



Australian Government
Department of Social Services

Ray Griggs AO CSC
Secretary

Ref: EC24-001294

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

Dear Senator ~~Bilyk~~ *Senator*,

Thank you for your letter of 15 May 2024 following the private briefing between the Joint Standing Committee (Committee) and members of my senior executive on 13 May 2024. The Committee raised several questions at the briefing which were taken on notice and responses to these questions are provided below, along with further explanation of matters discussed at the briefing. I have briefed the Minister for Social Services, the Hon Amanda Rishworth MP on the Committee's latest request to make the *National Redress Scheme for Institutional Child Sexual Abuse Framework Policy Guidelines 2019* (the Guidelines) available for confidential inspection and advise that the Minister is considering this request.

The *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* (Assessment Framework) at **Attachment A** underpins the decisions made by the Scheme's Independent Decision Makers (IDM) in their assessment of applications to the Scheme. The Assessment Framework is a publicly available legislative instrument used to work out the amount of redress payment for a person and the amount of counselling and psychological component of redress.

The Assessment Framework was updated in 2019 to clarify the categories of abuse, in particular to update the definition of penetrative abuse. A further update is anticipated to combine the recognition of sexual abuse payment with the recognition of impact of sexual abuse payment, following agreement to this recommendation 3.11(b) in the Scheme's Second Year Review.

The Scheme Guidelines are an aide to IDMs which may be taken into account when applying the Assessment Framework. They are made under section 33 of the Redress Act by the Minister but are not a legislative instrument. The Scheme Guidelines go into greater detail than the Assessment Framework (including more graphic descriptions of abuse) and have not been amended since their introduction in 2019.

The Assessment Framework and Guidelines support decision making based on a lower evidentiary threshold compared with criminal and civil proceedings. IDMs need to apply the Assessment Framework on a case-by-case basis in assessing applications and use the Policy Guidelines to assist them in exercising their judgement.

Information or guidance to assist applicants

In relation to your request for copies of publicly available documents with information or guidance intended to help applicants with their redress application, the Scheme provides extensive assistance to potential applicants, available on the Scheme website. A detailed breakdown of the links on the website is at **Attachment B**, including a link to [support services](#).

From the links on the website, I draw the Committee's attention to the Redress Application Guidebook at **Attachment C**, in particular at page 5, *Things you need to think about before you apply*. The Guidebook provides assistance for the applicant at *each step* of the application form. Since December 2023, the Guidebook is a standalone document that the applicant can retain once they have lodged their application. Another relevant document is the broader application 'pack' at **Attachment D** which includes the 'Get free help to apply' factsheet.

In addition to providing information to applicants, the Scheme also provides information to key stakeholders to better understand the Scheme. **Attached at E** is the *Joining the Scheme* factsheet and at **Attachment F**, a copy of the facilitation guide for training of Redress Support Services and institutions about the application of the Assessment Framework.

Fraudulent applications to the Scheme

The Department of Social Services (the department) does not explicitly track the number of fraudulent applications made to the National Redress Scheme.

The department currently has 21 Redress fraud matters in progress that are at various stages of investigation. Fraud related investigations within Redress can involve a single or multiple applications and the investigation's focus is on proving beyond reasonable doubt whether an individual dishonestly obtained a benefit, or caused a loss, by deception or other means. The investigation is not directly focussed on proving whether individual applications are fraudulent.

Availability of the Guidelines

The Guidelines are provided to IDMs to assist them in making decisions. IDMs are engaged under section 185 of the Act and under contract. In addition to the duties of officials under the *Public Governance, Performance and Accountability Act 2013*, the terms of the employment contract include adherence to strict confidentiality obligations. The importance of privacy, confidentiality and not sharing information about the Scheme forms a critical component of initial and continuing training for IDMs.

Consistency of decision-making

The Scheme acknowledges consistent decision-making is critical to ensuring survivors of childhood sexual abuse and Scheme partners and stakeholders can have confidence in the Scheme.

The Scheme supports consistency of decisions through:

- Regular training of IDMs including recent training on administrative law decision making principles (February and March of this year);
- IDMs using improved standardised templates and statement of reason documents aimed at better explaining to applicants how determinations are made and the information relied upon;
- Continuous updates to guidance materials and training are made to ensure IDMs have up to date material to support their decision making;
- A coordinated approach to quality assurance – with every decision reviewed by an APS employee to ensure it is consistent with guidance material. Quality assurance is undertaken by a pool of redress officers who also meet regularly to consider issues of consistency;
- A panel of 5 experienced “Chief” IDMs is in place to support IDMs with complex matters;
- A legal helpdesk has been established for IDMs to seek guidance on specific applications or legal questions; and
- Survivors are able to seek a review of the decision – recent legislative changes make it easier for applicants to provide additional information when seeking a review and for the Scheme to request additional information from applicants and participating institutions.

Officials of the department would be happy to discuss these matters further at the Committee’s convenience.

Yours sincerely

28 May 2024

Encl.

Attachment A *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018*

Attachment B Detailed breakdown of information available to applicants

Attachment C The Redress Application Guidebook

Attachment D The Redress ‘application pack’

Attachment E Joining the Scheme Fact sheet – for external stakeholders

Attachment F Training materials for the Assessment Framework



National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018

made under section 32 of the

National Redress Scheme for Institutional Child Sexual Abuse Act 2018

Compilation No. 1

Compilation date: 24 October 2019

Includes amendments up to: F2019L01369

Registered: 10 December 2019

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* that shows the text of the law as amended and in force on 24 October 2019 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018*.

3 Authority

This instrument is made under section 32 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) counselling and psychological component;
- (b) non-sexual abuse;
- (c) redress payment;
- (d) related;
- (e) sexual abuse.

In this instrument:

Act means the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

contact abuse: relevant sexual abuse of a person is **contact abuse** if:

- (a) any of that abuse involved physical contact with the person by someone else or by an object used by someone else (even if the rest of that abuse did not); and
- (b) none of that abuse involved penetration of the person.

exposure abuse: relevant sexual abuse of a person is **exposure abuse** if none of that abuse involved physical contact with the person (whether involving penetration of the person or not) by someone else or an object used by someone else.

extreme circumstances: sexual abuse of a person occurred in **extreme circumstances** if:

- (a) the abuse was penetrative abuse; and
- (b) taking into account:
 - (i) whether the person was institutionally vulnerable; and
 - (ii) whether there was related non-sexual abuse of the person;it would be reasonable to conclude that the sexual abuse was so egregious, long-term or disabling to the person as to be particularly severe.

institutionally vulnerable: a person who suffered sexual abuse was **institutionally vulnerable** if, having regard to the following matters relating to

Part 1 Preliminary

Section 4

the responsible institution for the abuse and the time of the abuse, it would be reasonable to conclude that the person's living arrangements at the time increased the risk of sexual abuse of the person occurring:

- (a) whether the person lived in accommodation provided by the institution;
- (b) whether the institution was responsible for the day-to-day care or custody of the person;
- (c) whether the person had access to relatives or friends who were not in the day-to-day care or custody of the institution;
- (d) whether the person was reasonably able to leave the day-to-day care or custody of the institution;
- (e) whether the person was reasonably able to leave the place where the activities of the institution took place.

penetrative abuse: relevant sexual abuse of a person is penetrative abuse if any of that abuse involved penetration of or by the person (even if the rest of that abuse did not).

relevant sexual abuse of a person means all of the sexual abuse of the person within the scope of the scheme for which one or more participating institutions are responsible (even if one or more participating institutions are responsible for some of that abuse and one or more other participating institutions are responsible for the rest of the abuse).

Part 2—Amount of redress payment

5 Amount of redress payment

- (1) The amount of a redress payment for a person is worked out using the following table as described in subsection (2):

Amount of redress payment					
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Kind of sexual abuse of the person	Recognition of sexual abuse	Recognition of impact of sexual abuse	Recognition of related non-sexual abuse	Recognition person was institutionally vulnerable	Recognition of extreme circumstances of sexual abuse
1 Penetrative abuse	\$70,000	\$20,000	\$5,000	\$5,000	\$50,000
2 Contact abuse	\$30,000	\$10,000	\$5,000	\$5,000	Nil
3 Exposure abuse	\$5,000	\$5,000	\$5,000	\$5,000	Nil

Note 1: Only one item of the table can be relevant to a person. This is because an item covers all relevant sexual abuse of the person.

Note 2: The amount of the redress payment is also affected by section 30 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* and the rules made for the purposes of that section.

- (2) Total:
- (a) the amount in column 2 of the item of the table relevant to the sexual abuse of the person; and
 - (b) if the person’s application to the Operator for redress indicates that the sexual abuse of the person had an impact on the person’s wellbeing—the amount in column 3 of that item; and
 - (c) if there was non-sexual abuse of the person that was related to the sexual abuse—the amount in column 4 of that item; and
 - (d) if the person was institutionally vulnerable—the amount in column 5 of that item; and
 - (e) if the sexual abuse occurred in extreme circumstances—the amount (if any) in column 6 of the item.

Part 3 Amount of counselling and psychological component of redress

Section 6

Part 3—Amount of counselling and psychological component of redress

6 Amount of counselling and psychological component of redress

The amount of the counselling and psychological component of redress for a person is worked out using the following table:

Amount of the counselling and psychological component of redress	
Column 1	Column 2
Kind of sexual abuse of the person	Amount of the component
1 Penetrative abuse	\$5,000
2 Contact abuse	\$2,500
3 Exposure abuse	\$1,250

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018	29 June 2018 (F2018L00969)	1 July 2018 (s 2(1) item 1)	
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework Amendment (Categories of abuse) Declaration 2019	23 Oct 2019 (F2019L01369)	24 Oct 2019 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep LA s 48D
s 4.....	am F2019L01369

Attachment B

Detailed breakdown of the links available on the National Redress Scheme website

Information for applicants

[The application pack](#), together with: [the Redress Application Guidebook](#) to accompany more general [information about applying](#), including, the [service charter](#), [who can apply](#), [what can you apply for](#), [thinking of applying](#), [start or continue an application](#) and [what happens next](#).

- Applying for redress – with further subheadings and link to the following:
 - [Get free help to apply](#)
 - [Who can apply](#)
 - [What you can apply for](#)
 - [The application process](#)
 - [Filling in the application](#)
 - [Institutional Child Sexual Abuse](#)
 - [Describing impact in your application](#)

[Who can apply](#)

[What happens next](#)

[Support services](#) – with further subheadings of:

- Get free help to apply
- Knowmore legal support
- Knowmore financial counselling
- National redress support services
- Redress support services by state or territory

General resources – with further subheadings of:

[Information about the Scheme and the application process](#), with the following links to:

- [National redress scheme brochure](#)
- [National redress scheme A5 Flipbook](#)
- [Overview of the National Redress Scheme](#)

What happens once you've applied?

