

Friday, 9 February 2018

State and Territory support urged for National Redress Scheme

The Law Council today encouraged states and territories to sign onto the Australian Government's national redress scheme, as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

Today's COAG communique noted that leaders 'acknowledged the work underway to establish a national redress scheme.'

Law Council President, Morry Bailes, said the peak legal body had long supported the establishment of a national redress scheme for survivors of institutional child sexual abuse.

"These survivors often experience long lasting trauma, and in many cases, are not able to receive appropriate redress or compensation," Mr Bailes said.

"Implementation of the Royal Commission's recommendation to establish a national redress scheme is critical for the provision of effective redress for survivors.

"A national redress scheme, whereby states and territories participate as recommended by the Royal Commission, is the most effective way of ensuring that Australian survivors can equally access redress," Mr Bailes said.

Mr Bailes said the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 was landmark legislation, but still requires improvement. This includes:

- the use of delegated legislation within the proposed measures;
- current and future eligibility for redress under the scheme;
- the process for reviewing decisions made under the scheme;
- the legal effects of an offer made under the scheme; and
- privacy concerns regarding disclosure of protected information.

"We look forward to working with Parliament to address these concerns," Mr Bailes said.

Mr Bailes also supported the Prime Minister's announcement that he will deliver an apology to the survivors of institutional child sexual abuse by the end of the year.

"An apology is a very meaningful act, which can often be the first step in the healing process. It is an acknowledgment that Australia, and its institutions, failed to protect many children from child sexual abuse," Mr Bailes said.

The Law Council also supports the Prime Minister's announcement that the Australian Government has established an Attorney-General's Department taskforce to progress some of the Royal Commission's key recommendations with the states and territories.

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