

WITNESS STATEMENT OF NARRELL LETHORN

I, Narrell Lethorn, Director of the Office of the Director General of the Department of Local Government and Communities, in the State of Western Australia, do say as follows:

1. This statement has been prepared with the assistance of the State Solicitor's Office for the purposes of the Royal Commission into Institutional Responses to Child Sexual Abuse and is based on historic and current documents held by the Department of Local Government and Communities ("the Department"), and my knowledge of relevant policies and changes to those policies.

Employment History & Qualifications

2. I hold the following qualifications: BA with Commerce Minor (completed in 2000) and MBA (completed in 2004).
3. Prior to commencing work at the Department, I worked as Regional Manager, International Trade and Investment Division at the Department of State Development from February 2008 until February 2011.
4. I started working at the Department in February 2011.
5. I presently hold the position of Director of the Office of the Director General of the Department.
6. I have been in this position for approximately one year.
7. I am responsible for providing strategic and business support to the Director General, members of the Corporate Executive and senior management. This

includes oversight of ministerial matters as well as having responsibility for the direction and management of the communications function for, and within, the Department.

8. My initial position at the Department was Manager, Strategic and Executive Services (providing direct support to the Director General). When I started in that position in February 2011, I had a briefing from Stephanie Withers, who was the Executive Director of Redress WA. I needed to have a basic understanding of the history and operation of Redress WA to be in a position to assist with responses to queries about the Scheme. Ms Withers left the Department late in 2011 and I understand she no longer works in the public sector.
9. In that initial position, at about the end of 2011, I became involved in Redress WA. I was not involved in the operational phase of the Redress WA scheme and I became involved only after the offers of payment had been made to eligible applicant.
10. The Director General asked me to get involved in Redress WA because most staff involved in the scheme were leaving once all the applications had been assessed. At the stage I commenced working on Redress WA there was only a lawyer, and two others still working in the Redress WA team. Apart from me, there is now only one officer working for the Department who had any involvement in Redress WA, but his involvement in Redress WA related to communications and was very minimal

11. In about September 2012, I became Director, Country High School Hostels Ex Gratia Scheme. That scheme provided payments to people who had suffered abuse whilst residing in country high school hostels operating under the auspices of the Country High School Hostels Authority Act during the period 1960-2006. As Director I developed, implemented and managed the Country High School Hostels Ex Gratia Scheme to completion. This scheme was established in response to the St Andrew's Hostel Special Inquiry report *St Andrew's Hostel Katanning - How the System and Society Failed our Children*. I held that position until about December 2013 when that scheme closed.
12. My roles in the Department have overlapped to some extent.
13. From its inception and for most of its operating life, the Redress WA team operated as a stand-alone Project Team (and received specific funding for that purpose). It was located away from the Department at separate facilities in Belmont. I was never located at that facility.
14. I became involved in the Redress WA scheme only at the end of the project in late 2011 when all the offers of payment had been made and the scheme was winding up. The staff administering the scheme were returning to the Department's head office and the administration of the final period of the scheme was being brought into the Department's standard operating structure.
15. My role in Redress WA was to assist with the 'wind-up' process of the scheme. That included management of administrative details as well as referrals to the

Corruption and Crime Commission, providing any further information requested by the Western Australian Police Service (in respect of the matters referred to Police) and preparing draft ministerial responses to correspondence. In addition I oversaw the follow up with people who hadn't accepted their offer of payment and also the response to complaints made to Redress WA.

16. In addition to my other duties I continue to deal with any queries or correspondence concerning Redress WA. For example, I was contacted by the Department of Defence last year and asked to provide guidance and advice in relation to the establishment of the reparation scheme that was being established by that department.
17. My personal knowledge of the Redress WA scheme dates from the end of 2011, when the scheme was closed. In respect of the period during which the scheme was established and operated, my knowledge is limited to what I have gleaned from my review of historical documents and what others have told me at various times.
18. Given that the Departmental staff who were involved in the day to day administration of Redress WA left the Department and, in some cases, the public sector, I am the best placed person in the Department to give evidence concerning Redress WA despite my limited personal involvement.
19. In the statement I have referred to "applicants" rather than "recipients" or "victims of abuse" or "survivors of abuse". Redress WA dealt with so many people, some of whom had strong views about how they would like

their experience to be referred to and adopted certain terms to refer to themselves. As such I have chosen the neutral term "applicant" although it should in no way suggest that we don't acknowledge that the recipients of these payments were victims and survivors of abuse.

