads to a cycle of criminal offending for many of those victims. Unfortunately, some of those victims go on to be perpetrators of the very abuse that they endured as children, but not all of them by any stretch—some of them do. I am pleased that some consideration is being given in the legislation to those individuals. If those individuals who happen to be in prison or have a criminal history get access to some funding from the National Redress Scheme and get access to counselling and psychological support, they may have the opportunity to completely change their lives—to turn their lives around and become constructive members of society and start to contribute in a functional, constructive way, rather than in the destructive way that is all many of them have known.

A consideration that I know the redress scheme likely will not cover is our understanding of intergenerational trauma in families. As we become more knowledgeable on the effects of intergenerational trauma in families, some time in the future we may see a redress scheme that covers the children and grandchildren of victims of child sexual abuse and physical abuse. Indeed, an area of trauma research is now looking at the impact, if you like, of pregnant women enduring physical abuse. The adrenaline, cortisol and all the hormones that rush through a pregnant woman’s body affect the central nervous system of the baby she is carrying. That baby can be born with a hyper-stressed and hyperactive central nervous system as a result of its mother’s experiences. Further to that, if parents do not receive counselling for the trauma that they have endured, their brains suppress the trauma to try to have some functionality in society. This creates a blind spot for the parent in recognising when victimisation of their children might be occurring and when their children might be being groomed. A fair body of evidence now proves that for parents who were sexually abused as children but have not received counselling or trauma support to move through that experience and to heal from it, it is more likely for their own children to become victims of child sex abuse. When those children are exhibiting the signs and symptoms of being abused, because of the trauma, their parents have a blind spot to seeing those symptoms. I am interested in seeing how this conversation evolves in the future. As study in this area becomes more robust and advanced, we will start to see the intergenerational effects of abuse. The key issue is to build capacity in counselling and psychological support, particularly for trauma counselling. There are ways to heal from post-traumatic stress disorder and trauma episodes, but it takes time—a long time for some people, depending on how many layers of trauma and abuse they have endured. Access to publicly-funded trauma counselling is key. There is a lack of capacity and a long waitlist for patients to get in to see those specialists and get ongoing counselling and support.

During my time as Minister for Police, something I am proudest of was connecting two adult victims of child sexual abuse with properly trained police officers who have been able to take their statements, walk them through their experiences, and track down the perpetrators of the abuse. In one case that I am aware of a 35-year-old victim

of child sex abuse who finally got the courage to report it to police received news just last weekend that the perpetrator of her abuse is now being charged with an offence and an arrest warrant has been issued. The level of healing and validation that has provided to that victim of child sexual abuse is difficult to quantify with the vocabulary that I have. For that individual to go through that experience was life changing. As the former police minister, I was proud to be able to connect those two victims with the people that they needed to speak to in order to report—that is, people who are properly trained and understand that although it might be an adult reporting an episode of child sexual abuse, when people are interrogated by the police or the courts, they are back at the age they were when they were offended against. These victims look like adults, but when they are reporting what happened to them as children, their memories are those of a five-year-old child. They will not necessarily remember time, place and circumstance, but they will remember aspects of the abuse that they can reveal. It is important that those victims, regardless of age, are interviewed by police officers in a very empathetic way and that police officers understand that they are dealing with an individual who might be in the emotional space of a traumatised five-year-old when reporting the abuse they experienced. A good thing about this redress scheme is that it does not require victims to go through the reporting process and get to a point at which an offender can be charged before they are able to access the scheme. That is really important. For any victim to get to the point at which they can hold the perpetrator to account and report to the police is an incredibly big step for them to take. To have what will hopefully be an administratively easy scheme that will give them access to some legal advice, counselling support and compensation may help those individuals on their healing journeys, which I think is really important. Unfortunately, some of these victims have spent most of their lives in a traumatised state. From a redress scheme like this, we can hope that more and more of them will get access to the support they need to spend the rest of their years, at least, on a healing journey rather than a re-traumatisation merry-go-round, which most of them have endured for many years.

I commend this legislation to the house. I am pleased that the government has brought it here. As we move along in understanding trauma research, post-traumatic stress disorder and a range of other mental health issues that people establish as a result of traumatic incidents throughout their lives, we will start to see an evolution in the way we treat entire families. If one individual in that family has had a traumatic experience, that experience flows on to their relationships with their siblings, their parents, their children and, importantly, their partners. Many victims of sex abuse find it difficult to form loving and lasting healthy relationships. Providing some compensation to those individuals that will assist them on their way towards being whole and participating human beings who are emotionally well and able to contribute to society is a very important thing. I am pleased to see this legislation before the house. When we go into consideration in detail, I look forward to getting a better understanding of how it will operate administratively and how responsibility between the state and federal government will be shared.

