

SUMMARY

Responses of the Commonwealth, State and Territory Governments to the Royal Commission Consultation Paper



Redress and Civil Litigation

April 2015

As part of its consultation on redress and civil litigation, the Royal Commission released a consultation paper in January 2015. The Commission has published 45 submissions, including seven from Commonwealth, State and Territory governments. This document summarises those government submissions.

Royal Commission ideal position: single national redress scheme led by the Australian Government, with participation of state and territory governments and non-government institutions. Payments are to be funded by the institutions in which the abuse occurred.

Royal Commission position if ideal position not favoured: each state or territory to establish a single redress scheme for the state or territory, with participation of relevant governments and non-government institutions. The schemes would be established in accordance with principles recommended by Royal Commission. The principles would operate as a national framework to achieve consistency in redress and processes.

Commonwealth	<ul style="list-style-type: none">• Does not support a national redress scheme.• Institutions responsible for abuse should bear responsibility for providing redress to survivors.• Extremely complex to set up national scheme, requiring significant time and resources.
New South Wales	<ul style="list-style-type: none">• Is examining options for its own redress scheme. Would be open to discussing with other jurisdictions the potential for a national scheme.• Benefits for survivors of a national scheme include consistency of approach and less complexity.• Any redress scheme should be implemented quickly, given survivors are ageing and have immediate needs.
Victoria	<ul style="list-style-type: none">• Is progressing work on options for a Victorian redress scheme, in response to recommendations of the <i>Betrayal of Trust</i> report.• Intends to release a discussion paper canvassing possible redress options for Victoria in the near future.
Queensland	<ul style="list-style-type: none">• Did not provide a submission.
Western Australia	<ul style="list-style-type: none">• Notes the content and considerations of the Redress consultation paper, which it describes as a 'substantial piece of work on the nature of redress and civil litigation reform' and notes that it continues to support the ongoing work of the Royal Commission.

South Australia	<ul style="list-style-type: none"> • Does not support the establishment of a single national redress scheme or creation of a state scheme to be utilised by government and non-government. • Considers there is no reason to remove existing state redress scheme for survivors of abuse who were children in state care.
Tasmania	<ul style="list-style-type: none"> • Does not support a national redress scheme. • Concerned that too costly to operate, resulting in diminished funding to survivors. • Considers that scheme would create two classes of survivors of child sexual abuse (given that majority of abuse occurs within the extended family environment), thereby excluding a majority of survivors from access to redress. • Proposes that existing state and territory victims of crime schemes could be reviewed and reformed to provide redress to survivors of historical institutional child sexual abuse as well as providing the vehicle for ongoing provision of redress. • Considers RC should recommend a set of guiding principles incorporating the effective elements of redress to shape legislative reform for existing state and territory victims of crime schemes.
Northern Territory	<ul style="list-style-type: none"> • Supports, in principle, the establishment of a single national scheme. • Scheme should be funded by weighted contributions from institutions and governments, according to the number of victims residing in the institution, under the administration, or former administration, of the liable body. • Any scheme should be transitional, to provide for historical claims only.
Australian Capital Territory	<ul style="list-style-type: none"> • Did not provide a submission.