



Australian Government
Department of Social Services

Ray Griggs AO CSC
Secretary

Ref: EC24-002216

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

redress@aph.gov.au

Dear Senator ~~Bilyk~~ *Chair,*

I am writing to you in relation to aspects of the evidence given by the Department of Social Services (the Department) to the Joint Standing Committee on 21 August 2024, in particular relating to the training the Department provides to Independent Decision Makers (IDMs).

There was a discussion at the hearing relating to the enhancement of IDM training with the introduction of an explicit and specialised module relating to Administrative Decision making. I was concerned that the Committee may have drawn the inference that prior to this there was no relevant training for IDMs. IDM training has evolved throughout the life of the Scheme. The point the evidence was trying to make was that this current module was the first time that the training had been extracted and assembled into an enhanced discrete package.

During my time in the role, IDM training has always included material to assist IDM decision making in constructing Statements of Reasons (SOR). This included a Guide to the completion of the Statements of Reasons (the Guide). Similarly, SOR templates have been a consistent feature, but they also have evolved over the life of the scheme.

The Guide and Statement of Reasons templates were developed in consultation with the Department's Legal Services Group. For the Committee's review, I enclose a copy of the original Guide (**Attachment A**) and an example template for a Statement of Reasons (**Attachment B**). These documents came into effect in 2019 and have been updated for the purposes of continuous improvement and to reflect changes in legislation or rules. I respectfully request that the Committee not publish these attachments as these are internal working documents.

The IDMs have subsequently received the new Guide to Administrative Decision Making that was provided to the Committee on 21 August 2024.

As requested by the Committee on 21 August 2024, I also attach the Scope for the investigation into the Department's handling of Jane's redress application at **Attachment C**.

Regards

2 September 2024

Attachments:

- A. Statement of Reasons Guide 2019/20
- B. Statement of Reasons Template 2019/20
- C. Terms of Reference – Investigation into the Department's handling of a Redress application

National Redress Scheme

For people who have experienced institutional child sexual abuse

GUIDE – STATEMENT OF REASONS

The purpose of this guide is to provide further context and guidance to IDMs when completing the following statement of reasons templates:

- Ineligible
- Multiple Sets
- Single Set

IDMs please choose the appropriate template to complete your statement of reasons, as they are structured differently.

PLEASE NOTE: Your reasons for determination may be provided to the person applying for redress and relevant sections will be provided to responsible institutions.

PROCESS FOR IDMS:

- You should complete your Statement of Reasons, and fill in the date field at the end of the document.
- Once finished, please upload your Statement of Reasons to the case manager system using the following naming convention – “Statement of Reasons – RV00XXXXXX”
- Please tell the Redress Support Branch once this has occurred.
- You will receive the outcome letter for final checking and will need to confirm the determination on the case manager system.
- There is no need to upload a second version of the Statement of Reasons at this final determination stage, unless you have any changes you wish to make.
- If you want to make a change to your statement of reasons or the outcome letter, please speak with your team leader before making any changes to the documents or progressing in case manager.

	Guidance	Relevant additional sources
1.	<p><i>Potential sources of information or documents relied upon (in addition to application form):</i></p> <ul style="list-style-type: none"> • A report from a medical professional • Royal Commission transcript • Police report • A settlement deed or information relating to a prior payment • A letter from a lawyer relating to a prior payment • Case notes detailing information the applicant has disclosed to DHS over the phone • Previous redress scheme assessment documents • Information provided by the institution/s in addition to the RFI responses (which may include the above documents) 	<p>Internal Assessment Guide – Chapter 3 (Reasonable Likelihood)</p>
2.	<p>This section is to establish (up front) that you are satisfied (or not) with the eligibility criteria and that you will provide your reasons for your decision later in the statement of reasons. This is to avoid duplication as you are required to apply similar criteria of ‘abuse occurring when the person was a child; before the start of the Scheme and a participating institution being responsible’ to determine that abuse is ‘relevant abuse’, which means that it can be assessed under the Scheme.</p> <p>If you are not satisfied of the eligibility criteria, please use the <i>Ineligible template</i>.</p>	<p>Section 13 of the Act</p> <p>Assessment Framework section 4 – Relevant Sexual Abuse</p>