20. I provide this statement because the Royal Commission has requested that a senior officer of the Department of Local Government and Communities provide a statement responding to the witness statements provided by the Royal Commission and addressing generally the establishment, the operation and the effectiveness of the Redress WA scheme.

ESTABLISHMENT OF THE REDRESS WA SCHEME

21. In 2004, following a Senate Inquiry into Australians who experienced institutional or out-of-home care as children, the Community Affairs Committee tabled its report "Forgotten Australians". The Committee's Recommendation 6 was in the following terms:

- That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and out-of-home care settings and that:
- the scheme be funded by contributions from the Commonwealth and State Governments and the Churches and agencies proportionately;
- the Commonwealth have regard to the schemes already in operation in Canada, Ireland and Tasmania in the design and implementation of the above scheme;

- a board be established to administer the scheme, consider claims and award monetary compensation;
 - the board, in determining claims, be satisfied that there was a 'reasonable likelihood' that the abuse occurred;
 - the board should have regard to whether legal redress has been pursued;
 - the process established in assessing claims be non-adversarial and informal; and
 - compensation be provided for individuals who suffered physical, sexual or emotional abuse while residing in institutions or out-of-home care settings.
22. Reports of earlier national inquiries also made similar recommendations for some form of monetary redress, the provision of an apology and/or memorial and counselling and support services for victims of historical child abuse.
23. "Bringing them Home", the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (by the Human Rights and Equal Opportunity Commission in 1997) included Recommendation 3 to the effect that reparations made for the purposes of responding to the effects of forcible removals should consist of acknowledgement and apology; guarantees against repetition; measures of restitution; measures of rehabilitation; and monetary compensation. Recommendation 14 specified that monetary

compensation to be provided to people affected by forcible removal under various heads of damage, including "abuse, including physical, sexual and emotional abuse".

24. The 2001 report of the Senate Community Affairs References Committee into child migrants "Lost Innocents: Righting the Record" includes Recommendation 32 that the Commonwealth and State Governments, in conjunction with the receiving agencies, provide funding for the erection of a suitable memorial or memorials commemorating former child migrants. There were also various other recommendations relating to assisting former child migrants to locate and re-unite with their families and to be assisted in other ways such as with education. There were no recommendations specifically for monetary reparation for the effects of abuse, but the report confirmed that many child migrants had experienced abuse and neglect.
25. Redress WA was the Western Australian Government's response to those various recommendations.
26. The broad objectives of the Redress WA scheme were to make *ex gratia* payments to applicants, to acknowledge their experience through an apology and the erection of a memorial, to provide support and counselling services, and to report alleged perpetrators to WA Police.
27. In 2010 a memorial was erected in Northbridge to symbolise the formal acknowledgement of abuse and neglect suffered by many care leavers while in State care.

28. Ultimately Redress WA was intended to be a compassionate scheme which was directed to acknowledging abuse but was not intended to provide financial compensation for that abuse in the same way as a court would assess damages in a civil claim for damages.
29. The Department for Child Protection and the Department for Communities researched other comparable schemes in other States and other countries before the form and structure of the Redress WA scheme was finalised.
30. Schemes such as Redress WA were a relatively new concept in Australia in 2007/2008 when the Government established Redress WA. I understand that there were few models that could be adopted and each model had advantages and disadvantages but I do not know why the model used by Redress WA was chosen.
31. The former Labour Government announced Redress WA on 17 December 2007, and a budget of \$114 million was allocated to the Scheme at that time.
32. Annexed hereto and marked NL1. is a copy of the media statement dated 17 December 2007 which announced the Scheme.
33. The Premier and the Minister for Community Services announced that people who experienced abuse or neglect may receive an *ex gratia* payment of up to \$10,000, or, where they could demonstrate that they experienced abuse or neglect that resulted in physical or psychological harm, up to \$80,000.

34. The Premier and the Minister for Community Services explained in the media statement that the scheme was open to anyone who as a child had been abused in State care prior to 1 March 2006, including Child Migrants and Stolen Generation children. It was not limited to children who had been wards of the State and as such was open to a wide range of people who, at some point, had been under the "protection of the State". This specifically meant people who had been in residential care provided, authorised, monitored or sanctioned by the Government of Western Australia.
35. The media statement explained that applications could be submitted from 1 May 2008 for a period of 12 months, and that all claims were expected to be resolved by December 2010. As I explain below the process took longer than initially expected and all claims were assessed by 30 June 2011, with all offers of payment made by 30 September 2011.