MS C.M. ROWE (Belmont) [3.07 pm]: I rise to make a contribution to the second reading debate on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. As many members have done, I start by acknowledging the hard work and dedication shown by the Attorney General on this bill. He continues to be a truly tireless advocate for social justice and is an inspiration to many of us in the chamber.

The horrors endured by many Western Australians as children at the hands of government and non-government institutions that were designed to protect and nurture them were exposed during the Royal Commission into Institutional Responses to Child Sexual Abuse. One key recommendation made by the royal commission was the establishment of a single national redress scheme. I am proud that our government has committed to joining the National Redress Scheme, which will recognise the trauma experienced by victims of child sexual abuse at the hands of institutions. Although it will not change the past, this looks to right a historic wrong. The McGowan government has already taken action to help survivors by removing the statute of limitations for crimes of child sexual abuse. Victims of institutional child sexual abuse will have the option to apply for redress or to go through other avenues. However, it is expected that many survivors will choose to use the redress scheme as it is deemed to be less traumatic and less of a financial burden. As we have already heard today, three areas of redress under the national scheme will be available to eligible persons. They include a financial payment, and counselling and psychological support. The third and perhaps one of the most important elements of it is the option, if requested, for a direct personal response from the responsible institution. The National Redress Scheme will commence in Western Australia on 1 January 2019 and will operate for 10 years. I believe this bill, by signing up to the National Redress Scheme, will go some way towards helping ease the pain that victims have suffered and continue to suffer as the result of child sexual abuse by government and non-government institutions.

The consequence of such vile abuse cannot be overstated. Reading the stories of the many victims who made submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse highlights just how incredibly hard it is for many survivors to lead healthy normal lives, and that is entirely understandable because these victims were robbed of having any kind of childhood at all, their young lives irretrievably shattered by the events and their experiences. It has, of course, dramatically changed the trajectory of their lives. As I have

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Mrs Liza Harvey; Ms Cassandra Rowe; Dr Tony Buti; Mr Simon Millman; Mr Reece Whitby

previously said about the stories uncovered during the royal commission, they highlight absolutely abhorrent and systemic abuse, continual and deliberate cover-ups and the prioritisation of reputation over the protection of children. Reading survivors' stories is extraordinarily hard; in fact, it is excruciating and heartbreaking. We truly failed these victims—these children—and that abuse should never ever have happened.

I would like to take this opportunity to share a few survivors' stories with the chamber as a way of acknowledging their pain and suffering. John Hennessey, who was a resident at the Bindoon Farm School north of Perth, told the royal commission of the physical and sexual abuse he endured from the age of 11 through to 16, which included being violently raped by the brothers at the school. John detailed his abuse very bravely to the royal commission. I quote —

'Each night, the dormitory would be visited by the brothers who either took individual boys into their rooms for the night or molested them in front of us,' he said. Brother Keaney kept a small pool of pets who were boys he used for sexual gratification. I was one of those pet boys. At the time, I did not understand what Brother Keaney was doing to me. I thought somehow I was privileged. 'By the time I was 14 or 15, Brother Keaney had fully groomed me into a willing sexual partner. I used to tell myself he was like a father to me. I remember thinking that if I did what he wanted, he would be pleased with me and I might get extra treats.'

John goes on to describe this time in his life and living in constant terror, when "violence was a part of life".

Then there is Brock. He shared his story with the royal commission. He was a happy boy who loved going to school and was excited to be sent to a Catholic boarding school in WA in the late 1980s at age 12. His parents worked in the next town and they wanted him to get the best education possible; therefore, he became a boarder at this Catholic school. At school, Father Flanagan took a special interest in Brock and was initially extremely kind to him. But within a very short space of time, Flanagan began molesting Brock and, when he was 13, Brock began being raped by Flanagan. Eventually at the age of 14, Brock begged his parents to come home and allow him to attend the local high school, which they did. Sadly, he did not reveal the reason he wanted to come home to them but, by this stage, Brock was an entirely different child. He did not trust anyone and he was extraordinarily angry. He was full of hate for the church, all religion and, worst of all, himself. By the age of 18, he had committed minor criminal offences and started heavily abusing drugs and alcohol in an attempt to block out the abuse from the past. At 21 he was placed into custody. Brock said —

'This was the way I identified myself: as bad.'

