

knowmore
free legal help for survivors
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Our Ref: SPB:JM

29 April 2024

Senator Catryna Bilyk
Chair
Joint Standing Committee on Implementation of the National Redress Scheme

Via email: redress@aph.gov.au

Dear Senator,

Response to Question on Notice and additional information

Thank you for the opportunity to appear at the Committee's public hearing on 8 April 2024 (the public hearing). Please see below our response to the Committee's Question on Notice and some additional information. We have also included a copy of our most recent pre-budget submission to the Australian Treasury, which highlights the funding cliff facing our service – a 25% reduction in funding and workforce capacity next financial year that will severely limit our ability to provide legal support to survivors in Australia who seek justice for their experience of institutional child sexual abuse.

Question on Notice: a statutory cap on costs and disbursements for redress applications

We took a Question on Notice from Senator David Shoebridge about what would be a reasonable figure for a statutory cap on costs and disbursements that could be charged by a law firm for assisting a survivor with a redress application.¹ knowmore considers that \$3,300 (including GST) would be a reasonable figure for a statutory cap. This figure reflects the fact that survivors are generally entitled to receive legal assistance with redress applications free of charge from knowmore and should be made aware of this option. It also recognises the importance of the full redress payment in providing justice, healing and support to

¹ Joint Standing Committee on Implementation of the National Redress Scheme, *Inquiry into the operation of the National Redress Scheme: transcript (proof copy)*, 8 April 2024, p 8, <parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/27914/toc_pdf/Implementation%20of%20the%20National%20Redress%20Scheme%E2%80%9494Joint%20Committee%202024%2004%2008.pdf;fileType=application%2Fpdf#search=%22committees/commjnt/27914/0000%22>.

survivors. Survivors should not have large chunks of their redress payments consumed by legal expenses.

Additional information: clients referred to knowmore by other support services

In response to a question from Senator Shoebridge, we committed to confirm what proportion of client referrals to knowmore came from another support service.²

In the 6-month reporting period from October 2023 to March 2024, three quarters (75%) of knowmore's new clients were referred to us by other organisations. In particular:

- 43% were referred to us by the National Redress Scheme (NRS) or a Redress Support Service (RSS), up significantly from the 20–25% we usually see
- 7% were referred to us by community-based health or support services
- 7% were referred to us by private law firms (usually our panel firms)
- 6% were referred to us by legal aid or community legal centres.³

This highlights that, for many clients, access to another support service is an important first step for receiving legal support with redress from knowmore. It also highlights the strength of knowmore's multidisciplinary model for providing legal support within a connected service system and the trusted relationships that we have built with other support services.

The referral data above does not account for the change to allow survivors in prison to apply for redress, as this commenced on 4 April 2024 (just after the end of the reporting period). We anticipate a significant increase in referrals from other organisations, including the National Redress Scheme, as a result of this change (discussed further below).

Additional information: costs of providing services for survivors in prison

At the public hearing, Senator Shoebridge asked what will be the costs of properly providing services for survivors in prison as a result of the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2024*.⁴ knowmore estimates that it will cost us an additional \$4.8 million a year to assist survivors in prison in accordance with our current casework guidelines. We estimate that an additional \$1.1 million a year would allow us to

² Joint Standing Committee on Implementation of the National Redress Scheme, *Inquiry into the operation of the National Redress Scheme: transcript (proof copy)*, p 9.

³ This referral data represents a conservative estimate, as it does not include some clients who we assist by way of information or referral only, or clients who have previously completed an intake with us who are later referred to us by another organisation.

⁴ Joint Standing Committee on Implementation of the National Redress Scheme, *Inquiry into the operation of the National Redress Scheme: transcript (proof copy)*, p 9.

advise survivors in prison about their legal options in a timely way, but is not sufficient to support them throughout the redress process.

The above estimates are based on the analysis in our supplementary submission to the Committee on 3 July 2023 (the supplementary submission). Drawing on that analysis, we estimate that there are many thousands of survivors in prison who are now eligible to apply for redress.⁵ As noted in the supplementary submission:

This group of survivors is likely to have additional or more complex support needs than other survivors given the heightened experiences of marginalisation among people in prison ... [Further,] our experience is that the prison environment presents many unique barriers to providing support that require additional resources to overcome.⁶

While knowmore welcomes the change to allow survivors in prison to apply for redress, we have not received any additional funding to respond to the change, which commenced on 4 April 2024. On the contrary, our NRS-related legal support services funding was reduced by \$600,000 (7%) in the 2023–24 financial year, with a further reduction of \$2.1 million (25%) to take effect in about 2 months' time (from 1 July 2024).

