



Australian Government
Department of Social Services

Submission to the inquiry into the options available to survivors of institutional child sexual abuse in Western Australia who are seeking justice

Department of Social Services

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Introduction

1. The National Redress Scheme for people who have experienced institutional child sexual abuse (the Scheme) was established on 1 July 2018 in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). The Scheme acknowledges that many children were sexually abused in Australian institutions, recognises the suffering they endured because of this abuse, holds institutions to account and helps survivors access redress.
2. The Scheme now encompasses all Commonwealth and state and territory government institutions and over 480 non-government institutions. More than 28,500 applications have been submitted to the Scheme with over 13,800 offers made and approximately \$1.08 billion in redress payments made as at 26 July 2023. The current average payment amount is over \$88,000. Under the Scheme, survivors can also access counselling and a direct personal response (DPR), which is akin to an apology from the responsible institution/s recognising the abuse that occurred.

Western Australia's Participation in the Scheme

3. All current and former Western Australian Government institutions were declared as participating in the Scheme in December 2018. As at 26 July 2023, 114 non-government institutions that operate, or operated, in Western Australia are also participating in the Scheme.
4. 4,084 applications have been submitted to the Scheme naming an institution that operated in Western Australia, with 2,784 offers made and \$222.39 million in redress payments made as at 26 July 2023 in respect of these applications. For applications naming a Western Australia institution (both government and non-government), the average redress payment is \$89,205.

Funder of Last Resort

5. The Scheme has Funder of last resort (FOLR) arrangements, under which governments have taken on the redress liability for non-government institutions that no longer exist (known as defunct institutions) or are unable to meet the requirements to participate in the Scheme. The Ministers' Redress Scheme Governance Board (the Board), comprising relevant Ministers from all jurisdictions, supported the expansion of the Scheme's FOLR arrangements.
6. The expansion of the FOLR arrangements occurred following amendment to the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act) in November 2021, to ensure more applications to the Scheme could be progressed. The expanded arrangements benefit survivors because until November 2021, applications that named a defunct institution could not progress under the Scheme where a government was not equally responsible for the abuse of the person. These expanded FOLR arrangements also allow some non-government institutions to partly participate, so they can provide responses to requests for information and Direct Personal Responses while the jurisdiction is

responsible, with the Commonwealth, for the financial element of any redress liability.

7. As at 26 July 2023, the Western Australian Government has agreed to be the FOLR for 31 non-government institutions, with 4 institutions covered under section 164 of the Act (defunct institutions where responsibility for abuse was equally shared with the government), 5 institutions covered under section 164A of the Act (defunct institutions where government was not equally responsible) and 22 institutions covered by both 164 and 164A provisions. The Western Australian Government has paid \$19.45 million in redress payments for FOLR institutions. 449 applications have been able to progress under these arrangements.

Counselling and Psychological Care

8. In January 2023, the Western Australian Government updated the way in which it offers counselling and psychological care (CPC) to redress recipients who live in Western Australia to a services-based model, consistent with most other jurisdictions. A services based model allows a redress recipient to access up to 20 hours of free CPC services. This compares with the earlier cash lump sum payment model provided by WA, which was up to \$5,000.

Redress Support Services

9. The Australian Government funds community based support services nationally to support survivors to engage with the Scheme. The Department manages the grant arrangements with the Redress Support Services (RSS). Since the Scheme commenced, over \$219.3 million has been allocated to the RSS program to 30 June 2027.
10. RSS provide timely and seamless access to trauma-informed and culturally appropriate community-based support services, and have expertise in making applications to the Scheme and providing practical and emotional support to survivors. RSS are also funded to provide individual and/or group counselling or social worker support for survivors throughout the redress process, through face-to-face, telephone, video and online settings, with some RSS offering appointments or visits after hours on request.
11. Seven RSS operate in Western Australia and are funded by the Australian Government to support people through their redress journey. Of these, 3 specifically support First Nations applicants (Aboriginal Family Legal Service, Kimberley Stolen Generation Aboriginal Corporation and Yorgum Healing Services Aboriginal Corporation). 4 services provide culturally appropriate support for First Nations applicants (Kimberley Community Legal Services, Pilbara Community Legal Service Inc, Relationships Australia Western Australia and Tuart Place). As at 26 July 2023, these Western Australia based RSS have supported 1,317 people make an application to the Scheme.

Western Australia as a Scheme Partner

12. The Scheme operates on a partnership basis between Commonwealth, state and territory governments. It is underpinned by referral legislation in each state and territory, which mirrors the Act. The Board has decision-making powers in relation to changes to the Scheme's legislation, major Scheme design issues and changes that have a financial impact. This is reflected in the Scheme's Intergovernmental Agreement.
13. In December 2018, the Western Australian Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018*, which adopted the Act. This meant that Western Australian Government and Western Australian non-government institutions could join the Scheme and applications naming these institutions could progress. As a member of the Board, the Attorney General of Western Australia has supported the progression of three legislative amendment packages to support increased access to the Scheme for survivors and implement key recommendations from the Second Year Review of the National Redress Scheme.