



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

JOINT SELECT COMMITTEE ON IMPLEMENTATION OF THE
NATIONAL REDRESS SCHEME

Establishment and operation of the Commonwealth Redress Scheme

(Public)

WEDNESDAY, 26 FEBRUARY 2020

CANBERRA

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JOINT SELECT COMMITTEE ON IMPLEMENTATION OF THE NATIONAL REDRESS SCHEME

Wednesday, 26 February 2020

Members in attendance: Senators Henderson, Siewert, Dean Smith and Ms Claydon, Mr Dick, Ms Hammond, Dr Webster.

Terms of Reference for the Inquiry:

To inquire into and report on:

- the Australian Government policy, program and legal response to the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, including the establishment and operation of the Commonwealth Redress Scheme and ongoing support of survivors; and
- any matter in relation to the Royal Commission's redress related recommendations referred to the committee by a resolution of either House of the Parliament.

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ARNAUDO, Mr Peter, Branch Manager, Study and Compliance, Department of Social Services

CARTWRIGHT, Ms Susan, Branch Manager, Study and Compliance, Department of Social Services

HEFREN-WEBB, Ms Elizabeth, Branch Manager, Study and Compliance, Department of Social Services

McGUIRK, Ms Emma Kate, Branch Manager, Study and Compliance, Department of Social Services

Committee met at 12:56

CHAIR (Senator Dean Smith): I declare open the public hearing of the Joint Select Committee on Implementation of the National Redress Scheme. The Royal Commission into Institutional Responses to Child Sexual Abuse was announced in 2012 and delivered its final report in 2017 following an extensive process of inquiry. As a response to recommendations of the royal commission, the National Redress Scheme was established. The scheme is administered by the Department of Social Services.

This committee, the Joint Select Committee on Implementation of the National Redress Scheme, was established in the 46th Parliament and continues the excellent work of a previous committee established in the 45th Parliament. The previous committee was known as the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

This committee's role is to inquire into and report on the Australian government policy, program and legal response to the redress related recommendations of the royal commission. This committee welcomes written submissions and other evidence. The committee, however, is not able to investigate or make findings in relation to individual cases of sexual abuse or other institutional abuse.

The committee is particularly mindful that the deadline for institutions to join the scheme is 30 June 2020 and that the legislated two-year anniversary of the National Redress Scheme will commence after June 30. The committee is beginning the work of this inquiry process by inviting survivors, other individuals, institutions and other interested parties to share their experiences to date on the National Redress Scheme.

The committee will be travelling and conducting public hearings at a variety of metropolitan and regional locations across Australia. The committee has published a list of locations agreed to date. Details of other locations will be advised when they've been confirmed by the committee.

In accordance with the committee's resolution of 5 December 2019, this hearing will be broadcast on the parliament's website and the proof and official transcripts of proceedings will be published on the parliament's website. Those present here today are advised that filming and recording are permitted during this public hearing, and I also remind members of the media who may be present or listening on the web of the need to fairly and accurately report the proceedings of the committee.

I now call the Department of Social Services to give evidence. Although the committee does not require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and therefore has the same standing as proceedings of the respective houses. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make a brief opening statement, if you wish, before we proceed to discussion.

Ms Hefren-Webb: I'll make a brief opening statement. We welcome the opportunity to appear before the joint select committee to update it on the scheme's operation. I just want to note that on 6 February 2020 the administrative functions of the scheme performed by the former Department of Human Services transitioned, through machinery-of-government changes, to the Department of Social Services. That gives us the opportunity to implement improvements for the service delivery of the scheme and better align our efforts to ensure it remains focused on delivering the best outcomes for survivors.

I also want to note that at the last meeting of Commonwealth, state and territory ministers responsible for the scheme, in November 2019, all ministers acknowledged that, while the scheme has provided several hundred applicants with redress, the administration of the scheme is not providing the fast, simple, trauma-informed response that survivors deserve. We are happy to outline in response to any of your questions what we are putting in place to make improvements.

Finally, I also want to note that the government's response to the previous joint select committee's report was tabled on 18 February.

CHAIR: Thank you very much. We'll proceed to questions.

Ms CLAYDON: Thank you for taking the time to appear before the committee today. I want to pick up, firstly, on the slow progress made with applications. As you noted in your opening statement, seeking to provide a fast, simple, trauma-informed response is important. In the information you've provided us, the scheme has made 975 payments as at 3 January 2020. That's about 18 months of the scheme being in operation, and we see payments provided to 975 applications. My rough calculation of that is that that's about 650 payments per year. My great distress is: if we continue at this rate, with an estimated 60,000 people eligible for the scheme, it will take more than 92 years to deliver these payments. Clearly that is not an acceptable outcome. What is your understanding of why it is taking so long? Why are so few numbers of people applying and why is it taking so long to progress applications when they are received?

