



Australian Government

Australian Government response to the
Second Interim Report of the Joint Select Committee on
Implementation of the National Redress Scheme

July 2023

Introduction

The Australian Government acknowledges the Second Interim Report of the Joint Select Committee on Implementation of the National Redress Scheme and would like to thank all who participated in this Inquiry. Information provided by survivors and stakeholders is critical to the ongoing improvement of the National Redress Scheme (the Scheme) for people who have experienced institutional child sexual abuse.

Since their formation, the Joint Select Committees and current Joint Standing Committee have provided important insights and recommendations focusing on the policy, program and legal response to redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), including the establishment and operation of the Scheme and ongoing support for survivors.

The Scheme was established on 1 July 2018 in response to recommendations of the Royal Commission. The Scheme acknowledges that many children were sexually abused in Australian institutions, recognises the suffering they endured because of this abuse, holds institutions to account and helps survivors access redress.

The Scheme now encompasses all Commonwealth and state and territory government institutions, and over 480 non-government institutions. More than 27,700 applications have been submitted to the Scheme with over 13,400 outcomes issued to applicants and approximately \$1.07 billion in redress payments made as at 30 June 2023. The current average payment amount is over \$88,600 (significantly higher than the \$65,000 estimated by the Royal Commission). As part of their offer, survivors can also access counselling and a direct personal response (DPR) that acknowledges the abuse that occurred from the responsible institution/s. Survivors can also access support before, during or after the application process through Redress Support Services.

In response to the legislated Second Year Review of the National Redress Scheme (the Review), a range of improvements to the Scheme have been implemented and other changes are underway. The final Australian Government Response to the Review was published on 4 May 2023. As set out below, the Australian Government supports many of the recommendations made in the Joint Select Committee's Second Interim Report, and notes the significant intersections with those made by the Review. A significant priority of the Scheme has been to support all governments, as Scheme partners, to consider the Review and progress improvements arising from the Review's recommendations.

The Scheme is currently receiving an average of 872 applications per month, compared to an average of 307 per month in the three years to March 2022. A record of over 1,100 applications were received by the Scheme in March 2023. The beginning of this increase coincided with the removal of the requirement to provide a witnessed statutory declaration when submitting an application form and the streamlining of the online application process through myGov.

As part of the 2023-24 Budget, the Government announced funding of \$142.2 million over five years to support the Scheme to continue to deliver outcomes for survivors, including \$80.1 million to 30 June 2027 for Redress Support Services to assist survivors to apply to the Scheme. The Budget also supported the finalisation of the Government's response to the Second Year Review of the Scheme.

The Scheme has also increased its trauma-informed engagement with applicants, and aims to provide support that is timely, consistent, and responsive. This includes refining the approach to contacting applicants to ensure all necessary information is collected and providing the opportunity for applicants to opt into receiving regular progress calls; further simplifying the outcome letter package through a co-design process with survivors and Redress Support Services; establishing a panel of chief Independent Decision Makers to support the Independent Decision Maker workforce in their role; making redress specific financial counselling available; and enhancing support for survivors to access a DPR. Additionally, the Scheme is updating the application form so that it will be easier to follow and use, and be more trauma and culturally informed.

In 2022, the Scheme introduced a DPR Information and Support Service to help survivors, their support persons and institutions better understand and access DPR. Where requested by the survivor, the service can contact the institution on behalf of the applicant to commence the DPR process. As at 30 June 2023, over 7,300 applicants indicated they may participate in a DPR. The number of survivors requesting a DPR has increased from an average of 52 per cent in the first two years of operation, to 63 per cent in year 5 of the Scheme.

The Scheme also facilitated the co-development with survivors, advocates and Redress Support Services of a Scheme Service Charter, available on the Scheme's website at www.nationalredress.gov.au/applying/charter. The Service Charter was publicly released in September 2022 and outlines a range of commitments to survivors that they can expect when interacting with the Scheme. The Service Charter is complemented by a survivor experience survey to help measure if the Scheme is being delivered effectively, and its findings are reflected through the Scheme's strategic success measures.