Over the years Brock battled with drug dependency, alcoholism, unemployment and homelessness. He has self-harmed and attempted suicide twice. Brock told the commission that he blamed himself for his childhood abuse and has suffered low self-esteem and anger issues his entire adult life. I think that is one of the biggest tragedies. When I read through the submissions on the royal commission site relating to WA, nearly every single victim said that they blamed themselves for the abuse. It was really heartbreaking to read.

Brent told the royal commission about the abuse he suffered as a teenage boy at the hands of Christian brother Norman at a Catholic youth centre in Perth, again in the late 1980s. He tells how he looked up to brother Norman and believed him to be a mentor and a very positive role model in his life. At the age of 16, Norman took the year 11 student to dinner before taking him back to the presbytery and sexually abusing him. Brent told the royal commission —

Because I had total faith in this man, I believed this type of male behaviour was normal.'

...

I vowed I would never tell anyone. I felt shame and guilt that I'd allowed it to happen, and repulsion. I wanted to forget it ever took place.'

As an adult, Brent has experienced crippling depression and suicide ideation as a consequence of this childhood sexual abuse. Brent told the commission —

... there have been times when I couldn't work for months because the medication to treat my depression was affecting me so much. I've had a noose around my neck and it felt good. People should know child abuse is a silent killer.'

Then there is the story of Faith. Faith was only seven years old when she was sexually abused at a school by Brian Webster, a sports coach at her primary school in Perth in the early 1980s. One weekend Faith and her friend Gail, who lived near the school, were at the primary school when Webster sexually abused both of the girls and made a pornographic video of Gail. Since that day, Faith says —

... me and Gail have not been able to speak to our parents properly, civilly or you know, have a proper relationship with them’.

Faith tried to distract herself from the pain of the abuse by pouring all her energies into study and sports directly after this abuse occurred. However, and quite tragically, by the age of 18 she began using drugs and to this day still battles with addiction. She also has a prison record, like many other victims of abuse who have found themselves in and out of the prison system. She told the commission that she has serious mental health and anger issues as a result of the abuse. The sexual abuse has left Faith with anxiety and low self-esteem, and she said she is always frightened. Faith has attempted to take her life on 12 different occasions.

These are just a few cases heard by the royal commission, but I think that they speak to the magnitude of the trauma these survivors continue to experience in their lives as a result of child sexual abuse. Their lives have simply been ruined. The fact that sexual abuse went on in these institutions, especially with extremely vulnerable children such as being in the care of the state or the church, is an absolute disgrace. As I have previously mentioned in this place, the Australian Institute of Family Studies, a federal government body, published a paper in 2013 that found there were strong links between child sexual abuse and the onset of depression, and alcohol and substance abuse, as well as an increased risk of re-victimisation. The AIF research stipulates —

... evidence now clearly demonstrates the link between child sexual abuse and a spectrum of adverse mental health, social, sexual, interpersonal and behavioural as well as physical health consequences.

The same research also found a heightened risk for suicidal thoughts and behaviour. This bill cannot remove the pain of the past for survivors but it is critical to allowing them to seek redress. Victims of child sexual abuse are often emotionally scarred by the trauma they have been through for their entire lives. One victim, Eva, told the royal commission that what happened to her as a child is “a cloak of grief that I cannot live with. I just need to bury it.”

I cannot begin to imagine the anger, the pain and the utter despair that survivors have been through. Almost every story I read from the royal commission’s hearings told of lives totally ruined, plagued by emotional issues and serious mental health problems, including anxiety, extreme depression and post-traumatic stress syndrome in many, many instances. There were also stories of ongoing battles with addiction—drug addiction and alcoholism—not to mention the anger and sadness that has overshadowed and swamped victims’ lives.

At this point, I wish to offer my sincere sympathy for what victims have endured. It is horrific and sickening and I am so sorry that they have had to experience such trauma in their lives. I truly hope that this bill can begin to heal some of the pain of the past for victims. I commend the bill to the house.