Ms Hefren-Webb: I might raise a few issues and then encourage my colleagues to speak. I can inform the committee that, as at 14 February 2020, we have made 1,196 payments to survivors. I think what that reflects is that, as time is going on, we have a growth rate in the number of payments going out. We acknowledge that the progress for survivors has been too slow and that applications are taking too long to progress. There are a number of factors I'd draw to the committee's attention. The first is time taken for institutions to join the scheme. As you know, in the first six months very few institutions were on board apart from the states and territories—although Western Australia wasn't on board until February the following year. For people who applied on 1 July, when the scheme opened, there was a large number of applications for the first six months that we couldn't progress. That has been a problem for us and it has been frustrating for survivors.

The second thing I would draw members' attention to is the complexity of the applications. Over 70 per cent of applications are naming more than one institution. That is far higher than we anticipated at the beginning, and we have had to readjust and restructure our workforce, our processes and our practices accordingly. The workflow we had imagined was that the application would come in, we'd do some checks, we'd send it to an institution, we'd get a response, we'd do an assessment and we'd pay the person. There are now often multiple institutions, and sometimes that can be done simultaneously, but sometimes it can't. We could send it to an institution and they'll say, 'No, actually this isn't us,' or, 'It's partly us, but here is another institution that's also responsible.' Some of that is happening sequentially. That is really why the government injected additional funds into the administration—to help us manage the workload which was not what we anticipated.

In terms of the third thing you raised, about the number of applications, I think that is something we're still looking into. We don't have a really strong sense of whether people are waiting until the scheme is more mature or whether they're waiting because it's traumatising and it's a difficult process. Mr Arnaudo may want to speak to this. Some of the support services say they are seeing clients who are taking their time about applying.

Mr Arnaudo: On that point, survivors have for the life of the scheme to apply. There's a lot of time there, and there's a range of factors, I think, in a survivor's mind about whether they would apply or not, such as whether the institution has joined up and the complexity of the scheme going forward.

The other factor that I think is important to bear in mind is that many of the state governments are making changes recommended by the royal commission to the civil litigation side of the equation. What that has meant is that survivors have many more options now than they previously had, so they can either come to our scheme and seek an application for the scheme, or alternatively they could pursue civil litigation, which might mean a negotiated outcome with an institution or perhaps a full judgement all the way through. Previously those sorts of options weren't available to many of the survivors because the state government laws in place and statues barred many of those applications from going to the courts. One of the royal commission recommendations was to change that, and that's being changed by the state governments. It means survivors have many more options available to them—the scheme is one of them; it's not the only one—and they need to seek advice through the support services that we also fund. It puts them in a more central position to help decide the best recourse for redress or justice for them.

That could be one factor that means the numbers we were predicting when we started the scheme are not flowing through in terms of applications landing in our system at the moment. We've been fairly consistent in the number of applications we were getting month on month for the first 18 months or so. We'll keep a very close eye on that. We keep in very close contact not only with some of the key survivor advocacy groups but also with the redress support services, who can tell us a lot about people who are thinking about applying but may not have actually submitted the application. Today, compared to a couple of years ago, survivors have many more choices available to them and many more options to obtain justice or redress, and the scheme is one of those. That might be one of the factors in terms of the numbers of applications coming through to the scheme.

Ms HAMMOND: Could I just ask a quick clarifying question on that? Do you mind?

Ms CLAYDON: Sure.

Ms HAMMOND: Remind me: if they go down the redress pathway, are they precluded from taking civil litigation?

Mr Arnaudo: If a person accepts a redress offer through the scheme they will have to sign a deed of release, releasing them from proceeding against that institution as well. That's one reason the scheme allows an applicant six months after they've received a letter of offer to consider their options and really decide, 'Is this what I want to do?' I know there are a couple of hundred offers out there at the moment awaiting acceptance because people are considering their options. The scheme might be one option, and they might be pursuing other options as well.

Ms CLAYDON: I want to go to one of the issues you just raised there—the non-participation of institutions that have applications against them. I am just wondering if you can take us through your data now as to how many organisations have received a redress application but have not joined up the scheme. How many organisations are we now looking at?

Ms McGuirk: As at 14 February, including the Commonwealth and all states and territories, there are 162 non-government institutions that are participating in the scheme. However, there are 545 applications on hold relating to non-participation and they relate to around 280 non-government organisations that have not joined the scheme.

Ms CLAYDON: And that is at—

Ms McGuirk: That is at 14 February.

Ms CLAYDON: With less than four months to go, what is the plan to get 280 non-government institutions signed up?

Ms McGuirk: We are prioritising those institutions, looking at the applications we have in for them. There are 15 non-government institutions that account for about 280 of those applications, so we are working very closely with those organisations. We expect over the coming months that a good number of those will be joining the scheme. But we are working closely with our state and territory colleagues as well in discussions with those institutions.

Ms Hefren-Webb: I would just add there are institutions that are actively engaged with us and we consider likely to join. There are institutions that have declined to join. There are institutions that are defunct.