<p>3.</p>	<p>Indicate whether the person was <i>either</i> an Australian citizen or permanent resident of Australia as disclosed by the applicant in their application form.</p> <p>If you are satisfied the applicant is either an Australian citizen or permanent resident, nothing further is required under this point.</p>	<p>Section 13(1)(e) of the Act</p> <p>Internal Assessment Guide – Chapter 3 (Citizenship and Residency)</p>
<p>3A.</p>	<p>Provide details as to why you do not believe the abuse in question was <i>sexual</i> abuse. Such reasons could include:</p> <ul style="list-style-type: none"> • because the instance occurred in a consensual relationship between two 17 year olds and was not a sexual process beyond the person’s understanding, or • where it is apparent the applicant experienced physical abuse, but not sexual abuse, or • where a child was subject to an internal medical examination which was required under legislation and there was nothing to suggest the examination was performed for the sexual gratification of the medical professional (see Policy Advice 6 of 2018), or • where the applicant was subject to grooming behaviours, but those behaviours never eventuated to sexual abuse. <p>NB: If this is a contentious factor, please specify what information you have relied upon and why.</p>	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p> <p>Policy Advice 6 of 2018 – Sexual Abuse and Medical Practices</p> <p>Policy Advice 23 of 2019 – Recovered memories</p>
<p>4.</p>	<p>Provide details of any instances of abuse which are not assessable under the Scheme due to</p> <ul style="list-style-type: none"> • No institutional responsibility or none of the responsible institutions are participating • No sexual abuse, or the abuse does not meet the Scheme’s definition of sexual abuse • Not within the scope of the Scheme (ie the person was over 18, or the abuse occurred after Scheme start date) • An institution has paid court awarded damages for the abuse • A child perpetrated the sexual abuse and that abuse did not involve physical contact with, or penetration of or by, the child. <p>NB: If this is a contentious factor, please specify what information you have relied upon and why.</p>	<p>Section 13 of the Act and the Assessment Framework section 4 – Relevant Sexual Abuse</p> <p>Section 14 of the Act</p> <p>Section 11 of the Rules</p> <p>Section 6 of the Rules</p>
<p>4A.</p>	<p>Government authority not responsible because it regulated, funded or established an institution under law.</p> <p>NB: If this rule results in an ineligible application, it is likely that it is in conjunction with another institution not participating in the Scheme or otherwise not being found responsible.</p>	<p>Section 12 of the Rules</p> <p>Section 13(1)(d) of the Act</p>
<p>5.</p>	<p>Provide details which indicate why you are not satisfied that it is reasonably likely that the applicant <i>experienced</i> sexual abuse.</p> <p>For example, if an applicant indicates Teacher A at School X abused them when they were 17, but the RFI returned from School X provides documentation that shows the applicant left School X two years before Teacher A commenced work at School X.</p> <p>NB: If this is a contentious factor, please specify what information you have relied upon and detail your reasons for this finding.</p>	<p>Section 12 of the Act</p> <p>Internal Assessment Guide – Chapter 3 (Eligibility)</p>

<p>5A.</p>	<p>Provide details as to why you do not think the applicant experienced any <i>relevant</i> abuse, which could be assessed under the Assessment Framework and therefore why the applicant would not be eligible as the maximum payment they could get under the Framework would not be more than nil. For example:</p> <ul style="list-style-type: none"> if a person meets all of the eligibility criteria across their whole application, but no one set of abuse contains relevant abuse to be assessed. <p>Or, provide details as to why you think the applicant experienced sexual abuse that is not covered by the Assessment Framework and therefore why the applicant could not get an amount more than nil (i.e. does not meet the definition of exposure abuse). A very rare example could include:</p> <ul style="list-style-type: none"> a child experiences grooming (e.g. teacher pays them excessive compliments in class, is singled out as being special and is sometimes driven home from school by their teacher), which may meet the definition of sexual abuse. However, no instance of the grooming eventuates to exposure, contact or penetrative abuse as defined under the Assessment Framework. 	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 3.5 (Eligibility)</p>
<p>6.</p>	<p>Provide brief details from the information available as to why impact has been determined. In most cases, it will be sufficient to state that you are satisfied that the person experienced an impact based on the information in the application or supporting documents. For the most part, you will not need to detail or provide analysis of the impact.</p> <p>Example text: “Based on the information contained in the applicant’s (narrative/application/supporting information/Information from institutions), I am satisfied that the applicant experienced an impact from the abuse.”</p>	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p>
<p>7.</p>	<p>Provide details of the related non-sexual abuse. Brief, high level details are sufficient. Include more detail if there is any conflicting information related to the applicant meeting the criteria.</p> <p>Example text: “I am satisfied that the applicant experienced related non-sexual abuse as the extent of the grooming experienced by the applicant comprised psychological abuse.”</p>	<p>Section 6 of the Act – the Dictionary</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p> <p>If required, refer to Policy Advice 8/2018 on grooming as related non-sexual abuse.</p>
<p>8.</p>	<p>Provide details of the institutional vulnerability and add reasons which will help explain if it is unclear why this decision has been reached or may not be as expected.</p>	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p>