Building on the success of Survivor Roundtables held to date, the Survivor Roundtable – which brings survivors and their support people together to share experiences and contribute their views on the Scheme's operation – has been formally incorporated into the Scheme's governance arrangements in 2023. Formalising the advisory role of survivors and their advocates in the Inter-Governmental Agreement recognises and strengthens their voice in the Scheme's operation. The improvements set out above build on other measures progressed since the Scheme began, including the introduction of advance payments of \$10,000 for survivors who are elderly or terminally ill and the option to pay redress by instalments.

The Australian Government remains committed to ensuring access to timely and trauma-informed redress for survivors. Feedback to the Scheme is encouraged, with a view to informing ongoing improvements and to meeting the needs of survivors. As such, the Australian Government welcomes both the Joint Standing Committee's and previous Joint Select Committees' insights to support these aims.

Recommendations made by the Committee

Recommendation 1

The Committee recommends the establishment of a First Nations panel to provide specific advice to the National Redress Scheme on:

- the design and implementation of cultural safety principles and practice; and
- the development and implementation of an intensive education campaign across regional, rural, and remote communities to drive awareness and improve access to the National Redress Scheme for First Nations people.

The Australian Government supports this recommendation in principle.

The Australian Government welcomes feedback and input from First Nations Australians and is committed to embedding cultural safety principles and practice in the Scheme. The Survivor Roundtable includes participation from survivors and survivor groups representing First Nations peoples, providing them with opportunities to have formal input into the operations of the Scheme and to share how their experience can be better reflected.

Following feedback from First Nations applicants and support services, an Indigenous Service Delivery Stream was established in June 2020. The Indigenous Service Delivery Stream includes First Nations and culturally proficient staff who provide culturally safe phone contact with First Nations people.

The Australian Government funds specialist Redress Support Services to meet the diversity of survivors' needs. This includes 12 First Nations specific organisations that provide support to and work with First Nations peoples to engage with the Scheme. In recognition of the need to address barriers to accessing redress for First Nations peoples, the Scheme engages with The Healing Foundation and offers bi-monthly meetings with First Nations specific Redress Support Services to provide them the opportunity to raise barriers to accessing redress for First Nations people. The department has also held a Survivor Roundtable in Darwin on 15 June 2021, focusing on identifying issues in relation to Indigenous engagement and the Scheme's operation in Northern Australia, and going forward is seeking to participate in similar First Nations engagements annually.

Additionally, the Australian Government has implemented strategies to improve engagement and communication with First Nations Australians through a range of measures, including:

- Canvas 3, a First Nations-focused workforce and justice consultancy organisation, was engaged from July 2020 to June 2021 to develop First Nations community engagement tools and resources.
- The Healing Foundation was engaged from October 2018 to 30 September 2022 to provide advice, assistance and culturally appropriate community-based support and materials to other support services, including access to interpreting and cultural translation services.
- In June 2021, Gilimbaa Pty Ltd implemented a communication and engagement plan developed for First Nations Australians living in northern Australia. The activities focused on building trust in the Scheme among survivors and raising awareness of the Redress Support Services.

- More accessible communication materials were launched on the Scheme website to help meet the needs of those facing literacy, language and other barriers.
- The department has engaged specialist public relations agencies to support the development of a communication strategy that is tailored to the diverse needs of survivors, including Aboriginal and Torres Strait Islander and culturally and linguistically diverse survivors. Indigenous owned and operated firm, Carbon Creative, was contracted in December 2022 and is in the process of developing a suite of communications products aimed at increasing awareness of the Scheme, to be distributed in 2023. The communication resources will be informed by research conducted by Whereto Research, contracted in January 2023, who are engaging with First Nations and other survivors, family members and supporters to consult on communication design and efficacy of products. Carbon Creative has also invested in stakeholder research with First Nations communities specifically through an Indigenous psychologist and trauma informed specialist.
- A consortium of Redress Support Services in New South Wales has been funded to undertake a series of community engagement workshops to raise awareness of the Scheme and support services among intermediary organisations. This has included two workshops aimed at organisations engaging with Aboriginal and Torres Strait Islander people in Redfern and Mount Druitt, with a further workshop planned in Dubbo. A Redress Support Service in Victoria has recently been funded to undertake a similar project, aimed at raising awareness among intermediary organisations engaging with Aboriginal and Torres Strait Islander people in Victoria.
- Funding has also been provided to the Northern Territory government to undertake community awareness raising and engagement activities in collaboration with Redress Support Services and knowmore Legal Service in 2023. This will include implementing key recommendations from a previous community engagement project funded in the Northern Territory in 2021.

