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PDR: MS18-004347

DEPARTMENT OF THE PRIME MINISTER AND CABINET

PM&C
Secretary
Ms
Hatfield-
Dodds
Ms Baxter
Mr
Beckett

To: Prime Minister, the Hon Scott Morrison MP (for decision by 19 October 2018 to enable implementation to commence prior to the National Apology on 22 October 2018)

NATIONAL REDRESS SCHEME - UPDATES TO APPLICATION PROCESS

PMO
s 22(1)(a)(ii)

Recommendations - that you:

1. Advise you of the proposed approach for changes to the National Redress Scheme application process, in response to concerns raised by some survivors that their impact of abuse statements are shared with the responsible institution.

Noted / Discuss Further

SCOTT MORRISON

Date:

Comments:

DSS Minister has announced
+ this is now moot,

Key Points:

1. On 12 October 2018, you met with the Reference Group to the National Apology to victims and survivors of institutional child sexual abuse (National Apology). At this meeting, you agreed to review the application process for the National Redress Scheme (the Scheme). This follows concerns from some survivors, particularly Ms Leonie Sheedy, CEO, Care Leavers Australasia Network (CLAN) of the Reference Group, that the application process requires the impact of abuse statement to be shared with the responsible institution – and the potential for this to be re-traumatising for some applicants.
2. In response, and in collaboration with Department of Social Services (DSS) and Department of Human Services (DHS), we have undertaken the following steps to give effect to your commitment to survivors at the meeting.
 - a. On 14 October 2018, the Minister for Social Services, the Hon Paul Fletcher MP, provided a media release announcing the Government's intention to vary the Scheme's application form in response to these concerns.
 - b. DHS and DSS are seeking to include an 'opt-out' in the revised application form which will allow applicants to choose to either provide the impact of abuse statement to the responsible institution, or have it withheld.
 - c. As part of these changes, DSS will ensure a co-design session with survivor groups and stakeholders (including Ms Sheedy) tests these changes and ensures it addresses their concerns.

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- d. DSS advises Minister Fletcher is also sending a letter to states and territories and to institutions which have opted-in to the scheme informing them of the intended changes.
3. The existing application form is designed so an applicant does not need to elaborate in detail on the impact of the abuse. The form provides a pre-populated list of 'themes' of impact that a survivor can circle. There is no obligation to provide any further detail or account of the abuse.
 - a. This current approach was deliberately developed in response to concerns raised by Ms Sheedy on behalf of Care Leavers Australasian Network (CLAN). The form of words was specifically tested with CLAN, which was supportive of the approach at that time, prior to the Scheme's commencement. It is therefore important that these stakeholders continue to be involved through co-design and testing of any changes.
 - b. The application process currently collects and shares the survivor's impact of abuse statement with institutions for a number of purposes including
 - i. to allow states and institutions to have visibility of the redress impact ahead of the Independent Decision Maker, determining the appropriate quantum of Redress under the Scheme, and
 - ii. to allow participating institutions with relevant insurance policies to fulfil the needs of insurers, and
 - iii. to enable a meaningful direct personal response to be provided by institutions without the survivor having to explain the impact of the abuse directly to the responsible institution.

DSS and DHS are considering how these issues will be managed in moving to the 'opt-out' arrangement for the Scheme's application process.

4. DSS has advised that while there is no legal barrier to withholding the impact of abuse statement from the institution, there is a risk that some institutions (particularly volunteer institutions) may see this as a substantial change in the Scheme's position, and could reconsider participation in the Scheme if it means they can no longer satisfy insurers.
5. Consultation between PM&C and relevant departments suggests that full implementation of changes to the application form will take at least four weeks pending advice from DHS. DHS is aware of the desire to implement sooner. However, in the interim DSS has immediately ceased proving impact statements to institutions given the Government's commitment.

Background

6. There are over 1,500 existing applications for redress that could be subject to review following these changes to the application form. DSS and DHS are considering how the inclusion of this new 'opt-out' arrangement will impact current applicants. However, it is expected that:
 - a. applications where an assessment for redress has already been made will continue to be finalised;

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- b. for applications still in progress, and where impact information has already been provided to institutions, DSS are considering how best to manage this, most likely requesting institutions to destroy this information;
- c. applications that are still in progress and with DHS (circa 1000 applications), and where information has not been shared will most likely be reviewed by contacting the applicant to ask the applicant if they would like to 'opt-out' of sharing the impact of abuse.

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15 October 2018

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Consultation: Department of Social
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