<p>9.</p>	<p>Provide details as to why extreme circumstances have been awarded. This is where you can explain how the circumstances meet the definition of being “so egregious, long-term or disabling to the person as to be particularly severe.”</p> <p>NB: Please do not refer to the additional guidance in the Assessment Framework Policy Guidelines, as that is protected information. Please link your reasons to the three circumstances referenced in the Assessment Framework (ie egregious, long-term, disabling).</p> <p>Example text: “I have awarded the recognition of extreme circumstances payment as the circumstances of the abuse were so [egregious / long-term / disabling] as to be particularly severe. The applicant also experienced long-term abuse over a period of XXXX years. These factors led to the abuse the applicant experienced being particularly severe.”</p> <p>Example text [SET 1]: “I have determined that the abuse experienced at XXXXX does not meet the criteria for the recognition of extreme circumstances payment; however as I have established above, I have awarded the recognition of extreme circumstances payment across the applicant’s entire application.”</p>	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p>
<p>10.</p>	<p>This heading is referring to each individual ‘set’. However, try to phrase each heading so it would be recognisable to the survivor (e.g. ‘Smith Group Home’).</p>	
<p>10A.</p>	<p>State the type of abuse experienced.</p> <p>If there is any conflicting information or uncertainty, provide brief reasons as to why this type of abuse has been determined (particularly if it is not specifically stated).</p>	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p> <p>Internal Assessment Guide – Chapter 3 (Eligibility)</p>

10B.	<p>If there is any uncertainty or conflicting information about the sexual abuse the person experienced, this is where you can provide more of an analysis of the circumstances in the person’s application. Where possible you should be relying on corroborating information and supporting documents.</p> <p>If there is a lack of supporting information available to you, or conflicting information between the institution’s records and the application, you may wish to draw on your analysis of the applicant’s narrative and the particular impacts, opportunities or vulnerabilities which may have supported your finding that it is reasonably likely that the sexual abuse occurred.</p> <p>NB: Remember you must be satisfied that it is reasonably likely that the sexual abuse occurred. This means that the information you are relying upon indicates that the likelihood of the sexual abuse occurring is more than merely plausible.</p> <p>NB: If the application and the institution have both provided information about the sexual abuse occurring, and there is no conflicting information or uncertainty, it is sufficient for your reasons to be high-level.</p>	<p>Assessment Framework definitions</p> <p>Section 5 of Assessment Framework</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p> <p>Internal Assessment Guide – Chapter 3 (Eligibility)</p>
11.	<p>Provide approximate dates of abuse and age/s of person at the time of the abuse.</p> <p>If there is any conflicting information or uncertainty, provide brief reasons for your determination (noting that for these criteria it is only required that there is reasonable likelihood that the person was a child and the abuse occurred before the Scheme start day).</p>	
12.	<p>Provide details of the institution(s) and primary/equal responsibility</p> <p>NB: Confirm that the named institution is participating in the Scheme and is referenced correctly according to the extranet or declaration.</p>	<p>Section 15 of the Act</p> <p>Institutional database Declaration</p> <p>Internal Assessment Guide – Chapter 3 (Responsibility) and (Institution types)</p>
13.	<p>Provide references to the relevant circumstances for determining responsibility. If required, this is where you can reconcile any contrary information about institutional responsibility between the person’s application and any supporting information, or information from the institutions.</p> <p>Delete any of the factors from (a – h) that are not relevant for your determination.</p> <p>NB: The section 15(4) factors are not an exhaustive list and you can include other factors not listed. Your determination of responsibility must ultimately come back to whether the institution was responsible for bringing the abuser into contact with the person.</p>	<p>Section 15 of the Act</p> <p>Internal Assessment Guide – Chapter 3 (Responsibility)</p>