The Service Charter was also launched in September 2022. This resource provides more information for people who apply or are thinking of applying to the Scheme, and helps ensure the Scheme is supporting survivors as effectively as it can.

The Australian Government is committed to improving the Scheme and will continue to work with First Nations survivors and advocacy groups to improve engagement and consultation.

Recommendation 2
The Committee recommends that formal evaluation of redress support services be established to ensure that the needs of survivors and their families are being met through professional and timely engagement.

The Australian Government supports this recommendation.

As outlined in the final response to the Second Year Review, the Australian Government commissioned an external independent evaluation of the service delivery practices of Redress Support Services to ensure they are trauma informed, culturally safe and survivor focused which was completed in June 2022. This has informed the development of the Redress Support Services Maturity Framework (the Framework) to help better understand the current and target maturity of a service's practice in delivering trauma informed, culturally safe, survivor centred care. The Framework is being used to guide best practice and is included in training and education for Redress Support Service staff.

Recommendation 3

The Committee recommends that the National Redress Scheme engage additional redress support services in regional, rural and remote areas that offer face-to-face support.

The Australian Government supports this recommendation.

As outlined in the final response to the Second Year Review, the Australian Government has expanded the network of Redress Support Services from 1 July 2022, including 15 new Redress Support Services covering more areas of Australia and bringing the total number to 45. This increases survivors' access to free, confidential, practical and emotional support relating to the Scheme. There is extensive coverage across each state and territory, including to regional, rural and remote areas where face-to-face support is offered. There are 12 First Nations specific organisations, providing improved services for First Nations Australians, as well as services supporting people with disability, and culturally and linguistically diverse communities.

The Australian Government also funds knowmore Legal Service to deliver dedicated legal support and financial counselling services for survivors across Australia.

Recommendation 4

The Committee recommends that the National Redress Scheme consider expanding current funding arrangements to provide after hours and weekend specialist services.

The Australian Government supports this recommendation in principle.

As mentioned above, the Australian Government has expanded the network of Redress Support Services. Some Redress Support Services offer 24/7 telephone support or appointments after hours on request.

The full list of Redress Support Services and their opening hours is available on the Scheme's website.

Recommendation 5

The Committee recommends that the National Redress Scheme produce public education materials to clearly explain and demonstrate how the assessment framework is applied to applications by Independent Decision Makers.

The Australian government supports this recommendation.

A range of resources are readily available on the Scheme's website. Publicly available information for survivors who are thinking of applying to the Scheme is being reviewed and updated to provide further guidance that is easy to understand.

The Scheme is expanding these resources, including the development of a guide to support applicants and their nominees when completing the new application form. The guide is a separate resource which will provide information about how to assist the Independent Decision Maker to make their assessment against the legislation.

In addition, the National Redress Guide within the Guides to Social Policy Law on the Department of Social Services website contains publicly accessible information about the Scheme, its application and review processes and the requirements of Independent Decision Makers when assessing applications. The Guide also provides information about institutions and their obligations in providing redress when determined responsible for abuse under the Scheme.

The Australian Government continues to encourage survivors to utilise Redress Support Services to assist in the application process. The full list of Redress Support Services is available on the Scheme's website.

Recommendation 6
The Committee recommends that the National Redress Scheme introduce annual mandatory training requirements for Independent Decision Makers and that the agreed minimum training requirements are published for survivors to understand.

The Australian Government supports this recommendation in principle.

Independent Decision Makers are required to undergo extensive training before commencing with the Scheme, including a comprehensive induction program that is role based, covering topics such as safeguarding information, the application journey and the reasonable likelihood standard of proof. Further, Independent Decision Maker workshops are undertaken twice yearly and are facilitated by the Chief Independent Decision Maker Panel and Scheme staff. These workshops focus on topics relating to decision making with the emphasis on developing a consistent understanding and approach by the Independent Decision Maker cohort. The role of Chief Independent Decision Makers is outlined in further detail in the response to Recommendation 8.

