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Our Ref: SPB:WGS

28 April 2023

Senator Catryna Bilyk
Chair
Joint Standing Committee on Implementation of the National Redress Scheme
PO Box 6021
Parliament House
Canberra ACT 2600

Via email: redress@aph.gov.au

Dear Senator,

Inquiry into the operation of the National Redress Scheme

Thank you again for the opportunity to appear at the Committee's public hearing on 12 April 2023 (the public hearing). We value the opportunity to assist the Committee's current inquiry. Please see below our answer to the question asked by Senator David Shoebridge that we took on notice, and updated information about our increasing wait times due to rising client demand and our limited current resources.

Question on notice: applicants who have passed away without receiving a redress payment

At the public hearing, we received a question taken on notice from Senator Shoebridge as to whether we could provide further details about 2 recent incidents where applicants to the National Redress Scheme (NRS) had passed away without receiving a redress payment.¹ We

1 Joint Standing Committee on Implementation of the National Redress Scheme (Joint Standing Committee), *Inquiry into the Operation of the National Redress Scheme: Transcript (Proof Copy)*, 12 April 2023, p 5, [www.aph.gov.au/Parliamentary Business/Committees/Joint/National Redress Scheme Standi ng/Redress47/Public Hearings](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Redress_Scheme_Standi ng/Redress47/Public_Hearings).

knowmore acknowledges the Traditional Owners of the lands and waters across Australia upon which we live and work. We pay our deep respects to Elders past and present for their ongoing leadership and advocacy.

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do not have further instructions relating to these matters and due to client confidentiality, we cannot provide details about those specific incidents at this time.

However, we can provide some general information to the Committee about survivors passing away without receiving their redress payment, including a client experience relevant to this issue.

Unfortunately, the issue of survivors passing away without receiving a redress payment is a common experience in our work. It has been noted by every major review of the NRS.² The former Joint Select Committee on Implementation of the National Redress Scheme (the former Joint Select Committee) shared the following data:

*DSS confirmed that as of 3 June 2021, 95 payments have been made to beneficiaries in respect of 90 deceased applicants. It is expected that this number will grow as the Second Year Review highlighted that there are a significant number of applications currently being processed where the applicant is now deceased.*³

The second year review observed that:

*Many survivors interpret delays as a deliberate strategy by government of 'waiting for them to die' to reduce expenses.*⁴

knowmore shared the following experience of a client passing away without receiving redress with the former Joint Select Committee.⁵

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- 2 Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: an overdue step towards justice*, April 2019, p 130, <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Royal_Commission_into_Institutional_Responses_to_Child_Sexual_Abuse/RoyalCommissionChildAbuse/Report>; Joint Select Committee on Implementation of the National Redress Scheme (Joint Select Committee), *First interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, May 2020, pp 31–32, <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Interim_Report>; Joint Select Committee, *Second interim report of the Joint Select Committee on Implementation of the National Redress Scheme*, November 2021, p 59, <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Second_Interim_Report>; R Kruk AO, *Final report: second year review of the National Redress Scheme*, 26 March 2021, p 194, <www.nationalredress.gov.au/document/1386>.
 - 3 Joint Select Committee, *Second interim report*, p 59.
 - 4 Kruk AO, *Final report*, p 194.
 - 5 knowmore, *Submission to the Joint Select Committee on Implementation of the National Redress Scheme*, 28 April 2020, p 9, <knowmore.org.au/wp-content/uploads/2020/11/submission-joint-select-committee-on-implementation-of-the-national-redress-scheme-cth.pdf>.

A posthumous offer of redress for a client whose application took 16 months to assess

The client came to know more in August 2018. They were flagged as a very high priority, given they were over 80 years of age and had a serious chronic health condition.

know more lodged the client's application with the NRS in November 2018. The 2 responsible institutions – a state government and a religious institution – were both participating in the NRS at this time.

Despite this, and despite some applications lodged at a similar time in relation to the same institutions already having seen results, no offer was received for our client until March 2020 – nearly 16 months since their application was lodged and, tragically, only some days after they had passed away.

Delays in processing applications are a significant factor contributing to the number of survivors who pass away without receiving a redress payment. Again, this issue is not new – it has also been noted by every major review of the NRS.⁶ The second year review reported that the NRS takes an average of 12.5 months to process an application and 13.4 months to process a priority application, commenting that 'applicants should not wait 13.4 months or more for an outcome'.⁷ Despite this, it remains common for our clients to face delays of this nature or longer, causing distress as clients do not know whether they will be believed and receive a redress payment.