<p>14.</p>	<p>If there are additional institutions, provide details of the institution(s) and primary/equal responsibility</p> <p>NB: Confirm if the named institution is participating in the Scheme and is referenced correctly according to the extranet</p> <p>Provide references to the relevant circumstances for determining responsibility</p> <p>NB: A non-participating institution can be equally responsible for the abuse, as long as there is one or more participating institutions responsible for the set.</p>	<p>Section 15 of the Act</p> <p>Institutional database Declaration</p> <p>Internal Assessment Guide – Chapter 3 (Responsibility) and (Institution types)</p> <p>Section 15 of the Act</p> <p>Internal Assessment Guide – Chapter 3 (Responsibility)</p>
<p>15.</p>	<p>If there are two or more participating institutions named, however you are finding one or more of the named institutions not responsible in your determination, provide details as to why the responsibility of determined institution(s) significantly outweighs that of the other(s)</p>	<p>Section 15 of the Act</p> <p>Internal Assessment Guide – Chapter 3 (Responsibility)</p>
<p>16.</p>	<p>Provide details of relevant automatic deeming rules and reference which specific rules apply.</p> <p>Automatic deeming rules include:</p> <ul style="list-style-type: none"> • Gov institution arranged for NGI to have day to day care of state ward (Rule 8) • Defence cadets after 1977 (Rule 9) • Child migrants (Rule 10) • Court awarded damages (Rule 11) • Gov authority not responsible (Rule 12) <p>Example text for deeming of equal responsibility: “I have applied [section XX] of the Rules which requires me to find [X institution] equally responsible when [explanation].”</p> <p>For example: “ I have applied section 8 of the Rules which requires me to find the Department of Communities equally responsible as the applicant was a ward of that jurisdiction and the institution arranged for another non-government institution to have day-to-day care of the applicant, where they were abused.”</p> <p>Example text for deeming of no responsibility “I have applied [section XX] of the Rules which requires me to find that [X institution] is not responsible for the abuse because [explanation].”</p> <p>For example: “I have applied section 11 of the Rules which requires me to find that Brumby’s Child Care is not responsible for the abuse because a court ordered that institution to pay compensation or damages to the applicant for the abuse.”</p>	<p>Sections 8,9,10,11,12 of the Rules</p> <p>Internal Assessment Guide – Chapter 3 (Automatic deeming)</p>
<p>17.</p>	<p>Identify total prior payment amount, including relevant and non-relevant portions of any prior payments.</p>	<p>Internal Assessment Guide – Chapter 4 (Assessment)</p>
<p>18.</p>	<p>Identify the institutions responsible for the prior payment (either directly, or on behalf of the responsible institution) and the date/s of the payment/s.</p>	<p>Section 26 of the Rules</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p>
<p>19.</p>	<p>Identify how much of the payment is relevant (ie to be adjusted for inflation and deducted from the redress payment)</p>	<p>Section 26(4) of the Rules</p> <p>Internal Assessment Guide – Chapter 4 (Assessment)</p>

20.	Identify if there are any non-relevant parts of the prior payment	Section 26(4) of the Rules Internal Assessment Guide – Chapter 4 (Assessment)
21.	Identify why the payment is not relevant <ul style="list-style-type: none">• Not in recognition of the abuse• Not in recognition of the harm caused by the abuse• Attributable to medical, dental or other treatment (such as counselling or pastoral care)• Attributable to other expenses (such as legal costs)• Was a payment made under certain legislation (listed in s26(3) of the Rules)	Section 26 of the Rules Internal Assessment Guide – Chapter 4 (Assessment)

National Redress Scheme

For people who have experienced institutional child sexual abuse

RV XXXXXXXXXXXX

[SINGLE SET TEMPLATE – delete when completed]

[APPLICANT NAME]

Independent Decision Maker – Statement of Reasons for Decision

Under section 29 of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth) (the Act)

Note for IDMs - please delete when final:

- Please include enough detail in your reasons to outline clearly your reasoning process, including, where appropriate the information relied upon for each finding (particularly where there was conflicting information).
- Please also keep in mind that this Statement of Reasons may be provided to both applicants and (the relevant parts) to institutions and is 'FOIable'. As far as possible write in a trauma informed, but factual way. Avoid re-telling the person's story other than is necessary to be clear on why findings have been made.
- The below template is to assist you and serve as a guide, however, you may add additional text where required to adequately capture your considerations.
- You may refer to the Assessment Framework, but keep in mind that the content of the Assessment Framework Policy Guidelines (AFPGs) is protected information. Where possible refer to the wording in the Assessment Framework, however if you have referred to the AFPGs in making your determinations, for the purposes of providing your reasons please just reference "I have referred to the Assessment Framework Policy Guidelines".