As outlined in the final response to the Second Year Review, internal Scheme guidance material and training for staff and Independent Decision Makers will continue to support consistent understanding and operation of relevant decision-making thresholds and processes. Independent Decision Makers use an established Decision and Resource Library designed by the Independent Decision Makers, for the Independent Decision Makers. Contained in the library are refresher training sessions and documents on a range of decision making topics.

The Scheme updates internal guidance and training provided to Independent Decision Makers as part of continual improvement efforts to support quality decision-making. Chief Independent Decision Makers have been engaged to help meet this need and provide input into the content of training programs and internal guidance material, ensuring that educational material is experience-based, and benefits learning.

Recommendation 7
The Committee recommends that the National Redress Scheme implement an internal moderation and review process for all application determinations prior to being finalised.

The Australian Government supports this recommendation.

All applications received by the Scheme are assessed on a case by case basis in accordance with the legislation. The Scheme provides relevant and available information to Independent Decision Makers to support informed and impartial decision making.

The Scheme has a range of quality assurance measures and guidance in place to improve quality and consistency in all of the Scheme's administrative decision-making processes, including redress determinations. These activities help identify themes, trends and opportunities to inform a knowledge base and to support continual improvement. These measures are designed to support Independent Decision Makers in identifying and implementing quality improvements when undertaking their administrative statutory obligations, including exercising powers and performing functions under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

Recommendation 8
The Committee recommends that the National Redress Scheme amend current review processes to: <ul style="list-style-type: none">• ensure that applications are only reviewed by senior Independent Decision Makers, and• allow survivors to provide additional materials on matters raised by Independent Decision Makers.

The Australian Government supports this recommendation in part.

As outlined in the final response to the Second Year Review, a Chief Independent Decision Maker Panel (the Panel) was established in March 2022, which provides support and leadership to Independent Decision Makers, including:

- providing advice on complex applications;
- training, coaching and mentoring Independent Decision Makers;
- helping inform new scheme processes and identifying support and training needs for Independent Decision Makers; and
- quality assurance activities to help identify opportunities to inform a knowledge base and to support continual improvement.

The Panel provides advice as required on decisions made on review, however, will not exclusively work on all reviews to avoid delays in processing.

The Australian Government, as well as state and territory governments as partners in the Scheme, have agreed to make changes which would allow applicants to provide additional information with a request for review of their redress offer. This will ensure that decisions are based on all information that is relevant and available to the application.

The changes will also introduce a ‘no worse off’ provision to ensure redress offers are not reduced on review due to a differing interpretation by the reviewing Independent Decision Maker. This means a less beneficial decision could not be reached based on the same evidence. For Scheme integrity, reviewed decisions will still be able to be adjusted to account for new information.

The Australian Government will progress required legislative amendments to implement the above measure.

Recommendation 9

The Committee recommends that the National Redress Scheme eliminate the practice of indexing prior payments made to survivors.
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The Australian Government does not support this recommendation.

As outlined in the final response to the Second Year Review, in September 2021, following agreement by all governments, the Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2021* so that indexation of prior payments is calculated from the date a person submitted their application, rather than the date the Scheme makes a determination.

This change results in a fairer outcome for all applicants, as they are not disadvantaged by the time taken to finalise an application.

The Australian Government does not support removal of indexation in its entirety. The adjustment of prior payments to account for indexation was a recommendation of the Royal Commission. The change to the date indexation is calculated ensures equity and consistency when calculating relevant prior payments made to applicants. The Ministers’ Redress Scheme Governance Board considered these issues and reached this position.

Recommendation 10

The Committee recommends that the National Redress Scheme commence indexing awards to an inflation measure.

The Australian Government does not support this recommendation.

This was not a recommendation of the Second Year Review, which made several recommendations regarding redress payments but no changes to the maximum monetary amount. Increasing redress payments to align with inflation over the life of the Scheme would have significant cost implications and may risk the ability or willingness for institutions to participate in the Scheme. A key element of the Scheme’s operation is that institutions voluntarily join the Scheme, and in doing so commit to pay for redress where they are found responsible for the abuse. Maintaining this participation is essential for the viability of the Scheme, and to ensuring access to redress for as many survivors as possible.