- [How your application is considered](#)
- [Responding to an offer or asking for a review](#)
- [Direct personal response](#)
- [National Redress Scheme Independent Decision Makers](#)

Legal Information - with further subheadings and link to the following:

- [Legal Support](#)
- [Using and protecting your information](#)
- [Disclosing protected information in civil legal proceedings](#)
- [Protected information fact sheet](#)

Applying from Gaol

- [Serious criminal convictions information form](#)

Applying from Gaol

- [Serious criminal convictions information form](#)

Legal Information - with further subheadings and link to the following:

- [Legal Support](#)
- [Using and protecting your information](#)
- [Disclosing protected information in civil legal proceedings](#)
- [Protected information fact sheet](#)

Resources for First Nations and CALD

Links to Resources for [First Nations people](#); [translated resources](#) and [videos](#) about the Scheme.

Easy Read Factsheets

- [Information for people applying \(Easy Read version\)](#)
- [What is the National Redress Scheme? \(Easy Read version\)](#)
- [What does the Scheme offer? \(Easy Read version\)](#)
- [Who can apply for the Scheme? \(Easy Read version\)](#)
- [Applying for the Scheme \(Easy Read version\)](#)
- [What happens when you apply for the Scheme \(Easy Read version\)](#)
- [Free support \(Easy Read version\)](#)

Legal information

- [Legal Support](#)
- [Using and protecting your information](#)
- [Disclosing protected information in civil legal proceedings](#)
- [Protected information fact sheet](#)

National Redress Scheme

For people who have experienced
institutional child sexual abuse

Redress Application Guidebook

To accompany the application process

Disclaimer

The National Redress Scheme (the Scheme) started on 1 July 2018, in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Scheme acknowledges the significant trauma caused to people who have experienced institutional child sexual abuse. The Scheme aims to help people access support and hold institutions to account.

This Guidebook provides information for people applying for redress. This document accompanies the **Application for Redress** form to provide more information about the application process, why application questions are asked, and how to access Redress Support Services to help you during this process.

Please keep this Guidebook in a safe place and refer to it when you need to. It can help you prepare for and complete your application.

Contacting the Scheme

If you have questions about the Scheme or the application process, please:

- visit **nationalredress.gov.au**
- call **1800 737 377** (call charges may apply) between 8:00 am – 5:00 pm Monday to Friday AET, excluding public holidays, or
- if you are calling from overseas, please call +61 3 6222 3455 and ask to speak to staff from the National Redress Scheme.

Interpreter services are available when calling the Scheme.



Protecting your information and where to find our Privacy Notice

The Australian Government Department of Social Services (the department) administers the National Redress Scheme, assisted by Services Australia. The information you provide us in your application (and in any attachments, related verbal or written statements, or documents) is protected by law, including the *Privacy Act 1988* and the strict confidentiality provisions of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Redress Act).



Under the Privacy Act, the department is required to inform you of the purposes for our collection of this information, and how we use and disclose your personal information. That notification is set out in full in the **Redress Privacy Notice** and the **Redress Privacy Policy** is available at nationalredress.gov.au/about/privacy

The primary purpose for which we collect the information in your application is to **process your application for redress**, including to check your identity, and determine your eligibility for redress under the National Redress Scheme. We are authorised under the Redress Act and the Privacy Act to use that information for that purpose.

In the course of using your information for that purpose, we may disclose your information to other people and organisations who may need to view it in order to manage or respond to your application, or for other authorised purposes. A description of those people and organisations, and the purposes of our use and disclosure, is set out in the Redress Privacy Notice and the Redress Privacy Policy.

The information you provide is also protected by the Redress Act. Where we disclose information that is protected by the Redress Act, institutions or persons with whom it is shared are only authorised to use the information for limited purposes. Non-compliance with those authorisations can be a criminal offence.

- At the end of your application form, you will be asked to declare that you have read and understood the Redress Privacy Notice and that you agree to the collection, use and disclosure of personal information described in the Redress Privacy Notice.
- In Part 3 of your application form, you will be asked whether you agree to us sharing impact information with institutions. Impact information is information that describes the impact that experiencing child sexual abuse has had for you.

If you do not agree to us collecting, using and disclosing information that is relevant to your application, or after making your application you no longer agree to us using or disclosing your information, we may not be able to progress your application, or our ability to progress your application may be restricted.

If you have any questions or would like a copy of the Privacy Notice sent to you, call us on **1800 737 377**.

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What is the National Redress Scheme?

Redress means to acknowledge harm done. The National Redress Scheme (the Scheme) seeks to acknowledge harm done to people who experienced institutional child sexual abuse. The following is available through the Scheme:

- a redress payment
- access to Counselling and Psychological Care services
- a Direct Personal Response from the institution(s) responsible for the abuse.

For more information about each component, see page 3.

Are you eligible for the Scheme?

To be eligible:

- you experienced sexual abuse when you were a child (under 18 years of age), and
- the sexual abuse happened **before** 1 July 2018, and
- you are aged 18 years or over before the end of the Scheme, and
- you are an Australian citizen or permanent resident, and
- you are applying for redress from an institution that is in the National Redress Scheme.

Note: You can still apply if the institution is not yet in the Scheme. For more information about how we ask institutions to join, see page 15.

Residency

To be eligible you need to be an Australian citizen or permanent resident at the time you apply for redress (some exceptions may apply). **Questions 12 to 16** will ask you about your residency.

You do not need to have been an Australia citizen or permanent resident at the time the abuse happened.

Children applying to the Scheme

If you turn 18 years of age before **30 June 2028** you can apply for redress. A decision about whether you are eligible for redress will be made on, or soon after you turn 18 years of age.

We will also contact you about your application just before you turn 18.

The knowmore legal service is for anyone who is considering applying for redress under the Scheme. It is free, confidential and independent.

You can call knowmore on **1800 605 762** (or if overseas +61 2 8267 7400) or visit **knowmore.org.au**



You can only make one (1) application to the National Redress Scheme

Question 8 of the *Application for Redress* form will ask if you have already applied to the Scheme.

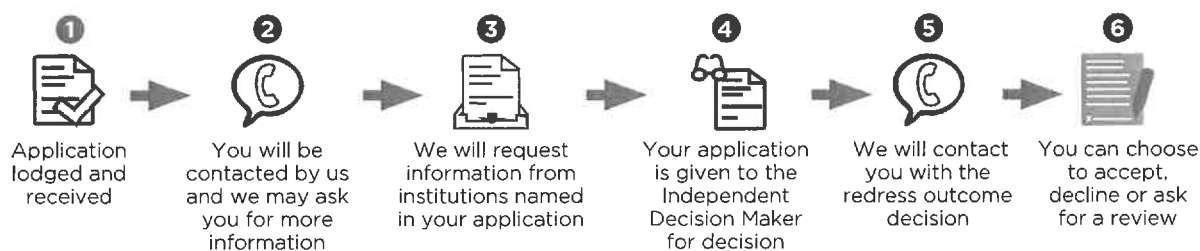
If you made an application to the Scheme before, and you want to know your unique RV number that was previously given to you, please call us on **1800 737 377**.

You can withdraw your application at any time before a decision is made on your application. If you withdraw your application, you can make a new application to the Scheme.

Lodge your application by 30 June 2027

Your *Application for Redress* can be lodged with the Scheme on or before **30 June 2027**. After this date, the Scheme Operator may accept an application in exceptional circumstances.

Application stages



An application can take up to 12 months to give you a redress outcome, however it may take longer in some circumstances.



Completing the application form

To apply for redress you need to fill out the *Application for Redress* form and send it to us. Please complete all three (3) parts, sign and date the form. If you are not able to sign the form, please call us.

We understand that filling in the application may sometimes be distressing.

You can go at your own pace when completing the application. You might want to take breaks between filling in each part of the form.

You can ask a support person to be with you as you go through the form. If you cannot complete the application form yourself, please ask someone for help. You can arrange for someone you trust to be your redress nominee (see page 6), or contact a free, confidential Redress Support Service to help you with your application (see page 21).

You will need to complete a separate Part 2 of the *Application for Redress* form for **each institution**. For example, a person with four institutions responsible for abuse will need to fill out Part 2 four times.

You can copy Part 2 pages from the *Application for Redress* form, or download a new Part 2 from our website nationalredress.gov.au/applying or call us on **1800 737 377** to receive a copy by mail.

Note: If you choose to fill out the *Application for Redress* form online through myGov, you can add a Part 2 for each institution.



How to fill in your application


Please follow the below points when filling in your application form.

- Write clearly so we can understand.
- Write in BLOCK letters.

N	A	M	E						
---	---	---	---	--	--	--	--	--	--

- Use Black Pen.
- Black out where you make a mistake.
- Please do not use correction fluid or tape.

Please initial any changes you make.

	N	A	M	E					
---	---	---	---	---	--	--	--	--	--



- Mark this box like
- Please sign and date the *Application for Redress* form on page 27. If you cannot sign, please call us on **1800 737 377**.

Redress Components



Redress Payment

If you are eligible for redress, the Independent Decision Maker determines a redress payment amount using the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018 (Assessment Framework)*. You can access a copy of the Assessment Framework from our website **nationalredress.gov.au/about/about-scheme**

The **maximum** redress payment that can be offered is \$150,000.

If you are made an offer and accept the redress payment component, you can choose to be paid either by a single lump sum payment, by instalments, or a combination of both.



Does the redress payment affect welfare payments?

The redress payment is not treated as payment of compensation or damages under the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*. This means it will not affect a person's current welfare payments, however it may affect the asset test threshold.

If you receive a Commonwealth welfare payment you are required to report receiving the redress payment to Services Australia.

For information about how the redress payment may affect you, the Scheme provides free, independent and confidential financial support through knowmore. You can call knowmore on **1800 605 762** (or if overseas +61 2 8267 7400) or visit **knowmore.org.au**



Does the redress payment affect civil claims?

If you are offered and accept redress, you will be agreeing to release the responsible participating institution(s), their associated institutions and officials (other than the abuser(s)) from any current or future civil claims.

You will also be agreeing to allow the participating institution(s) or official(s) to reveal the acceptance of the redress offer in the event that a relevant civil claim is made.



Other payments for abuse

If you receive a payment from an institution for abuse, the Scheme refers to this as a prior payment. The Independent Decision Maker must take into account all prior payments when calculating the amount of redress they can offer. This means it may affect your redress payment amount offer.

Questions 44 and 45 will ask you to include information about any payments you received from or on behalf of each institution in relation to the abuse. For more information, see page 15.