Initial Steps and Set Up

36. Following the announcement of the establishment of the Redress WA scheme people could register their interest by telephone, on the Redress WA website or by email.
37. There was limited detail about the terms of the scheme, including its procedures, when it was first announced and so between the time of the announcement and 1 May 2008 the Department was very busy planning for the administration of the Scheme including recruiting staff (including contracted counsellors), setting up databases, designing the application form, developing the Redress WA Guidelines, establishing an assessment

matrix, developing an internal manual for assessors and setting up the dedicated website www.redress.wa.gov.au.

38. Some \$24 million of the budgeted \$114 million was set aside for administrative costs of the kind referred to above. The remaining \$90million was allocated to payments to eligible applicants. On 29 August 2011 the Government approved a request for further funding of \$30million to allow the department to finalise all eligible payments under the Redress WA scheme by 30 September 2011 (of that sum \$28.5million was required for payments to applicants and \$1.5million to complete the administration of the scheme). At the completion of the Scheme close to \$118million in payments were offered to eligible applicants.
39. Within the Department (but located at separate premises) a Redress WA team was formed comprising an executive director, assessors and various administrative staff (including a communication officer and a manager for financial analysis and budgeting). Most team members were contracted for the purpose of the scheme, while a few were permanent departmental officers seconded to the Redress WA project. In the 2008/09 and 2009/10 financial years there were 19 full time staff employed in the administration of the Redress WA scheme. In January 2010 the Government approved an increase in temporary full time equivalent positions (FTEs) to take the total to 39 FTEs to administer the scheme. From about May 2008 the Department started to engage external service providers, which is discussed below.

Communication Strategy and Redress WA Helpdesk

40. Before the Redress WA scheme was announced the Department (being the Department for Communities at that time) started to develop a communication strategy for the announcement of the Redress WA Scheme. Development of the communication strategy continued during the period before applications opened and was finalised and approved by the Minister in March 2008.
41. The broad aim of the communication strategy was to ensure that all eligible applicants were aware of the scheme and knew how to access it. The communications strategy was designed with the vulnerability of potential applicants as a primary concern.
42. Annexed hereto and marked NL2. is a copy of the final Redress WA Communications Strategy March 2008.
43. The communication strategy detailed how the Department was going to communicate with potential applicants, for example by TV and radio, a dedicated website, posters sent to prisons. It included things such as print, radio and television advertising, nationally and internationally. Media releases were national and international because of the child migrant aspect of the scheme.
44. The message conveyed was essentially 'if you have been abused while in State care, contact us.' The communication strategy was quite comprehensive.
45. I believe that Government followed the strategy pretty closely as there was a real awareness of the emotional state of potential claimants and the risk of inadvertently

causing distress as a result of poor communication and poorly chosen words or messages. The Government was also aware of the risk of not reaching all potential applicants if communication was insufficient.

46. Early in the scheme, and again towards the end, there were information sessions arranged in conjunction with the Aboriginal Legal Service and the Kimberley Community Legal service whereby we conducted a 'roadshow' for regional and remote Aboriginal communities.
47. The Redress WA website was launched about the time of the announcement of the scheme in December 2007. On that website were details about applying to the scheme, such as the Redress WA application form, guidelines for completing the form, frequently asked questions. The website also contained information on support services available and copies of the Redress WA newsletters.
48. There was a Redress WA Helpdesk set up with a free call number. Over the course of the operation of the Scheme the helpdesk responded to an average of 500 calls per week, plus enquiries via email and text messages. Staff were not taking applications over the phone but the Helpdesk staff would explain the process. People would call up and ask for an application form, and we would post it out to them with the guidelines on how to complete the application form. The application form was designed in consultation with social workers with a view to avoiding as far as possible re-traumatisation of the applicant.

49. Annexed hereto and marked NL3. is a copy of the Redress WA Application Form.
50. Annexed hereto and marked NL4. is a copy of How to Complete the Redress WA Application Form Guidelines.
51. From those calls and any other queries we received, we created a database registering all potential applicants. Everyone who asked for an application form was registered and all those people were sent the regular newsletters which were issued as the scheme progressed.
52. Approximately 10,000 people expressed an interest in the scheme.

Newsletters

53. During the course of the Scheme, the Department produced regular newsletters to keep all those that were on the database as having initially registered their interest in applying informed of the progress of the scheme and any changes to the scheme.
54. Seven newsletters were produced between August 2009 and September 2011. Each was mailed to registered potential applicants and service providers. They were also put on the website.
55. Annexed hereto and marked NL5. is a bundle of seven Redress WA newsletters.
56. There was also a booklet called Support Services for WA Care Leavers sent to all applicants.