Recommendation 11
The Committee recommends that the National Redress Scheme consider amending the National Redress Scheme Rules so that the total financial award limit applies to each institution found responsible for institutional child sexual abuse, instead of each application.

The Australian Government does not support this recommendation.

This was not a recommendation of the Second Year Review or the Royal Commission. This would constitute a major Scheme design change and could significantly increase the liability of institutions; this may risk the ability or willingness for institutions to join or continue to participate in the Scheme. As noted above, institutions join the Scheme voluntarily, and maintaining maximum participation is essential for the Scheme's viability and to ensuring access to redress for as many survivors as possible.

Implementing such a change would also introduce complex issues of equity and re-traumatisation risks, noting the Scheme has issued over 13,400 outcomes to redress applicants.

The maximum payment of \$150,000 per application is designed to offer both maximum recognition to people who experienced institutional child sexual abuse and maximum opportunity for institutions to participate in the Scheme.

Recommendation 12
The Committee recommends that the National Redress Scheme undertake work with survivors and redress support services to determine appropriate alternative methods for the initiation of Direct Personal Responses and best practice guidelines.

The Australian Government supports this recommendation.

As outlined in the final response to the Second Year Review, access to a DPR is a significant and important element of redress. Extensive consultation has been undertaken with state and territory partners, participating non-government institutions, Redress Support Services and survivor advocacy groups to help inform improvements to the DPR process.

A DPR Action Plan has seen a range of activities implemented to reduce barriers to DPR take-up, improve the quality of DPRs and improve DPR data collection and reporting, including:

- improving information and support available for survivors, including through the establishment of the DPR Information and Support service, which has received 894 referrals as at 15 June 2023;
- enhancing DPR training, education and information resources for institutions, Redress Support Services and professional facilitators, including with the expertise of a restorative engagement specialist; and
- Strengthening the DPR evidence base and reporting.

Recommendation 13
The Committee recommends that the National Redress Scheme undertake consultation to amend the application form as a matter of priority. The amended form should be designed for survivors who may have low levels of literacy and allow care leavers to self-identify.

The Australian Government supports this recommendation.

As outlined in the final response to the Second Year Review, consultation and co-design with survivors and support services has informed enhanced processes across the Scheme and led to significant enhancements and simplifications to Scheme forms. Removal of the witnessed statutory declaration requirement has resulted in a simpler application process, particularly for survivors in regional, rural and remote communities.

Updates to the application form contain design and language changes to make it easier to understand and use, including questions being redesigned regarding vulnerability and out of home care. An amended application form will be implemented in late 2023 following appropriate user testing and systems changes.

Recommendation 14
The Committee recommends that the National Redress Scheme commence a series of face-to-face education sessions across Australia targeting known under-represented groups and regions. All sessions should be run by senior National Redress Scheme employees and make provision for a question and answer component.

The Australian Government supports this recommendation in principle.

As outlined in the final response to the Second Year Review, research into awareness of the Scheme and the best communication methods to reach survivors, frontline service providers and the general community was completed in 2022. Outcomes of the research have informed the development of a range of educational and communication activities aimed at connecting particular survivor groups with the Scheme. Materials will support different audiences, including First Nations communities, people with disability, those with culturally and linguistically diverse backgrounds and rural and remote Australians.

The Australian Government has funded specialist Culturally and Linguistically Diverse and Aboriginal and Torres Strait Islander communication service providers to ensure Redress education and communication materials meet the needs of survivors with diverse backgrounds. The materials are trauma informed and focus on guiding survivors to a support service or stakeholder network and ensure the survivor feels culturally safe.

The Australian Government has also funded a number of Redress Support Services to undertake community engagement activities, including face-to-face workshops, aimed at raising awareness of the Scheme among under-represented groups, community services and other intermediary organisations that support them. Additional workshops are being planned across different states and redress staff have, and will continue to, participate in these workshops as needed.

The Survivor Roundtable is another important mechanism through which senior National Redress Scheme staff speak with survivors, support organisations and advocacy groups including to seek their feedback and experiences of the Scheme and provide the latest Scheme reforms.

Recommendation 15

The Committee recommends that the National Redress Scheme engage additional free legal services for survivors to access.
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The Australian Government supports this recommendation in principle.