Counselling and Psychological Care

If you apply and receive an offer of redress through the Scheme, you can choose to access Counselling and Psychological Care. If you accept this part of redress, you will be provided with access to free services depending on where you live. Most states and territories provide services. If services are not provided in your state or you live overseas, you will be offered a maximum lump sum payment of \$5,000.

The Counselling and Psychological Care services have expertise in supporting people who have experienced child sexual abuse. You will be able to access a minimum of 20 hours of counselling over your lifetime.

If you are made an offer of redress, you will receive a letter which will outline how you can access counselling if you accept this part of redress.

To find out about counselling and psychological services in your state or territory, visit **nationalredress.gov.au/counselling-arrangements**



Direct Personal Response

A Direct Personal Response (DPR) is an opportunity for you to receive an apology from the institution(s) for the harm you experienced as a child. It can also include a description of what the institution(s) has done to stop abuse from happening to anyone else.

If you apply and receive an offer of redress through the Scheme, you can choose to have a DPR. It is important for you to decide if a DPR is right for you. It could be helpful to speak to a support person, such as a friend, family member, counsellor, or Redress Support Service to help you make this decision.

For more information, call us on **1800 737 377** and ask to talk to someone from our DPR Information and Support team or visit our website **nationalredress.gov.au**

Things to think about before you apply

When you apply for redress you need to know that:

- we will need to call and send you letters
- we may need to contact you to talk about your options if an institution in your application has not joined the Scheme
- we will use the information you give and any other information available to determine your eligibility and to process your application
- we will share information with institutions (this is described on page 7)
- we may need to report some information about the person or people who sexually abused you to police and/or child protection authorities
- it is a serious offence to provide false or misleading information, documents or statements to the Scheme and penalties apply under the law.

Tips when applying for redress

- Find out what redress may mean for you. Redress Support Services can help you with this. For example, they can help you understand how to complete the redress application and give you support.
- Check that you are an Australian citizen or permanent resident (some exceptions may apply).
- You can provide copies of statements, reports, photographs or other evidence with your application, but you do not need to. Ask a Redress Support Service for help if you are not sure what to include.
- If you are offered redress, and choose to accept, you will need to sign a document agreeing to release the institution(s) from future civil claims. To discuss your options before applying, we recommend seeking free, independent and confidential legal advice through knowmore.
- If you receive a welfare payment, the redress payment is exempt from income tax, but may affect the Commonwealth assets test. You may want to seek free financial counselling through knowmore.

Redress Nominees

A redress nominee is a person or an organisation who can be your main point of contact and act on your behalf when communicating with the Scheme.

Your redress nominee can be a family member, long term friend, someone from a Redress Support Service, or someone who has power of attorney or guardianship for you. We will ask your redress nominee to confirm their identity with the Scheme before we can share any information about you or your application.

There are two (2) types of redress nominees: an assistance nominee and a legal nominee. An assistance nominee can:

- help you apply for redress and can provide us with information on your behalf
- ask for a review of your application on your behalf
- give you extra support when we call or send you letters.

A legal nominee can:

- help you apply for redress
- ask for a review of your application on your behalf
- make or withdraw your application on your behalf
- accept or decline an offer of redress on your behalf.

If you have an existing power of attorney, guardianship or financial management order in place, this person or organisation can be appointed as your redress legal nominee. Documents to confirm these arrangements will need to be provided to the Scheme before they can be appointed as a legal nominee.

For more information about redress nominees, or to download a copy of the *Redress Nominee Form*, visit nationalredress.gov.au or call us on **1800 737 377**. If you are overseas, please call +61 3 6222 3455 and ask to speak to someone from the National Redress Scheme.

How we use information

Who will see your information?

Staff working in the Scheme and the Independent Decision Maker will see your information when processing your application.

To process your application, the following information will be shared with the relevant institution(s):

- your name and date of birth from **Part 1** of the application
- your experience of abuse – this is **all of Part 2** of the application including supporting documents, and
- if you agree, your impact information from your experience of abuse.

We will share your information with the institutions named in your application, or with other institutions who we believe may have information or hold records relevant to your application. Where the law allows or requires it, and in limited circumstances, your information may be seen by others.

Keeping children safe

The Scheme staff and institutions must report risks of ongoing abuse to the police and child protection authorities. This is commonly known as a child safety report.

We will contact you before making any report. We can also make a report that does not identify you if that is your preference.

If we make a report, we will notify the relevant institution(s) that:

- a report has been made to the relevant authorities, and
- if you have agreed to be identified in the report.

Institutions may use your information to meet their own child safe reporting obligations.

Some institutions may also need to share your information with police and child protection authorities under the reporting requirements of the relevant state or territory law. The institution is not required to contact you before a report is made. You can choose not to take part in any reviews initiated by the police and child protection authorities.

Protection of Information

The information you provide will be protected from unauthorised disclosure. Protected information about you can generally be disclosed to you, or to your redress nominee. It is an offence to disclose protected information about you to another person unless the disclosure is required or authorised by, or under, the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*. Your application information will not be disclosed under the *Freedom of Information Act 1982* without your express consent.


Answering questions

Part 1 – Your personal information

Part 1 of the *Application for Redress* form asks for information about:

- your name, date of birth and contact details
- your eligibility for the Scheme
- your identity.

If you need assistance to complete this part, a list of Redress Support Services are available at nationalredress.gov.au/support or call us on **1800 737 377**.

 Your **name** and **date of birth** from Part 1 will be shared with institution(s) that may have information the Scheme needs to help with your application.

Identity

Questions 1 to 7 ask you about your identity. You will need to answer all questions.

Question 6 asks about your gender. If you change your gender during the application process, you do not need to let us know unless you have changed your legal name.

If you have changed your gender or legal name, we may contact you and ask you to provide documents, such as:

- a statement from a Registered Medical Practitioner or Registered Psychologist verifying your gender
- a valid Australian Government travel document, such as a valid passport showing your gender identity
- a state or territory birth certificate showing your gender identity, or
- a state or territory Gender Recognition Certificate or Recognised Details Certificate showing a state or territory Registrar of Birth, Deaths and Marriages has accepted a change in sex.

Health and Disability at time of applying

Questions 9 and 10 ask information to help us provide you appropriate support during the application process.

If you answer **Yes** to **question 10**, please provide a letter from your doctor or medical professional with your application. We also encourage you to provide details of a redress nominee or alternative contact. If you do not have a letter at the time of applying, that is okay. We will contact you to ask you to provide a letter to better support you to access redress.

Note: If a person dies after their application is received, we will progress the application for decision and provide redress payment to the estate. If a person dies before their application is received, their application cannot be processed. Please call us on **1800 737 377** if you have any concerns about your health (for example, if you have a serious illness).

Eligibility

Questions 11 to 18 asks about your eligibility for the Scheme and your citizenship. If you answer **No** to any of these questions, you may not be eligible for redress. If you have any questions, please call us.

Special Assessment Processes

Serious Criminal Convictions

Question 19 in Part 1 asks if you have been sentenced to imprisonment for a period of 5 years or more for a single offence in Australia or overseas.

A serious criminal conviction is a sentence of imprisonment for 5 years or more for a single offence. If you answer **Yes** to **question 19**, you will need to complete another form asking you for more information about the nature of your offence, the sentence and your rehabilitation. You can download the *Serious Criminal Conviction Additional Information* form from our website at nationalredress.gov.au/applying or call us on **1800 737 377** to receive a hard copy.

This information, along with your application, may be reviewed by the:

- specified advisor in the jurisdiction where the abuse occurred
- specified advisor in the jurisdiction where you were convicted of the offence.

Where required, the Scheme Operator will consider the specified adviser's advice and your application information before making a decision to allow your application to be processed to assessment. If more information is needed for the Scheme Operator to make this decision, we will contact you.

If you need help to complete this part of the application for redress form, please contact a Redress Support Service, see page 21.

Applying from Gaol (prison or remand)

Question 20 in Part 1 asks if you are currently in gaol, prison or remand.

If you apply from gaol, the Scheme recommends you appoint a redress nominee to act on your behalf. For information about appointing a *Redress Nominee Form*, see page 6.

If you or your redress nominee have any questions, please call us on **1800 737 377**.

Contacting you

Questions 21 to 27 asks how we can best contact you.

Question 21 asks if you would like to appoint a redress nominee, for more information see page 6.

Question 22 asks if you have a Power of Attorney, Guardianship and Financial Management Order in place. If yes, please attach the documents to your application and we will contact you about the next steps.

Question 23 asks if you speak a language other than English. Please tick the box if you need an interpreter.

Question 24 asks you to provide your phone number.

Note: If you are deaf, or have difficulty with your hearing or speech, you can use the National Relay Service to assist you, call **1300 555 727**.

Question 27 asks if you have an alternative contact if we are not able to contact you.

Confirming your identity

To make sure your application can be assessed, we need to confirm your identity. Confirming your identity is one way your privacy and information is protected.

Question 28 will ask how you will confirm your identity with us. You can do this by providing your:

- Customer Reference Number (CRN)
- Department of Veterans' Affairs (DVA) file number
- original identity documents.

Using your Customer Reference Number (CRN) or Department of Veterans' Affairs (DVA) file number

If you choose to use your CRN or DVA file number, we will call you to ask some questions about your identity and to discuss next steps. In most cases, if you have a CRN or DVA file number we can confirm your identity over the phone.

What if I don't have a CRN or DVA number or I live overseas?

If you **do not** have a CRN or DVA file number or you live overseas, please call us. You will need to take your identity documents to a Services Australia service centre to have your identity confirmed.

Identity documents **must** be original and unaltered.

If you **live overseas**, please visit an Australian embassy or consulate near you. If you are applying for redress, the Australian embassy or consulate is able to verify and certify your identity documents. **This is a free service.**

A full list of Australian Government embassies and consulates can be found at **dfat.gov.au**

What are acceptable identity documents?

A full list of acceptable identity documents can be found at **servicesaustralia.gov.au/identity**

You will need to give Services Australia one original and unaltered document from each of the below categories:

- a commencement document to show your birth or arrival in Australia.
For example, an Australian birth certificate, Australian visa, Australian citizenship certificate or Australian passport.
- a primary document to show the use of your identity in the community.
For example, an Australian driver licence, Australian marriage certificate, a foreign passport, proof of age card or secondary student ID card.
- a secondary document to show the use of your identity in the community.
For example, motor vehicle registration, bank or financial institution card, statement or passbook, tenancy agreement or lease, rates notice, utility account or Australian student ID card.

At least one of these must be an accepted photo identity document.

If you do not have identity documents

It may be difficult for some people to confirm their identity. Please call us for help to confirm your identity.