DR A.D. BUTI (Armadale) [3.20 pm]: I would also like to contribute to the debate on this very important bill, the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I commend the member for Belmont for relaying some of the stories and testimonies heard before the royal commission. I do not think I need to go over those stories, which I also intended to talk about. Of course, the Royal Commission into Institutional Responses to Child Sexual Abuse relayed a very dark past in Australian history. When the member for Hillarys thanked or acknowledged certain people during his contribution, the Attorney General made a timely interjection about former Prime Minister Julia Gillard, whom I think the member for Hillarys had forgotten to mention for some reason. Obviously, the royal commission was instigated because of former Prime Minister Julia Gillard and I think it will go down as one of her greatest legacies during her prime ministership. We should always recognise that it was Julia Gillard who drove a royal commission on this issue at a time when it was probably not as politically fashionable to do so. The member for Hillarys then mentioned subsequent Prime Ministers who followed Julia Gillard, but she set up the inquiry and gave it the resources. She was also at the very front and centre in determining the terms of reference. Former Prime Minister Julia Gillard should be acknowledged by the Australian public more than anyone else in the political process, particularly the victims whom the member for Belmont mentioned in her contribution. I would also like to acknowledge two other people. During his time as Minister for Social Services, Christian Porter was the architect of the National Redress Scheme and I think he deserves to be recognised for his pursuit of that. Of course, in the later stages it was Dan Tehan, but Christian Porter really drove it. I would also like to acknowledge our Attorney General for driving the case for Western Australia. It was very important that Western Australia’s obligations under this scheme were properly prosecuted. We did not want to have a repeat of what happened when the GST formulation was first devised many years ago under the Richard Court–Colin Barnett regime. They did not think about the consequences for Western Australia, which is why Western Australia has had to endure problems with the GST. There was no forensic examination of what we were getting into. Our Attorney General has ensured that there will be no unfair ramifications for Western Australia in adopting the National Redress Scheme.

It is interesting to look at the public and political responses to the royal commission. The member for Belmont and other speakers outlined the human rights abuses that occurred. The sexual abuse that took place is one human rights violation but the institutional responses have also perpetuated the human rights wrongs that were committed

against people in the care of the various institutions. If members cast their minds back to the period of the stolen generations—which was not a royal commission; it was the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, run by the Human Rights Commission, and the subsequent report was called “Bringing them home”—there was greater public and political division on how we should respond to the human rights abuses that were suffered by the stolen generations. There was cause for reparations, not unlike the reparations that have come out of this royal commission’s report. Thankfully, we have moved to a better place and we, as a political institution, and the public have responded in a more positive manner to the royal commission’s report and recommendations. Sadly, that was not necessarily the case for the stolen generations. Many members of the stolen generations are also members of this institutional child abuse scenario. There is a crossover in that space.

I want to mention a few things about reparations in the National Redress Scheme before us. I should also mention that the member for Hillarys talked about having great admiration for the commissioners who had to hear the victims’ stories, some of which were relayed by the member for Belmont. I concur with the member because those commissioners had to witness a lot of the personal suffering of the people who presented before the royal commission. During my time at the Aboriginal Legal Service we interviewed many, many members of the stolen generations, and I know the effect that hearing story after story can have. After my time in that position at the ALS when I worked on the stolen generation project, I had trouble interviewing anyone on any subject for a number of years. It can have a major effect. Andrew Murray was one of the royal commissioners in this inquiry—a former Australian Democrat senator for Western Australia. He happened to have been a British child migrant to what was then called Rhodesia. I want to talk about him a bit further down the track, and I think we will see how the architectural structure of the redress scheme came about. Regarding the whole issue of reparations, I quote John Torpey from his book called *Making Whole What Has Been Smashed*, published in 2006 by Harvard University Press —

The proliferation of demands that states, churches and private firms be compelled to pay reparations to those whom they have said to have wronged in the past, or at least pressured to apologise for such wrongdoings, represents one of the more striking developments in recent international affairs.

Reparations can take many forms. Considerable work was done at the United Nations level by special rapporteurs on human rights abuses, one being Theo van Boven and another Professor Cherif Bassiouni. They came up with a structure of reparations that the royal commission has reflected in its recommendations. They come down to issues of an apology. We can recall earlier this year when the Premier and the Minister for Community Services talked about Western Australia taking on board most of the royal commission’s recommendations. Many people in the public gallery that day were victims of abuse and had provided evidence to the royal commission. That was an opportunity for this Parliament to come together, but, unfortunately, the Leader of the Opposition missed a golden opportunity to present a bipartisan position on that day. I remain perplexed about why he took that political angle when it was a perfect day to come together, and I know that many members of the audience were very disappointed and upset about what occurred. I commend the Premier and the Minister for Community Services for presenting the apology. The apology is one of the reparation measures. Basically, the reparation measures are: apologies, and guarantees that there will be no repetition of the human rights violations; restitution; rehabilitation, which includes counselling services and so forth; and compensation, usually in the form of monetary compensation, which is at the heart of this redress scheme.