57. Annexed hereto and marked NL6. is a copy of Support Services for WA Care Leavers November 2009.

Contracted Service Providers

58. The Department engaged with external service providers in WA and interstate to bring the Redress WA Scheme to the attention of potential applicants and, if necessary, assist those applicants to make applications.
59. The Department also engaged service providers to provide psychological counselling if requested by applicants.
60. At the close of the scheme 75% of applicants had received either support with their application or counselling services. The total spending on those services was approximately \$3.7million.
61. In accordance with government procurement processes, requests for expression of interest were issued for non-government organisation to provide support services to applicants in the course of making an application or to provide psychological counselling services to applicants.
62. Annexed hereto and marked NL7. is a copy of Request for Expressions of Interest DFC0075 relating to the provision of support services.
63. Annexed hereto and marked NL8. is a copy of Request for Expressions of Interest DFC0076 relating to the provision of psychological counseling services.

64. A list of the service providers available to assist applicants was included in newsletters mailed to applicants and was published on the website.

APPLICATIONS RECEIVED BY THE REDRESS WA SCHEME

65. Applications opened on 1 May 2008 and closed 30 April 2009. The period within which a person could submit the application form was extended to 30 June 2009 for persons who had registered their details by 30 April 2009. On 30 April 2009, instead of closing at the usual time of 5.00 pm, the helpline was kept open until about 8.30 pm to take calls.
66. If an application was postmarked with a date before 30 June and we received it after that date, we would accept it. If we received a fax of the application before June 30 but not the original, we would accept that too, provided the original was subsequently sent in.
67. During the period 1 May 2008 to 30 April 2009, 5917 applications were received and assessed. Of those, 5325 offers of payment were made.

Redress WA Guidelines

68. The Redress WA Guidelines were amended as the scheme progressed and the details of how the scheme should operate were reconsidered.
69. There was a constant learning process in the operation of Redress WA as we had never done something like this before.
70. The Guidelines were initially developed around early 2008 and formally endorsed on October 2008 after the

period of caretaker government. There were four revisions of the guidelines between 2008 and May 2011

71. The first two revisions of the guidelines dated 24 October 2008 and 17 April 2009 were never implemented, as no payments were offered until 2010. There were two drafts of the 2009 revision, dated 17 and 28 April. The only key change between 2008 and 2009 was the extension of the closing date for applications from 30 April 2009 to 30 June 2009
72. The key changes to the guidelines were made to the third revision endorsed by the Minister on 15 February 2010 (**2010 Guidelines**), which coincided with the start of payments.
73. The major changes to the 2010 Guidelines reflected the restructuring of the assessment process and the decision to reduce the maximum payment, due to the greater than expected number of applications relating to severe abuse and neglect. I have set out below some of the key changes in the 2010 Guidelines.
74. A new division was inserted providing for payments to be made in respect of eligible applicants who died at various stages of the application process. An eligibility payment of \$5,000 was available to allow applicants' families to receive a payment to assist with expenses.
75. The assessment process was restructured to account for the large number of applications demonstrating severe abuse and neglect. The 2010 Guidelines provided that applications are to be assessed as Level 1 (moderate), Level 2 (serious), Level 3 (severe) and Level 4 (very severe), with Levels 1 & 2 to be assessed by Senior Redress Officers and approved by Team Leaders and

Levels 3 & 4 to be assessed by Internal Members and approved by the Independent Review Panel. This restructure also meant that the requirement for applicants to provide medical or psychological reports to be eligible for the maximum payment fell away.

76. As there was no requirement for evidence to be provided and evaluated, the initial process of conducting formal conferences with applicants was replaced by informal telephone conferences to finalise applications by ascertaining whether the applicant had provided all the information they wished to.
77. The requirement for applicants to enter into a Deed of Settlement and Release if they intended to accept an offer of payment (and obtain independent legal advice in relation to the Deed) was removed in the 2010 Guidelines to allow applicants to pursue civil litigation proceedings if they wished to. I understand this was communicated in newsletters to those that had registered as potential applicants.
78. In the initial guidelines, offers of payment not accepted within 60 days were considered rejected and no further recourse was available to applicants. The 2010 Guidelines allowed applicants to accept and access outstanding offers of payment.
79. The 2010 Guidelines included provision for payments made to prisoners to be held on trust until their release, and for payments made to applicants mentally incapable of managing their own affairs to be held by the Public Trustee.
80. The 2010 Guidelines included an expanded review and complaints management process.

81. The final revision of the guidelines was endorsed on 18 May 2011. There were only minor changes to this revision, for example, provision was made for payments to prisoners to be forwarded to the Department of Corrective Services for the benefit of the applicant while in incarceration.

