

27 February 2023

Joint Select Committee on Implementation of the National Redress Scheme
PO Box 6021
Parliament House
Canberra ACT 2600

Submitted: *By email*

Relationships Australia welcomes the opportunity to make a submission to the Committee's inquiry into implementation of the National Redress Scheme (the Scheme) established in response to the recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. This submission is made by the national office on behalf of the federation and complements our previous submissions made to this Committee and to the mid-Scheme review. The submission is informed by feedback from our clients, as relayed through practitioners who deliver services to survivors of institutional child sexual abuse. We have also been informed by our experience providing the Frontline Counselling and Support Services for clients affected by the Disability Royal Commission (DRC), as well as a variety of services for First Nations people.

The work of Relationships Australia

Relationships Australia is a federation of community-based, not-for-profit organisations with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, living arrangements, cultural background or economic circumstances.

Relationships Australia has, for 75 years, provided a range of relationship services to Australian families, including individual, couple and family group counselling, dispute resolution, services to older people, children's services, services for victims and perpetrators of family violence, and relationship and professional education. We aim to support all people in Australia to live with positive and respectful relationships, and believe that people have the capacity to change how they relate to others and develop better health and wellbeing.

Relationships Australia provides a range of services for First Nations people and/or services that support people who live with disability and/or have complex needs, including due to trauma. Some of our specialised trauma and family mental health services include our:

- Disability Counselling and Support service – For people living with disability who have experienced violence, abuse, neglect and exploitation, and those affected by the Disability Royal Commission. The service includes case work, counselling and group work.
- Redress Support Services for people contemplating or going through the National Redress Scheme.
- Forced Adoption Support Services, which offers counselling, information and referral to those affected by past forced adoption practices.
- Find and Connect services for survivors of forced migration or OOHC during the 20th century.

- Aboriginal and Torres Strait specific mental health services which include culturally appropriate responses to individual needs and mental health challenges, as well as specialised Identity and Wellbeing Workshops.
- Family led decision making, working with First Nation families and kinship networks in the child protection system to build on their strengths and empower decisions that work for children and young people to promote healing.
- Senior Relationship Services assisting older people and their families to prevent and resolve family conflict, plan for the future (including medical, health, financial and living arrangements), improve communication skills, make decisions that protect the interests, rights and safety of family members and reduce the risk of elder abuse.

These services support people by providing:

- Person-centred, trauma-informed and culturally safe counselling, capacity building, mental health and transition support, and mediation.
- Warm transfers to other support services if required.
- Information and referrals about other useful services.

Relationships Australia believes that, based on feedback from clients, the redress Scheme does not currently meet the standards of a person-centred, trauma-informed and culturally safe service. In this submission we will explore how Relationships Australia continually strives towards providing a service that meets these standards and provide recommendations to the Scheme to support the transition to a more accessible and appropriate service based on our own learnings. We believe that these recommendations are integral to avoid the continuing re-traumatisation of survivors and should be implemented to support more survivors to access the Scheme in a safe manner.

This submission includes four sections:

1. Relationships Australia's efforts to make a safe and accessible service for First Nations and Persons Living with Disability

Areas for Improvement in the Scheme

2. The Application Process
3. Cultural Safety
4. Creating and Accessible Service

The Experience of First Nations and Persons Living with Disability

In the provision of our services, Relationships Australia have noted a variety of conceptual shifts and conditions that must be met to make these services accessible to specific communities. For example, we note the need to:

- Acknowledge that ableist and racist attitudes permeate society, and therefore all services, unarticulated or otherwise. Without acknowledging, understanding and addressing

foundational and persistent racist and ableist attitudes, we are unable to provide services which recognise and respond to these experiences.