I talked about Andrew Murray. I go back to a conversation I had with Andrew Murray, either at the beginning of 2003 or late in 2002, in New Orleans, of all places. We were both at a conference dealing with British child migrants, and it was being held in New Orleans. Do not ask me why it was being held in New Orleans. We were talking about the issue of monetary compensation in response to human rights abuses. Obviously, at that time the focus was on British child migrants, but we also looked at the stolen generations. That motivated me to write an article titled “Bridge Over Troubled Australian Waters: Reparations for Aboriginal Child Removals and British Child Migrants”, which was published in 2003. I want to read parts of that, because it was written after some research and discussion with Andrew Murray, who was the royal commissioner. The article reads, in part —

58. Understandably, governments and other parties are reticent in saying yes to reparation funding because of concern over the quantum of funding required. As suggested above, that concern may be lessened if liability is spread over the various responsible parties. For example in relation to the Aboriginal child removal scheme the responsible parties will in the main be the State Governments and the churches, who administered most of the missions and homes. However, the Commonwealth Government should also be required to provide some of the funding as they acquiescent and in fact encouraged the scheme. And of course in the Northern Territory it was the Commonwealth Government that was the responsible government. Also of course contributions should also come from the individual perpetrators.

The topic of child migrants was one of the sticking points in the state of Western Australia's agreement to the National Redress Scheme, and the Attorney General has prosecuted that on behalf of the state. The article continues —

59. In relation to the British child migrants, we have the UK, Commonwealth and State Governments, the sending agencies, receiving agencies, the Churches and charities that ran the institutions that housed the migrants in Australia. Also there are the individual perpetrators.
60. Individual, governmental and organisational liabilities must be assessed, and based on their proportionate liability responsible parties will incur various costs. In creating a comprehensive reparations scheme, party contributions must be assessed with respect to liability and responsibility; ability to pay and funding available; amounts already contributed; services provided; and whether public acknowledgement and apology has been made. Liability of parties should be negotiated and determined during establishment of a reparation scheme. All responsible parties should contribute funds to a scheme or part thereof based upon their responsibility and surrounding factors.

I go on to indicate that the discussion and recommendations are reflected in a table presented in the body of the article, formulated after discussions with Andrew Murray. The beauty of this national scheme is that all parties who had some responsibility for allowing abuse and for inadequate responses to that institutional abuse have taken on responsibility for the redress scheme. This ensures that all parties that have some responsibility acknowledge their wrongs and apologise to the victims. That is crucial to any reparation scheme. If we are going to right the wrongs of the past, it is incredibly important that we acknowledge the wrong and apologise for it, and put in place guarantees that it will not be repeated. Of course, we can never 100 per cent prevent sexual abuse but we can guarantee that our responses will not be like they have been in the past, including covering up the perpetrators.

Another beauty of this scheme is that it is made possible. This scheme would not be possible if we said that all the liability rested with the Western Australian government, or the South Australian government, or even the commonwealth government on its own, or the Roman Catholic Church on its own. All parties that have some responsibility must come together to create that funding pool to enable meaningful reparations to be made. The scheme allows compensation of up to \$150 000. I know that the royal commission recommended \$200 000, so it is less than that, but the predicted average payment for each successful applicant will be higher than that predicted by the royal commission. The national redress scheme anticipates an average payment of approximately \$76 000, which is \$11 000 more than the \$65 000 average payment included in the royal commission's report on redress and civil litigation. They are significant amounts, but they do not prevent civil action taking place. If civil action takes place and is successful, any money that had been previously received will be deducted. Even though the money is significant, we can obviously not put a monetary value on the abuse that took place. Any amount of money is symbolic, to a large degree, but arguably the greater the amount, the greater the symbolic gesture. There is also some utility in the actual amount because, as we know, and as the member for Belmont mentioned, many people who have been subject to child abuse and to the inadequate, shameful and at times criminal responses by the various institutions, are damaged people, and any economic recompense they receive can assist them to access appropriate services to help them. People affected by abuse can suffer major economic consequences for their possibility of earning income in later life. There is real utility in the quantum that is granted or received, but above that it is a very strong symbolic acknowledgement of the wrong that has been done to the victims. On its own, that is not enough, and that is why we need the apology, the counselling services and the other reparation issues.