If you need to lodge a document, provide identity documents or have other questions about confirming your identity, please call us on **1800 737 377** or +61 3 6222 3455 from overseas, and ask to speak to staff from the National Redress Scheme to discuss your options.

Part 2 – Your experience of sexual abuse

Part 2 begins on page 10 of the *Application for Redress* form. You will need to complete a separate Part 2 for each institution responsible for your experience of sexual abuse.


We strongly recommend you contact a Redress Support Service or someone you trust to help you complete this part and to provide you with emotional support. To find a Redress Support Service near you visit nationalredress.gov.au/support or call us on **1800 737 377**.

In Part 2 you will be asked to describe:

- your experience of child sexual abuse
- other forms of abuse that were related to your experience of sexual abuse, such as physical abuse, emotional abuse and/or neglect
- the person or people who abused you.

Please answer questions with as much detail as you can to assist the Independent Decision Maker in their determination.

This guidebook includes more information on how and why you need to complete some difficult questions in Part 2.

 The Scheme will share your experience of abuse from Part 2 with the institution(s) you name.

We may also share information with another institution(s) if it holds information or records relevant to your application.

Institution details

Questions 29 and 30 will ask for details about the institution and how you were known at the institution. Please write the name of the institution as you know it. If you are not sure of the name, you can search for the institution by name, location, or address on our website nationalredress.gov.au/institutions/search

It is okay if you do not know the name of the institution; please write what you know, what the institution's role was in the community, its address or location at the time of abuse and any landmarks located near buildings. We will try and locate the institution that you describe.

Information about when the abuse happened

Questions 30 to 36 will ask questions to understand how old you were when the abuse happened, and other questions about the sexual abuse and care arrangements at that time.

Child migrants

Question 37 will ask if you were a child migrant. A child migrant means you came to Australia without a parent or guardian and were placed into state care before 1984. If you are currently living overseas and were previously a child migrant but are not an Australian Citizen or Australian permanent resident, you may still make an application for redress.

This applies where:

1. you arrived in Australia before 1984 as a child who was sent from the United Kingdom or Malta by an institution and, when you arrived, there were no other adult members of your family in Australia, and
2. either:
 - a. you were sent to Australia under a scheme carried out under the *Empire Settlement Act 1922 (United Kingdom)*, or
 - b. you became a ward under the *National Security (Overseas Children) Regulations 1940* or the *Immigration (Guardianship of Children) Act 1946*, and
3. you became a ward of a participating state or participating territory, and
4. the abuse occurred while you were a ward of the state or territory.

Disability at the time of abuse

Question 38 is asked to better understand your circumstances at the time of abuse.

A disability is, but is not limited to:

- physical disability
- intellectual disability
- mental illness
- sensory disability
- neurological disability
- learning disability
- physical disfigurement
- immunological disability.

Question 39 asks for information about the person or people who abused you at this institution.

This question will ask you to describe them, and the role they had at the institution. It is okay if you do not remember some details. We recommend you seek support when completing this question.

Question 40 will ask about how the person or people who abused you came in contact with you. Your answer will help the Independent Decision Maker understand what your circumstances at this institution were like when you were a child.

Question 41 will ask you to describe **in detail** the sexual abuse that you experienced as a child.

It is important to tell us as much as you can. If there is not enough information about how you were sexually abused in your application, we will need to contact you. Information about child sexual abuse is provided below.

We ask this question about your experience of abuse to make sure that we understand your information and experience correctly. There is a framework that is used in assessing applications and it is important that we understand in your own words, what you experienced, to help guide the assessment of your application.

The National Redress Scheme's Assessment Framework can be accessed from our website **nationalredress.gov.au/about/about-scheme**

We strongly recommend you ask for support from someone you trust, or a Redress Support Service to answer this question.

Note: If you would like to use a copy of your statement made to the Royal Commission into Institutional Child Sexual Abuse to answer question 41, please contact the Attorney-General's Department **ag.gov.au/about-us/connect-us/contact-us**

What is child sexual abuse?

Child sexual abuse is when someone involves a person under the age of 18 in sexual activities that they do not understand, or that are against community standards.

Child sexual abuse may include (but is not limited to):

- sexual touching of any part of the body, either clothed or unclothed
- preparing or encouraging a child to engage in sexual activity
- sex of **any kind** with a child
- persuading or forcing a child to engage in sexual activity
- sexual acts done by an adult of any gender, to a child of any gender.

When are institutions responsible?

The Scheme is designed so that institutions take responsibility for child sexual abuse that should not have occurred. For example, where child sexual abuse happened:

- on the premises of an institution (such as a school, church, club, orphanage or children's home)
- where activities of an institution take place (such as a camp or sporting facility)
- by an official of an institution (such as a teacher, a religious figure like a priest or nun, a coach, or a camp leader, who is either employed or works as a volunteer).



Institutions in the Scheme

For an application to be processed at least one institution responsible for the abuse must be in the Scheme.

An institution can be described as (but is not limited to):

- churches, synagogues, mosques, temples and missions
- hospitals and welfare services
- foster care, children's homes and orphanages
- detention centres
- schools, clubs, youth centres and training facilities.

You can find out which institutions are in the Scheme by searching online on our website nationalredress.gov.au/institutions/search or call us on **1800 737 377**.

An institution is responsible when the Independent Decision Maker finds it to be responsible for the abuser having contact with you.

If you cannot find the institution listed on our website, that is okay. The institution may be participating under a different name. You can still apply to the Scheme even if an institution is not yet participating.

If you name an institution that is not in the Scheme, the institution is given 6 months to join. If the institution does not join within 6 months, they may be publicly named, could face financial penalties, and may lose their charitable status until they join.

Prior Payments

A prior payment is money paid to you from an institution in relation to the abuse you experienced at an institution. These payments are made in recognition of abuse (sexual or physical), or harm caused by the abuse. Payments can be made as a court awarded payment, through victims of crime, or from another redress scheme.

A payment that has previously been paid to you by an institution for the abuse may be deducted from the amount of redress payment you can receive. Only payments that the Scheme considers 'relevant prior payments' will be deducted from the redress monetary payment amount.

You will need to include information about any payments when completing the questions about prior payments in Part 2 of the application form. You will need to let the Scheme know if:

- the payment was made for legal costs or other expenses, such as medical, dental or other treatment
- you have settlement, legal or other documents that show the payment amount and when it was paid to you (please attach these documents)
- you have received one or more payments to recognise the abuse you experienced at the institution.



The Scheme is required to take into account any payments made to you by, or on behalf of the institution for abuse. This includes any payments made to you at any time during the application process. You **must** tell us if you receive a payment.

If the institution made a payment to you for any medical, dental, legal or other expenses, the payment will not be considered and will not be deducted from your redress payment. This is explained further below.

As the value of money changes over time, we are required to inflate the prior payment using a calculation. This calculation accounts for the number of full years since you received the payment to the date that the application was submitted to the Scheme.

Payments that are not considered a prior payment include:

- certain payments or compensation paid under the
 - *Military Rehabilitation and Compensation Act 2004*
 - *Australian Participants in British Nuclear Tests and British Commonwealth Occupation Force (Treatment) Act 2006*
 - *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*
- any payment which is not in recognition of the abuse or harm caused by the abuse
- any payment which can reasonably be attributed to expenses of medical, dental or other treatment (including legal fees)
- any payment for non-sexual abuse if it does not relate to sexual abuse in a person's application for redress.

Question 44 asks if you have received any prior payments in relation to your abuse. These payments may be taken into account when calculating an offer of redress.

If you answer **Yes** at **question 44**, please attach any documents, such as a settlement or deed you have signed. We need these documents to understand why the payment was made and that you did agree to accept the payment from the institution.

We will contact you if an institution tells us a payment was made to you.

Question 45 asks that you specify the payment you received.

You can tick one or more options depending on how many prior payments you have received. Payments may be from:

- victims of crime
- another redress scheme (such as Redress WA)
- a payment awarded by a court
- a settlement from a class action, or
- money paid to you directly from the institution, or another institution on its behalf.

At **question 45** you will also be asked to specify the date of payment, the amount you received and what the payment was made for (for example sexual abuse, medical treatment, rent or housing).


Part 3 - Impact of sexual abuse

Part 3 begins on page 23 of the *Application for Redress* form.

This part includes some confronting questions about the impact the sexual abuse has had on your life.

If you need help to complete Part 3, a Redress Support Service can assist you. To find a service near you visit nationalredress.gov.au/support or call us **1800 737 377**.

You only need to complete Part 3 once, even if you have named more than one institution in your application.

 **Question 46** asks for your agreement to share your impact information with the institution(s). If you choose to answer **No**, we will ask you about this later.

We will only share the impact of the abuse (Part 3 of the application, and anywhere else it is described in this form or any related documents or verbal or written statements) if you have indicated that you choose to share that information with the relevant institution(s).

You can withdraw your agreement to share your impact information by calling us on **1800 737 377**.

For more information about how we share your information, see page ii - 'Protecting your information and where to find our Privacy Notice'.

Help you received to complete your application

Questions 48 and 49 ask about who helped you fill out your application form. Please write the name of the organisation or person who helped you in the text box provided in the form. You do not need to answer these questions if you filled out this form on your own.

Question 50 asks you to list any supporting documents you will attach to your application. This helps us understand if there are any documents missing when we receive your application.

The information in the supporting documents that you provide when you submit your application, or at a later time, is used to process your application. The supporting information is treated as part of your application and it is used by the Scheme and protected in the same way as the rest of your information.

Providing supporting information or documents may help the Independent Decision Maker understand your experience of abuse as a child. We recognise that you may not be able to provide supporting documents. An Independent Decision Maker will consider your application with or without supporting documents.

Statement and Declaration

Question 51 is your declaration that you understand that everything you have provided to us is complete, correct and true, that you have read the Privacy Notice, and that you agree to the collection of personal information in your application. Please sign and date **page 27** of the *Application for Redress* form. If you cannot sign your application form, your appointed redress legal nominee can sign on your behalf.

If you cannot sign the form, call us on **1800 737 377**.



Finishing your application

On completing your application, we recommend you review your answers to make sure information is accurate, and you have included everything you want to.

To help you, a checklist can be found on the last page of the application form.

If you are providing supporting documents with your application (see question 50), please only attach copies as we cannot return your original documents.

Some examples of supporting documents are:

- school reports and photos
- letter from your doctor
- psychological reports
- police reports
- prior payment documents
- witness statements
- testimony to the Royal Commission of Institutional Child Sexual Abuse, or
- other documents.

How to lodge your completed application

You can send your completed *Application for Redress* form to us by post or online through myGov.