Ms CLAYDON: How many have declined to join?

Ms Hefren-Webb: I understand nine institutions have declined to join.

Senator SIEWERT: Of the 280 or so?

Ms Hefren-Webb: Yes.

Senator SIEWERT: Are they of the 15?

Ms Hefren-Webb: No, it is not of the 15; it is of the 284. I understand one of the 15 has declined to join.

Ms CLAYDON: Are you able to put on record the name of those organisations that have declined to join?

Ms Hefren-Webb: No, unfortunately, due to the nature of the legislation, that is protected information.

Ms CLAYDON: Despite a clear public right to know when these organisations decline to join the redress scheme, you are saying you are not allowed to disclose it?

Ms Hefren-Webb: I am saying I am not at liberty to disclose it here and now. However, it is something I could potentially take on notice.

CHAIR: This might be an important time given this is the first public hearing of what will be many public hearings of this committee and given the sensitivity of its work, just to explain exactly how protected information does work so that committee members but also others in the community have an understanding about what legislative responsibilities you have.

Mr Arnaudo: I can give you a quick outline. The national redress scheme act has a secrecy provision, what we call protected information. It basically applies to information any person has relating to the scheme about a person, the survivor particularly, but also about institutions. It applies to both those categories of people. Under the act, clearly we can use that information for the purposes of the scheme. There are certain non-specific provisions for us to not only communicate information to other key parts of the scheme to institutions to process an application but also law enforcement agencies and other people in critical need to help survive or for safety and health—those sorts of reasons. That is in the legislation and that does provide protections for institutions as well as the individuals concerned. We can provide information where the institution or individual consents to that or that would be reasonably apparent.

Taking it on notice gives us the opportunity to go to an organisation and ask them whether they would be prepared to do that. Clearly, appearing in front of a Senate committee with the powers of a Senate committee is something that we're cognisant of, but at the same time we're also recognising that the legislation effectively sets up a regime of managing that information for the individual and the institution. We can go and ask the institution concerned whether they would be agreeable to that. That is a process that we can follow in many of those cases.

Ms CLAYDON: Does this account for the gross discrepancy on your website, when you list institutions that have not yet joined, which is clearly a much smaller number than the 280 that you've just lodged. Is that accounting for that discrepancy now—those organisations have not given you permission to disclose?

Mr Arnaudo: Not necessarily. That website list is the list of organisations that were named in the royal commission reports, where they have given us an indication of their plans of when they can join the scheme and we have placed that there. The number of institutions' names and applications is larger than the ones that were named in the royal commission report, as well. The two lists are not necessarily comparable. The definition of an institution is large. It covers things like small sports clubs, small social clubs, all the way up to larger non-government religious or non-religious institutions as well. The list on our website is very much focusing on the royal commission report institutions and flowing through to that.

Ms CLAYDON: How many people have died waiting for a redress payment?

Mr Arnaudo: It's probably a bit hard to give you an exact figure. We can definitely take that on notice. We are aware that when a person passes away their application doesn't stop being processed. The scheme has an obligation to continue to process the application. Then any payment would go through to the representatives of the person and their estate. We can definitely give you a number for the number of people where we've paid to the estate. We're very conscious that people who are applying in the scheme often have chronic health issues and other trauma as a result of that.

Ms CLAYDON: And there are means to prioritise those applications?

Mr Arnaudo: That's right. We're aware of their health issues.

Ms CLAYDON: I'm interested to know how many people have died between submitting the application, identifying that there is a priority, and the application being decided and paid out. It's going back to the questions about the delays. I'm trying to understand why people are not applying at the rates that we would expect, and when they do the kind of experience that survivors are having in that process. This is an issue that is raised with me, and I'm sure with other members of the committee, on a fairly regular basis.

Mr Arnaudo: At 7 February, 23 applicants who have passed away have had their application decided and their payment has been made to their estate. That's an indication of that area.

Senator SIEWERT: Can you tell us how many applications you have had over the scheme? We know how many have now been approved and paid. How many do we have to date?

Ms McGuirk: At 14 February we have received 6,217 applications to date. Of those, 4,787 are on hand, with 545 of those on hold, because at least one institution named is yet to join.

Senator SIEWERT: That's what I was trying to see—what proportion we have on hold. Of those that are on hold, as I understand it over half of those applications—there are two lots of 280-odd, or did I miswrite that? Almost half of those applications where we're waiting for institutions to opt in are being made to 15 institutions? Just 15 institutions are responsible for over half?

Ms McGuirk: Yes.

Senator SIEWERT: One has declined. How many applications does that affect?

Ms McGuirk: I don't have that particular figure on me.

Senator SIEWERT: Could you take that on notice? In terms of the others, how many are royal commission institutions? I'm using shorthand, but you know what I mean.

Ms McGuirk: I understand what you mean. I don't have that particular breakdown. Again, as Mr Arnaudo referred to, we need to discuss, potentially, with some of those organisations what we're able to comment on.