- Acknowledge that much of the violence, abuse, neglect and exploitation experienced by First Nations people and those living with disability is perpetrated by the systems, processes and persons set up to protect or support them. This creates tangible and subtle barriers for people to exercise their human rights and limits their ability to receive support to address these experiences.
- As a result, we recognise that experiences of complex trauma are pervasive among First Nations communities, as well as people living with disability and their carers.
- We also recognise that addressing the myriad of physical, attitudinal, communication and social barriers faced by people with a disability is a continual and resource-intensive process. However, it is necessary to allow people living with impairments to participate in society on an equal basis with others.
- Similarly, we acknowledge the cultural, spiritual and economic sovereignty of Australian Aboriginal and Torres Strait Islander people and we understand that the ongoing violation of this sovereignty continues to harm Aboriginal and Torres Strait Islander people's health, wellbeing and aspirations.
- In response, we endeavour to prioritise and champion Aboriginal ways of knowing being and doing across services and commit resources to support Aboriginal Sovereignty, especially within the service spectrum.

Some ways in which we have addressed this throughout our organisation include:

- Requiring cultural fitness training for all staff. Cultural fitness is the process of ongoing self-reflection, personal engagement, and active learning to explore how staff relate to reconciliation, cultural safety, white privilege and value diversity.
- Engaging training to build staff knowledge and awareness, especially around appropriate language/terminology within the field of disability. This is important for all staff, not just practitioners providing services.
- Ensuring that programs and services are relevant and accessible. This includes developing targeted programs as well as ensuring that mainstream services are accessible and safe.
- Allowing *everything* to be client-led and client-centred; made possible through flexibility of some funding revenues and made necessary by the past experiences of our clients. In some cases, this included completely changing our processes and approaches.
- 'If it is right for us, it is right for everyone' - Ensuring that all facilitation activities and processes are inclusive of all participants irrespective of any disability.
- Developing organisational specific Disability Action Plans to reduce and remove barriers experienced by people with a disability and disseminate the learnings from this service throughout the Federation.
- Developing a Federation-wide [Relationships Australia Indigenous Network Action Plan on a Page](#) to take meaningful action towards a culturally safe organisation where Aboriginal and Torres Strait Islander people and communities thrive.
- Monitoring the progress of these plans, having hard conversations, and taking responsibility for their progress.

- Hosting and nurturing honest conversations about staff assumptions and biases and providing education where needed.
- Hiring peer support workers and people with lived experience and committing the resources to ensure that they are supported to thrive, and their expertise is recognised.
- Hiring engagement officers with deep knowledge of communities, systems and barriers.
- Engaging in evaluation and assessment of the success of services and committing to improvements which genuinely listen to clients' feedback.

Relationships Australia believes that providing a safe and appropriate service requires constant growth, difficult conversations, and humility. Without a strong commitment to these outcomes, they fall by the wayside. With this in mind, we make recommendations as to how the services could be improved.

Feedback from Clients

In our [previous submission](#), we reported on the positive feedback Relationships Australia Victoria had received when they undertook a client survey. The findings were encouraging:

- 93% reported that they felt listened to and understood by the RAV Redress Support Service (RSS)
- 90% felt that they were now better able to deal issues on which they sought support, because of the RSS intervention
- 93% felt that the service afforded opportunities to talk about and work on issues that they wanted to, and
- 95% felt satisfied with the service.

Against this backdrop, the feedback, suggestions and recommendations made in this submission are aimed at working constructively with the Commonwealth, State and Territory Governments to ensure that more survivors receive the full potential benefits of the Scheme.

Areas for improvement in the Scheme

1. The Application Process

Relationships Australia is aware that the Commonwealth's intentions were to make the application process as approachable as possible. However, the application form remains problematic, traumatising and confusing. Some clients and practitioners have mentioned that:

- The application form is lengthy and complex leading to significant negative psychological and physical impacts.
- The particularisation demanded echoes the need for onus of proof.
- Access is contingent upon the occurrence of sexual abuse, ignoring the other and damaging forms of abuse that have affected survivors.

Once the application has been submitted, survivors mentioned a lack of continuity in personnel handling applications, which leads to:

- Compromised agency and sense of control for survivors, especially regarding privacy and confidentiality. This affects First Nations and people with a disability, who often come to the Scheme with a lifetime of similar experiences.
- Survivors are asked to re-tell their story multiple times, compounding trauma and further eroding trust.

Others mentioned more insidious behaviours, including:

- Some personnel seem not to understand that breaches of privacy and confidentiality have a particularly negative connotation for a cohort who experience breaches as attacks on their hard-won agency over their lives.
- Some personnel handling applications have expressed scepticism or disbelief, or taking an 'inquisitorial' or 'investigative' approach to handling applications.