NRS
Reply Paid 7750
Canberra BC ACT 2610
Australia



If you apply for redress online through myGov at **my.gov.au** a copy of your *Application for Redress* will be available online.



IMPORTANT: If you are completing a paper of the application form, it is important you make and keep a copy of your completed application before sending it in the mail to the Scheme.

What happens next?

We contact you to let you know when your application has been received either by text message or in writing. If we send you a text message, it will include **'NRS'** to help you identify us.

We will need to speak to you (and/or your redress nominee) before processing your application. We will need to confirm your identity and check information provided in your application or supporting documents. At that time, we will also let you know about the application process steps.

We will request information from institution(s) when processing your applications. We may also need to ask you to provide more information or to clarify details as part of the application process. It is okay if you do not have any more information at that time; just let us know.

You may choose to place your application on hold or withdraw it up to the time a decision has been made.

Providing us with more information

If you want to change or add more information to your application, please call us on **1800 737 377**.

Withdrawing your application

If you want to withdraw your application, you can do this at any time before a determination is made. Please seek advice from a Redress Support Service or call us on **1800 737 377**. When an application is withdrawn, a new application can be made.

When your circumstances change

It is important to let us know if you have changed your contact details.

If you have other changes to your circumstances (for example, you received a prior payment, want to appoint or change a redress nominee, or have a diagnosis of a serious illness), please call us on **1800 737 377**. Any information you provide will help us to process your application.

How long does it take us to process your application?

The assessment process can take up to 12 months, however it may take longer in some circumstances.

Outcome Decision

Once a decision has been made, you will receive a call advising your outcome followed by an outcome letter that is sent to you (and your redress nominee). The call and outcome letter will explain the determination made by an Independent Decision Maker.

The Redress Offer

If you are eligible, you will receive an offer of redress in writing. You will have **6 months** from the date of the outcome letter to decide what you want to do next.

The letter will describe each component of redress offered:

- the **redress payment**.
- access to **Counselling and Psychological Care (CPC)**.
- the **Direct Personal Response (DPR)** offer for each responsible institution.

You can choose to accept, review or decline your offer of redress. If you choose to accept an offer of redress, the CPC and DPR components can be accessed at a time that best suits you.

If you need more time to decide, you can ask for an extension by calling us on **1800 737 377**.

If you choose to do nothing after the 6 month timeframe, the offer will be considered declined.



Support Services

Redress Support Services

Redress Support Services can provide you with information and support to complete your application. These are specialist, trauma-informed, culturally safe, survivor centred services. Free, confidential, practical and emotional support is available before, during and after people make, or consider making, an application to the National Redress Scheme. Redress Support Services can refer survivors to knowmore for free legal advice and financial counselling, as well as other community services as needed.

Redress Support Services offer face-to-face, online and phone support.

For a list of Support Services by state and territory, visit **nationalredress.gov.au/support**

For help to find Redress Support Services call us on **1800 737 377**. Call charges may apply when calling a 1800 number, please check with your phone service provider.

Free legal advice and financial counselling - knowmore

You can access free legal advice and financial counselling through knowmore. Their staff can help you understand and complete the application. knowmore can also offer advice when you receive a decision about your application. Their financial counsellors can help you understand the impacts of redress payments and give you information and advice if you are in financial difficulty. Contact knowmore at **knowmore.org.au** or call **1800 605 762** (or if overseas call +61 2 8267 7400).



24/7 Support

If you need immediate help to manage the emotional impact of applying for redress, 24 hour phone support is available through:

- **Beyondblue** 1300 224 636
- **Lifeline** 13 11 14
- **1800RESPECT** 1800 737 732
- **13YARN** 13 92 76
- **Full Stop Australia** 1800 385 578 or 1800 211 028
- **MensLine Australia** 1300 789 978
- **Suicide Call Back Service** 1300 659 467

This is the end of the Redress Application Guidebook.

National Redress Scheme

For people who have experienced
institutional child sexual abuse

FACT SHEET

GET FREE HELP TO APPLY

This fact sheet gives information on how to get support to apply to the National Redress Scheme (the Scheme).

What help can you get to apply?

The Scheme provides the following free, confidential and independent support services:

- **Legal support services**, delivered by an organisation called 'knowmore', to provide advice about your legal options, and applying for and accepting an offer of redress,
- **Redress support services** to help you understand the Scheme and guide you through the whole application process, and
- **Financial counselling services** to help you think through how to manage your redress payment.

You can access these services at any time when considering applying for redress, if you are applying for redress, or if you are considering an offer of redress.

Legal Support Services

You can call [knowmore](#) on **1800 605 762** to assist you:

- With information on other options available to you, including access to compensation through other schemes or common law rights and claims
- Prior to the application, to ensure you understand the access requirements and the application process
- After you receive an offer of redress and you elect to seek an internal review of the decision
- With advice on the effect of accepting an offer and what this means for future claims.
- With financial counselling to help you understand how to protect your payment and manage your debts.

Redress Support Services

Redress Support Services can:

- be someone to talk to
- give you information about the Scheme and answer your questions
- help you fill out an application, or actually fill out an application for you, or
- help you understand your redress outcome.

Financial Counselling Services

Financial counselling is a free, independent and confidential service that can help you think through how to manage your redress payment. Financial Counsellors can also provide referrals to other services if additional support is required. Knowmore provides this service too, and you can call them on 1800 605 762 to find out more information.



Redress Support Services

National (telephone/video support)

[Blue Knot Foundation](#) - **1300 657 380**

National telephone and video conferencing support, including counselling, referral, application support and case management, for people who experienced child sexual abuse.

[Bravehearts](#) - **1800 272 831**

Counselling and support for people who experienced child sexual abuse.

[Care Leavers Australasia](#)

[Network](#) - **1800 008 774 / 02 9709 4520**
Support and advocacy for Care Leavers.

[Child Migrants Trust](#) - **1800 040 509**

Social work services and counselling for Former Child Migrants.

[Full Stop Australia Incorporated](#) -

1800 385 578 / 1800 211 028

National services are provided through the telephone line and scheduled video and face-to-face counselling by appointment. Telephone counselling and redress support are also available for eligible clients who are in correctional facilities.

[In Good Faith Foundation](#) - **1300 124 433**

Independent advocacy, case work, referral and support for people who experienced religious institutional abuse.

[People with Disability Australia](#)

- **1800 422 015 / TTY: 1800 422 016**

National telephone and online service providing information and referrals to people with disability. Face to face support and advocacy available in New South Wales and Queensland.

Australian Capital Territory / New South Wales

[ACT Disability, Aged and Carer Advocacy Service](#) - **02 6242 5060**

Support for people with disability, older people and their carers.

[Care Leavers Australasia](#)

[Network](#) - **1800 008 774 / 02 9709 4520**

Support and advocacy for Care Leavers.

[Full Stop Australia Incorporated](#) -

1800 385 578 / 1800 211 028

National services are provided through the telephone line and scheduled video and face-to-face counselling by appointment. Telephone counselling and redress support are also available for eligible clients who are in correctional facilities.

[Interrelate](#) - **1300 473 528**

Face-to-face and telephone counselling, information, referral and support service with a network of counselling centres across metropolitan, regional and rural New South Wales.

[Kinchela Boys Home Aboriginal](#)

[Corporation](#) - **02 9051 1690 /**

02 6533 1840

Providing trauma informed supports and person-centred, family focused programs in Sydney and Kempsey.

[Link Up NSW Aboriginal Corporation](#) -

02 7227 1443

Counselling, healing and culturally appropriate support for Indigenous Australians.

[New England Family Support Service](#) -

02 6772 7243 / 0450 437 068

NEFSS offers information, referrals, advocacy, and provides therapeutic support throughout the process.



[People with Disability Australia](#)

- **1800 422 015 / TTY: 1800 422 016**

National telephone and online service providing information and referrals to people with disability. Face to face support and advocacy available in New South Wales and Queensland.

[Relationships Australia Canberra and Region](#) - **1300 364 277**

Support, information and referral, and counselling for people who experienced child sexual abuse.

[Relationships Australia NSW](#) - Wattle Place - **1800 025 441 / 1300 364 277**

Support, information and referral, and counselling for people who have experienced child sexual abuse.

[Rosie's Place](#) - **02 9625 2599**

Face-to-face and phone support and can support people who have been impacted by institutional child sexual abuse through all steps of the redress application process. This is from the initial enquiry, preparing applications, as well as post-application support.

[Survivors and Mates Support Network](#) - **1800 472 676**

Trauma-informed support service for men, their families and supporters.

[The Buttery](#) - **02 6687 1111**

Free and confidential trauma informed support to individuals and affected family members who are engaged in both Alcohol and Other Drugs services and the National Redress Scheme through face-to-face, telephone and online supports.

[The Women's Cottage](#) - **02 5478 4190**

Assists women with making an application to the Scheme through face to face, online or phone services. Can also assist clients to access local support services before, during and after their application. Initial contact support and referrals are available for men as needed.

[Women's Activities & Self-Help House](#) – **02 9677 1962**

Community-based resource centre for women providing information, referral, community engagement, community education, crisis counselling, domestic and family violence support services, wellbeing and inclusion programs.

Northern Territory

[Northern Territory Stolen Generations Aboriginal Corporation](#) - **08 8947 9171**

Provides support and assistance, especially for Stolen Generations people, with the National Redress process. Providing information about the Scheme, assists them with their application and refers them to other support services if required.

[Relationships Australia NT](#) - **1300 364 277**

Support, information and referral, and counselling for people who experienced child sexual abuse.

Queensland

[Bravehearts](#) - **1800 272 831**

Counselling and support for people who experienced child sexual abuse.

[Cape York / Gulf Remote Area Aboriginal & Torres Strait Islander Child Care \(RAATSICC\) Advisory Association](#)

- **1300 663 411 / 07 4030 0900**

Safe and informed support, assistance and counselling for people who experienced institutionalised child sexual abuse.

[Centre Against Sexual Violence](#)

- **07 3808 3299**

Specialist community-based sexual assault service providing counselling, information, advocacy and support to the Logan, Beaudesert and Redlands communities.

[Link Up Queensland Aboriginal Corporation](#) - **1800 200 855**

Counselling, healing and culturally appropriate support for Indigenous Australians.

[Micah Projects - Lotus Support Services](#) - **07 3036 4490**

Dedicated support service for people who experienced child sexual abuse in an institutional setting.

[Murrigunyah Family & Cultural Healing Centre](#) - **07 3290 4254**

Community based sexual assault support service controlled by Aboriginal and Torres Strait Islander women offering trauma informed counselling using a narrative counselling technique.