The Australian Government, through the Attorney-General's Department, funds knowmore Legal Service to deliver free, quality, trauma-informed, culturally-sensitive legal advice to survivors of institutional child sexual abuse on their legal options for accessing redress and assistance under the Scheme. As well as maintaining a national trauma-informed legal practice providing free legal advice, knowmore maintains referral arrangements to private lawyers for assistance with claims falling outside the Redress Scheme.

The Department of Social Services and the Attorney-General's department will continue to assess the adequacy of funding for the provision of legal services for survivors.

Recommendation 16

The Committee recommends that the National Redress Scheme identify and fund legal services that can provide face-to-face, culturally diverse and trauma informed legal advice across regional, rural, and remote centres.

The Australian Government supports this recommendation.

knowmore Legal Service provides free legal advice and practical assistance for survivors and provides support workers, financial counsellors and Aboriginal and Torres Strait Islander engagement staff who can support survivors with their redress applications in a culturally safe and trauma-informed way. knowmore has male and female Aboriginal Engagement Advisers (AEA) based in Adelaide, Darwin, Sydney, Brisbane, Melbourne and Perth. They are also able to facilitate support from a non-Aboriginal member of staff for Aboriginal and Torres Strait Islander people who do not wish to speak to an AEA. knowmore has also recently engaged an Elder in Residence who both supports clients and assists in ensuring knowmore's policies and practices are culturally safe.

Survivors can speak to knowmore using the free telephone advice line or face-to-face in one of their six offices around Australia. knowmore also regularly travels to locations around Australia offering face-to-face information, community legal education and advice sessions.

Recommendation 17

The Committee recommends that the Ministers' Redress Scheme Governance Board prioritise preventing the exploitation of survivors by private law firms and works to immediately implement the following measures:

- Make it unlawful for lawyers to charge contingency fees for services delivered with respect to National Redress Scheme applications;
- Impose a legal obligation on lawyers to advise a potential client of the availability of free services (knowmore and the Redress Support Services), and to certify such advice has been provided, before executing a costs agreement for a National Redress Scheme application;
- Considering a cap on fees that lawyers can charge for services delivered with respect to National Redress Scheme applications;
- Make it an offence for any person to:
 - contact a person without their consent and solicit or induce them to make a National Redress Scheme application; or
 - give or receive any money or other benefit in exchange for a referral to make a National Redress Scheme application;
- Establish a set of expected practice standards for lawyers and survivor advocates providing services with respect to National Redress Scheme applications; and
- Establish a specific complaints process within the National Redress Scheme to deal with concerns about the conduct of lawyers and representatives from survivor advocacy businesses.

The Australian Government supports this recommendation in principle.

The Australian Government will continue to promote access to the Scheme, including access to free support services to reduce the risks to survivors.

While there are limited levers for the Commonwealth to regulate private law firms, the Scheme has implemented communication and engagement strategies to address the concerns being raised about the practices of private law firms, including:

- Writing to law societies in each jurisdiction to provide advice on the Scheme and supports that are available for survivors;
- Sponsoring key search terms and making website updates to improve the Scheme website search results position in comparison to private law firms;
- Updating the Scheme's website and other letters and forms to emphasise the availability of free legal support through knowmore Legal Service;
- Developing a Fact Sheet for the Scheme website containing information for applicants to consider if hiring a lawyer and how to make a complaint to a professional body about a private law firm's practices; and

- Making changes to the legislation to restrict the use of the Scheme name and logo without the Operator's consent, to stop businesses representing themselves as connected to the Scheme.

Consideration of additional measures is ongoing between all governments. The Scheme has seen a decrease in the proportion of applications received where the applicant has identified they receive support from a legal service, other than knowmore, in their application form. This may indicate the prevalence of these issues is restricted to a small number of private law firms. The Scheme continues to welcome feedback regarding the experiences of survivors pursuing redress through the Scheme or through civil litigation.

Recommendation 18
The Committee recommends that the Australian Government work with all Australian states and territories to examine child safety measures in relation to institutions that refuse to join the National Redress Scheme.

The Australian Government supports this recommendation.

