

Blog



Redress hurdles and international child sex abuse research report

Francis Sullivan 5 October 2017

As we move into October it is not long before the nation's political leaders will have to show their hand on support or otherwise for a national redress scheme.

Social Services Minister Christian Porter has stepped up. Already he has released draft legislation that can morph into a national redress scheme.

The administration of the scheme will be supplied by the Commonwealth, but the parameters under which payments are made to victims will ultimately need passage through the parliament.

In other words, what we end up with as a redress model for victims of institutional child sexual abuse will be the result of the forthcoming parliamentary debate.

We can expect intense scrutiny of the scheme by the Senate. As the states' house, this is where each state and territory government must actively engage with the legislation so that a truly national scheme will result.

There is no point developing a half-hearted program of redress where only some victims in some states have access to the scheme.

Minister Porter has been very upfront with governments and private institutions about the scheme. The Commonwealth's limitations as well as its resolve have been clear from early on. We are now literally in a period where good will needs to prevail.

Most private institutions, including the major churches, conceptually want a national scheme. There are hesitations over some practical aspects and far more clarity is needed over how insurance coverage can effectively work to assist with reparation payments. At this stage of the drafting process that is not unusual.

However, some higher order issues need to be kept front of mind.

The Royal Commission process has unearthed a shocking level of abuse within institutions, both government and private. Moreover, it has revealed that many victims have not had access to any redress. There has been little dispute that the institutions where abuse occurred are responsible for the redress to victims. The fact that this has not occurred is the issue.

That said, some will want to leave redress to the courts. Unfortunately, civil litigation is not a reasonable, nor is it a pleasant process for victims of historical abuse. Reforms in this area are slow at best. Whereas a redress scheme based on restorative principles is far preferable for victims. And it is victims that matter most.

There is a number of scenarios that can come out of the next month's negotiations over a redress scheme. The least desired will be a Commonwealth program where only victims from Commonwealth controlled organisations will have access to reparations. This will be the result of no state government joining the scheme or enabling private organisations within their jurisdictions to join the scheme.

Next iteration would see some states and territories join the scheme and therefore some private organisations able to participate. Again, any lucky victims will have access just by chance. Frankly this outcome will be the result of state government treasuries thinking far too narrowly and expediently. That is where their political leaders need to demonstrate some moral fibre.

Hopefully the most desired outcome, full national coverage, will be achieved. And if it takes some pragmatic changes to the draft bill to achieve that, then let's bring them on.