[People with Disability Australia](#)

- **1800 422 015 / TTY: 1800 422 016**

National telephone and online service providing information and referrals to people with disability. Face to face support and advocacy available in New South Wales and Queensland.

[Relationships Australia QLD](#)

- **1800 552 127 / 1300 364 277**

Support, information and referral, and counselling for people who experienced child sexual abuse.

[TASC National Limited](#) – **07 4616 9700**

Assist people who have experienced institutional child sexual abuse to understand, engage with and apply to the Scheme. TASC also provides counselling and local referrals during this process.

Victoria

[Care Leavers Australasia](#)

[Network](#) - **1800 008 774 / 02 9709 4520**

Support and advocacy for Care Leavers.

[Child Migrants Trust](#) - **1800 040 509**

Social work services and counselling for Former Child Migrants.

[Connecting Home Ltd](#) - **03 8670 0777**

Provides culturally safe National Redress support to Stolen Generations and their families as well as supports beyond accessing the Scheme.

[Drummond St Services](#) - **03 9663 6733**

Specialist recovery and wellness services including counselling and support for people who have experienced child sexual abuse.

[In Good Faith Foundation](#) - **1300 124 433**

Independent advocacy, case work, referral and support for people who experienced religious institutional abuse.

[Loddon Campaspe Multicultural Services](#)

- **03 5441 6644**

Assists people from migrant and refugee backgrounds to access the National Redress Scheme.

[Open Place](#) - **1800 779 379**

Counselling and support programs for Forgotten Australians and Former Child Migrants, their families and carers.

[Relationships Australia Vic](#) - **1800 052 674**

Support, information and referral, and counselling for people who experienced child sexual abuse.

[Windermere](#) - **1300 946 337**

Provides ongoing support, which includes completing the redress application, advocacy, and case coordination.

South Australia

[Nunkuwarrin Yunti of South Australia](#)

- **08 8254 5300**

Counselling, healing and culturally appropriate support for Indigenous Australians.

[Relationships Australia SA - Elm Place](#)

- **1800 998 187**

Support, information and referral, and counselling for people who experienced child sexual abuse.

[South Australian Council on Intellectual Disability](#) - **08 8352 4416**

Supports people with intellectual disability through the application process, links them to necessary supports and services, and connects them with opportunities to build their resilience.

[Victim Support Service](#) - **1800 842 846**

Support, information and referral, and counselling for people who have experienced child sexual abuse.

Tasmania

[Relationships Australia Tasmania](#)
- **1300 364 277**

Support, information and referral, and counselling for people who experienced child sexual abuse.

[Sexual Assault Support Service](#)
- **03 6231 0044**

Community based service providing high quality support and information services to people who experienced sexual assault.

[South East Tasmanian Aboriginal Corporation](#) - **03 6295 0004**

Provides free, confidential, practical and emotional support before, during and after people make, or consider making, an application to the Scheme.

Western Australia

[Aboriginal Family Legal Service](#) - **08 9355 1502**

Specialist Family Violence service providing specialist legal services in family violence matters. Aboriginal people by providing legal advice and Intensive case management.

[Child Migrants Trust](#) - **1800 040 509**

Social work services and counselling for Former Child Migrants.

[Kimberley Stolen Generation Aboriginal Corporation](#) - **1800 830 338**

Counselling, healing and culturally appropriate support for Indigenous Australians.

[Kimberley Community Legal Services](#)
- **1800 686 020**

Free, culturally appropriate and confidential support to assist clients at all stages of their redress journey, from the preparation of an application through to a final determination.

[Pilbara Community Legal Service](#)
- **08 9185 5899**

Support and counselling for people who experienced child sexual abuse.

[Relationships Australia WA](#)
- **08 6164 0255**

Support, information and referral, and counselling for people who experienced child sexual abuse.

[Tuart Place](#) - **08 6140 2380 / 1800 619 795**

Provide timely, wrap-around support, including information and guidance, assistance with applications and support throughout the assessment and outcome process.

[Yorgum Aboriginal Corporation](#)
- **1800 469 371 / 08 9218 9477**

Counselling, healing and culturally appropriate support for Indigenous Australians.

How can I get support and more information?

Free, confidential specialist support services are available before, during and after the application process.

To find out **how to apply** and connect with a free **Redress Support Service**, please go to **nationalredress.gov.au** or call the National Redress Scheme on **1800 737 377** Monday to Friday 8am to 5pm AET, excluding public holidays – charges may apply.

For immediate support, contact:

- [beyondblue](#) 1300 22 4636
- [1800 Respect](#) 1800 737 732
- [Mensline](#) 1300 789 978
- [Lifeline](#) 13 11 14
- [Suicide Call Back Service](#) 1300 659 467
- In an emergency call Triple Zero (000)

National Redress Scheme

For people who have experienced
institutional child sexual abuse

JOINING THE SCHEME INFORMATION FOR INSTITUTIONS

Non-government institutions are encouraged to join the Scheme; the more institutions joining the Scheme, the closer we are to achieving equal access for people who have experienced institutional child sexual abuse.

The on-boarding process can take up to six months and institutions can continue to join for the life of the Scheme.

The Scheme

The Scheme has been created in response to recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Scheme provides eligible people with access to the following three things:

- counselling
- a redress payment, and
- a direct personal response from an institution.

If a person receives an offer of redress they can accept any or all of these things. It is their choice.

Under the Scheme, an institution is considered responsible for child sexual abuse if it was responsible for bringing the child into contact with the person who abused them.

Independent Decision Makers will determine responsibility under the Scheme using factors such as whether the:

- institution was responsible for the day-to-day care or custody of the person;
- institution was the legal guardian of the person;
- institution was responsible for placing the person in the institution;
- abuser was an official of the institution; or
- abuse occurred on the institution's premises or in connection with its activities.

It should be noted that even though one of these factors may exist, the institution may not be responsible. For example if the only connection to the institution is that the abuse occurred on the premises, the institution that owns the premises is unlikely to be found responsible.

Further information about the Scheme is available at www.nationalredress.gov.au

If you would like to join the Scheme, contact RedressInstitutions@dss.gov.au

How to Join

There are several steps an institution needs to take to join the Scheme. The estimated timeframe for these steps is 3 - 6 months. A Relationship Manager from the Scheme will assist you with all these steps.

- Confirm how you will structure yourself to participate (initial step)
- Demonstrate your capacity to pay
- Attend on-boarding training (provided by the Scheme)
- Sign Agreement to Participate (template provided)
- Develop an internal process on how you will provide a direct personal response
- Sign a Memorandum of Understanding with the Department of Social Services (complete the MOU template)
- Provide information on your institution (complete the Institutional list template)
- Allocate members of the institution that will access the Scheme's online portal (the Institutional Portal)

Once these steps are completed, the Minister makes a Declaration that you are participating in the Scheme (final step).

Costs for Institutions

Institutions will fund the following redress costs for each of their eligible people:

- The payment (will range from less than \$10,000 through to \$150,000)
- Counselling costs (either \$1,250, \$2,500 or \$5,000, depending on the type of abuse)
- Any direct personal response costs
- An administrative charge to contribute to a portion of the Scheme administration costs (calculated at 7.5% of the total of your institution's gross liability)
- Legal support services contribution (\$1,000 per eligible person).

To provide as much certainty as possible about anticipated costs for institutions, the Commonwealth:

- Covers the majority of the Scheme administration costs
- Covers the cost of Independent Decision Makers
- Reviews and evaluates the Scheme

The Scheme also enables institutions to forecast expenditure as applications are submitted.

No Admin or Legal Fees

In cases where a person who was abused does not accept an offer, or is found ineligible for redress, institutions will not be charged the administration or legal fee.

No further Civil Action

If an eligible person accepts an offer of redress, the responsible institution(s), its officials (other than an official who is an abuser of the person) and its associates will be released from all civil liability for abuse of the person that is within the scope of the Scheme.

Joint Liability

Where an institution is primarily responsible for the abuse, they will pay the full cost of redress. Where the institution is equally responsible with another institution, both institutions will provide a share of the cost of providing redress.

Previous Redress Payments

Where a person has received an earlier payment related to the abuse, for example, payments from other redress, victims of crimes schemes and out of court settlements, this will be deducted from the redress payment at today's value, using an annual inflation rate of 1.9 per cent.

Frequently Asked Questions

Q. Why would we join the Redress Scheme?

A. Institutions have joined the Redress Scheme for many reasons. Most institutions see joining the Scheme as a means of addressing the mistakes of the past and demonstrating a commitment to future child safety. Many institutions have also seen the benefit of planning for the future, with some awareness of the amount of resources they will have to outlay to cover child sexual abuse claims.

Q. Can we still join the Redress Scheme if we do not have any applications which name us?

A. Yes, many other institutions have contacted the Scheme without any applications naming them and in the belief that they will not receive any in the future.

Q. Our institution doesn't have a lot of resources; can we still join the Redress Scheme?

A. Institutions with limited resources have already joined. Institutions have to demonstrate their capacity to pay costs associated with joining, but this can take many forms. Some institutions have demonstrated they have enough cash at bank, assets, or have a bank guarantee. Other institutions have set up a trust or demonstrated that their insurance will cover payments. Some institutions with reduced capacity to pay can enter into a payment plan.

Your institution decides on which method of financing is best for you, and the Scheme is available to answer your finance questions.

Please note that the Government will not pay Redress on behalf of an institution. One of the core principles of the Scheme is that the institution must take responsibility and pay if they are responsible for bringing the child into contact with the person who abused them.

Q. What support will my institution receive through the joining process?

A. Your institution will be assigned a Relationship Manager, who will be your first point of contact in the Scheme. Your Relationship Manager can provide you with information and answer your questions and can consult with specialised members of the Scheme to answer specific, technical questions such as regarding finance or legislation.

Q. What upfront costs are there?

A. There are no upfront costs to joining, though it will take some staffing/administration time for your institution to engage with the Scheme and provide information about your structure. An institution will only make a payment under the Scheme if an application for redress is made against it and the applicant receives and accepts the offer of redress.

Q. How many applications can we expect?

A. The Scheme will provide a financial tool to develop an estimated number of applications and liability for your institution.

Q. What if abuse happened in more than one institution?

A. Where two or more participating institutions share responsibility for the same abuse they will pay redress according to their deemed level of shared responsibility. Where there is abuse in more than one institution, the responsible participating institutions will pay a proportionate share of redress.

Q. Are there criteria for applicants to make claims?

A. Yes. To be eligible for redress, a person must

- have been sexually abused when they were a child (under the age of 18)
- the abuse occurred before 1 July 2018, and
- be an Australian citizen or permanent resident at the time of their application.