I applaud all people who have been responsible for instigating and carrying out the royal commission, with a special thank you to the victims—maybe “victims” should not be the word—to the survivors who appeared before the royal commission and advocated for the royal commission.

[Member's time extended.]

Dr A.D. BUTI: I thank those people who advocated for the royal commission and who have driven this issue, and obviously the political personalities, starting with the then Prime Minister Julia Gillard, our Attorney General, Hon John Quigley, Christian Porter in his time as Minister for Social Services, and obviously the Attorney Generals and the various other ministers in the other states. I also commend the private institutions and the churches that have come on board. Whether they have been dragged to the table or not, they are now on board, and it is very important that this scheme be successful. This is a very dark part of our history, although some would say it is not yet history; it is actually a part of contemporary Australia. The way we respond to these wrongs will be very important to the future morality of our nation.

MR S.A. MILLMAN (Mount Lawley) [3.40 pm]: I start by placing on the record my acknowledgement of fellow speakers on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. One of the great difficulties I have in standing to speak now is that I must follow the very learned member for Armadale, who just made his contribution, and also no greater speaker when it comes to being both passionate and

compassionate, the member for Belmont, whose contributions to this debate have been outstanding. It is because of those excellent contributions and other contributions made by members on both sides of the chamber that I propose to keep my comments only brief, but there are a couple of key points that I think we would do well to have made.

In its legislative agenda, this government has focused on putting victims back at the centre of our justice system. We have many aspects, exhibits and examples of exactly how the legislative program that has been brought to this place by the Attorney General has achieved that. The implementation of the National Redress Scheme does two things: it gives effect to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and it completes the other side of the coin that we already dealt with when we lifted the statute of limitations for victims of child sexual abuse earlier this year. I say that because, on the one hand, the appropriate forum for people to seek justice will be through the civil litigation avenue, and those people will now have the opportunity to bring their claims to court and have them adjudicated on by a judge. On the other hand, there will be people for whom that is not an option by virtue of the operation of the relevant doctrines at common law, yet those people are no less deserving of the recognition of the trauma and suffering that they have been put through. Therefore, the recommendation from the royal commission was twofold—one, to make it easier for people to pursue civil litigation claims; and, two, to make it possible for those people for whom a civil litigation claim was not an appropriate course of action to access a different type of remedy.

As the member for Armadale has spelt out very clearly and articulately, that remedy needs to be made up of three constituent parts: a survivor of child sexual abuse is entitled to a direct personal response from the institution or the person responsible for perpetrating it; to counselling and psychological care; and to monetary payments. It is only by accessing those three elements that the redress scheme can manifest itself and provide the necessary justice to these survivors and victims of child sexual abuse. I read from “Final Report: Beyond the Royal Commission: Royal Commission into Institutional Responses to Child Sexual Abuse: Volume 17” —

Our *Redress and civil litigation* report was tabled on 14 September 2015. In the report we found that the civil litigation systems and redress processes had not provided justice for many survivors. We recognised that it cannot now be made feasible for many of those who have experienced institutional child sexual abuse in the past to seek common law damages. We made detailed recommendations for the establishment of a national redress scheme to provide redress for past institutional child sexual abuse.

We also made recommendations to reform aspects of civil litigation. These reforms are intended to make civil litigation a far more effective means of providing justice for survivors, particularly for those who are victims of institutional child sexual abuse in the future.

We can see right there that this is the second piece of the puzzle. Today’s legislation will give final force and effect to the recommendations that were made by the commissioners in the royal commission. In the commissioners’ own words —

Redress schemes may provide a suitable alternative to civil litigation for some or even many claimants, but they do not offer monetary payments in the form of compensatory damages obtained through civil litigation.

I make that point because of comments that were made by the member for Scarborough in her very worthwhile contribution to this debate and some confusion or concern that has arisen over the disparity between what a successful litigant such as Mr Paul Bradshaw might achieve by way of an award of damages in the Supreme Court and what an applicant in the redress scheme might achieve by accessing what is available to them here. On the one hand, Mr Bradshaw has taken up the fight and expedited his case, and two legal representatives have represented him assiduously, expertly and professionally. As a result of the unique circumstances in which he found himself and the particular avenue that was appropriate for him, he was able to achieve an award of compensatory damages. That is an entirely different payment from the payments available to people under this redress scheme.

