

knowmore
free legal help for survivors
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Our Ref: LH:NH

3 November 2023

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

Via email: redress@aph.gov.au

Dear Senator,

Responses to Questions on Notice

Thank you for the Committee's recent questions on notice, which we received via email on 20 September 2023. Please find our responses below.

Question 1: knowmore's redress-related clients

In general terms, since the Scheme opened to applications, what proportion of knowmore's redress-related clients:

- a. Decide to ask for knowmore's help to proceed with a redress application?**
- b. Commence an application, with knowmore's help, but disengage or become uncontactable?**
- c. Discuss the option of applying but, as far as known, do not proceed with commencing a redress application?**

In response to part a, we can advise that 23% of knowmore's redress-related clients since 1 January 2020 have proceeded with a redress application with knowmore's direct assistance (2,380 applications lodged or in progress from 10,534 clients, as at 6 October 2023).

The nature of our available service delivery data means we are unable to provide figures back to the beginning of the National Redress Scheme (1 July 2018), or a response to part b.

Relevant to part c, we do not have data as to whether the remaining 77% of clients who have discussed the NRS with us proceed or do not proceed with a redress application. These clients may have decided to lodge a redress application with assistance from another

organisation (e.g. a Redress Support Service that we may have referred them to); to lodge a redress application without assistance (i.e. a self-lodged application); to not lodge a redress application as they are pursuing a civil law compensation claim or another redress option; or to not pursue redress.

Question 2: lapsed or unactionable redress applications

When would knowmore consider that an application has lapsed or become unactionable?

knowmore can only assist a survivor with their application for redress with the survivor's instructions. This means, for instance, that a lodged application or a draft application to the National Redress Scheme (NRS) may become 'unactionable' if the survivor becomes uncontactable. Similarly, an application will not be able to be finalised if the survivor passes away before the application is submitted to the NRS.

In a small number of cases, knowmore is unable to assist the survivor due to our professional legal obligations resulting from a conflict of interest. However, knowmore offers to refer affected survivors to another service to ensure they can continue to be supported if they wish.

We also note that applications naming non-participating institutions are generally unable to be progressed by the NRS, and so these applications may be 'unactionable' from the NRS's perspective. This highlights the need for ongoing work to maximise the number of institutions participating in the NRS, including through funder of last resort arrangements for defunct institutions and institutions that are deemed unable to participate, as discussed in our primary submission to the Committee's inquiry.¹

Question 3: legal advice outside the redress context

What options are available (or offered) to individuals when they ask for legal advice that may fall outside the context of redress?

Survivors of child sexual abuse who attend an initial advice appointment with a knowmore lawyer may generally be given information or advice about the following redress and compensation options:

- the NRS
- civil compensation claims; as knowmore does not provide advice about civil claims, we offer to refer clients to our panel of civil lawyers
- state/territory-based victims of crime compensation/support payments

¹ knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme* [submission 14], 27 February 2023, pp 21–24, <www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Redress_Scheme_Standi ng/Redress47/Submissions>.

- if relevant, other redress or reparations schemes (including institutional redress schemes like the Catholic Church’s National Response Protocol, and Stolen Generations redress schemes like the Territories Stolen Generations Redress Scheme and the Victorian Stolen Generations Reparations Package)
- if relevant, criminal court compensation/reparation orders.²

Apart from a survivor’s redress and compensation options, knowmore can also provide legal advice or information to help navigate the legal system in response to child sexual abuse in the following areas:

- a survivor accessing information they provided to the Royal Commission into Institutional Responses to Child Sexual Abuse
- a survivor accessing information about them that is held by government or non-government organisations
- a survivor speaking out about their abuse (e.g. in the media or on social media)
- a survivor’s concerns about claim farming, particularly in relation to Queensland
- referring a survivor for legal advice about a total and permanent disability insurance claim
- reporting child sexual abuse to the police, child protection authorities or other relevant regulatory authorities
- making a complaint about a police or government process in responding to child abuse.

knowmore offers referrals to other appropriate services (including panel law firms) as needed.

We hope this information assists the Committee. Should we be able to provide any further information, please do not hesitate to contact Lauren Hancock, Manager Law Reform and Advocacy, on 07 3218 4521 or at lauren.hancock@knowmore.org.au.

Yours faithfully,

NICK HUDSON

² More information about these options in each state and territory is included in knowmore’s *Can I get compensation?* factsheets available at knowmore.org.au/for-survivors/compensation-options/compensation-in-your-state-or-territory/.

Acting Chief Executive Officer