A person will not be able to make an application if they were born after 30 June 2010 or have applied for redress through the Scheme before. There is also a restriction for people who are incarcerated or apply in the last 12 months of the Scheme, unless special circumstances apply. Applicants with serious criminal convictions are also subject to a special assessment process. Applications for redress may only be made by living people that experienced abuse, not by family members, or the legal representatives of a deceased person.

The institution that is responsible for their abuse must also be participating in the Scheme.

Q. Who makes decisions on applications?

A. Independent Decision Makers are employed by the Scheme to make eligibility, monetary payment and counselling entitlement decisions.

Applications must meet the test of reasonable likelihood. The Scheme seeks appropriate relevant information from the institution to verify the application.

Q. How do you check the veracity of an application?

A. Applications go through a variety of checks, including; requiring applicants to sign a legally-binding statutory declaration; a rigorous proof of identity process; and comments are sought from the responsible institutions about information in applications.

There are penalties for providing false information and the Scheme is subject to a civil and criminal penalty regime, to deter fraudulent claims. If a redress payment is made based on the applicant providing false or misleading information then the Commonwealth can seek to recover these amounts. Furthermore, the key assessment document used in determining a redress decision (the assessment framework) is not publically available in order to minimise the risk of fraudulent claims and maintain the integrity of the Scheme.

Q. Can we dispute a person's application?

A. There is no opportunity for an external merits review. Your institution cannot challenge or seek a review of the decisions.

Q. What happens when my institution has joined the Redress Scheme; what's next?

A. Once your institution has joined you can start progressing any requests for information that the Scheme sends you. In the event that you receive several applications or none at all, the Scheme will continue to be available to support you and answer any questions you have.

Q We have more questions, who can we contact?

A. For more information on joining the Scheme, contact RedressInstitutions@dss.gov.au

National Redress Scheme

For people who have experienced
institutional child sexual abuse

INTRODUCTION TO THE NATIONAL REDRESS SCHEME ASSESSMENT FRAMEWORK

This module will take 40 minutes to complete.

Version 1.27 – 28 Nov 2022

Acknowledgement of Country

The Commonwealth acknowledges Aboriginal and Torres Strait Islander peoples throughout Australia and their continuing connection to land, water, culture and community. We pay our respects to the Elders both past and present.



The image depicted is original artwork from the *DSS Reconciliation Action Plan 2021-2024*.

Welcome

This module will explore the assessment framework for the National Redress Scheme (the Scheme) and how institutional responsibility is determined. The calculation of the monetary amount according to the assessment framework is also briefly considered.

Learning outcomes

On completion of this module, you should be able to:

- Outline the redress assessment framework
- Describe how it is determined that an institution is primarily or equally responsible
- Outline how redress monetary calculations are determined

Introduction

Help and support

Before we begin, please be aware that this module contains information about institutional child sexual abuse. This is a confronting topic. During this training, you may experience a range of emotions. If you are struggling with your emotions or are distressed, please seek additional help and support.

You can exit this module at any time and continue later from where you left off.

1800RESPECT

Call 1800 737 732 or visit www.1800respect.org.au for 24/7 telephone and online crisis support, information and referral to specialist counselling.

Lifeline

Call 13 11 14 or visit www.lifeline.org.au for 24 hour crisis support and suicide prevention.

Before we get started

In this module we will be referring to specific sections of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act).

You may find it beneficial to have a copy of the Act available, for further reading or to highlight relevant passages.

The Act can be found on the [Federal Register of Legislation](#).

Redress Group staff regularly refers to legislation to when making decisions. Other stakeholders may refer to the legislation as desired.

Assessment framework

Entitlement and eligibility review

In *Introduction to the redress applications and entitlement* you learned about the criteria for an applicant to be entitled to redress. One criterion is the applicant must be eligible for the Scheme.

The eligibility requirements are:

- the applicant is an Australian citizen or permanent resident
- the applicant was sexually abused
- one or more participating institutions are responsible for the abuse

- the sexual abuse is within the scope of the Scheme (e.g. the abuse occurred when the person was a child, in a participating state or territory, before the Scheme start date. Refer to s14 of the Act)
- the applicant can receive a payment under the assessment framework.

In this topic, we will examine the assessment framework in more detail.

In this topic we will be going into more detail about specific types of child sexual abuse. You may find some of the terminology confronting.

If you find the content distressing, you can close this learning at any time.

Assessment framework legislation

The assessment framework is a legislative instrument entitled *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018*.

Several overarching pieces of legislation and guidelines govern the Scheme.

Links to all legislation are available in the 'Further information and resources' topic of this module.

Amount of redress payment

The amount of redress payment an applicant can receive depends on the type of abuse the person experienced and the individual circumstances.

The table below, from the assessment framework, provides a guide on how a person's redress payment is calculated by an Independent Decision Maker (IDM).

The maximum redress payment a person can receive is \$150,000.

Section 5(1) of the assessment framework

The monetary amount calculated for redress payment will depend on the factors listed in section 5(1) of the assessment framework.

A person can qualify for redress in only one item in this table. For example if a person experienced exposure abuse and contact abuse, they would be eligible for item 2 (contact abuse) only.

Types of abuse

Column 1 of the table in s5(1) of the assessment framework states the different types of sexual abuse covered in the Scheme.

Penetrative abuse

Abuse is penetrative abuse if any of that abuse involved penetration of or by the person. Penetrative abuse can include anal, vaginal or oral penetration by a person or with an object.

Contact abuse

Contact abuse does not involve penetration, but includes physical contact under or over clothing including by an object.

Exposure abuse

Exposure abuse does not involve physical contact.

Recognition of sexual abuse

Column 2 in the amount of redress payment table is Recognition of Sexual Abuse.

This is an assessment of eligibility for redress against the reasonable likelihood of sexual abuse having been experienced.

Recognition of the impact of sexual abuse

Column 3 of the table is about recognition of the impact of sexual abuse. Sexual abuse can have a significant impact on a person's wellbeing, and this component of the monetary assessment framework recognises that.

Applicants are asked to describe the impact of their abuse (at the time or ongoing). This is not an assessment of the severity of the impact of the abuse.

Recognition of related non-sexual abuse

Column 4 is recognition of related non-sexual abuse. Non-sexual abuse includes physical abuse, psychological abuse and neglect. The non-sexual abuse must have occurred within a participating institution and be related to the sexual abuse for which the institution is responsible.

Recognition of institutional vulnerability

Column 5 of the table is recognition that the person was institutionally vulnerable. Institutional vulnerability is where it would be reasonable to conclude that the person's living arrangements (at the time of the abuse) increased their risk of sexual abuse.

This includes where the institution provided accommodation or was responsible for day-to-day care or custody of the person. Whether the person had access to relatives or friends, or if they could leave the institution may also factor into whether they are institutionally vulnerable.

Recognition of extreme circumstances

The sixth and final column is for recognition of extreme circumstances of sexual abuse. Extreme circumstances may exist where the person experienced penetrative abuse (item 1) and, taking into account whether the person was institutionally vulnerable or there was related non-sexual abuse, the IDM considers it is reasonable to conclude that the sexual abuse was 'egregious, long-term or disabling so as to be particularly severe'.

Counselling and psychological care

In the *Introduction to the National Redress Scheme*, we learned about the different components of the Scheme, including counselling and psychological care (CPC). All people who are determined to be eligible for redress under the Scheme will be given access to CPC, if they choose to access this component.

Section 6 of the assessment framework

The amounts provided for counselling and psychological care are worked out from section 6 of the [assessment framework](#).

Jurisdictional differences

Eligible applicants will be offered counselling and psychological care services in their state or territory, for a minimum of 20 hours. The exception to this is for applicants who reside overseas or in South Australia, where a lump sum payment is provided and the applicant independently accesses CPC services. For redress offers decided after the 1st January 2023, Western Australia will offer CPC services through a qualified practitioner, rather than

the former arrangement of a CPC lump sum payment. Where an applicant from Western Australia was offered redress before 1 January 2023 and has accepted the CPC component, the applicant will receive the CPC component as a lump-sum payment.

Primary and equal responsibility

Review of institutional responsibility

Key principle

The key principle in determining institutional responsibility is that the institution must be responsible for the abuser having contact with the applicant.

Factors

Factors that can be considered in determining institutional responsibility include, but are not limited to whether it:

- had day-to-day custody or care of the child
- was the child's legal guardian
- placed the child into the institution where the abuse occurred
- engaged or employed the abuser as the official of the institution.

Official

An official of an institution means a person who is or has been an officer, employee, volunteer or agent of the institution.

Additional factors

Other factors about the abuse are also considered. For example, whether the abuse:

- occurred on the institution's premises
- occurred in connection with the institution's activities
- occurred where the institution's activities took place.

Primary and equal responsibility

Once an institution has been identified as responsible for the abuse, it needs to be determined whether they are primarily or equally responsible.

Primary responsibility

An institution will be found primarily responsible where one of the following applies:

- the institution is responsible for the abuser having contact with the person, and is the only institution involved
- the responsibility of the institution significantly outweighs the responsibility of any other institution involved.

Only one institution can be found primarily responsible for an instance of abuse.

Equal responsibility

An institution is equally responsible where all of the following apply:

- the institution is responsible for the abuser having contact with the person
- there is one or more other institutions with 'approximately equal' responsibility
- no institution is primarily responsible.

Institutions do not need to have perfectly equal responsibility. It is sufficient that their responsibility is reasonably comparable.

Non-participating and partly-participating non-government institutions (NGI) and funders of last resort (FOLR)

If a non-government institution (NGI) is not participating or partly participating in the Scheme an applicant may still be provided with redress if a relevant government **agrees** to be the funder of last resort and **lists** that institution. This means that the relevant state, territory or commonwealth government will pay all or part of a redress payment on behalf of the NGI.

There are four ways in which a government can be a funder of last resort for a NGI:

FOLR - Section 164 of the Act

- There is equal responsibility between the participating government institution and NGI
- The NGI is defunct
- There is no representative financial arrangement in place for the NGI
- The relevant jurisdiction or Commonwealth has agreed to be a FOLR

FOLR - Section 164A of the Act

- The listed NGI can be primarily responsible OR equally responsible with another NGI
- The NGI is defunct
- There is no representative or financial arrangement in place for the NGI
- The relevant participating government institution has agreed to be a FOLR under expanded arrangements

FOLR - Section 164C of the Act

- The listed NGI can be primarily OR equally responsible
- The NGI is NOT defunct (still active)
- The NGI is not a partly-participating institution
- The relevant jurisdiction has agreed to be a FOLR under expanded arrangements

FOLR Section 164B of the Act

- The NGI can be primarily OR equally responsible

- The NGI is NOT defunct (still active)
- The NGI is listed as a partly-participating institution
- The relevant jurisdiction has agreed to be a FOLR under expanded arrangements

In some cases, a government institution will be the funder of last resort for a defunct institution that is not participating in the Scheme under a non-government participating group. Defunct institutions are no longer in operation, and no other institution or group has stepped in to take responsibility. Where a non-government institution is unable to meet the legislative requirements to participate in the Scheme, and the appropriate jurisdiction is willing to list them under the expanded FOLR arrangements, they will be given the opportunity to partly participate in the Scheme.