Senator SIEWERT: Okay. Could give us a breakdown of those 15 institutions—I know you've already discussed naming them—state by state, and also how many applications for each of the institutions.

Ms McGuirk: Yes, we'll see what we can get you.

Ms Hefren-Webb: I can advise that three of them, we believe, may be defunct.

Senator SIEWERT: That's on top of the one that's declined—

Ms Hefren-Webb: Correct.

Senator SIEWERT: and I'll come back to that one in a sec. So there are four that now are in payer-of-last-resort territory?

Ms McGuirk: Three are likely to be—

Ms Hefren-Webb: It's likely—we haven't finalised.

Senator SIEWERT: Thank you. So if you can give us that breakdown of how many in the three, or whatever, we'll come back to naming them later. But what further work are you doing with the institution that has declined, and how are you handling that particular applicant?

Ms Hefren-Webb: With institutions that have declined, we continue to reach out to them. Obviously Minister Ruston continues to reach out very actively to specific institutions to meet with them and try to persuade them of the benefits of joining. We won't stop undertaking that activity. We think it's worth noting that one has specifically declined.

Ms McGuirk: Certainly, Minister Ruston's state and territory colleagues are also working actively to reach out to institutions.

Ms Hefren-Webb: Our ministers are due to reconvene, by teleconference I think, later in March to check progress. They are very conscious of the looming deadline, and they want to make sure they take all steps.

Senator SIEWERT: I want to go to the remaining applications of the 545. Given the large number of institutions that are responsible for that 545—

Ms McGuirk: The ones that don't make up the fifteen.

Senator SIEWERT: The ones that don't make up the 15. How many of those are multiple institutions for one applicant—given that 70 per cent of the applicants are now multiple institutions? Do you understand where I'm coming from?

Ms Hefren-Webb: I think we'd have to take that on notice. If an applicant has two institutions, and one has not joined, we do discuss with them whether they wish to proceed and for their application to progress just with the individual institution.

Senator SIEWERT: So therefore those 545 will have been asked that, and they've either not got multiple ones or they've chosen not to proceed.

Ms McGuirk: If it's multiple institutions and one of those institutions hasn't joined, the applicant is given the option of whether they want to proceed.

Ms Hefren-Webb: And if they're on hold that means they've said they want to wait.

Senator SIEWERT: Please give us the breakdown of whether it's multiple. I understand that a number of applicants are not just two institutions; they can have—

Ms Hefren-Webb: There are more than four and more than five.

Ms McGuirk: We have 1,800 applications with more than four institutions.

Senator SIEWERT: 1,800 of the 6,000—

Ms Hefren-Webb: Yes.

Senator SIEWERT: 1,800 are more than four institutions?

Ms Hefren-Webb: Correct.

Senator SIEWERT: For a start, what does that say about what the system that was running at the time? They just went from institution to institution being abused.

Ms Hefren-Webb: It's devastating.

CHAIR: It reinforces your earlier comment about the complexity that is now more evident than may have been evident in the design.

Ms Hefren-Webb: This is not a specific case, but this might be an example: a person has been in a children's home, placed there by a state government. The children's home is run by a non-government institution. A visiting priest has abused the individual. So that's three institutions already. Then, after the institution, they may have been placed in foster care and there was subsequent abuse. I'm not saying that's a specific case; I'm saying that's not an uncommon set of circumstances.

Senator SIEWERT: We're coming up to the deadline and, as we've just discussed, applications are coming in much more slowly than anticipated. That means we're going to get more applications subsequent to the deadline

of 2020 for institutions to opt in than was anticipated and we're very likely to get applications after that deadline for opting in from institutions that aren't in. What are we doing about them?

Ms Hefren-Webb: That's something ministers are very actively aware of and considering what the options are. You are correct. Our initial modelling suggested we'd have a large wave of applications in the first two years and then a long tail, and it's not turning out like that. That cut-off date is in legislation—

Senator SIEWERT: Yes, I'm very aware of that.

Ms Hefren-Webb: and we are very conscious about providing good advice about all the options available. I don't think I can say much more than that.

Senator SIEWERT: Is there a process and a deadline for providing that advice, obviously to the Commonwealth but also to the states and territories?

Ms Hefren-Webb: As I mentioned, there's a ministerial meeting in March—

Senator SIEWERT: Do I assume from that—

Ms Hefren-Webb: and you might assume that we are providing some advice about that issue.

Ms McGuirk: I can answer part of the question you asked before. I have some information here. There are 758 applications that name more than one institution where at least one of the institutions named has not joined the scheme. This includes applications that are in progress—there are 269 of those where for one reason or another we've had a discussion with the applicants and it's continuing to progress; 415 on hold; 20 withdrawn; and 54 finalised. That answers part of the query you had before.

Senator SIEWERT: So 415 of the 574

Ms McGuirk: They will need a breakdown.

Senator SIEWERT: are multiple. Sorry?