The inadequate funding of knowmore and other survivor support services is undermining the National Redress Scheme. We urgently need additional funding to assist survivors of institutional child sexual abuse.⁷

We hope this information assists the Committee. Should we be able to provide any further information, please do not hesitate to contact Sean Bowes, Law Reform and Advocacy Officer, on _____ or at _____

Yours faithfully,

JACKIE MEAD

Chief Executive Officer

⁵ knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, 3 July 2023, pp 9–11, <knowmore.org.au/wp-content/uploads/2023/07/submission-joint-standing-committee-on-implementation-of-the-national-redress-scheme-resourcing-of-knowmore-and-other-support-services-cth.pdf>.

⁶ knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 11–13.

⁷ See also knowmore, *Urgent funding needed for services supporting child sexual abuse survivors*, 22 March 2024, <knowmore.org.au/media-release-urgent-funding-needed-for-services-supporting-child-sexual-abuse-survivors/>.

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- knowmore's pre-budget submission to the Australian Treasury on 22 January 2024

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22 January 2024

Budget Policy Division
Treasury
Langton Cres
Parkes ACT 2600

By Email:

Dear Colleagues

Pre-budget submission FY2024–25

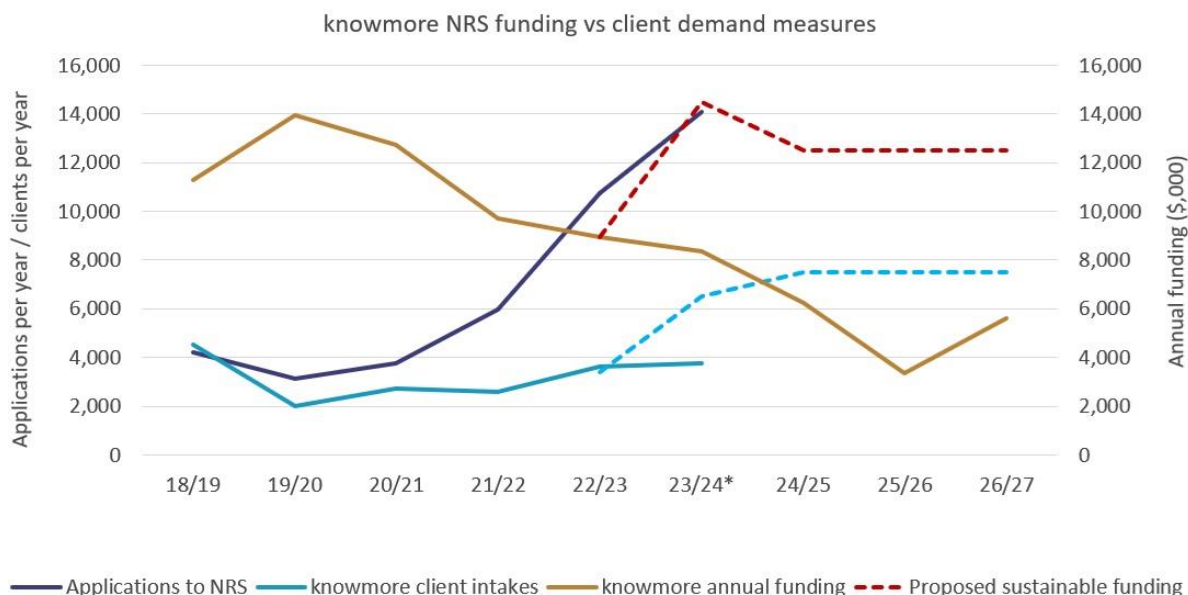
knowmore Legal Service is facing a funding cliff — a 25% reduction in funding and workforce capacity next financial year that will severely limit our ability to provide legal supports to those vulnerable Australians who seek justice because of their experiences of institutional child sexual abuse.

The National Redress Scheme and the services surrounding it including knowmore Legal Service came about as a direct result of the Royal Commission into Institutional Responses to Child Sexual Abuse in 2012. Prime Minister Gillard’s announcement that a Royal Commission would commence was the beginning of a journey towards recognition and justice for so many people who had suffered in silence — invisible to most Australians.

The provision of appropriate supports for people to understand their legal rights following institutional child sexual abuse is one of the ways we can continue to demonstrate our commitment to making amends. This submission is provided to help the current government to understand what is required to continue the inspirational work of previous federal governments to not just make apologies for the harms done but to support survivors to understand the legal options available to them following their heart wrenching experiences.

