



Committee Secretary
Senate Community Affairs Legislation Committee
Department of the Senate
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Submission to the Senate Community Affairs Legislation Committee Inquiry on the *National Redress Scheme for Institutional Child Sexual Abuse Bill 2018*

Jesuit Social Services welcomes the opportunity to comment on *National Redress Scheme for Institutional Child Sexual Abuse Bill 2018*.

In particular, we would like to raise our concern that, in its current form, the Bill allows for the potential exclusion of a vulnerable victim cohort from access to the National Redress Scheme.

Jesuit Social Services: Who we are and what we do

Jesuit Social Services has been working for more than 40 years delivering practical support and advocating for improved policies to achieve strong, cohesive and vibrant communities where every individual can play their role and flourish.

We work with some of the most marginalised individuals and communities, often experiencing multiple and complex challenges. Jesuit Social Services works where there are gaps, where the need is greatest and where we have the capacity, experience and skills to make the most difference.

National Redress Scheme for Institutional Child Sexual Abuse Bill 2018

If a victim has been sentenced to imprisonment for five years or longer for an offence against a law of the Commonwealth, a State, a Territory or a foreign country, Clause 63 of the Bill enables their exclusion from access to compensation under the Scheme.

Subclause 63(5) stipulates that the Operator may determine that the person is not prevented from being entitled to redress under the Scheme if the Operator is satisfied that providing redress to the person under the Scheme would not bring the Scheme into disrepute or adversely affect public confidence in, or support for, the Scheme.

An overwhelming majority of those making submissions and witnesses to the Senate Community Affairs Legislation Committee report on the *Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017* and the *Commonwealth Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2017* recommended that survivors not be excluded from the Redress Scheme due to criminal offending or convictions.

We commend the Government for accepting the Senate report's recommendation that the Scheme has value as a tool for the rehabilitation of offenders, and that excluding this vulnerable cohort can have the unintended consequence of institutions responsible for child sexual abuse not being held liable.



However, as it stands, the Bill before Parliament may still leave a significant portion of the victim population without access to rightful compensation.

We know that a high proportion of individuals within the justice system have histories of childhood abuse. The *Royal Commission into Institutional Responses to Child Sexual Abuse* highlighted the stories of many survivors who found that the complex trauma and disadvantage resulting from their experience of abuse led to involvement with the justice system later in life. The status of victim and offender are often intertwined, and it is only fair that *all* people have the right to access compensation, have support to rehabilitate, and have an opportunity to heal.

While the Bill allows for discretion on a case-by-case basis, in our view this does not go far enough.

Jesuit Social Services calls for there to be no exclusions of individuals with criminal convictions from the National Redress Scheme.

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