Ms McGuirk: Yes, are multiple.

Senator SIEWERT: Thank you, and you'll take the rest of that question on notice.

Ms McGuirk: Yes.

Mr Arnaudo: I might be able to answer the one about the royal commission and those institutions named on the website. We've taken that on notice, but I can actually advise that of the 116 institutions listed on our website as having been named in the royal commission report 60 are now participating in the scheme; 32 are in the process of onboarding, so we're engaging with them; and the remaining I think 24 we're working with to encourage them to join. They're in that other group as well. We'll provide that further detail in the question on notice as well, but that gives you a quick indication of how many of the ones that are listed on the website as being named in the royal commission are participating in the scheme—that's the 60—32 are in the process of becoming participating institutions and the remainder we're continuing to engage with.

Senator SIEWERT: There is obviously a large number that weren't named in the royal commission that are coming up through the applications.

Ms McGuirk: That's correct.

Mr Arnaudo: Correct.

Senator SIEWERT: I came across an institution last week. It's not necessarily defunct—what I'm told is that it has no institution that they think can be held responsible, maybe because they're all defunct. Have you come across that?

Ms McGuirk: When we spoke before about institutions likely to be defunct, part of our investigation is to see whether there are any—we'd research and find out whether there are any potential organisations that could take responsibility for that particular institution. That's what we do. We identify and continue to research until we run out of avenues.

Senator SIEWERT: How many institutions have you found where there is no-one responsible, such as the institution I was told about last week? The survivors are looking but can't find an institution they think is going to be held responsible. How many of those have you come across so far?

Ms McGuirk: To date, there has been a decision regarding funder of last resort in relation to four organisations.

Senator SIEWERT: Who, then, took responsibility?

Ms McGuirk: The relevant state.

Senator SIEWERT: Are you able say now which states have done that and the level of redress, or is that going beyond what you're allowed to say?

Ms Hefren-Webb: Can we take that on notice?

Senator SIEWERT: Okay. I'm interested in which states and the amounts that people received in redress.

Ms Hefren-Webb: I understand.

Mr Arnaudo: Senator, I think it's also important to recognise that, under the scheme of legislation at the moment, the funder-of-last-resort process relates very much to where a government was involved in that institution—maybe not necessarily running it. I think it's an important distinction to be aware of. I'm not sure about the institution you've raised, but there will be other institutions where the government wasn't involved. Part of the work that we try to do with our on-boarding team is to explore all the options of other institutions, government or non-government, that might be around today that have accepted looking after the liabilities or the operations of that former institution. In some cases that can be quite a difficult process involving lots of other historical research. It's not as if this is just like a directory or a phone book, where we can find it out quickly.

Senator SIEWERT: Yes, I understand that.

Mr Arnaudo: That's one of the reasons why it does take a bit of time to do that research, to come to those conclusions and then to ask that institution to pick it up.

Senator SIEWERT: When you say, 'we're government,' are you able to say for these ones what level of government involvement there was? Is it that they were referring children to these facilities or institutions?

Ms Hefren-Webb: From memory, yes. The nature of it was that the child was a ward of the state, potentially—

Mr Arnaudo: And they were being referred to that institution.

Ms Hefren-Webb: being referred to an institution.

Senator SIEWERT: What happens where Aboriginal children were taken from parents—stolen generation, for example?

Ms Hefren-Webb: It depends on the state or territory, but obviously there were state practices and policies in place, so those would be examined in terms of responsibility.

Mr Arnaudo: A member of the stolen generation can apply to the scheme in the same way as any other applicant. There are certain eligibility criteria—the form of abuse and the institution and so on—but there's nothing stopping them.

Ms Hefren-Webb: And the responsible institution—

Mr Arnaudo: Has to be part of the scheme.

Senator SIEWERT: And if that is defunct, they would then fall under funder of last resort.

Mr Arnaudo: They could, if the relevant government was involved in that institution.

Ms Hefren-Webb: In the removal of the child.

Mr Arnaudo: But also—

Senator SIEWERT: If they were stealing the children, they would have been.

Mr Arnaudo: I would say: if that government agreed to that. That's the structure that's under the legislation. The other, state government has to agree, to accept, to being part of the funder-of-last-resort process.

CHAIR: I have some brief questions. But I remind colleagues that, while we have you here at a public hearing today, there's nothing that prohibits us from inviting the department back again. Of the 220 non-government institutions that are yet to join the scheme, can you give us an indication as to what part of the process of joining the scheme they are at?

Ms Hefren-Webb: Of the 284 non-government institutions, 53 are on-boarding.

CHAIR: What does 'on-boarding' mean?

Ms Hefren-Webb: It means that they're going through; they've provided us with data and information that suggests to us—

Ms McGuirk: Their financial details, and we're very close to bringing them into the scheme.

Ms Hefren-Webb: They're very close to being on board.

CHAIR: When someone is on-boarding, does that give you a high or low degree of confidence that they'll join the scheme?

