

The West Australian

Act now on abuse redress

DEAN SMITH



Some issues deserve to be above politics and faith. None is more worthy than securing redress for the many survivors of institutional child sexual abuse who have had their lives stolen.

Without public fanfare and against the backdrop of the coronavirus pandemic, Federal parliamentarians have been working to secure these survivors and their families more timely justice.

Only when you hear the personal stories and witness the pain still contained in those memories can you truly appreciate the tremendous hurt and suffering this criminal abuse continues to cause.

The Premier of Victoria best captured the nation's response to news that Cardinal George Pell had been acquitted by the High Court of Australia when he tweeted "I make no comment about today's High Court decision. But I have a message for every single victim of child sex abuse: I see you, I hear you, I believe you."

Whatever peoples' view on the legal judgment, survivors and their families can be reassured that it will not stop access to timely and appropriate redress.

It is one of the deepest wounds on our otherwise proud history that innocent children were subjected to emotional and sexual abuse while in the care of institutions meant to protect them, and by people they should have been able to trust.

 It is unacceptable that institutions that have the capacity to join the scheme, and have had ample time to do so, still have not.

The final response of the Royal Commission into Institutionalised Responses to Child Sexual Abuse spoke of the enormity of these crimes when it labelled the abuse a "terrible crime that can have lifelong adverse consequences".

The royal commission heard from nearly 7000 survivors, mostly male, more than half of them first abused between the ages of 10 and 14. Female

survivors reported that their assault had often started younger.

Shockingly, the average length of the abuse suffered was more than two years.

Those in religious ministry and teachers, exploiting the close access, influence and authority their roles afforded them, were the most common perpetrators identified to the royal commission.

More than 90 per cent of abusers were men, the overwhelming majority of them adults.

It was the chair of the royal commission who observed that "abuse can impact a survivor's personal development in a number of ways" including an "individual's ability to complete their education, to maintain a job and to establish personal relationships".

In response to the work of the royal commission, the National Redress Scheme was established on July 1, 2018.

The scheme has three key components: a redress payment, counselling and psychological care, and a direct personal response.

The scheme has been slow to start, but we are beginning to see much needed improvements.

Almost 1496 applications have been finalised, including 1473 payments made, totalling over \$118.6 million, with an average payment of \$80,502.

The scheme now covers around 48,000 sites across Australia, such as churches, schools, children's homes, charities, and community groups.

But more must be done, and quicker.

Just last week, all relevant ministers with responsibility for the National Redress Scheme in their State or Territory met to advance reforms that would better serve survivors and their families.

The new joint select committee on implementation of the National Redress Scheme unanimously agreed in March to fast-track its work and to deliver an interim report by April 30.

This interim report will be essential to fully informing the legislated second anniversary review of the scheme, which is due in the first half of this year.

Meanwhile, the clock is ticking for institutions that have, so far, failed to take responsibility and sign up to

the National Redress Scheme.

It is unacceptable that institutions that have the capacity to join the scheme, and have had ample time to do so, still have not.

These institutions are now on notice and, as chair of the committee, it is my strong view that every possible action must be taken against those institutions that fail to uphold their moral, social and ethical responsibilities.

This must include the public identification of institutions, insisting State, Territory and Commonwealth governments impose financial sanctions, and even removal of an organisation's charitable status.

Survivors and their families can be reassured that justice will continue be done.

Dean Smith is a WA Liberal senator and chair of the joint select committee on the implementation of the National Redress Scheme.

The West Australian

Dean Smith: Justice must be delivered for WA's 'Fairbridge Kids'

Dean Smith The West Australian
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British statesman and reformist Prime Minister William Gladstone is said to have coined the maxim "justice delayed is justice denied".

Last month was a turning point for survivors of institutional child sexual abuse seeking justice, with State and Territory Ministers responsible for the National Redress Scheme agreeing to penalise four institutions that failed to show intent to join the Scheme by 30 June.

The sanctions include making these institutions ineligible for future Commonwealth funding, revoking their favourable taxation treatment and withdrawing charitable status.

It comes at a time when the Scheme is reaching maturity and starting to deliver the justice survivors deserve.

Just over 2,800 applications for redress have now been finalised, 2,795 payments made, and a further 600 applications are awaiting decision. Total payments to survivors total almost \$230 million, with an average payment of approximately \$82,000. This progress is welcome news to the thousands of survivors who have made applications under the Scheme and will hopefully encourage many others to take the first, often emotionally traumatic, step in their pursuit of justice for the crimes they endured.

But one group of Western Australian survivors continues to have its applications blocked.

They are known as 'Fairbridge Kids' and are among the 3,580 children sent to the Kingsley Fairbridge Farm School near Pinjarra between 1913 and 1982.

It's too often forgotten that Western Australia received the majority of child migrants shipped to Australia, with most of them housed, schooled, and trained as domestic and agricultural labourers at Fairbridge.

The term 'child migrant' was first coined in the 2001 report *Lost Innocents* and referred to "unaccompanied children, generally under the age of 16 years" sent to Australia from the United Kingdom or Malta under government-approved schemes.

This was the first report to detail the horrific crimes child migrants experienced, highlighting the "complete disregard" shown for their welfare, and raising awareness of the fact that many child migrants were sent to Australia without the consent of their parents.

It's estimated that of the more than 4,000 British children believed to have been sent overseas between 1946 and 1970, fewer than 2,000 are thought to be alive today.

One of the four institutions that failed to declare their intention to join the Scheme is Fairbridge (Restored) Limited.

The decision was met with surprise and disappointment, given news earlier this year that The Prince's Trust, the youth charity founded by The Queen's eldest son was reinstating the association to fund redress claims.

In response to criticism for failing to join the Scheme, The Prince's Trust has said it remained "our hope" Fairbridge will be able to participate in the Scheme and that there may be "other options" to best support claimants.

But for many Western Australians these aspirations fall seriously short of the justice deserved by those who were sexually abused at Fairbridge.

Now, both The Prince's Trust and Fairbridge (Restored) Limited will have to face the court of public opinion.

The Joint Parliamentary Committee overseeing the operation of the National Redress Scheme will this month call The Prince's Trust and Fairbridge (Restored) Limited to appear before the Committee and explain their reasons for failing to join the Scheme, as well as the steps being taken to compensate survivors.

In addition, senior officials from the Attorney-General's Department, the Department of Social Services and the Department of Home Affairs have convened to work more closely to resolve outstanding Fairbridge matters as quickly as possible.

However, given the position taken by Fairbridge (Restored) Limited so far, justice for many survivors may rely on the WA Government acting as 'Funder of Last Resort'.

The 'Funder of Last Resort' provision requires the State Government to share the costs of providing redress when an institution responsible for child sexual abuse is defunct.

Fairbridge survivors have waited too long and it would bring great comfort to them if the WA Government signalled it will not hesitate to invoke the 'Funder of Last Resort' provisions if required.

The road to compensation and closure for 'Fairbridge Kids' has been an arduous one, but with a clearer pathway to justice emerging it can no longer be denied.

Dean Smith is a Liberal Senator for WA.