In our own services, we have spent time refining our intake and referral processes, to ensure they are 'warm', to avoid clients having to re-tell their story. At times, this means altering processes based on individual client needs. For some, a single end-to-end case worker was required. Relationships Australia believes the retraumatising nature of the application process could be part of the reason for lower uptake of the Scheme.

The Scheme, by definition, exists to serve a cohort of strong and resilient individuals, who are nevertheless deeply traumatised and characteristically present to RSS with multiple complex needs. As a result, applicants have reported:

- Personnel engaging with survivors (including independent decision makers) are perceived as 'hiding behind' anonymity and impersonal systems.
- Clients whose abuse profoundly damaged their sense of agency and autonomy can be further traumatised if personnel seek to provide feedback on applicants' wishes for DPR.
- They are more susceptible to the negative side effects of the '1800 loop' of having to listen to lengthy voicemail instructions, leaving their details, and waiting for long periods to receive a call back at the convenience of Scheme administrators.
- Similarly, applicants describe wait times between receiving an offer verbally and in writing that have compounded trauma and inhibit therapeutic progress as people are held in an ongoing hypervigilant state. Individuals who already have little reason to trust institutions, including governments, can come to believe that the process has been designed to wait applicants out (in some cases, until they die).

Relationships Australia welcomed the implementation of the Early Payment Scheme in 2022, but urges the Scheme to consider how wait times continue to affect applicants. Relationships Australia also welcomed the removal of the statutory declaration in the application, and believe similar changes could further improve the Scheme to make it more accessible.

Recommendations:

1. The application process should be assessed in its entirety to allow the gaps in trauma-informed practice to be addressed. At a minimum:
 - a. Forms should comply with disability and accessibility standards.
 - b. Supports should be provided to complete applications where needed. These supports should be advertised clearly.
 - c. Explore options for people living with disability to make applications in ways that suit their unique needs. 'One size fits all' approaches are ableist. We believe that the DRC has done an excellent job at broadening and exploring unique approaches to submissions and inspiration could be taken from this.
 - d. Move the content on 'Things to think about before you apply' from page 6 to the beginning of the form, to ensure that survivors have the earliest possible warning about the level of detail that is sought, and the potential impact of recalling and relaying that detail. This offers informed choice for the survivor as to when they may like to complete the form.
 - e. Train personnel handling applications in trauma-informed practice to ensure they understand the *why* behind warm referrals and other practices.
 - f. Ensure that queries and requests are responded to in a timely manner, again, with a focus on the re-traumatising outcomes that occur if one fails to do so. Communicate openly about the reasons for hold-ups if necessary.
 - g. Due to the higher prevalence of trauma within the disabled and First Nations communities, meeting the needs of these clients should be considered part of a trauma-informed approach. Therefore any provisions made for these communities should be available across the Scheme.
2. Allocate each survivor a single case worker end-to-end for each application.
3. Explore options to respond to applicants on a more individualised basis, especially those applying who have experience living with disability. However, it is also important that these services are not predicated on them disclosing their disability if they choose not to.
4. Include survivors' voices through true co-design of applications for services such as this. Many of these issues could be avoided if their voices had been heard earlier in the process.

2. Cultural Safety

The Committee notes the lack of First Nation engagement with the scheme. Relationships Australia has heard that many Aboriginal and Torres Strait Islander clients do not regard the Scheme, and those who administer it, as culturally safe. Cultural safety is established through shared respect, meaning and knowledge, which work together to ensure that First Nations people's experiences and identity is neither challenged nor denied. The lack of trauma-informed practice is part of this puzzle, as is the complex and arduous application process. Furthermore, Aboriginal and Torres Strait Islander peoples face additional barriers against disclosure including:

- Cultural prohibitions against talking – in particular, disclosing sexual abuse – to people:
 - o who are not also First Nations people
 - o of the same or other genders

- from certain family or kin groups
- of certain ages (eg. a person who is younger).
- Fear of retributions, were perpetrators hold positions of power within the community.
- Complex histories with institutional responses to culturally inflicted trauma.
- Lack of understanding about the effect that intergenerational trauma has on Aboriginal and Torres Strait Islander people and communities which cannot be easily interpolated within a Scheme predicated on burdens of proof.