In reaching this determination I have relied upon information provided in [NAME's] application, information provided by the relevant institutions and [add any other relevant materials – ie information within the case notes **SEE POINT 1 IN GUIDE**].

Summary [DELETE IF NOT REQUIRED – IDMs this is the space to provide your high-level summary of the application if you wish]

Eligibility

[IDMs – these eligibility criteria can remain high-level and further detail can be provided under the Assessment Framework heading below. However, if any of the eligibility criteria are contentious, please detail and specify the information you have relied upon in making your finding and why.]

I am satisfied under section 13 of the Act that **the applicant** is eligible for redress under the National Redress Scheme (the Scheme) and the application should be approved for the following reasons:¹

1. **The applicant** was an [Australian citizen/a permanent resident of Australia] when they made the application.² **[SEE POINT 3 IN GUIDE]**
2. **The applicant** experienced sexual abuse **[SEE POINT 10B IN GUIDE]**.
3. **The applicant** experienced sexual abuse that is within the scope of the Scheme as it occurred between [APPROXIMATELY X DATE AND Y DATE] which was before the start of the Scheme and when **the applicant** was a child, approximately [X years of age]/between the ages of approximately [X and Y] ³ **[SEE POINT 11 IN GUIDE]**.
4. **The applicant** experienced sexual abuse of a kind that can be assessed under the Assessment Framework, which I have assessed below.⁴
5. [X1 Institution (and)/ X2 Institution], which is/are participating in the Scheme, was/were primarily/equally responsible for the abuser having contact with **the applicant**.⁵ **[SEE POINT 12 IN GUIDE]**.

¹ I am satisfied of these matters to the standard required by s 12(2)(b) of the Act.

² This satisfies the eligibility requirement under s 13(1)(e) of the Act.

³ This meets the eligibility requirements under s13(1)(a) and 13(1)(b) (specifically sections 14(1)(a) and 14(1)(c) of the Act for the abuse to be within the scope of the scheme). As all States are declared to be participating s14(1)(b) is also satisfied.

⁴ The *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018*.

⁵ This meets the eligibility requirements under s13(d) of the Act.

- a. **IF ABUSE OCCURRED AT A SITE:** Although I have found the sexual abuse occurred at [SITE LOCATION], [X1 institution] is the participating institution responsible for the abuse.
6. [X1 institution (if required – ‘as part of X participating Group’)] was responsible for the abuser having contact with the applicant because [SEE POINT 13 IN GUIDE]:
 - a. the institution was responsible for the day-to-day care or custody of the applicant when the abuse occurred;
 - b. the institution was the legal guardian of the applicant when the abuse occurred;
 - c. the institution was responsible for placing the applicant into the institution in which the abuse occurred;
 - d. the abuser was an official of the institution when the abuse occurred;
 - e. the abuse occurred on the premises of the institution;
 - f. the abuse occurred where the activities of the institution took place;
 - g. the abuse occurred in connection with the activities of the institution;
 - h. [any other reason not specified under section 15(4) of the Act].

[These statements may be sufficient for explaining your reasons – delete any of the above responsibility factors that are not applicable. If there are any areas of uncertainty, you may need to provide further detail. If required, reconcile any contrary information between the information provided by the person and any other supporting information].

7. **IF REQUIRED:** [X2 institution (if required – ‘as part of X participating Group’)] which is/is not participating in the Scheme was/were responsible for the abuser having contact with the applicant because [SEE POINT 14 IN GUIDE]:
 - a. the institution was responsible for the day-to-day care or custody of the applicant when the abuse occurred;
 - b. the institution was the legal guardian of the applicant when the abuse occurred;
 - c. the institution was responsible for placing the applicant into the institution in which the abuse occurred;
 - d. the abuser was an official of the institution when the abuse occurred;
 - e. the abuse occurred on the premises of the institution;
 - f. the abuse occurred where the activities of the institution took place;
 - g. the abuse occurred in connection with the activities of the institution;
 - h. [any other reason not specified under section 15(4) of the Act].