Ms Hefren-Webb: That's a high degree of confidence. Thirteen are what we describe as 'actively engaging'.

Ms McGuirk: Again, that's a positive interaction.

CHAIR: Great. And on-boarding comes after actively engaging?

Ms McGuirk: Correct.

Ms Hefren-Webb: Forty-one appear to be defunct.

CHAIR: 'Appear', but you're going through the process of confirming that.

Ms Hefren-Webb: We're verifying that. We're doing further informational research on 33 to accurately identify the NGI. We're in outreach with 135; we've reached out to them. Nine have declined to join.

CHAIR: At the end of November last year, the communique of Commonwealth and state responsible ministers included the word, and I'm paraphrasing, 'lever'. That word was in the communique. The Commonwealth and state government ministers responsible committed to using all available levers to get institutions to join the scheme. Is that still a commitment of Commonwealth and state ministers, to your understanding?

Ms Hefren-Webb: Absolutely, and I'm conscious of very active discussions that are happening, not only by our minister but by state and territory ministers with institutions in their jurisdictions.

CHAIR: You've said that a few times. So institutions signing up to the scheme is a joint responsibility of Commonwealth and state governments?

Ms Hefren-Webb: That's certainly the understanding, yes.

CHAIR: The scheme has moved to a case management model, which wasn't an original feature of its design. There has been some discussion about improving the IDM, or independent decision-maker, process. Can you share with the committee, as briefly as you can, what's been done around the case management model and how that is delivering improvements, from your perspective? We'll hear from survivors later over the program. Also, what is happening around the independent decision-maker approach?

Ms Hefren-Webb: I might ask Ms Cartwright to speak about the case management model and how that's improving survivor experiences.

Ms Cartwright: We implemented the case management model following some feedback around people liking and wanting—and rightly so—one person to deal with their application so they did not have to repeat their story time and time again. Every person who lodges an application for redress is provided with a case coordinator. That case coordinator will be their main contact for all interactions with the scheme where we need to speak to the applicant or their nominees. That's at the initial time when they lodge their application form. Our case coordinator will contact the applicant or their nominee and just let them know that their application has been received by the scheme, and we make sure that the application is fully complete so the application can progress. At that time, we will discuss with them if institutions haven't opted into the scheme, and we'll give them options. We may refer that person to a redress funded support service for them to receive some support or legal advice during the application process. We also will work through with the applicant whether they would like ongoing conversations or calls from their case coordinator so we can contact that applicant as many times as they would like to provide them with progress updates. As well, the applicant can call the National Redress Scheme line to be connected with their case coordinator to receive updates. That case coordinator, as I said, will be the person who, for the applicant or their nominee, is their main point of contact throughout the whole application process. Case coordinators may leave the scheme or do other roles within the scheme. If that happens, they are allocated a new case coordinator, and relevant contact with the applicant is made by the new case coordinator.

CHAIR: Okay, and the independent decision-maker issue?

Ms Hefren-Webb: When the scheme was first set up, the independent decision-maker role was designed so that they would be presented with a fairly complete set of papers and they would sign off on a preliminary decision. As time evolved, we worked out that, in fact, given the independent decision-makers are often very senior previous public servants, previous magistrates et cetera, because of the complexity of the applications, essentially, we needed their skills in doing more of the investigative and analytical work about individual cases. So we sought funding to expand the number and the role of the independent decision-maker, which the government agreed to and announced in the MYEFO budget.

CHAIR: How many independent decision-makers are there now?

Ms McGuirk: The current number of independent decision-makers is 42.

CHAIR: Growing to what?

Ms McGuirk: Forty-two represents around 28 full-time equivalent. We'll be going to the full-time equivalent of about 55. Because not all independent decision-makers work full time, it could be 70 or 80, depending on their commitment of hours.

Ms Hefren-Webb: The increase in the pace at which we are now resolving and making offers really has been due to both the ease of coordination—we're getting more higher quality applications, higher quality materials—and the independent decision-makers undertaking that work. That model is proving effective.

Ms McGuirk: To outline further there, 1,119 decisions were made this financial year to 14 February. That compares with 346 decisions in 2018-19. That indicates how the process is supporting better outcomes and faster consideration.

Ms HAMMOND: A lot of my questions have actually been asked, which is great. How many case managers are there?

Ms Cartwright: We have approximately 120 case coordinators at the moment.

Ms HAMMOND: And they're in every state.

Ms Cartwright: They're located in Canberra and Melbourne.

Ms Hefren-Webb: They work by phone.

Mr DICK: Chair, you asked about the breakdown of those non-government agencies. I'll come back to that just briefly. On the 55 full-time equivalent decision-makers that they're ramping up towards, what is the background of the decision-makers? How are they chosen? What are their employment skill sets? Because they're making these critical decisions, could we get a breakdown of gender, non-English speaking backgrounds, community backgrounds, ATSI and all those kinds of things? I'm curious to know what sorts of people are making these decisions.