The Scheme has established child safe reporting arrangements in place. Where the Scheme receives information, which could indicate that the safety or wellbeing of a child may be at risk, the Scheme will make a report to relevant state or territory police or child protection services.

Beyond the Scheme, the National Office for Child Safety (National Office), within the Australian Government Attorney-General's Department, leads the development and implementation of several national priorities recommended by the Royal Commission, including:

- The National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 (National Strategy)
- The National Principles for Child Safe Organisations
- The Australian Government's child safety policy (the Commonwealth Child Safe Framework)
- Improvements to information sharing arrangements to strengthen child safety and wellbeing.

The National Office has previously invited organisations that declined to join the Scheme to submit an annual progress report on their actions to improve child safety practices and culture, particularly in relation to recommendations of the Royal Commission.

The Royal Commission recommended that the Australian, state and territory governments, along with non-government organisations and peak bodies that work with children, report on how they are implementing the recommendations made in the Royal Commission's Final Report (published December 2017). The Royal Commission recommended that relevant government and non-government institutions first report within 12 months of the Final Report, with progress reports to be submitted every year for five years concluding in 2022. The aim of this reporting is to ensure that institutions and their leaders are accountable for their actions to their communities and to the public.

Under the National Strategy, the National Office is developing an ongoing national annual reporting framework for non-government organisations to report on their progress to create and maintain child safe cultures. The National Office will work with the Department of Social Services to consider application of the reporting framework to organisations that decline to join the Scheme.

The combination of actions taken by governments to encourage institutions to join and participate in the Scheme, including financial consequences, has helped minimise the number of institutions which are unwilling to join the Scheme.

Recommendation 19

The Committee recommends that funder of last resort arrangements are expanded to ensure that survivors of institutions who are unable or unwilling to join the National Redress Scheme are able to receive all components of redress.

The Australian Government supports this recommendation in part.

As outlined in the final response to the Second Year Review, following agreement by all governments, the Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (Funders of Last Resort and Other Measures) Act 2021*, which extended the Scheme's funder of last resort arrangements.

The arrangements encompass institutions that are unable to join the Scheme, and defunct institutions where governments do not share responsibility for abuse and where there is no parent institution to take responsibility. The arrangements also enable institutions that do not have the financial capacity to provide redress to still provide a DPR to survivors.

It is the Australian Government's position that funder of last resort arrangements should not apply when an institution named in an application is able to join but has declined, as this could decrease the willingness of institutions to join the Scheme. Understanding that a survivor of child sexual abuse is relying on their participation is a critical reason supporting many institutions' decision to join the Scheme. The participation of institutions in providing redress is an integral part of the Scheme's design.

Recommendation 20

The Committee recommends that funder of last resort provisions be expanded to ensure that all survivors can access the National Redress Scheme if they wish to do so.

The Australian Government supports this recommendation in part.

To date, there are currently over 480 non-government institutions participating in the Scheme as well as all Commonwealth and State and Territory government institutions.

Legislated expanded funder of last resort arrangements also cover applications that name non-government institutions that are defunct with no parent institution or are existing non-government institutions that are unable to join the Scheme. Institutions named in an application who are able to join, or who have a parent entity which has financial capacity to join, should do so, as a key element of the Scheme is holding institutions responsible for the abuse of survivors.

The Australian Government will continue to work with non-government institutions and state and territory partners to ensure as many survivors as possible can access the Scheme.

Recommendation 21
The Committee recommends that the future Parliament consider the establishment of a parliamentary committee to continue the work of providing oversight on the administration and operation of the National Redress Scheme.

The Australian Government supports this recommendation, and will continue to support the work of the Joint Standing Committee on Implementation of the National Redress Scheme, such as through ongoing participation in briefings and public hearings. The department participated in private briefings on 15 September and 24 October 2022, and public hearings on 9 March and 12 April 2023.

The Joint Standing Committee was appointed by resolution of the House of Representatives on 26 July 2022 and resolution of the Senate on 27 July 2022.

The Committee has been established to inquire into and report on:

- (a) The Australian Government policy, program and legal response to the redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, including the establishment and operation of the Commonwealth Redress Scheme and ongoing support of survivors; and
- (b) Any matter in relation to the Royal Commission’s redress related recommendations referred to the Committee by a Minister or by resolution of either House of the Parliament.