Additionally, survivors are making decisions about participation in the Scheme against a background of:

- A perceived vacuum of trustworthy, accurate and widely accessible information, especially in relation to First Nations voices.
- Urban myths and misinformation about the Scheme.
- Confusion about the differences between the Scheme and civil litigation, with a lack of knowledge about what each option entails and offers.
- A process that inherently betrays the promise of trauma-informed, survivor-centred practice.

Culturally safe services:

- Create spaces for 'deep' listening and discussion that build honesty, truth-telling, respect and understanding which reflect cultural traditions.
- Harbour spaces to express concern and frustration with the institution.
- Educate staff on the ongoing legacy of colonisation and its enduring harm on Australia's Aboriginal and Torres Strait Islander people and communities and provide space for non-Indigenous staff to explore and discuss resistance, fear and/or guilt about our colonial history and the ongoing effect this has on all Australians.

Relationships Australia believes that a combination of the Scheme's design, as well as the additional barriers faced by Aboriginal and Torres Strait Islander peoples has led to the lower-than-expected uptake of the Scheme. While not impossible, improving uptake requires a dedicated, ongoing and flexible approach.

Recommendations:

5. Commission a national Aboriginal and Torres Strait Islander engagement strategy, to be developed under Aboriginal and Torres Strait Islander leadership.
6. Ensure this engagement strategy addresses misconceptions about the Scheme, both general and specific to these communities.
7. Employ staff who are appropriately trained and empowered to provide culturally safe services.
8. Prioritise Aboriginal and Torres Strait Islander recruitment, and provide support to obtain mainstream qualifications and skills – as culture cannot be taught.
9. Strengthen Aboriginal and Torres Strait Islander staff wellbeing and expertise and develop organisational practices that acknowledge and support Aboriginal and Torres Strait Islander cultural and organisational responsibilities, which can be conflicting. Provide support to navigate this.

10. The Scheme should reflect culturally safe practices by upskilling other staff on the ongoing legacy of colonisation.
11. Dedicate funding to support travel to rural and remote areas and to offer services to build the foundation for effective engagement with Aboriginal and Torres.
12. Explore options of peer support workers in the outreach space.

3. Creating an Accessible Scheme

Relationships Australia believes many of the barriers inhibiting First Nations people from applying to the Scheme are similar for those living with disability. For example:

- Complex histories with institutional responses to their trauma.
- Fear of retributions, about how the process will affect them, their carers or other aspects of their support system.
- Lack of trustworthy, accurate and widely accessible information about the Scheme, how to access it and the difference between the Scheme and civil litigation.
- Urban myths and misinformation about the Scheme.
- Past experiences with injustice which remain unaddressed. The possibility of healing from the trauma is often associated with the acknowledgement and remediation of the injustice they have suffered.

However, some additional barriers that specifically affect the communities of people living with a disability include:

- Lack of accessible submission support. The complex nature of the application process represents an enormous hurdle to many people with disabilities, for a variety of reasons. More should be done to create multiple application avenues with clear and accessible supports to use them.
- Lack of accessible feedback avenues. For example, the discussion paper accompanying this inquiry asked for the lived experiences of people living with disability, yet only accepts submissions in a very narrow way (written responses). This is a simple example of inaccessibility that further disenfranchises people living with disability from providing feedback on their experiences.
- Lack of inclusion for the role of carers in the process. When carers, including informal carers, are ignored, dismissed and/or blocked by systems, this reduces their capacity and causes their own experiences of complex trauma and mistrust. In many cases, the best outcome for the person with disability requires genuine engagement of family and friends by the service system.

Recommendations:

13. Commission a national disability engagement strategy, to be developed under the leadership of people with disability.
14. Ensure this engagement strategy addresses misconceptions about the Scheme, both general and specific to these communities. It should also make efforts to demystify the process so that people understand exactly what will occur in their application.