Ms McGuirk: That demographic background I'll have to take on notice. I don't have that available with me. The CVs of the independent decision-makers are available on our website, so you can understand the full range of skills and background that each individual decision-maker has. There are a broad range of skills that we look for—

Mr DICK: Were they mostly already public servants?

Ms McGuirk: Not necessarily, no. They're people with experience in administrative law, decision-making, social work, child protection, community support—those sorts of things.

Ms Hefren-Webb: Some have come out of the victim services and victim rights parts of state government. We have a real mix. I might also just comment that independent decision-makers need to be agreed to by a process that involves all states and territories, so there is opportunity for any concerns and issues that any state or territory might have about an individual to be discussed and aired.

Mr DICK: Thank you for that. If you could get me that granule detail, I'd really appreciate that. On the 11 non-government agencies which are holding up the large amount of applications that are refusing at this stage to sign up, I know you made some earlier evidence saying Minister Ruston will continue to reach out. Is there a team of dedicated officers that is continuing to deal with that—a crack team whose job is to hunt these people or organisations down?

Ms Hefren-Webb: They are absolutely a crack team.

Ms McGuirk: I'm very happy you said that!

CHAIR: How many non-government institutions were on the scheme last year and how many are on it now?

Mr DICK: How crack are they!

Mr Arnaudo: It depends what time you look at last year. Last year, it was around 60 or 70 institutions. We're now around 160.

Ms Hefren-Webb: One hundred and six-two.

Mr Arnaudo: And that will continue to grow as we get closer to that—

Ms Hefren-Webb: The key point is we've gone from a position in about February 2019 where about half the applications couldn't be progressed because institutions weren't on board to a position where it's now about 11 per cent that can't be progressed. We've certainly made progress. It's a large team in Emma Kate's division, and they are acquiring extraordinary expertise in the complex structures of some of these institutions.

Mr DICK: I think that's probably the hardest job, Ms McGuirk—getting people to answer that phone or that email and beginning that conversation. How many FTEs are in that team?

Ms McGuirk: Off the top of my head, I couldn't tell you. I'll provide that on notice.

Dr WEBSTER: Thank you for coming and for bringing the information that you hold, which is very important for us to understand and very important to the Australian public. Can you describe the steps involved for survivors as they enter into the redress scheme and include the indicative time lines for each part of the process.

Ms Hefren-Webb: I will say the indicative time lines are tricky in the sense that it depends on the complexity of the application. I might ask Ms Cartwright to run through quickly the standard flowchart of how an application progresses.

Ms Cartwright: When an applicant lodges their application, as I mentioned before, it is received by the scheme. They will be allocated a case coordinator, who will contact that applicant to make sure the application has all the detail required for the independent decision-maker to make their determination. Behind-the-scenes, basically the case coordinator will contact the relevant institutions to seek a response from them for that independent decision-maker. As I mentioned before, there is regular contact with the applicant—as much or is little as they would like—during that process.

Ms McGuirk: The institutions have eight weeks to respond.

Ms Cartwright: It has four weeks to respond if that person is a high priority. A high-priority applicant would be somebody who is seriously ill or of a certain age. So it is four weeks or eight weeks they have to respond, and we actively monitor the responses to make sure that the institutions are progressing their part of the applicant's journey. We will also refer applicants, if they would like, to a redress-funded support service along the process. The independent decision-maker would make their determination, and their case coordinator would make that outcome call or provide the applicant with the elements of their redress offer. We do that with the applicant's nominee or support people if that is what they would like and then, as one of my colleagues said, the applicant has six months to make that decision of whether or not they would like to accept the offer, and they can also have more time to make that offer if that's what they would like.

Dr WEBSTER: You mentioned the age of some applicants. I imagine that there are some institutions that perhaps find it difficult to find records that go back that far. What is the process for you managing that?

Mr Arnaudo: That is an important part. Some of these matters are quite old in terms of the records the institution might have. We work with the institution in how much information we can provide to get that information back. But ultimately if the institution provides what it can provide, that is information that is then put to the independent decision-maker for them to then make their decision based on the information before them from the applicant from the institutions concerned. But then, ultimately, they have got to apply the legislation that is underpinning the scheme.

Senator HENDERSON: I want to ask for a clarification. Ms Claydon was asked about the rate at which applicants were having their applications satisfied and completed. She made reference to 92 years. You have counted and said that there has been an increase in the growth of the number of people who have received redress. Have you projected what that might be in terms of the period of time you would expect to roll out the scheme in full?

Ms Hefren-Webb: The scheme operates for 10 years. We will deal with all applications within that time frame.

Senator HENDERSON: So the 92 years is not within the broad range of accuracy?