Preliminary Assessment

82. That first year between 1 May 2008 and 30 April 2009 was spent doing preliminary assessments of the applications.
83. The preliminary assessment included assessing whether the applications were complete. A number of the applications received by the Department were incomplete. The Department didn't anticipate getting so many incomplete applications. For example we often didn't receive certified copies of identification documents.
84. The preliminary assessment was also to see if the applicants were eligible for any payment. That involved being satisfied of the identity of the applicant and verifying that the applicant was at the institution or other state care that they mentioned.
85. To verify the applicant was in fact at the institution referred to in the application, or in the circumstances of State care set out in the application, we needed to undertake research. Senior researchers would access Department for Child Protection records to obtain this information.
86. Annexed hereto and marked NL9. is a copy of the memorandum of understanding "Department for

Communities (Redress WA) Access to Client Record Held at Department for Child protection" dated May 2008.

87. Departmental officers also met with a delegation of Churches in relation to the Scheme. During, and as a consequence of, that meeting we negotiated access to admission and discharge records of relevant Church organisations to assist the Department to assess applications.
88. There were challenges in accessing records, given a lot of the content was historical information. For example, difficulties were encountered where files were incomplete, lost or had been destroyed. In some cases searches were made of hospital records, but they were often incomplete. It took longer than expected or desired to access the required information.
89. In some instances, applicants thought they had been in state care, but they actually weren't. It is understandable that their recollection or knowledge of their circumstances may be limited as they were children. One example is where applicants had been placed with family members or chose to stay with family or friends, but that was not an arrangement ordered or sanctioned by the State (although they thought it was). Applicants in those situations were not eligible for payments in relation to anything that occurred during that particular period. However, it took some time to ascertain whether or not such applicants were eligible.
90. There were other challenges with assessing applications for eligibility. For example applicants had been in

church institutions, missions, foster care and government institutions; they were geographically dispersed and were sometimes difficult to locate (especially in regional areas). Many applicants had poor literacy because of interrupted education which affected their ability to communicate their experiences.

Assessment for Level of Payment

91. Once all the applications were assessed for eligibility I understand the Redress WA team started the actual assessments in respect of the appropriate level of payment to be offered.
92. Generally, applications were allocated at random to batches of 100 and then each batch was assessed.
93. However, there was an opportunity for applicants to request that their application be processed as a priority on the basis of poor health. If an applicant requested urgent processing, they had to provide a medical report as evidence of a terminal or life threatening condition. A basic triage system was used to get the most urgent applications assessed first. Those applicants also could receive an interim payment of up to \$10,000 and that amount would be deducted from their final offer of payment. 791 applicants who had a life threatening illness or condition confirmed by a doctor's report were paid as a priority.
94. One of the main challenges of a Redress scheme is the best way to assess the severity of abuse. There is no perfect way and given the passage of time in relation to many claims it was a very difficult process.

95. The Redress WA Guidelines outlined four broad levels of abuse: moderate abuse/neglect, serious abuse/neglect, severe abuse/neglect, very severe abuse/neglect. The Redress WA Guidelines are attached and discussed further below.
96. There were two stages to the process of final assessment of applications: first, assessment by a Senior Redress officer followed by re-assessment and approval by either a Team Leader (where the Senior Redress officer has recommended offering \$5,000 or \$13,000) or by an Internal Member and an Independent Review Panel (where the Senior Redress officer had recommended an offer of \$28,000 or \$45,000)
97. Senior Redress officers were for the most part psychologists and social workers. The Senior Redress officer would review the statements made, then call the applicant to give them the opportunity to add more detail or to provide clarification where necessary. For example, an applicant may have been asked to provide further details of their claim. This was quite difficult for some applicants but necessary to allow the proper assessment of the application and ensure that the applicant received the appropriate level of payment.
98. The Redress WA team were trained to ensure that applicants were not pressured to add further detail if they did not want to and the applications were simply assessed on the basis of what information was received. The Redress WA team was mindful that giving details of the abuse they suffered could be traumatic for applicants and it was intended that re-traumatisation be avoided as much as possible.