[These statements may be sufficient for explaining your reasons – delete any of the above responsibility factors that are not applicable. If there is any areas of uncertainty, you may need to provide further detail. If required, reconcile any contrary information between the information provided by the person and any other supporting information]

8. **IF MORE THAN ONE INSTITUTION AND FOUND BOTH EQUALLY RESPONSIBLE:** I have found X1 institution and X2 institution equally responsible for the abuse as their responsibility for the abuser having contact with the applicant is approximately equal.⁶
 - a. [IF APPLICABLE] Though I have found X1 institution and X2 institution equally responsible for the abuse, as X1/X2 institution is not participating in the Scheme, I have not been able to find them liable for providing redress to the applicant.
 - b. [IF FUNDER OF LAST RESORT] I have found Defunct NGI institution and Participating Government Institution equally responsible for the abuse of the applicant. As Defunct NGI institution is defunct and is not participating in the Scheme, they are listed for X Jurisdiction/s to be the Funder of Last Resort. Participating Government Institution will be liable for the Defunct NGI institution’s share of the redress costs.⁷

OR

⁶ In accordance with section 15 of the Act.

⁷ In accordance with section 29(2)(i) of the Act.

IF MORE THAN ONE INSTITUTION BUT FOUND ONE PRIMARILY RESPONSIBLE: I have found X1 institution primarily responsible for the abuse as their responsibility significantly outweighed the responsibility of X2 institution because [SEE POINT 15 IN GUIDE]⁸

OPTIONAL: AUTOMATIC DEEMING RULES [DELETE IF NOT REQUIRED] - IDMs please note that if you are applying automatic deeming, you only need to outline why that provision is satisfied, and you will not need to include the other information on responsibility above for that institution. [SEE POINT 16 IN GUIDE].

Abuse not assessed [If applicable]

Please include a paragraph outlining any abuse that is not ‘relevant abuse’ and cannot be assessed, for example:

- “Though the applicant has named [X1 institution] in their application and [X1 institution] is participating in the Scheme, I have not been able to find them responsible for the abuse because...”
- “Though the applicant has named [X1 institution] in their application, I have not been able to find them responsible for providing redress as they are not participating in the Scheme.

[SEE POINT 4 IN GUIDE] for other examples of when abuse cannot be assessed under the Scheme.

Applying the Assessment Framework - Redress Amount

[IDMs – as there is only one set of abuse, you only need to apply the Assessment Framework once to the whole application]

To determine the amount of the Redress Payment⁹ for an applicant I am required to apply the method statement outlined in the Act, which includes six main steps. The first step is to apply the Assessment Framework¹⁰ to work out the maximum amount that could be paid to the applicant, regardless of the number of responsible institutions and any prior payments. I have applied the Assessment Framework and based on the information available to me I have determined that: (explain your reasons for each point below as required, detailed reasons are only required if there is any uncertainty or conflicting information)

1. The applicant experienced [X type of] abuse [SEE POINT 10A IN GUIDE]
2. The applicant experienced/did not experience impact from that abuse [SEE POINT 6 IN GUIDE]
3. The applicant experienced/did not experience related non-sexual abuse [SEE POINT 7 IN GUIDE]
4. The applicant was/was not institutionally vulnerable [SEE POINT 8 IN GUIDE]
5. The abuse meets the criteria for the recognition of extreme circumstances payment because... [SEE POINT 9 IN GUIDE]

Maximum Redress Amount across whole application (before any prior payments are deducted)	
Responsible institutions	Participating:
	Non-participating:
	FOLR:
Recognition of abuse payment	\$
Recognition of impact payment	\$
Recognition of related non-sexual abuse payment	\$

⁸ In accordance with section 15 of the Act.

⁹ This is in accordance with subsection 29(2)(c) of the Act.

¹⁰ The National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018.