Partly participating institutions will still be able to respond to requests for information, and provide a direct personal response to entitled applicants. Any Redress liability under the S 164A-C will be co-funded between the Commonwealth and the state or territory government.

Automatic deeming

There are some circumstances where state or territory governments or Commonwealth departments will be automatically deemed by the Scheme to be equally responsible.

An example of this is where a government institution had parental responsibility for a child (or the child was a ward of the state), and placed them in a non-government institution, where they were abused. Even though the government institution was not responsible for the day-to-day care of the child, they were responsible for the placement of the child into the institution where the abuse occurred, as well as maintaining legal guardianship of the child.

More information about automatic deeming can be found in sections 8-10 of the *National Redress Scheme for Institutional Child Sexual Abuse Rules 2018* (the Rules).

Defence institutions

Defence institutions are automatically deemed to be equally responsible if the abuse was connected with the person's membership of a cadet force provided by Commonwealth legislation after 1 January 1977. Prior to this date the defence institution can still be found responsible, just not automatically.

Certain child migrants

Automatic deeming rules apply to certain child migrants, being those who:

- arrived in Australia as children, prior to 1984
- were sent to Australia from Malta or the United Kingdom under Commonwealth schemes, and
- had no adult family members within Australia
- became a ward of the state
- the abuse occurred while they were a ward of the state or territory.

Under this rule, the Commonwealth is automatically deemed to be responsible in addition to the state or territory that had responsibility for the person as a ward, and any other

institution(s) responsible for the abuse. There are special rules when determining the liability of the redress payment for these institutions in Part 6, Division 2 of the Rules.

State wards

Where a person who was a ward of a participating state or territory was sexually abused in the care of a non-government institution, the participating government institution that arranged for the placement is automatically deemed to be equally responsible with the non-government institution.

Not responsible

There are some circumstances where the Scheme must automatically deem a participating institution as not responsible for the abuse. More information about automatic deeming an institution as not responsible is covered in sections 11-12 of the Rules.

Court order

An institution is not responsible if a court order has been made that the defendant institution pays compensation or damages for the abuse. This does not apply if the court order has been set aside on an appeal, or the person has not accepted their share of payment from a group action.

Government authority

Government institutions are not responsible for a person's abuse where another institution was deemed responsible, and the only connection between them is that the government institution:

- regulated the other institution
- funded the other institution or activity
- established the law or was responsible for the jurisdiction that the other institution existed under.

Monetary calculations

Assessment framework review

As we covered earlier in this module, a monetary amount is one of the three components of redress. First, the Independent Decision Maker checks the eligibility status of the application. Next they calculate the final monetary redress offer using the assessment framework and taking into account:

- the kind of sexual abuse
- the impact of sexual abuse
- related non-sexual abuse
- institutional vulnerability
- extreme circumstances, where applicable.

In this topic we will outline the steps involved in making the calculation and how sets of abuse work. Detailed explanation of calculations are explored in other learning.

Sets of abuse

Abuse experienced by an applicant is grouped into 'sets' of abuse. A set of abuse is all abuse for which the same institutions are responsible, regardless of whether they are participating in the Scheme.

Sets of abuse

A set of abuse includes:

- all instances of abuse for which a single institution is found primarily responsible, or
- all instances of abuse for which the same 'set' of multiple institutions are found equally responsible.

The number of sets of abuse determines how the Scheme calculates the institutions' gross liability amount. The number of sets and circumstances involved in each set will have an impact on an institution's liability.

One set of abuse

Where there is only one set of abuse, the maximum amount of redress a person is entitled to under the assessment framework is divided equally between each of the responsible institutions.

A set of abuse may be:

- one instance of abuse
- multiple instances of abuse over a short period of time
- multiple instances of abuse over an extended period of time.

Multiple sets of abuse

In assessing an application, one institution may be involved in multiple sets of abuse. However, the fact that they are found primarily responsible for one set of abuse does not preclude them from being found equally responsible for another set.

Sets of abuse activity 1

Consider the question and answers below.

Applicant 1 experienced contact abuse on one occasion by a teacher at school. How many sets of abuse occurred?

- One
- Two
- Three
- Four

In this instance there was one set of abuse. There is one responsible institution and one occurrence of abuse.

Sets of abuse activity 2

Applicant 2 experienced exposure abuse on multiple occasions over two years, by two separate abusers, while living in a children's home. How many sets of abuse occurred?

- One
- Two
- Three
- Four

Even though there was more than one abuser and more than one instance of abuse, there is only one responsible institution so this is considered to be one set.

Sets of abuse activity 2

Applicant 3 experienced penetrative abuse from an official at the local church. Five years later they experienced contact abuse by a volunteer at their gymnastics club. How many sets of abuse occurred?

- One
- Two
- Three
- Four

The applicant experienced two types of abuse, by two different perpetrators, at two different institutions. Two sets of abuse occurred.

Monetary calculations

Prior payments

Some people may have received a prior payment for abuse they experienced in an institution. This may be deducted from their redress payment. Only relevant prior payments will be considered when calculating the monetary redress. A prior deed of release or confidentiality agreement does not prevent an applicant from applying for redress.

A prior deed of release or confidentiality agreement does not prevent an applicant from applying for redress.

Prior redress payments, ex gratia and settlement payments are relevant as long as they were made in recognition of the abuse or harm caused by the abuse, and where paid by or on behalf of a responsible participating institution.

Non-relevant prior payments

Non-relevant prior payments are those that aren't in recognition of the abuse or the harm caused by the abuse. This can include payments:

- to cover medical, dental or other treatments
- to cover other expenses
- under certain legislation.

The Rules provide further detail on prior payments.

Advance payments

From 17 September 2021, the Scheme may offer an advance payment of up to \$10,000 redress for some elderly (aged 70 years or over, or 55 years and over for Aboriginal and

Torres Strait Islander applicants) or terminally ill applicants. These are early part-payments of a possible future offer and are deducted from any final offer of redress.

The Scheme will make an assessment about which applicants may be offered an advance payment and will contact applicants who are eligible for the advance payment.

Payment by instalments

Applicants can request to receive their redress payment and counselling and psychological support payment (where applicable) in instalments, rather than as a lump sum.

The request to pay by instalments needs to be made before a lump sum payment is made.

Calculating monetary redress

This is an outline of the steps undertaken to calculate monetary redress. It determines the final redress amount that an applicant is entitled to and which institutions are responsible.

More information about calculating the monetary amount can be found in sections 30-32 of the [Act](#), and sections 18-29 of the [Rules](#).

Apply assessment framework to whole application

The assessment framework is applied to the whole application.

A redress payment is made in recognition of only one kind of abuse. If the applicant experienced more than one kind of abuse redress is calculated according to the higher monetary redress amount applicable. The kind of abuse determines the maximum monetary redress that a person may receive.

You can find more information about aspects of abuse in section 5(1) of the [assessment framework](#).

Identify the sets of abuse

The sets of abuse are used to determine each institution's share of liability for the monetary redress.

You can find more about sets of abuse in section 20 of the [Act](#).

Apply assessment framework to each set of abuse

The assessment framework is applied to each of the sets of abuse independently. These calculations are used to work out proportional payments for responsible institutions where there are multiple sets of abuse.

The other aspects of abuse in section 5(1) of the [assessment framework](#) are also considered, such as impact of abuse.

Identify gross liability for each institution

Independent Decision Makers will work through the relevant formulas to identify the gross liability for each responsible institution. The sets of abuse in the application will contribute to this calculation of liability.

The [Rules](#) describe the calculations used to apportion the redress amount between responsible participating institutions (and what happens when there is a non-participating institution).

Deduct relevant prior payments

Any relevant prior payments are deducted from the institution's gross liability. The payment is indexed at 1.9% annually from the date when the payment was received to the date when the applicant applies to the Scheme for redress. This ensures the time taken to process an application does not have a financial impact.

Knowledge check

Let's check what you have learnt so far.

If you didn't get all of the questions correct, you may like to review the content in the previous section of this module and attempt the quiz again.

Question 1

What are the three kinds of sexual abuse identified in the assessment framework?

- Penetrative abuse
- Contact abuse
- Physical abuse
- Exposure abuse
- Non-contact abuse

The assessment framework identifies three kinds of abuse; penetrative abuse, contact abuse and exposure abuse.

Question 2

According to the assessment framework, which four of the following provide additional payment to a person who experienced sexual abuse?

- Qualify under other legislation
- Impact of sexual abuse
- Related non-sexual abuse
- Institutionally vulnerable
- Medical treatment required
- Extreme circumstances

Persons who have experienced sexual abuse may receive additional payment for the impact of sexual abuse, related non-sexual abuse, institutionally vulnerable and extreme circumstances, where applicable.

Question 3

A child was under the parental responsibility of the Queensland state government after being made a ward of the state. He was then placed in a children's home run by a non-government institution where he lived for six years. While living at the children's home, he experienced contact abuse by one of the employees. Does automatic deeming apply?

- Yes
- No

While an Independent Decision Maker may ordinarily find the children's home as primarily responsible for the abuse, automatic deeming means the State of Queensland and the children's home are equally responsible for the abuse.

Calculating monetary redress knowledge check

What is the order for calculating monetary redress?

The order of steps for calculating monetary redress is:

1. Apply assessment framework to whole application
2. Identify the sets of abuse
3. Apply assessment framework to each set of abuse
4. Identify gross liability for each institution
5. Deduct relevant prior payments.

Information and resources

Further information

Here are some useful links to further information and resources:

- [National Redress Scheme website](#)
- [Royal Commission into Institutional Responses to Child Sexual Abuse website](#)
- [National Redress Guide](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Act 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Rules 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Declaration 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Declaration \(Funder of Last Resort\) 2019](#)
- [Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse](#)

Help and support

A gentle reminder that there are support services available should you need help.

1800RESPECT

Call 1800 737 732 or visit www.1800respect.org.au for 24/7 telephone and online crisis support, information and referral to specialist counselling.

Lifeline

Call 13 11 14 or visit www.lifeline.org.au for 24 hour crisis support and suicide prevention.

Conclusion

Thank you for undertaking the module.