99. During that phone call, counselling was offered to the applicant. If the applicant expressed an interest in accessing counselling, then details of various available external service providers were given to the applicant.
100. The Senior Redress officers assessed the applications in accordance with the Redress WA Guidelines. This involved assessing the information provided by the applicant against a matrix which was part of the Redress WA Manual for Internal Standards for Assessment. The matrix took into account issues such as length of time in care, age on entering care, the nature and extent of abuse, and the impact of the abuse in later life.
101. Annexed hereto and marked NL10. is a copy of the Redress WA Manual of Internal Standards for Assessment dated January 2010.
102. Applications assessed by the Senior Redress officer as moderate (Level 1) or serious (Level 2) abuse/neglect were sent to a Team Leader for approval. The Team Leader reviewed the assessment and, if the Team Leader agreed with the assessment, approved an offer of payment of \$5,000 or \$13,000 respectively.
103. Applications assessed by the Senior Redress officer as falling within the top two levels of abuse, that is severe (Level 3) or very severe (Level 4), were sent to an Internal Member to review the assessment. Internal Members were lawyers within the Redress WA team. The lawyer then put the application to an Independent Review Panel for approval.
104. The panel members were appointed by the Minister to approve assessments and offer of the higher levels of

payment. An Independent Review Panel had four members: a social worker with knowledge of child abuse, a solicitor, a psychologist, and a representative from a victim support or advocacy group. If the panel was reviewing an application by a member of the Stolen Generation, then a person with expert knowledge/experience in that area would be invited to sit on the panel as well. The panel members were independent of the Department administering the scheme.

105. In some instances the process of assessment took a year or longer. We received criticism for the length of time of assessing. It did take longer than anticipated for the assessors to confirm details due to the age of records. Assessments could be complex and time consuming and it was important to give each application adequate time and care. A further difficulty was that the sole task of the assessors was reading and assessing the applicants' recount of the abuse they suffered which was in many cases very severe. Dealing with the subject matter was really hard no matter how trained and experienced the staff were. Due to the distressing nature of the material the staff needed support, we struggled with retention of assessors due to the nature of the job. The cases were so severe that the assessors could only work through so many per day. Ms Withers put in some good supports for staff and worked on morale with the team.
106. Once the assessment of the level of abuse was completed and the offer of payment was approved, the applicant was sent an offer of payment of either \$5,000, \$13,000, \$28,000 or \$45,000. Of the 5325 offers of payment made during the Scheme, 866 were for \$5,000

(Level 1), 1868 were for \$13,000 (Level 2), 1478 were for \$28,000 (Level 3) and 1113 were for \$45,000 (Level 4). The maximum amount was less than was originally set out in the Government's announcement of the Scheme and I have discussed that further below.

107. The applicant was also sent a Notice of Decision and a Statement of Decision with the offer of payment. The statement went into a little more detail than the notice.
108. A letter of apology from the Government was also sent with the offer.
109. Annexed hereto and marked NL11. is a copy of the letter of apology from the Premier and the Minister for Community Services, Robyn McSweeney.
110. The offer of payment also included an offer for financial counseling if required.
111. The applicant was asked to formally accept or reject the offer and if they accepted it, they were to provide bank account details for deposit of the payment. There were no conditions placed on the acceptance of payment.
112. After assessment, but before the money was paid out, we checked whether the applicant had received any criminal injuries compensation from the State in respect of the injuries suffered. We also checked whether they owed money to the State for orders to pay criminal injuries compensation. If they had received or owed such money to the State, this was deducted from the payment. This occurred in only a few cases.
113. Some applicants refused to accept the offer of payment. Some others did not respond and could not be located to follow up. In total there are twenty applicants who

either refused or did not respond to their offer of payment. Approximately \$137,000 for those twenty applicants is held as unclaimed money and is available to be paid to the applicants should they later accept their offer. The Redress WA application form also asked the applicant to indicate if they did not want the information they provided about their abuse to be referred to WA Police. Many applicants did not opt out of having the information they provided being referred to WA Police. Redress WA referred all matters to WA Police unless the applicant had said they did not want to. 2233 referrals were made to WA Police.

114. In some cases, the Department had an obligation to report matters to the Corruption and Crime Commission, where allegations had been made in respect of public sector employees who may still potentially be working in the public sector.

Change to the maximum sum of payment

115. During the early stages of the preliminary assessment of applications that I have described above, it became evident that there was a higher than expected proportion of cases that would be assessed as very severe abuse. This meant that the budgeted amount of \$90million for payments would be insufficient to meet the number of maximum level payments that were likely to be assessed. In the end close to \$118 million in payments was offered to eligible applicants.
116. On 26 June 2009 the Government noted that the budget only allowed for a maximum payment of \$45,000 rather than \$80 000 and requested that the Department

restructure the Scheme with the original funding allocation of \$114.3million.