Members must bear in mind that we are not trying to duplicate the civil litigation process. We are trying to establish an appropriate compensatory mechanism for all those victims, of which there will be many—thousands, according to the royal commission—for whom civil litigation is not an appropriate course. Mr Bradshaw was successful in his claim in no small part thanks to the terrific advocacy that was provided for him by his legal representatives. I acknowledge the member for Hillarys, who mentioned my good personal friend Michael Magazanik, who was the solicitor with conduct of Mr Bradshaw’s claim. As the member for Hillarys said, Mr Magazanik used to be a journalist at *The Australian* and then went to university to finish his law degree and became a legal practitioner. Mr Magazanik was ably assisted by another great friend of mine, barrister Tim Hammond. The interesting thing about both Mr Magazanik and Mr Hammond is that, like me, they once had the privilege of working at Slater and Gordon Lawyers. They honed their skills acting for victims of asbestos-related diseases. They had to take up the fight against significant well-resourced defendants who had access to top-quality lawyers and particular legal arguments that were always difficult to set aside.

I talk of Slater and Gordon because many people in their contributions today have spoken about the long fight that victims and survivors of child sexual abuse have been fighting to reach the point that we have reached today. For more than 25 years, these victims have been seeking justice. Back in the 1990s, Slater and Gordon took on the Roman Catholic Church with litigation in Western Australia, Victoria and New South Wales. That is all the litigation that I referred to in my speech when we lifted the limitation period for child sexual abuse victims. That fight has been recognised by this royal commission.

I thank the member for Cottesloe for his contribution because he said this of our then Prime Minister, Julia Gillard, and I find myself in furious agreement with these comments: when she instituted this royal commission, this was a seminal moment in the history of Australia. I made a note of these words because I was quite impressed by what the member for Cottesloe was saying. He said that this was a seminal moment in the history of Australia and a great act of leadership on her part. I echo those comments and I agree with them. I thank the member for Cottesloe for his generosity in making those comments. I agree with him that it was a seminal moment in Australia's history and it was a great act of leadership on the part of the then Prime Minister, because those victims of child sexual abuse—who by that stage had already been fighting for 15, 20, 25, 30 years for justice—could finally see that this royal commission was in place and was ready to investigate and interrogate all the horrendous circumstances that they had experienced.

Were it not for the excellent contribution from the member for Belmont, it would now fall to me to retell to members of this place some of the horrific stories that were presented to the commissioners during the course of the royal commission. I now do not propose to do that, but I would like to finish on this point. Perhaps it seems strange that I would invoke a theologian and a pastor when many of the victims of child sexual abuse experienced that abuse at the hands of religious institutions. Dr Martin Luther King quoted Theodore Parker, who was a great inspiration for Abraham Lincoln. I would share this lesson with the victims of child sexual abuse. Dr King said that the arc of the moral universe is long, but it bends towards justice. What we can see, by the passage of this legislation, combined with the passage of the legislation lifting the statute of limitations for victims of child sexual abuse, combined with all the legislation that this government has put in place that puts victims at the centre of our justice system, is that our government is assiduous and dedicated to delivering justice for victims of child sexual abuse. It is a fight that we will continue.

MR R.R. WHITBY (Baldivis — Parliamentary Secretary) [3.50 pm]: I rise to speak on the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. I also note the bipartisan nature of the debate we have witnessed today in this house, with members of all sides in agreement on the necessity and desirability of proceeding with this legislation. I also acknowledge the hard work of our Attorney General, who is no doubt getting some well-deserved refreshment. It has to be remembered that this redress scheme was born out of the Royal Commission into Institutional Responses to Child Sexual Abuse. I also join with members who have congratulated former Prime Minister Julia Gillard, who announced that royal commission on 12 November 2012. I congratulate her and her government. This is a lasting legacy of that government. It is important and memorable to note that that government relied on the support of two conservative independent crossbenchers to survive and function as a government. It is remarkable that we still receive legacies from that government. It is interesting to compare and contrast that government with the current federal government, which has a majority in its own right yet finds it very difficult to function.

