

Joint Select Committee on the Implementation of the National Redress Scheme

Public Hearing – 8 April 2024

ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Joint Select Committee on the Implementation of the National Redress Scheme Public Hearing 8 April 2024

Question reference number: IQ24-000020

Question asked by: Catryna Bilyk

Type of Question: Spoken. **Hansard Page/s:** Page 15

Date set by the Committee for the return of answer: 29 April 2024

Question:

CHAIR: Yes. I see it as: for those that want it, it's a really important issue, but I'm concerned that somehow things get lost in the process. It's a long process from go to whoa anyway. Speaking of which—completely different question here, but one that came up a bit earlier—are we able to get a copy of the document that you send to organisations about what questions you actually ask the organisations?

Mr Riley: The request-for-information form?

CHAIR: Someone has applied—gone online, filled out their questionnaire-type of thing—'What happened to you?', all the horrible things—and then you guys go back to the organisations. That's the document I was really keen to be able to have a copy of, just to see—

Mr Riley: I'm sure we can provide a copy of the RFI documentation.

CHAIR: I don't want anyone's in particular, but I would really like to be able to see that.

Mr Riley: Absolutely.

Answer:

Under Section 25 of the National Redress Scheme Act, the attached Request for Information (**Attachment A**) is sent to a participating or partly-participating institution. These questions are designed to elicit information that can help the Independent Decision Maker consider the application.

Q1. Do you accept the information **provided by the applicant in their application** about the alleged abuse?

Yes No Uncertain

Please provide details

Q2. Do you have **any record of the applicant attending, or undertaking activities in connection with, your institution during the period** alleged?

Yes No Uncertain

Please provide details

Q3. Do you have **any records relating to the applicant's experience of alleged abuse** at the institution?

Yes No Uncertain

If yes, please answer the following questions:

What allegations were reported to you?

How were the allegations reported to you, by whom and when?

Are there any records of any witness/es to the alleged abuse?

Yes No Uncertain

If yes, please provide details

Have you conducted an investigation into the allegations?

Yes No Uncertain

If yes, please provide details

Q4. Are there any records/details of **relevant prior payments** made to the applicant in relation to the alleged abuse?

Yes No Uncertain

If **yes**, please provide details. Make a copy of this page if multiple prior payments have been made.

Payment type

Payment type

Payment date

Payment date

Amount

Amount

Note

Note

Q5. Has there been a **prior court judgement against your institution** in favour of the applicant?

Yes No Uncertain

Please provide details

Q6. Does the applicant have a **current common law or other claim for damages/ compensation/ redress** with the institution that has not been resolved?

Yes No Uncertain

Please provide details

Date of claim

Claim status

Q7. Was your institution responsible for the **day-to-day care or custody** of the applicant when the alleged abuse occurred?

Yes No Uncertain

Please provide details

Q8. Was your institution the **legal guardian** of the applicant when the alleged abuse occurred?

Yes No Uncertain

Please provide details

Q9. Was your institution responsible for **placing the applicant into the institution** in which the alleged abuse occurred?

Yes No Uncertain

Please provide details

Q10. Can you confirm the alleged abuser(s) presence at the location of the abuse at, or around, the time of the alleged abuse?

Yes No Uncertain

Please provide details, if there are multiple alleged abusers please indicate the abuser you are referring to in the text box.

Was the alleged abuser(s) **an official of the institution** when the alleged abuse occurred?

Yes No Uncertain

Please provide details

Q11. Did the alleged abuse occur either on the premises of your institution, where activities of your institution took place, or in connection with the activities of your institution?

Yes No Uncertain

Please provide details

Q12. Do you have any information or records of related complaints of abuse involving the same alleged abuser(s)?

Yes No Uncertain

Please provide details

Q13. Do you have **any further information** that may be relevant to the applicant's application?

Yes No Uncertain

Please provide details

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Department of Social Services

Topic: Joint Select Committee on the Implementation of the National Redress Scheme Public Hearing 8 April 2024

Question reference number: IQ24-000021

Question asked by: Catryna Bilyk

Type of Question: Spoken. **Hansard Page/s:** Page 16

Date set by the Committee for the return of answer: 29 April 2024

Question:

CHAIR: Can you just tell me: will applicants whose outcomes were reviewed prior to these changes be retrospectively allowed to retrospectively provide further information, particularly anyone who ended up worse off?