117. On 4 January 2010 the Government approved the scale of payments of four levels of \$5,000, \$13,000, \$28,000, and \$45,000 according to the assessed level of abuse/neglect and a payment of \$5,000 to the estate of those eligible applicants who died before their application was assessed. This was a great disappointment to many applicants who had had higher expectations and in some instances re-traumatised them as it seemed that Government agencies were again taking from them. There were also other applicants who, whilst disappointed, understood that situation and acknowledged that the change was due to an unexpectedly high number of severely abused applicants.
118. The restructuring of the payment from the original two tier system of up to \$10,000 or up to \$80,000 to a four level payment system aimed to better reflect the types of abuse experiences by applicants. Applicants who received \$13,000 or \$28,000 may have received less under the original scheme. Eligibility payments of \$5,000 were made to 74 applicants who otherwise would have received nothing under the original guidelines of the scheme. In the end the original budget for payments was increased by approximately \$28.5million.

Complaints

119. The complaints process set out at clause 39 of the Redress WA Guidelines provided that the quantum of the payment offered to an applicant could not be the

subject of a complaint. Complaints could be made on the grounds that either an error in process had occurred or an error of fact had been made. The process of complaints management was essentially that the complaint was to be managed by the Redress WA Complaints Manager but if it could not be resolved by that person, the applicant could progress the complaint to the Department or, if still not satisfied, to the Ombudsman.

120. As at 20 April 2012, 342 applicants had lodged one or more complaint. The total number of complaints was 398. 192 of those complaints were regarding the sum offered to the applicant. The remainder of the complaints were about ineligibility, delays in offering payments, concerns about support for applicants and other issues with the process. Statistics were not kept on the outcome of complaints. Even though there was no ability to appeal the quantum, most complaints were generally about quantum. Mostly they were verbal telephone complaints to the Helpdesk about quantum or about the length of time it was taking to assess the applications and make payments. The Helpdesk officers spoke to the applicants to explain the reasons for the delay.
121. I recall two complaints about situations where siblings were offered different levels of payment. This may be explained by what information each sibling provided. A decision was made by the Minister that when siblings were being assessed, they be done at the same time.
122. A number of complaints were made to the Ombudsman. I understand that there were thirteen such complaints.

EFFECTIVENESS OF THE REDRESS WA SCHEME

123. We didn't ask the applicants to provide feedback on the Redress WA scheme. We would have liked feedback but it was decided that it was inappropriate to ask the applicants for any further information as we recognised that to do so may traumatise some applicants further.
124. Some applicants did comment that the Redress WA scheme gave them the opportunity to tell their story and that they found that beneficial. They were given that opportunity to do so in writing on the application form and then verbally during the phone call from the Senior Redress officer, who was trained to listen and communicate in a way that would be likely to help the applicant feel as comfortable as possible. They also could tell their story in counselling sessions if they wished.
125. In some cases the opportunity to talk about their experiences assisted the applicant to strengthen their application by providing additional details they thought were not significant.
126. There were some applicants who found the process difficult and revisiting the abuse that they suffered was triggering for them. We did our best to minimize that, but some re-traumatisation still occurred.
127. One thing I noticed was that a number of people who were abused as children in WA country boarding schools and hostels didn't apply to Redress WA as they didn't realise they were eligible. As they were not permanently moved from their family, they did not appreciate that they were still in State care while they stayed at the hostels. As mentioned above, in response

to the recommendations in the report of the St Andrews Hostel Special Inquiry, the Government made a decision to open a separate redress scheme for those people who as children suffered abuse while under the care of the Country High School Hostels Authority between 1960 and 2006. We learned a lot through administering the Redress WA scheme that could be applied to the administration of this subsequent scheme.

128. The Department prepared a draft report for internal use entitled Redress WA Final Report which summarised the pertinent facts of the Redress WA scheme, such as a breakdown of the source of the applications, the costs of the scheme, changes made during the progress of the scheme. The draft was prepared as an internal document and would have allowed the Department to report as required. It was never finalised as some figures were not included and the report was not required to be formally submitted to anyone.
129. Annexed hereto and marked NL12. is a copy of the undated draft report Redress WA Final Report.
130. Subsequent to the winding up of the Redress WA Scheme an officer with Redress WA drafted a document entitled "Overview of Redress WA: Key Learnings". It sets out his view of the Redress WA Scheme with a view to informing future redress schemes. The document has not been endorsed by the Department.

Issues Arising from Witness Statements

131. I have reviewed the statements you have provided to me. A lot of the concerns expressed by the witnesses are similar to the concerns that were raised with

Redress WA and with the Department. Below I have addressed each of the issues raised by the witnesses.