Background

1. Since 2018 knowmore has been funded to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS).
2. Funding for this program is committed through to the finalisation of the NRS in 2027.
3. The annual amount of this funding was determined in 2018 and reduced significantly from 2020. This was based on actuarial modelling of applicant numbers over the life of the scheme done in 2015. This modelling has proven to be incorrect.
4. Current government modelling indicates that demand for NRS applications and support services will continue to be strong over the remaining years of the scheme.
5. knowmore’s funding for the current period is well below that received for the first three years of the scheme and by 2025/26 funding will be a quarter of 2020/21 levels.
6. knowmore has sought to manage the year-on-year reduction in funding with a focus on expenditure restraint and using resultant savings into future years to offset the reductions, and while this strategy has helped in the shorter term, it has hidden the true impact.
7. The impact of this reduced annual funding is compounded by increasing costs across all elements of service delivery. Cost of operating a business pressures are reducing our capacity to deliver outreach services in particular.



* Application numbers annualised from data to 13 October 2023;
client numbers annualised from data to 30 September 2023

Current situation

8. Financial projections show that all carried-forward surplus will be spent in this financial year and the NRS program will likely be in a deficit position of around \$2 million by June 2024.
9. The tapering in client numbers reflects the reducing capacity as workforce numbers reduce in line with funding.
10. On current funding, knowmore's workforce will be reduced by 25% by the end of this financial year and by another 25% next financial year, further reducing capacity to provide NRS support to clients.
11. The funding reduction is making retention of skilled workers increasingly difficult which exacerbates capacity and service delivery challenges.
12. The recent changes to include redress applications from incarcerated people was not costed in to original models for knowmore legal service. We anticipate this to cost an additional \$1.1M per year.

Impacts for clients

13. Client wait times for assistance are currently around 7 weeks (compared to 2 to 3 weeks in July 2022) and wait times are increasing.
14. Clients are being referred elsewhere, choosing to submit applications unassisted, or having to find alternative (non-specialist or fee-for-service) support. Unsupported applications take significantly longer to process, as they are often incomplete. This adds to the administrative costs of the scheme. It also significantly impacts upon clients as they must wait longer for the process to finalise. Anecdotally, our staff report increased anxiety and suicidality for some clients during extended waits.
15. The further 25% funding reduction next year will result in 900 more clients being referred out — survivors of child sexual abuse who would have previously been able to access the help they need from knowmore.
16. The survivors that will be most impacted are those from further marginalised groups, particularly survivors who are Aboriginal and/or Torres Strait Islander, live with a disability, are homeless, or live in rural, regional, or remote areas.

Recommendation

17. knowmore needs an immediate increase in funding levels and commitment of funding over the life of the NRS:
 - a. Provide annual funding for 2024/25 to 2026/27 at a sustainable level to better meet client demand: \$12.5M (increase of \$4.1M over funding for current financial year)

- b. Provide an additional \$2M for the current financial year to allow restoration of workforce, total \$14.5M (increase of \$6.1M in funding for current financial year).
- c. Provide an additional 1.1M per year until 2026/27 to support incarcerated people to access legal advice regarding the National Redress Scheme.

Thank you for considering our pre-budget submission. We are of course able to provide further information if required to support our submission.

Yours faithfully

JACKIE MEAD

Chief Executive Officer

CC. Ms Kerry Jackson
Assistant Director, Legal Assistance Programs
Legal Assistance Branch, First Nations, and Justice Policy Division
Attorney-General's Department

Mr John Riley
Branch Manager, Redress Group
External Engagement
Department of Social Services

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- Attachment: About knowmore

Attachment: About knowmore

Our service

knowmore legal service (knowmore) is a nation-wide, free, and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our aim is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse. Our service was established in 2013 to assist people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission).

From 1 July 2018, knowmore has been funded to deliver legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under NRS. knowmore also receives funding to deliver financial counselling services to people participating in the NRS, and to work with other services in the NRS support network to support and build their capability.

From 23 December 2022, our services were expanded to assist survivors who experienced child sexual abuse in non-institutional settings.

From 1 March 2022, we have also been funded to provide legal and financial counselling support to people engaging with the Territories Stolen Generations Redress Scheme (Territories Redress Scheme). From 2022, knowmore also received some funding from the State Government of Victoria to provide some services (mainly financial counselling) to support Stole Generations survivors accessing the Victorian Stolen Generations Reparations Package.

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred, and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne, Brisbane, Perth, Adelaide, and Darwin. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

knowmore's activities are largely funded by the Commonwealth Government, represented by the Departments of Attorney-General and Social Services and the National Indigenous Australians Agency.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 December 2023, knowmore has received 104,935 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 15,957 clients. More than a third (37%) of knowmore's clients identify as Aboriginal and/or Torres Strait Islander peoples. About a fifth (18%) of clients are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.