Recognition of institutional vulnerability payment	\$
Recognition of extreme circumstances payment	\$
Maximum Redress Amount (before any prior payments are deducted)	\$

The second step I am required to consider is how much of the redress payment each responsible institution must pay before prior payments are taken into account.¹¹

Steps 3, 4, 5 and 6 of the Method Statement outlined in the Act require me to identify any relevant prior payments already made by the responsible institutions, adjust the amount of any prior payments to account for inflation, and deduct that amount from the relevant institutions share of the Redress payment. **[DELETE IF NOT REQUIRED – Based on the information available to me, I have not identified any relevant prior payments for this application].**

Prior payments – [Repeat as necessary for each prior payment]

I have identified a prior payment of **[\$ SEE POINT 17 IN GUIDE]** that was made **by/on behalf of [X1 institution]** **[SEE POINT 18 IN GUIDE]** on **[DATE]**.

In accordance with section 30 of the Act, I have determined that only **[\$ SEE POINT 19 IN GUIDE]** of the amount paid is a relevant prior payment because:

- **[SEE POINT 20 IN GUIDE]** is not a relevant prior payment under section 26 of the Rules¹² as it is **[SEE POINT 21 IN GUIDE]**

OR

In accordance with section 30 of the Act, I have determined that the entire amount of **[\$]** is a relevant prior payment.

OR

In accordance with section 26 of the Rules¹³, I have determined that the payment is not a relevant prior payment because **[SEE POINT 21 IN GUIDE]**

[IF APPLICABLE]: The relevant prior payment of **[\$]** paid on behalf of **[X1/X2/X3 institution]** should be apportioned between these institutions according to the information obtained in **[supporting document]**.

OR

As there is no information available to indicate how the prior payment should be apportioned, the relevant prior payment of **[\$]** paid on behalf of **[X1/X2/X3 institution]**, **[SELECT ONE OF THE FOLLOWING]:**

- should be deducted from **[X]** institution’s share of the redress payment, as it is the only responsible institution that is participating in the Scheme.
- should be deducted from each responsible participating institution’s share of the redress payment in accordance with subsection 26(6) of the Rules (to prevent double counting).
- should be deducted from each responsible participating institutions share of the redress payment in accordance with the redress proportion, as the prior payment was made by a state or territory on behalf of a state or territory and **[X1/X2/X3 institution]** are part of the same legal entity as the state/territory.

¹¹ In doing this I must apply the steps outlined in sections 19-21 of the National Redress Scheme for Institutional Child Sexual Abuse Rules 2018.

¹² The National Redress Scheme for Institutional Child Sexual Abuse Rules 2018.

¹³ The National Redress Scheme for Institutional Child Sexual Abuse Rules 2018.

Payment identifier [e.g. Settlement payment from XXXX]:	
Total prior payment	\$
Total non-relevant prior payment	\$
Total relevant prior payment	\$
Date of prior payment	
Responsible institutions for which the prior payment was made by, or on behalf of	

IDM:	Date of Statement of Reasons:
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Investigation Scope

Management of an application for redress by the Department of Social Services

In accordance with the instructions issued by the Secretary of the Department of Social Services (the **Department**) on 13 July 2024, the investigation includes a review of the Department's files relating to Jane's application, as well internal correspondence between staff of the Department relating to Jane's application and the issues she has raised, and correspondence between Jane and staff of the Department.

The documents will be reviewed for:

1. The appropriateness of the process that was followed by the Department to make and communicate a decision about Jane's application for redress, including:
 - (a) the manner in which staff corresponded with each other and with the Independent Decision Maker in relation to Jane and her application;
 - (b) compliance with the Code of Conduct set out in the *Public Service Act 1999*;
 - (c) compliance with the Service Charter published by the Department for Redress Scheme applicants;
 - (d) the steps taken to prepare and provide a statement of reasons for the Independent Decision Maker's decision and the review of that decision;
2. Deficiencies in the process followed by the Department to process and decide Jane's FOI application;
3. The Department's compliance with its privacy obligations in managing Jane's application, including:
 - (a) steps taken to obtain consent for the collection of personal information;
 - (b) Jane's concerns regarding certain staff of the Department having access to or involvement in the management of her case; and
4. Jane's concerns regarding a staff member of the Department withdrawing from an interview panel that had been convened to interview people including Jane;
5. Whether there is a legal error in the decision that Jane is not eligible for redress;
6. The application submitted by Jane for Compensation for Detriment caused by Defective Administration (CDDA) on 8 August 2024; and
7. The availability of alternative processes to compensate or otherwise assist Jane.