

The National Redress Scheme

Purpose

This position statement outlines the current issues people with disability have accessing the National Redress Scheme, and outlines recommendations to improve the number of people with disability accessing the scheme.

Background

The [Joint Select Committee on Implementation of the National Redress Scheme](#) was appointed in 2019, and was established to inquire into and report on:

- the Australian Government policy, program and legal response to the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, including the establishment and operation of the Commonwealth Redress Scheme and ongoing support of survivors, and
- any matter in relation to the Royal Commission's redress related recommendations referred to the committee by a resolution of either House of the Parliament.

People with Disability Australia (PWDA) made [two submissions](#) to the Joint Select Committee, informed by our direct redress related work, in November 2020 and most recently in August 2021.

Much of PWDA's redress work involves raising awareness of the scheme among people living in disability institutions.

We have especially focused on people in hard-to-reach settings such as boarding houses, group homes, mental health and forensic mental health units, and prisons, and assisting these people to engage with the scheme, including by providing information to service providers.

There is only one other Department of Social Services funded specialist disability Redress Support Service. This leaves much of the country without any support services dedicated to providing advocacy and undertaking outreach to assist survivors in disability institutions.

More people with disability need to be supported to access the National Redress Scheme

In our most recent submission to the Joint Select Committee, we highlighted that more people with disability need to know about the National Redress Scheme to access the scheme.

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People with disability in hard-to-reach settings, and those with communication barriers, are particularly not engaging with the scheme.

Evidentiary standards applied by the scheme may also unfairly disadvantage people within hard-to-reach settings.

All recommendations of the Final Report of the second year of the review National Redress Scheme need to be implemented

PWDA is disappointed to see that the Government has only expressed support for 28 of the 38 review recommendations in the Government's interim response.¹

PWDA's strong view is that all review recommendations should be implemented as soon as possible.

Other issues

Our submission also highlighted the following issues, that we believe requires urgent attention:

- **Equality of access:** all people with disability regardless of status should be eligible to apply, we would like to see access and equality for all people with disability, particularly in the areas of outcomes for First Nation's survivors. The scheme should also not be closed off to non-citizens, non-permanent residents, people in prisons, and those with serious criminal convictions and certain care leavers
- **Better provision of supports:** better provision of counselling, alternative therapies and social supports are needed in the scheme, as in many areas (particularly rural, remote and those with thin markets) applicants are unable to access these services, during the application process and afterwards as part of their redress offer; and
- **All people should be eligible for the scheme:** all people with disability regardless of status should be eligible to apply to the scheme under equal access, including non-citizens, non-permanent residents, people in prison, those with serious criminal convictions and certain care leavers.

¹ Australian Government, *Interim Australian Government response to the Final Report of the Second year review of the National Redress Scheme (2021):*"4-22

Recommendations

We propose the following recommendations:

Recommendation 1 – The Scheme’s legislative and policy frameworks be amended to ensure that natural justice is provided to survivors as part of the internal review process, including through independent decision makers: providing applicants with an opportunity to comment on adverse information; and providing sufficiently detailed reasons for an internal review decision.

Recommendation 2 – In developing a targeted communication strategy to build trust and increase awareness of the Scheme among survivors, the Australian Government fund, or undertake, increased outreach work to both disability and mainstream services, including in regional, rural and remote areas, to support them to provide information and assistance to survivors with disability.

Recommendation 3 – The Scheme’s legislative and policy frameworks be reviewed to establish amendments needed to make evidentiary standards and their application sufficiently flexible and tailored in order to protect and support the exercise of legal capacity by people with disability.

Recommendation 4 – The Committee reinforce the recommendations of the Independent Review Report relating to improving counselling and social support arrangements to promote Aboriginal and Torres Strait Islander healing approaches and culturally appropriate service provision, with regard to the intersectional needs of survivors and extending to consideration of direct personal responses.

Recommendation 5 – Australian governments collaborate to develop a strategy to address the shortfall in suitably qualified, specialised counsellors enrolled by the Scheme, including counsellors skilled in working with people with disability and in a culturally safe manner, with a particular focus on enhancing the provision of face-to-face services in regional, rural and remote areas, as a matter of priority.

Recommendation 6 – The Department of Social Services review services, systems and technologies involved in counselling arrangements, and accessing these arrangements, and develops a strategy for enhancing their accessibility in order to prevent discrimination against people with disability.

Recommendation 7 – The Committee consider options for maximising flexibility in the approach taken to counselling arrangements within and across jurisdictions, with a view to promoting choice and self-determination.

Recommendation 8 – The government service responsible for counselling arrangements within each jurisdiction establish more stringent processes to verify that practitioners are qualified to provide trauma competent services, such as a brief certification process.

Recommendation 9 – The Committee develop standards for the provision of trauma competent psychological care and counselling services for survivors of child sexual abuse, in collaboration with organisations and professional bodies with appropriate expertise, for gradual implementation by the National Redress Scheme and to inform future professional training and regulation.

Recommendation 10 – The Committee consider how the Scheme can develop mechanisms to facilitate equal access to a diverse range of counselling, therapy and social support options for redress recipients, regardless of jurisdiction or place of residence.

Further information

- [Submission to the Joint Select Committee on Implementation of the National Redress Scheme \(Submission 50\)](#) [November 2020]
- [Supplementary submission to the Joint Select Committee on the Implementation of the National Redress Scheme \(Submission 50A\)](#) [August 2021]

About PWDA

People with Disability Australia (PWDA) is a national disability rights and advocacy organisation made up of and led by people with disability. We are a peak, non-profit, non-government organisation that represents the interests of people with all kinds of disability. We have a vision of a socially just, accessible and inclusive community in which the human rights and freedoms of all people with disability are recognised and respected.

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