



Law Council  
OF AUSTRALIA

Office of the President

1 November 2018

Senator Derryn Hinch  
Chair, Joint Select Committee on the Royal Commission into  
Institutional Responses to Child Sexual Abuse  
Department of the Senate  
PO Box 6100  
CANBERRA ACT 2600

By email: [institutionalresponsestoabuse.sen@aph.gov.au](mailto:institutionalresponsestoabuse.sen@aph.gov.au)

Dear Senator

**Supplementary submission to the Joint Select Committee on the Royal Commission into Institutional Responses to Child Sexual Abuse**

1. The Law Council was grateful to receive an invitation to appear before the Joint Select Committee on the Royal Commission into Institutional Responses to Child Sexual Abuse (**Joint Select Committee**) at its recent public hearings, and apologises for being unable to provide evidence at that time.
2. Further to the Law Council's written submissions to the Joint Select Committee dated 23 August 2018, the Law Council wishes to make a brief supplementary submission following a review of the themes arising from the abovementioned public hearings.

Review of the national redress scheme

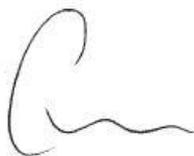
3. The Law Council provides its support for those submissions made by knowmore and others which related to the statutory review of the national redress scheme. As the Joint Select Committee will be aware, subsection 192(1) of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth)* (**the Act**) provides for the scheme to be reviewed as soon as possible after the second anniversary of its start date or at a date specified in the Rules, where this is done before the second anniversary and specifies a date after the second anniversary.
4. The Law Council regards this initial review of the scheme as a primary opportunity to consider in detail those concerns that have been raised by a range of stakeholders, including issues that have been identified by the Law Council in its submissions to the Joint Select Committee, as well as those previously made to the Senate Community Affairs Legislation Committee throughout the development of the scheme.
5. The Law Council is concerned that a review occurring two years after the implementation of the scheme may be too late in its timing to address some of the fundamental concerns that have been identified, and endorses the position of knowmore that the review should be brought forward and commence before the second anniversary.

Redress and Stolen Generations survivors

6. The Law Council would also like to take this opportunity to reiterate its earlier submissions to the Joint Select Committee in relation to the accessibility of the redress scheme for Stolen Generation survivors. This issue is again brought to the Joint Select Committee's attention as it did not appear to be raised by witnesses at the recent public hearings.
7. The Law Society of New South Wales has been assisting the Law Council in this context, and notes that the issues raised in the Law Council's earlier submission remain of concern, particularly:
  - (a) the definition of sexual abuse at section 6 of the Act and concerns as to whether it will adequately cover certain incidents that took place in some 'training homes' for Aboriginal boys;
  - (b) the ability for Aboriginal missions and reserves in existence prior to the disbanding of the NSW Aborigines Welfare Board to be classified as institutions under the scheme; and
  - (c) the general awareness and accessibility for the scheme amongst Stolen Generation survivors, in particular those that may have already received some level of compensation as a result of earlier group action.
8. The Law Council has provided more details on each of these issues in its previous submission to the Joint Select Committee, in addition to a range of other observations relating to the national redress scheme.
9. The Law Council is grateful for the opportunity to draw the Joint Select Committee's attention to this earlier material, and is thankful for the opportunity to provide this supplementary submission.

Please contact Mr Nathan MacDonald, Senior Policy Lawyer, on 02 6246 3721 or at [nathan.macdonald@lawcouncil.asn.au](mailto:nathan.macdonald@lawcouncil.asn.au), in the first instance should you require further information or clarification.

Yours sincerely



**Morry Bailes**  
**President**