Ms Hefren-Webb: I understand Ms Claydon was referring to a projection around the number of cases at a certain point, but we are certainly seeing exponential growth in our ability to actually process applications. I think the other thing to note is that while there was an estimate that 60,000 applications would come in, that was only an estimate. As Mr Arnaudo said, we are seeing a kind of consistent weekly pattern of about 75 per week; that hasn't really changed. That would not take us to 60,000 but that might change. But we will be ready to respond.

Senator HENDERSON: So you're expecting that the full rollout of the scheme will be completed within the 10-year projection?

Ms Hefren-Webb: That is correct.

Ms CLAYDON: You don't have any choice. The scheme rolls up in 10 years time, does it not, so it will be a real challenge out there. Anyway.

Senator SIEWERT: Of the now 1,196 applicants that have received payments, how many of those are First Nations peoples?

Ms Cartwright: We'll have to take that one on notice.

Mr Arnaudo: We will take that on notice, but, off the top of my head, they're about one in five applicants.

Ms McGuirk: They are around 25 per cent of applicants, but we might have to take on notice those finalised.

Mr Arnaudo: And in terms of the finalised—

Senator SIEWERT: I met with some First Nations peoples last week who expressed to me that people are having trouble filling out the forms et cetera, so that in particular is why I'm asking. It is to see if that 25 per cent of applicants is being reflected in the outcomes today.

Ms McGuirk: I understand. We'll take that on notice.

Senator SIEWERT: Thank you.

CHAIR: I have some questions with regard to accessing counselling services. Thank you very much for the information that you've provided on notice with regard to some questions that I was able to raise with you previously. How do we guarantee that a survivor who is accessing the scheme isn't disadvantaged by where they might be living? For example, the response that you've given to me says that South Australia, Western Australia and overseas recipients may receive a lump sum payment of up to \$5,000 and those living in other jurisdictions have access to free and local service as part of their offer. My interest is in making sure that everyone is getting a quality service that suits their particular set of circumstances and that access to the service and quality of the service are high and consistent irrespective of where you might be living. Is that a legitimate concern, or at you confident that the scheme design has guaranteed that people will be given similar or the same service irrespective of where they live?

Ms Hefren-Webb: That's a complex question.

CHAIR: I think that, without speaking for the committee, we will invite the department back again to provide evidence, perhaps in our Melbourne hearing on 19 March, and we can explore this further, but I ask at a high level.

Ms Hefren-Webb: At a high level, the states and territories certainly have responsibility to ensure that the services are high quality. Where people receive the funds and purchase their own, I think that is a trickier situation. This is something that the review will—

Mr Arnaudo: It's something that the review definitely will look at in terms of how people are accessing the counselling component of their redress offer. When the scheme was designed, this was an issue that was considered in some depth, and the decision taken at the moment really is a state-by-state one. That is why in some places there is a lump sum payment. In other places there will be what I will call a panel process, whereby there are vetted, approved counselling services in that state that are dedicated and have got the skills to help people in this set of circumstances as well. I'd be very happy to provide a bit more of that on notice but also if there is any future hearing as well.

CHAIR: I absolutely recognise that the counselling needs of a particular survivor will be different. I agree on that. When you look at the long list of services that are available, many of them mention counselling. My hesitation goes to whether, when I see the word 'counselling', I can be guaranteed that that is the same quality of counselling. I suspect the answer to that is probably no, but I think this is an issue we can continue to explore. Is it a matter that is on the agenda for the next meeting of Commonwealth and state ministers at the end of March? The government's response to recommendation 17, which specifically addresses this issue, did say that the issue was going to be explored as part of the legislative review. But access to counselling services when you need them is a key element of the scheme and of the redress, I would have thought?

Mr Arnaudo: The agenda for that meeting hasn't been finalised completely, but, as we probably indicated, the onboarding of institutions will be one of the key focus points of that.

CHAIR: Of course.

Mr Arnaudo: The issue that we're going to continue discussing with the states and territories—and I know some states have also carried out their own internal reviews on this—is how this is working. Just to be clear, I think it's also important that sometimes when people refer to counselling there are two forms of counselling. There is counselling that is part of your letter of offer, once you've received redress—

CHAIR: Yes.

Mr Arnaudo: That's the one which we're talking about here. But some places have also addressed funded services that we provide and will support a form of counselling—social and emotional wellbeing support for the person as they're lodging their application and as the application is being considered, and also to help them understand the outcome.

CHAIR: The reviews that might have been undertaken by other jurisdictions with regard to this matter, in particular, are definitely something that the committee will be interested in pursuing.

We're approaching 2 pm, which is question time and a hard marker for members and senators. Again, I extend our thanks to the department for its cooperation today. I'm not speaking for the committee yet but I think we will put our minds to inviting the department to participate in the second public hearing, which will be held in Melbourne on 19 March. As a conclusion, I thank you again for your attendance. If the committee has any further questions they'll be put in writing to you and, of course, you'll be sent a copy of the transcript of your evidence and will have an opportunity to request corrections to transcription errors, if they occur.

I declare this public hearing closed.

Committee adjourned at 13:56