

# Blog



## **National redress scheme a slow train coming**

Francis Sullivan 16 February 2018

The slow train that is national redress continues to chug along. Another COAG meeting and another disappointing outcome for survivors, whose hopes have been pinned on the redress scheme. Even with the Prime Minister cranking up enthusiasm and urging the states to get on board, the COAG meeting was a fizzer when it came to real commitments from our political leaders.

No wonder victims and survivors are sceptical. The Royal Commission's recommendation for national redress has been known since September 2015. Yet it was only in the middle of 2017 that the Commonwealth rolled its sleeves up and began designing the scheme. The state governments have kept their powder dry and still do!

By July a scheme of sorts will be expected to be up and running. Whether it has a decent buy-in from the states is questionable. A lot of details about the scheme are still unknown. How it will operate in practice effectively falls within the rules of the scheme and they have not been made public. I assume that the states have various degrees of anxiety about that alone.

Then there are the big-ticket issues of insurance payments and procedural fairness obligations. Neither of these issues have been satisfactorily settled at this point. They are significant barriers for many institutions and again I presume that the states, although being self-insured, will have many concerns over the absence of procedural fairness in the current Bill.

The Senate's Community Affairs Legislation Committee will examine the Bill and deliver its report by 13 March. We can safely assume that the Bill will be amended in response to the public feedback. To do otherwise will doom the scheme from the very beginning.

What is even more important is whether a genuinely national scheme can be realised. The Royal Commission expected a scheme that included all institutions, government and non-government alike. That was the scheme that Catholic Church leaders gave assent to in the Royal Commission hearings. Of course, it was also expected that any national scheme would facilitate insurance payments and be designed around procedural fairness principles.

Even from a practical perspective a national scheme needs to be sustainable and deliver the widest possible coverage of potential applicants. Ensuring that all institutions can participate and are able to guarantee payments seems obvious. So does the notion that participating institutions are provided with the information they need to verify allegations, isolate any alleged perpetrators and satisfy their insurers.

None of these concerns are insurmountable. Given commitment and good will all these issues can be addressed and a fair and fully assessable redress scheme could be up and running sooner rather than later.

But we must get it right.

Translating worthy concepts into operative programs through legislation is difficult. There will always be naysayers. Getting the political buy-in from every jurisdiction, states and territories, is vital. So let's get this train moving!