Royal commissions are often called for as a kind of panacea for all sorts of issues. Quite often the first thing that someone will call for is a royal commission to fix this issue or that issue. Often, that is not an appropriate response. Sometimes, for political reasons, royal commissions are instituted and held when they are not warranted. Some members in the chamber might be able to nominate a royal commission that fits that category. Royal commissions are very powerful processes. They have very powerful legal measures at their disposal. They are very expensive and take a long time to reach conclusions. Two contemporary royal commissions have been very good for our nation. This is one of them; it has been very good for our nation. The other—the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry—is currently being played out. I am of the belief that these royal commissions are very cathartic experiences for our nation. I am very hopeful that both will bring about lasting cultural change in Australia and that we will see the reform of important and powerful institutions, such as the church, government, banks, finance companies and insurance companies. I am very optimistic about the current banking royal commission and the impact it will have on Australia. I hope it will result in lasting cultural change.

With the passage of this redress legislation, I think we will also see a process that helps to deliver lasting and important cultural change in the area of child sex abuse. In very simple terms, the purpose of this legislation is to provide for compensation of up to \$150 000, assistance for counselling for survivors, and, if requested, an apology from the relevant institution in which the crimes occurred. It is important to note that the costs of this will come from the pockets of the institutions involved. That will obviously involve and include both government and non-government institutions. I have no doubt that, for some, the most valuable part of the compensation that could

Extract from *Hansard*

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Mrs Liza Harvey; Ms Cassandra Rowe; Dr Tony Buti; Mr Simon Millman; Mr Reece Whitby

arise from this will not be the money. I do not think any amount of money can compensate someone for being subject to child sexual abuse—there is no way we can put a value on that. For many, I think the most important and most valuable part of redress will be the apology—that will carry far more significance. No system is perfect. I am sure this redress system will have its critics. Indeed, some victims of child sexual abuse have already found fault with the proposed redress scheme. There have been comments about whether the compensation is enough, the method of calculation, whether there is support for secondary victims, and a range of other issues. I believe that this legislation is still worthwhile. What is possibly more important than what it does for the victims of child sexual abuse is what it means for our future. It lays down a clear guide to our most powerful institutions that this is not acceptable and that when a complaint is received that a child has been abused, institutions need to act, as this is not going to be tolerated anymore. I believe the most powerful and worthwhile outcomes will be not just the fact that victims or survivors of child sexual abuse will be compensated in some way, but also what it means for institutions going forward and how it may assist and avoid future victims.

There is no way we can properly or adequately respond to one of the most vile crimes imaginable. As parents, grandparents or just responsible adults, we all have a moral responsibility to protect our children. It is imbued in our culture that adults look after children. I used to think that people who transgressed this code and preyed on children were victims of some sort of illness themselves. I cannot explain it, but I do know it is evil—it is pure evil. It is an evil that our society can never try to accommodate, rationalise or excuse; it has to be confronted and exposed at every opportunity. The only way to protect our kids is to shine the light of scrutiny on this evil crime. For too long, institutions and, indeed, families have kept it hushed up; they have pushed this evil into dark corners. Often the excuse has been to save embarrassment. The claim has been that it is to save the victim from embarrassment and more suffering, but I tend to think that it is often more about saving the institution involved from embarrassment. It was argued that it was best for the victim that this dirty secret would be kept unsaid and pushed into a dark corner. That is nonsense. Keeping it secret just makes it worse for the victim; it makes them feel complicit in some dirty secret and that it was somehow even their fault. This always has to be exposed. The redress process is part of exposing this. It is making institutions answering and accountable; it is forcing them to face up to the truth.

I want to congratulate some of the leading institutions in this country that have already signed up to this scheme. They include the YMCA, the Catholic Church, the Anglican Church, the Uniting Church, the Salvation Army and the Scouts, as well as state and federal governments. I am advised that the fact that those major and significant churches have signed up to redress means that the schools associated with those churches will also be included in the scheme. That is a good thing. However, I urge schools and institutions that may not have a direct affiliation with those organisations to also sign up for this scheme in Western Australia after this bill is passed. We have heard about how civil action is expensive, difficult and time consuming, to say nothing about the trauma caused to survivors by having to give evidence. Although some victims who have taken this path have received more in compensation, and that option is still open to victims if they choose to use it, the redress option is a simpler and easier path, without the pain of having to give evidence. In Western Australia it is expected that just short of 6 000 survivors will apply for compensation under the redress scheme.

Debate adjourned, pursuant to standing orders.