

Inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020

Submission to the Senate Community Affairs
Legislation Committee

20 October 2020

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Who we are

The Australian Lawyers Alliance (ALA) is a national association of lawyers, academics and other professionals dedicated to protecting and promoting justice, freedom and the rights of the individual.

We estimate that our 1,500 members represent up to 200,000 people each year in Australia. We promote access to justice and equality before the law for all individuals regardless of their wealth, position, gender, age, race or religious belief.

The ALA is represented in every state and territory in Australia. More information about us is available on our website.¹

The ALA office is located on the land of the Gadigal of the Eora Nation.

¹ www.lawyersalliance.com.au.

Introduction

1. The ALA welcomes the opportunity to have input into the Senate Community Affairs Legislation Committee inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020 ('the Bill').

Comments on the specific clauses

2. The Bill contains a number of amendments, most of which are uncontroversial.
3. Clarifying the position of associated entities in respect of a participating organisation is clearly sensible.
4. Clarifying the position of contributor of last resort is also sensible.
5. Allowing participating organisations to consider departmental personnel when employing independent decision-makers seems reasonable.
6. Restricting the use by a participating organisation of the name and logo of the National Redress Scheme also seems reasonable.
7. Permitting payment of redress payments to trustees who administer a person's estate is obviously not merely sensible but necessary.
8. The capacity to defer a contributor permanently is troubling. It may be that this could be because of an outstanding Medicare or DSS decision but it is not reasonable that payments be delayed for the often extraordinarily slow process of Government. This provision requires review.
9. Allowing the disclosure of protected information to participating claimants is undoubtedly reasonable. A claimant will not be aware that other similar claimants in similar circumstances have recovered. That information should be available so that the participating organisation cannot conceal any inconsistencies in its approach or admissions made in other claims.
10. The proposed changes are to be retrospective. This seems reasonable with the one exception of the proposed amendment to s153(2) permitting unlimited deferral of contributions.
11. Save in respect of s153(2), the ALA considers the amendments to be reasonable and acceptable but submits that any ability to defer a contributor's payment should be restricted.

Conclusion

12. The Australian Lawyers Alliance (ALA) welcomes the opportunity to have input into the Committee's review of the National Redress Scheme for Institutional Child Sexual Abuse Amendment (Technical Amendments) Bill 2020. The ALA is available to further assist the Committee in its consideration of these amendments.

A handwritten signature in black ink, appearing to read 'G. Droppert', is enclosed in a light grey rectangular box.

Graham Droppert

President

Australian Lawyers Alliance