



## **Royal Commission into Institutional Responses to Child Sexual Abuse**

### **Public Consultation Redress and Civil Litigation**

Submission from the Aboriginal and Torres Strait Islander Healing Foundation

Outlined below are emerging key themes that are significant for Aboriginal and Torres Strait Islander services and communities in supporting the needs of their clients. A full submission will be provided by the 13<sup>th</sup> of March 2015.

#### **Timeframe**

- The time limit provided for participation in the Royal Commission is too short for remote and rural communities. Many of the Indigenous agencies servicing these communities received limited funding and this has hindered the outreach work which sexual abuse research shows us is critical in providing culturally safe environments and contexts for the important conversations around this sensitive topic.
- A recommendation would be extended period for rural, remote Indigenous communities for participation in the Royal Commission and also future redress issues.
- To enable better engagement, the funding of an alternate model is needed based on relationship and the organisations that have connections with communities and outstations may need to be investigated. It is service delivery agencies that are providing the scaffolding for survivor engagement and lodgement to the Royal Commission hearings.
- For many of the remote communities, the constant demands and issues being experienced in these communities has made it difficult for both the agency and the survivors to engage and follow through the process of registration. (Sorry business, illness, suicides, drugs and alcohol issues). Many of these issues are known influences of sexual abuse and trauma. This needs to be taken into account in the development of any redress.
- Previous experience in redress scheme's by Aboriginal services in remote and rural areas found that many people did not hear about the ability to seek redress due to these issues until long after the scheme had closed, this caused significant additional trauma and fracture in communities.

#### **Eligibility for Redress**

- There are concerns around survivors who were involved in the last redress, not being able to be included in this latest Royal Commission redress scheme. This could mean that they feel their stories are being omitted or inadvertently penalised. This would have the effect of traumatising the victim and families all over again.
- Consideration has to be given to the impact of any scale based on harm endured being used in determining redress. The impact of sexual abuse is very personal and any scale has the



potential to cause significant further distress for individuals in minimising their experiences and the impact.

- Concerns have been raised about how the redress – both how money or counselling services will be managed, with many questioning the involvement of religious agencies who may have also be providing services during the experience of the sexual abuse.
- Concerns about how redress monies will be provided with some issues about humbugging and family loans being problematic. It is critical that survivor have the free will to experience the full benefit of their redress in a holistic manner, with the support of agencies to provide financial education. It is important that this process is supported and guided but not managed for the survivor so as not to hinder the individual's decision making ability. For instance being able to use the monies for the benefit of the individual without having to be client managed or needing the survivor to ask permission or qualify how they may choose to use their redress.
- Critically any redress funds provided must not interfere with pensions, Medicare, rental or retirement schemes.
- There has been concern expressed that many Stolen Generations survivors who participated in the Bringing them Home report and other state based inquiries have not come forward to lodge their story with the Royal Commission due to being too distressed to retell what has happened to them. As a result they may not be included in any redress scheme and this would cause much concern and distress to people who have not been strong enough to participate this time.
- Standard of "proof" is a matter that should involve both public and private round table discussions, being underpinned by sexual abuse research and led by the Indigenous and non-Indigenous agencies involved in or actually undertaking the work with these survivors.

### **Support for Survivors**

- One of the largest concerns is the effectiveness of counselling service provision and outreach work for Aboriginal and Torres Strait Islander people.
- The model currently provided to support Aboriginal and Torres Strait Islander community members has utilised a medical/main stream model and not a sexual abuse and trauma informed model of care. There are concerns arising around secondary trauma for those services that are providing client practices for survivors without the necessary training and support for their staff to deliver this sensitive counselling and critical support services.
- A cultural model of healing and trauma response is very different for Indigenous service delivery. This includes managing and supporting differing constructs of relationship and kinship boundaries that support our communities. Non-indigenous agencies that have fledgling relationships with some Aboriginal communities find themselves facing an issue of providing a best practice response for sexual abuse response and community engagement without the necessary time frames it takes to engage and the community and abide by cultural protocols. This hampers often getting information to communities in effective time frames.



- A new cultural model of interaction and response which is funded appropriately may be the answer to this concern – again noting that if people do not feel comfortable to come forward to engage, they may not feel safe to engage in support services and counselling and the hard work that these agencies have been doing will be damaged again.
- There needs to be better education for non-Indigenous service providers in the impact of their policy and practice in supporting Aboriginal and Torres Strait Islander people. Funding for these agencies needs to ensure that they are culturally competent and able to create appropriate therapeutic practices for Aboriginal and Torres Strait Islander people. There should be an emphasis on culturally safety including principles of social justice.
- The inclusion of a special Medicare number for bulk billing so individuals can access trauma informed or sexual abuse response trained clinician could provide better access and outcomes. This would enable less time limited responses and address the issue of long term assistance that will be required to enable recovery as best practice in sexual abuse recovery notes that long term support is required.
- Aboriginal Community agencies should be enabled to meet the needs of their communities in this regard with appropriate funding for peer supervision and ability to access Employee Assistance programs to assist in building culturally appropriate practitioners.
- There is a desperate need for outreach ability for the agencies working with Royal Commission sexual abuse survivors. Agencies need funds to deliver outreach services as health and healing work in Aboriginal and Torres Strait Islander communities as well as lower social economic groups gain better outcomes when outreach work is funded for these client groups.
- The inclusion of collective healing practices and process needs to be incorporated into the service provision of any and all redress issues.
- The support of the liaison workers and community helpers who support these survivors needs to be incorporated into service provisions models of practice with the focus on secondary or vicarious trauma which is often experienced by individuals who are helping the survivors heal.

#### **Possible structures for providing redress.**

- The structure for providing a redress package is probably one of the most important components in delivery of redress.
- To determine a culturally safe process is implemented for Aboriginal and Torres Strait Islander people we recommend a round table with key survivor participants and Indigenous service providers would provide the appropriate background and process required to establish the appropriate components of the redress package.
- There have been previous redress schemes that have received positive reports from both the precipitant and organisation. These had the structure of an independent case manager who is highly qualified and experienced to carry out both systems and services processes for the survivor. These practitioners need to have counselling experience along with assessment and social systems experience to be able to manage suitable agreed outcomes for the client.



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The case manager acts as a conduit between the survivor and the redress agency and the services the client wishes to engage. Importantly the manager will manage and record success of redress program and desired outcomes for the survivor.

- These case managers should be enabled to work in collaboration with other agencies around social and emotional wellbeing as instructed by a survivor advisory group, including the ability to contract specialist independent counselling.