

9 July 2018

Committee Secretary
HCDSDFVPC
Parliament House
George Street
Brisbane Qld 4000

By email: health@parliament.qld.gov.au

Dear Secretary and Committee

Submission: National Redress Scheme for Institutional Child Sexual Abuse

The LGBTI Legal Service Inc. thank the Committee for its consideration of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 ('Bill') and for inviting submissions. We are supportive of the Bill in its current form, and take this opportunity to highlight some important matters to be addressed in its administration.

Maximising the Value of the Redress Scheme Through Good Delivery

Childhood sexual abuse affects the LGBTI community profoundly, as it does for the broader community. The LGBTI Legal Service do not propose that our community is singularly impacted by sexual abuse, but do consider that aspects of the redress scheme should be tailored for the needs of LGBTI survivors of sexual abuse.

Recommendation 1: Guarantee Access to Counselling and Psychological Services

A key component of the redress scheme is to make counselling and psychological services available to successful applicants, or to provide a counselling or psychological services payment up to the value of \$5,000. This is a substantial and worthwhile component of the broader scheme. However, the LGBTI Legal Service is concerned that members of our community will find themselves at a particular disadvantage in accessing services that provide optimal therapeutic outcomes. Counselling and psychological services must be provided by professionals who understand the social situation and potential needs of LGBTI clients. LGBTI applicants living in rural, regional and remote areas or with limited transport access may struggle to find such professionals. The LGBTI Legal Service recommend that the Queensland Government provide assistance to LGBTI (and other) applicants in identifying and locating responsive services, regardless of whether their application is successful. Successful applicants who find themselves unable to access these services because of their geographical location should receive additional support, for example including transport assistance and accommodation. This assistance should be provided outside the \$5,000 cap, and will require the Government to engage further with the scheme operator.

Recommendation 2: Centrally Coordinate and Share Information

The Department of Communities, Child Safety and Disability Services should be responsible for administering all aspects of the Queensland Government's participation in the scheme.

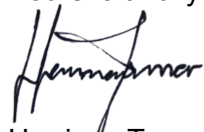
The LGBTI Legal Service note that the scheme operator has broad powers to request and obtain information for the purpose of assessing applications. We assume the Queensland Government, as a scheme participant, will make administrative arrangements for managing such information requests. We recommend that information requests to Queensland Government institutions be coordinated centrally through the Department of Communities, Child Safety and Disability Services. Central coordination will be necessary to properly navigate the no-doubt significant and complex volume of information held by Government. Central coordination also creates an opportunity: the coordinating agency should have the power to share information it collects with other Queensland Government agencies. This should include sharing information with the Queensland Police Service and Director of Public Prosecutions, particularly given redress under the scheme does not preclude criminal proceedings under other laws. Clause 12(2) of the Bill appears to preclude information sharing for such purposes. Naturally, the ability to share information must be balanced with individuals' right to privacy, which is a particularly sensitive issue for the LGBT community. Agencies must exercise information sharing powers with absolute care and diligence, particularly when dealing with information that discloses a person's sexual or gender identity.

Recommendation 3: Check-in Again

The LGBTI Legal Service expect that a range of administrative matters at both the state and national levels are yet to be settled. This sort of uncertainty is a natural feature of any nascent government program, especially one as complex as this, but demands continued external scrutiny. We recommend that the Committee re-open its consideration of the scheme one year after the Queensland Government has commenced participation. At this time, the Committee should consider whether the scheme is being efficiently and effectively operationalised, whether stated objectives are being met, and whether those objectives respond to the needs of sexual abuse survivors. This assessment should be made through a discrete inquiry, rather than through the estimates or agency annual reporting processes.

Again, we wish to express our gratitude to the Committee for its consideration of this important legislation. Our law reform directors Tom and Harry would be pleased to engage further with the Committee on this and any other matters.

Yours faithfully



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