Mr Riley: For a person who has accepted or rejected their offer, that matter is finalised and is not able to be reviewed. But the review measure applies to any decisions provided that have not yet been accepted and any reviews that are in progress where the matter has not yet been accepted. On the no-worse-off question—acknowledging that there's a broader audience for this hearing—it's probably important that we say that, prior to the introduction of these provisions, we had a process through which we would make a phone call and inform the applicant of what was to be formalised in writing to them, and they had the option of withdrawing their review at any stage up until acceptance in order for them to be no worse off. I know that within the advocate community there's a broader concern about people being worse off. We don't believe that that has happened very much at all given the way that this has been handled within the scheme.

CHAIR: Earlier on, were many people better off after review? Do we have stats on that?

Mr Riley: I'll take the specifics on whether or not we have statistic on notice.

Answer:

As at 15 March 2024, 653 applicants have requested a review. Of these:

- 66 review determinations are in progress.
- 587 review determinations have been finalised, including:
 - 101 instances of an increased payment outcome
 - One instance of a decreased payment outcome *
 - 485 instances of the payment outcome remaining the same **.

* This was caused by an error in the assessment of the prior payment in the initial determination. In review, this error was rectified which resulted in a lower payment amount with no debt incurred.

** This includes nil payments and ineligible outcomes.

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Department of Social Services

Topic: Joint Select Committee on the Implementation of the National Redress Scheme Public Hearing 8 April 2024

Question reference number: IQ24-000022

Question asked by: Catryna Bilyk

Type of Question: Spoken. **Hansard Page/s:** Page 17

Date set by the Committee for the return of answer: 29 April 2024

Question:

CHAIR: Are institutions able to object to a decision by the IDM?

Mr Riley: Under the arrangements for the scheme, because we're an alternative to the justice system, there is no appeal rights as such, and an institution may request a waiver, which waives only the financial component of the decision that was made adverse to its organisation. That waiver process is against a test of whether it was open to the independent decision-maker to make the decision that they made. Ms Hope is the delegate as the deputy secretary for waiver requests. If an institution is still unhappy and wants a second review, that is then considered by the scheme operator.

CHAIR: Does that happen very often? Have we got any stats on that?

Ms Hope: I don't think it happens particularly often. I have seen a few in my tenure since coming into the department just in the year.

CHAIR: What's 'a few'? In the last year, how many would you have seen?

Ms Hope: I'd have to take that on notice.

CHAIR: If you could.

Ms Hope: I will. I'm happy to do that in terms of the numbers. But, when I say a few, sometimes they come in a batch of one or two, so I'll pay close attention to that, but then I won't see any for a very long time. So I will take that on notice for you. I can say that I have seen them, and I can absolutely agree with the process that Mr Riley's outlined. But they're not something that comes up frequently.

CHAIR: Right. I'm just trying to work out if some institutions—

Ms Hope: We'll take it on notice.

Answer:

As at 15 March 2024, over the life of the Scheme, 139 section 156 waiver requests have been received by the Scheme. A request for waiver is initially considered under section 156 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*. If a waiver request is rejected, it is open to an institution to request further consideration, which is facilitated through section 157 of the Act.

In 9 instances the institution has subsequently requested a review under section 157.

Waiver requests received	Section 156	Section 157
2019-20	23	4
2020-21	28	1
2021-22	37	4
2022-23	27	0
2023-24	24	0
Total	139	9

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Question reference number: IQ24-000023

Question asked by: Dean Smith

Type of Question: Spoken. **Hansard Page/s:** Pages 17-19

Date set by the Committee for the return of answer: 29 April 2024

Question:

Senator DEAN SMITH: Thank you very much for officials making themselves available. In your opening statement, you talked about the increased number of applications for this year, year six of the scheme, being at, I think, 294 per week, and you said that in March of this year it peaked at approximately 1,300. I'm just keen to understand within that: How many were First Nations applications? Where are the First Nations applications coming from? Thirdly, are we seeing a rise in First Nations applications, are we seeing consistency or are we actually seeing a fall?