15. Recognise applicants' agency in identifying their disability and allow them to determine the level of assistance they need when applying by providing ample opportunities for them to disclose this information easily.
16. Provide specific disability supports to manage the effect applications such as this have on people living with disability. Our DRC service, which supports people through the process of making representations to the DRC, among other things, has been enormously successful and is a unique service which fills an enormous gap in the service spectrum.
17. Explore ways to include carers in the process, especially in the support scaffolding the application. Many people living with disability cannot be involved in a complex process such as this without the support of their carer, and often, the carer also needs support.
18. Explore options for provision of therapeutic counselling within an advocacy and collaborative case work framework. With our DRC clients, we found most presenting clients have not had their basic needs met and therefore could not yet focus on making a submission. After engaging in this therapeutic case work, and addressing basic needs like housing, they could shift towards seeking justice. We believe the lack of applications may be due to the many competing priorities people in this cohort must focus on.
19. Openly recognise and acknowledge injustices and systemic abuse affecting the individual and avoid pathologising or diagnosing based on responses to these experiences. This may mean providing specific disability and trauma-informed training to staff that explores how systemic and repetitive experiences with injustice can result in "challenging behaviours" for those processing the survivors' experiences.
20. Upskill staff in other aspects of disability engagement.
21. Explore options of peer support workers in the outreach space.

Other issues that we have noted, and which affect members of both communities, include:

- Unaffordability and inaccessibility of legal support. Applicants are not always aware that they can get help in completing the application, and hence submit applications that are non-compliant, or that overlook circumstances relevant to assessment of a survivor's full potential entitlements under the Scheme.
- Lack of awareness of the specific supports available within the Scheme. Relationships Australia staff express concern that some survivors are unknowingly waiving their rights to access counselling and legal advice, and are not aware of the availability of an assistance nominee and their functions. The consequences of submitting a non-compliant application, or a deficient application, are potentially very grave indeed, because of the prohibition against making more than one application to the Scheme.
- Ongoing propensity for people to turn to civil litigation rather than the Scheme for recognition, support and redress. It is troubling that survivors think they are better off turning to the court system, with its well-known expenses and delays, more stringent burdens of proof, and complex laws of causation.

Recommendations:

22. Within outreach efforts, set aside specific funding to promote the counselling and legal advice available within the Scheme.

23. Also use the outreach to promote the benefits of the Scheme as an alternative to civil litigation. Ensure these explanations are accessible.

Concluding remarks

Relationships Australia commends the Scheme for the changes it has made to encourage greater uptake of the Scheme. However, we believe that in order to increase applications, more must be done to make the Scheme trauma-informed, culturally safe and accessible. In its current state, the application process and movement through the Scheme can be re-traumatising, especially for First Nations people and those living with disability. For these communities, perhaps more so than others, the Scheme can reflect a continuation of the abuse and trauma it attempts to retribute for.

With changes and community co-design, the Scheme could offer a markedly better experience for survivors, and a more appealing alternative to civil litigation. This Committee has previously stated that ‘any amendment to the scheme proceed on the principle of “do no harm” to the survivor, be subject to proper consultation with key survivor groups, and appropriately incorporate feedback from those consultations.’ The Australian Government has accepted this proposition.

That proposition has not translated into the reality that survivors encounter when they engage with the Scheme. Further, the willingness of the Royal Commission into Institutional Responses to Child Sexual Abuse to respond to survivors in a way that is grounded in integrity, humility and belief has not been consistently embodied in the processes and administration of the Scheme.

Relationships Australia commends Government’s positive responses to feedback, but urges that the Scheme be re-conceptualised to restore, as its central tenet, a belief in the accounts of survivors and to more firmly embed trauma-informed practice in all aspects of the Scheme. Further, if the Scheme wishes to engage more applicants from First Nations and Disabled communities, it must do so in a responsible manner.

Thank you for your consideration of this submission. Should you wish to discuss any aspect of it, or the services that Relationships Australia provides, please do not hesitate to contact me (ntebbey@relationships.org.au) or our Senior Research and Project Officer Claire Fisher (cfisher@relationships.org.au) or by telephone on 02 6162 9300.

Kind regards



Nick Tebbey
National Executive Officer
Relationships Australia