

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2017-18 Budget Estimates Hearings

Outcome Number: 2.1 Families and Communities

Question No: SQ17-000396

Topic: Redress

Hansard page: 45

Senator Rachel Siewert asked:

In terms of the issues around claims and pursuing access to the redress scheme, does that preclude people taking action under common law?

Answer:

The Government has accepted the Royal Commission's recommendation that survivors must sign a deed of release in order to receive a monetary payment under the Scheme. This will involve survivors waiving their right to take future civil action against the relevant paying institution(s) under the Scheme, in relation to abuse covered by the Scheme.

Survivors will have the right to pursue common law remedies, while also making an application to the Scheme. However, once a deed is signed, they will no longer have the right to pursue common law action against the relevant institution. Survivors will not be precluded from taking civil action against institutions on instances of abuse other than those expressly covered by the deed.

Consistent with the recommendation of the Royal Commission, survivors will be provided with access to legal advice so that they understand the effect of signing the deed, including the implications for their future rights, before doing so.