Ms Hope: I might ask Ms Still to respond to that for you.

Ms Still: I don't have the data in front of me in regard to First Nations. As a whole, First Nations applicants represent about 35 per cent of our applications. In terms of the spread, I'm happy to take that question on notice and get that information to you—unless one of my colleagues has that information in front of them.

Mr Young: My understanding is that throughout the almost six years of the scheme we saw this rise to a peak of 45 percent of applications coming from Indigenous survivors. Over more recent times, they are now in the low 30 percentile category.

Ms Still: Actually, I do have some information in front of me, if I can revisit that. In this financial year to date, as of 15 March, we have received 3,477 applications from First Nations applicants.

Senator DEAN SMITH: What is the jurisdictional origin of those 3,477?

Mr Harrigan: The breakdown of the 3,477 is something that we will have to take on notice. It's not a level of detail that we have here with us today, sorry.

Senator DEAN SMITH: Yes, that's fine. Thank you very much. I'd also be keen to understand jurisdiction by jurisdiction and perhaps a bit of a time series. In your opening statement, you were able to provide a time series—year 6, year 5 and year 4. My question to you is: can you provide a time series for the number of First Nations applications by jurisdictional origin for year 6—that is, of course, to 15 March this year—year 5 and year 4?

Ms Hope: We'll take that on notice for you.

[...]

Senator DEAN SMITH: We would all agree that in recent times the scheme has had or should have had a greater focus on First Nations matters. It's certainly been a matter of priority for this committee and revealed itself in our reports but also in the independent reviewer's report. So I'm keen to understand how this increased effort is revealing itself in the nature of First Nations applications. What I would look for if this increased effort were in fact working—and we'll come to whether it's working in a moment—is an increased number of applications from genuinely remote and rural locations. It may well be that these start to reveal themselves slowly given the more difficult nature of dealing with these types of issues in genuinely rural, regional and remote locations.

[...]

Mr Riley: [...] In answer to your question, though, as to whether the effort is resulting in a return, I would say to you that, given that we are anything over 30 per cent of applications to the scheme, we are massively in advance of the proportion of the population that identifies as a First Nations Australian. We'd have to take the specifics of the regional, rural and remote versus urban Indigenous populations on notice, but we are seeing a distribution within that. [...]

Answer:

As at 15 March 2024, the number of applications received from First Nations people are shown by their residential jurisdiction at the date of application lodgement, for each financial year (FY) over the life of the Scheme:

Jurisdiction	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24*	Life of Scheme
ACT	10	4	8	17	33	28	100
NSW	168	120	183	413	732	789	2405
NT	17	26	28	41	62	67	241
QLD	320	345	527	869	1591	1350	5002
SA	39	58	58	127	337	342	961
TAS	49	35	52	70	132	102	440
VIC	62	67	70	81	150	132	562
WA	272	391	585	885	947	641	3721
Overseas/ Unknown	4	1	2	1	5	26	39
Total	941	1047	1513	2504	3989	3477	13471

* To 15 March 2024.

As at 15 March 2024, the percentage of applications received from First Nations people are shown by their residential remoteness at the date of application lodgement, for each financial year (FY) over the life of the Scheme:

Remoteness Indicator *	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24	Life of Scheme
Major Cities of Australia	46%	48%	43%	41%	43%	46%	44%
Inner Regional Australia	21%	17%	16%	17%	18%	19%	18%
Outer Regional Australia	18%	21%	23%	22%	20%	19%	20%
Remote Australia	7%	7%	7%	9%	7%	6%	7%
Very Remote Australia	6%	6%	9%	9%	10%	8%	9%
Overseas/ Unknown	2%	1%	2%	2%	2%	3%	2%
Total	100%	100%	100%	100%	100%	100%	100%

* This is based on the Australian Bureau of Statistics' definition of remoteness which is determined at the Statistical Area Level 1 (SA1). However, due to the limitations of free-text residential data that is provided in the application forms, Redress data can only be reliably determined at the Statistical Area Level 2 (SA2), which is less granular compared to SA1. Therefore, in order to determine the remoteness of an applicant, the Scheme used an approximation method to match between SA1 and SA2 references.