

Tuesday, 19 June 2018

Law Council applauds historic day for abuse survivors

The Law Council has today welcomed the passage of legislation that will establish the National Redress Scheme for survivors of institutional child sexual abuse, paving the way for the scheme to become operational on 1 July 2018.

The Law Council has long supported a National Redress Scheme for survivors of institutional child sexual abuse and has acknowledged survivors often experience long-lasting trauma, and in many cases, are not able to receive appropriate redress, compensation or counselling.

Law Council President, Morry Bailes, said that today's establishment of a National Redress Scheme is an important and historic step in acknowledging that Australia, and its institutions, failed to protect many children from child sexual abuse.

"The scheme provides an opportunity to respond to these past wrongs and provide survivors with access to a just response," Mr Bailes said.

"The Law Council acknowledges the work of those survivors who spoke out and contributed to the Royal Commission into Institutional Responses to Child Sex Abuse, which led to the establishment of the National Redress Scheme, as well as the leadership of the Commonwealth Attorney-General and State and Territory Attorneys-General in making this scheme a reality."

The Law Council has also welcomed the Prime Minister's announcement last week that he will deliver a national apology to survivors of institutional child sexual abuse on 22 October 2018.

"An apology is a very meaningful act, which can often be the first step in the healing process," Mr Bailes said.

In the first half of this year, the Law Council produced two separate submissions for the Senate Community Affairs Legislation Committee in response to the proposed legislative measures underpinning a National Redress Scheme.

In its submissions, the Law Council raised a number of concerns with the proposed measures, most notably in areas where the legislative framework had deviated from the recommendations of the Royal Commission into Institutional Responses to Child Sex Abuse without reasonable justification.

The Law Council's key areas of concern that remain include:

- the default exclusion of survivors with serious criminal records from accessing redress under the scheme;
- the adequacy of counselling and psychological services under the scheme, which as recommended by the Royal Commission, ought to be made available for the life of the survivor;
- the decision to limit the scheme to Australian citizens and permanent residents, potentially denying former child migrants and those that have been in immigration detention from accessing redress; and
- the decision to cap redress payments at \$150,000, rather than the full \$200,000 as recommended by the Royal Commission.

The Law Council looks forward to continuing to work with the Australian Government to ensure the scheme provides survivors with a fair and just option for redress in response to past wrongs that they have endured.

Sonia Byrnes: Communications

P 0437 078 850

E Sonia.Byrnes@lawcouncil.asn.au

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