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To: solicitor@childabuseroyalcommission.gov.au

Royal Commission into Institutional Responses to Child Sexual Assault
Issues Paper 6: Redress Schemes

Barnardos Australia is writing in response to your request for submission on Redress Schemes to meet the needs of people who have suffered child sexual assault in institutions. We have not answered your questions directly as we believe that the issue to be addressed is much wider than just reviewing what should be done for the welfare of people abused in the past. Rather the question must include, what redress should occur to victims of child sexual assault in the future. We are particularly concerned about how redress is handled related to organisations that know of abuse and do nothing to protect children, compared to redress related to organisations which identify an abusive employee or carer and immediately takes appropriate action.

We write as an agency which is involved with many children who are sexually abused, usually when living in their own homes with their own families. These children suffer significant trauma as well as long term effects. We believe that a National Victims Compensation Scheme for adults sexually abused as children is needed. We feel the following points need to be incorporated into any Scheme allowing equity for all people who were sexually abused as children.

- **Quality standards within organisations which encourage identification of victims during their childhood and more adequate resourcing of child special assault programs, will provide the greatest opportunity for immediate therapeutic treatment.** This should be available to both children sexually abused in family homes or within children's institutions. Quality standards are important within organisations however, our experience suggests even when a trusting environment is provided for children, some children will not disclose the abuse until later in life as adults.
- **Where abuse is within an institution and agencies have acted outside the law or with gross negligence, action should be taken against them which ensures that the agencies do not contribute future tragic 'mistakes'.** The Royal Commission has revealed situations where organisations have failed to implement the law and have behaved in unconscionable ways. It is our view that agencies acting in this way should be held liable and fully accountable. We believe that the government should prosecute these agencies, rather than leaving it to traumatised individuals and lawyers acting for organisations.
- **All organisations involved in the care of children should have much stronger governance than they had in the past.** We believe that there are some governance models which can ensure a reduction of risk to children, to the extent of current knowledge. Monitoring of quality standards is critical. Under the NSW Children's Guardians accreditation and audit systems, NSW out of home care institutions must have policies in place, and workers and carers must be trained and informed about child sexual assault. Agencies must also have risk policies in place. Our experience of the NSW governance processes in child protection is that it is reasonably effective in making our workers and carers more accountable for out of home care. Under the NSW Ombudsman's Allegations procedures, we have strict timeframes and processes that need to be

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held to. These governance arrangements could be extended to other services providing services to children throughout Australia.

- **Funding of a child sexual abuse agency from the Federal tax base.** We feel there are a number of reasons for this:
 - Governments would be forced to take more seriously their responsibility of maintaining standards of care for children. This is something done currently in some States but not others and the Federal government is the only body to be able to encourage standards for all Australian children. There have been many Australian Special Inquiries and Royal Commissions where recommendations for reform have been made but with very limited implementation, it is important that someone takes responsibility for reform.
 - Federal funding involvement could enhance linkages to other government responsibilities such as health and income support agencies.
 - Most importantly, a federally funded program would ensure that funds remained available to those subjected to child sexual assault fairly and over time.

Barnardos Australia recommends a structured national approach to redress. We would like to see an easy accessed, professional, therapeutic and financial compensation agency established which also has a future role in the protection of children from sexual abuse and financial redress to victims. We believe that such a Scheme should be wider than abuse in institutional settings and should bring equity across the community to any child or adult who as a child suffers sexual assault. The Scheme needs to monitor agencies, teach and research the best ways to prevent child sexual abuse wherever it occurs.

- **We believe that the first task of the National Victims Compensation Scheme should assess past claims for likely sexual abuse cases and set standard compensation payouts.** The claims for financial redress against the institutions which have acted poorly should be prosecuted by the Scheme itself, not rely on victims either as individuals or a group to make a claim. Victims should be encouraged to use the Scheme by ensuring it is easy and accessible.

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