General Issues with Redress Schemes

132. Applicants to Redress WA, and witnesses before the Commission, have observed that Redress WA, and, in my view, redress programs generally, do not provide "justice" to victims of child abuse.
133. The concept of providing "justice" is a difficult one to grapple with, and a monetary scheme such as Redress WA is about compassionate financial payments rather than "justice". In most cases, money is not going to provide adequate compensation for the injuries and trauma suffered by victims of child abuse. Ultimately, Redress WA was a scheme to provide acknowledgement for what has happened, and some financial contribution to compensate the applicants. It was never suggested that the monetary compensation reflected the extent of the applicant's suffering. It could not provide the justice that many applicants were then and are today still seeking.
134. It is necessary to ensure that expectations of what a Redress scheme can deliver are realistic. Whilst Redress WA was a valuable tool to provide payments and services to victims of abuse, it had limitations.

Elements of the Scheme

135. It was an issue for some applicants that making a claim to Redress WA would harm their prospects of obtaining justice through other legal mechanisms. This was partially because the early version of the Redress WA Guidelines required people to sign a waiver which

waived their rights to sue the State in relation to their time in care. Redress WA removed that requirement from the initial guidelines and this change was communicated to applicants in the newsletters.

136. Some applicants also found the application process onerous.
137. The application form (see NL4.) asked for applicants to provide a written statement in their own words of the abuse/neglect they suffered. They were told that there would be a phone call as part of the application process.
138. The Redress WA scheme was set up to try and operate in a way that would not re-traumatise victims and the application form was designed with that in mind. However, it is acknowledged that any application process to assess the severity of abuse necessarily requires that the applicants give details about their experiences which, even when handled with the utmost sensitivity, can be onerous and difficult for the applicants.
139. I also note that some applicants, and indeed witnesses before the Royal Commission, found the experience of retelling their story helpful and for many it was the first time that they had spoken openly about the abuse they suffered. Giving people an opportunity to tell their story and be heard and believed was one aim of the Redress WA Scheme.
140. All applicants received an apology and some applicants found that apology helpful to them, others were not interested in receiving an apology. In Redress schemes it is important that a meaningful acknowledgement is

offered to successful applicants, but the response to the offer of an apology varies greatly between applicants.

141. Counselling was also offered to applicants. Some applicants took up the offer of counselling and were helped by that professional assistance. Some did not take up that offer and some were simply not ready to receive that type of assistance. This varied response from applicants to the offer of counselling is reflected in the evidence given by witnesses to the Royal Commission.
142. The time taken to process applications was of concern to some applicants. For example, Mr Walsh has expressed in his statement at [48] that it took a long time to receive a response to his application to Redress WA.
143. I have reviewed Mr Walsh's file and it documents that his application was received by Redress WA on 24 February 2009. Receipt of that application was acknowledged by letter to Mr Walsh dated 26 February 2009. Mr Walsh was contacted by telephone by a Senior Redress Officer on 19 October 2010 and given the opportunity to provide further details in relation to his application. The maximum payment was deposited in Mr Walsh's bank account on 21 December 2010.
144. Similarly, [at 74] Mr Grant states that it took 12-18 months to receive his payment of \$45,000. I am aware from reviewing Mr Grant's file that his application was received on 20 August 2008 and the payment was deposited in Mr Grant's bank account on 30 November 2010.

145. The processing of applications took longer than we anticipated. A period of 18 months to receive payment was not unusual and a number of witnesses before the Royal Commission have referred to this approximate timeframe. This was due in part to the time it took for assessors to confirm details because of the age of records. It was also important to allocate enough time to each application, and this took longer than we anticipated. The intention was to give all applications due consideration and not to rush assessments, so as to be fair and consistent.
146. Witnesses did acknowledge that staff were under a lot of pressure. This is a fair comment. The assessors were all professionally trained social workers and psychologists with experience in dealing with traumatic subject matter, however there is no doubt that the work was challenging and at times overwhelming for staff. This is why we ensured that adequate support for staff was provided.

Quantum

147. Most witnesses before the Royal Commission gave evidence concerning the change of quantum from \$80 000 to \$45 000. Some witnesses explained that they understood why the change was made, but many witnesses were still angry or upset about the change.
148. I have set out the Government's reasons for the change above at paragraphs [114] – [118] and will not repeat them again.
149. I note that the Government, through the Premier, expressed its sincere regret for any distress this change caused applicants.

150. The contents of this statement are true and correct to the best of my knowledge and information and belief.

SIGNED: Blatman

DATE: 24 April 2014