We hold particular concerns for survivors who are classified as priority clients due to advanced age and/or immediate and serious health concerns, including terminal cancer or other life-limiting illness. As of 31 March 2023, 17% of know more's clients were classified as priority clients. These clients do not have the luxury of time – yet as of 20 April 2023, these clients have been waiting almost a year (342 days) on average since they lodged their application, with no outcome. This is likely to be a conservative estimate of the wait that our clients face.⁸ We do not know the average waiting time for survivors who lodge their application without legal assistance, although we anticipate that it might be longer.

6 Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: an overdue step towards justice*, pp 151–153; Joint Select Committee, *First interim report*, pp 53–63; Joint Select Committee, *Second interim report*, pp 59 and 86–87; Kruk AO, *Final report*, pp 43–45 and 252.

7 Kruk AO, *Final report*, pp 43 and 115.

8 The estimate is likely to be conservative because it does not include clients whose date of application is unknown.

The causes of delay have been discussed at length by the previous major reviews of the NRS.⁹ These causes include, but are not limited to, the delay in institutions joining the NRS and issues around the onboarding of institutions. Due to the lack of transparency from the NRS, discussed in our submission to the present inquiry,¹⁰ we often do not have a clear understanding of where a survivor's application is up to or why it has been delayed. Recommendations that address the non-participation of institutions are therefore only part of what is required to respond to unacceptable delays.¹¹ Recommendations to improve transparency will assist us and other stakeholders to identify and respond effectively to the specific causes of delay in particular cases.¹²

Client demand and resourcing, and increasing wait times for services

At the public hearing, we provided data about wait times for our clients to receive initial advice, linked to increasing demand and our current declining funding levels:

*... our wait times for advice appointments are now out to about three weeks, 21 days, and that's a significant increase on where we were some months ago – sitting around 10 days.*¹³

We now have to hand more recent data, which shows a continuing increase in our wait times. From 1 April 2023 to 26 April 2023, our average wait times for clients have been as follows:

- 6 weeks (42 days) for an appointment with both a lawyer and a social worker or counsellor
- more than 5 weeks (38 days) for an appointment with a lawyer only
- more than 4 weeks (32 days) for an appointment with both a lawyer and an Aboriginal and Torres Strait Islander Engagement Advisor.

By comparison, our average wait times for a similar period in the previous year (from 1 April 2022 to 30 April 2022), were as follows:

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- 9 See, eg, Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Getting the National Redress Scheme right: an overdue step towards justice*, pp 151–153; Joint Select Committee, *First interim report*, pp 53–63; Joint Select Committee, *Second interim report*, pp 59 and 86–87; Kruk AO, *Final report*, pp 43–45 and 252.
- 10 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, 27 February 2023, pp 16–19 and 66–72, <www.aph.gov.au/DocumentStore.ashx?id=8ace04da-4875-4fa9-b68d-24720abf5482&subId=734313>.
- 11 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 8–9, Recommendations 4 and 5.
- 12 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 8 and 12–13, Recommendations 1 and 26–31.
- 13 Joint Standing Committee, *Inquiry into the Operation of the National Redress Scheme: Transcript (Proof Copy)*, p 8.

- less than 3 weeks (17 days) for an appointment with both a lawyer and a social worker or counsellor
- less than 3 weeks (16 days) for an appointment with a lawyer only
- 2 weeks (14 days) for an appointment with both a lawyer and an Aboriginal and Torres Strait Islander Engagement Advisor.

The increasing wait times are illustrated by the charts enclosed as an appendix to this letter. As the second year review noted, ‘delay in providing assistance with applications is likely to contribute to survivors attempting to complete applications without support or abandoning applications’.¹⁴ It may also increase the vulnerability of survivors to the exploitative practices of some private law firms and claim farming businesses.¹⁵

We note that the information above describes our wait times with present funding levels and present demand levels for our services. It does not account for the significant upcoming reductions in knowmore’s funding, or any further increase in demand for our services, as outlined in our submission to the present inquiry¹⁶ and our evidence at the public hearing.¹⁷ Survivors face further increases in wait times and reductions in services if additional funding is not provided from 30 June 2023.

Should we be able to provide any further information, please contact us.

Yours sincerely,

WARREN STRANGE

Chief Executive Officer

ENCL.

- Appendix: charts depicting increasing wait times for knowmore’s services

14 Kruk AO, *Final report*, p 211.

15 See knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 56–64.

16 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 55–56.

17 Joint Standing Committee, *Inquiry into the Operation of the National Redress Scheme: Transcript (Proof Copy)*, pp 1–2 and 7–8.

Appendix: charts depicting increasing wait times for knowmore's services

Figure 1: chart depicting increasing wait times for an appointment with both a lawyer and a social worker or counsellor



Figure 2: chart depicting increasing wait times for an appointment with a lawyer only



Figure 3: chart depicting increasing wait times for an appointment with both a lawyer and an Aboriginal and Torres Strait Islander Engagement Advisor

