



SUPPORT SERVICES MANUAL

August 2018

The information contained in this Manual is provided for the purpose of assisting Support Services Providers to support applicants to the National Redress Scheme throughout the application and assessment process. Material in this Manual should not be extracted, reproduced, or replicated without the prior written consent of the Department. Whilst all care is taken in collating the information contained in the Manual, it is not intended to be an exhaustive source of information. Providers of Support Services are encouraged to consult the Department when information or clarification is required about the Scheme, and to confirm that information they are referring to is accurate and current.

NationalRedressScheme@dss.gov.au

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Redress Support Services

INTRODUCTION

The information provided in this manual is intended to assist support services with their role of supporting applicants to the National Redress Scheme (the Scheme). This manual gives an overview of key parts of the Scheme.

The manual comes in three main parts:

1. Role of support services and resources
2. Application and outcome
3. Policy overview

OVERVIEW OF THE SCHEME

The Scheme will provide support to people who were sexually abused as children while in the care of an institution¹. The Scheme started on 1 July 2018 and will run for 10 years. The Scheme has been created in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The approach is based on the belief that institutions must be held accountable for sexual abuse of children they were responsible for.

The Scheme will offer three components of redress:

- access to counselling and psychological care;
- acknowledgement and recognition for people who want it, through a direct personal response from the institution responsible for the abuse; and
- a monetary payment.

It is a person's choice whether they want to receive all or some of the components.

PURPOSE OF THE SCHEME

Redress is a way of providing acknowledgment and support to help people move forward in a way that is right for them. Redress is an alternative to seeking compensation or damages through the courts.

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;

¹ An 'institution' refers to both government-operated institutions, such as state schools and out-of-home care, and non-government institutions, which are operated by churches, charities, sporting clubs and organisations.

- 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 IS AN INSTITUTION RESPONSIBLE?

The National Redress Scheme is designed so that organisations take responsibility for child sexual abuse that they should have prevented.

For example, where child sexual abuse happened:

- On the premises of an institution, such as a school, a church, a club, an orphanage or children's home
- Where activities of an institution take place, such as a camp or a sporting facility

By an official of an institution, such as a teacher, a religious figure like a priest or nun, a coach or camp leader.

PART 1: ROLE OF SUPPORT SERVICES AND RESOURCES

RESOURCES AND USEFUL CONTACTS

| Name | Contact | Description |
|--|--|--|
| National Redress Scheme | 1800 737 377 | <p>The National Redress Scheme operates Monday to Friday 8am to 5pm by the Department of Human Services Redress Contact Team. They are available to answer specific questions about the Scheme and the application process.</p> <p>The team is responsible for receiving applications for redress and undertaking the initial application check of each form. The team will contact the applicant where any additional information is required and will also request any relevant information from institutions identified in the application.</p> |
| National Redress Scheme Website | www.nationalredress.gov.au | <p>The National Redress Scheme website provides detailed information about the Scheme, including eligibility, the application and assessment process (including the application) and frequently asked questions. It also includes latest news about the Scheme, a list of participating institutions and provides an option to subscribe to updates.</p> |

| Name | Contact | Description |
|-------------------------------|--|---|
| Fact sheets | www.nationalredress.gov.au | <p>Includes a number of fact sheets that can be distributed to survivors.</p> <p>Fact sheet topics include:</p> <ul style="list-style-type: none"> • Overview of the Scheme • What can you apply for • Institutional Child Sexual Abuse • Who can apply • The application process • Filing in the application • Get free help to apply • How your application is considered • Responding to an offer or asking for a review • Using and protecting your information • Describing impact in your application • Easy Read Overview of the National Redress Scheme |
| knowmore legal service | <p>Email: info@knowmore.org.au</p> <p>Free advice line: 1800 605 762</p> <p>Sydney NSW</p> <p>Suite G02, Ground floor, 233 Castlereagh Street, Sydney 2000 PO Box 20319 World Square NSW 2002 t: 02 8267 7400</p> <p>Melbourne VIC</p> <p>Level 1, 180 Flinders Street, Melbourne 3000 PO Box 84, Flinders Lane VIC 8009 t: 03 8663 7400</p> <p>Brisbane QLD</p> <p>Suite 1, Level 16, 141 Queen Street, Brisbane 4000 PO Box 2151, Brisbane QLD 4001 t: 07 3218 4500</p> | <p>knowmore will provide free legal advice to people engaging with the Scheme and has offices in Sydney, Melbourne and Brisbane.</p> |

| Name | Contact | Description |
|-----------------------------------|---|---|
| Financial support services | 1800 007 007 Visit: www.ndh.org.au | Financial counselling is a free, independent and confidential service for people needing assistance with managing their day to day money matters. Financial Counsellors can also provide referrals to other services if additional support is required. |

THE NATIONAL REDRESS SCHEME WEBSITE

The National Redress Scheme Website is the main resource for up-to-date information about the National Redress Scheme. It is here where people can find important information including:

- How the Scheme works and how a person can apply for redress
- Details about institutions participating in the Scheme
- Key documents and forms which can be downloaded and printed

Contact details for support services available to people who may need practical or emotional support when applying for redress.

The National Redress Scheme Website can be accessed from 1 July 2018 at the [National Redress website](#). Anybody can access the website using a personal computer or a mobile device, including a smartphone or tablet computer.

HOW CAN A PERSON FIND OUT IF THE NATIONAL REDRESS SCHEME IS RIGHT FOR THEM?

A person can find out more information about the National Redress Scheme, including whether they are eligible to apply and how it works, by either:

- Going to the Home Page, and clicking on the “Who can apply?” or “Thinking about applying?” buttons
- Clicking on the menu bar at the top of the website and opening up either the “About” or “Applying” menus to find the information they need.

HOW CAN A PERSON FIND OUT IF AN INSTITUTION IS PARTICIPATING IN THE NATIONAL REDRESS SCHEME?

The Scheme Website provides a search tool for people to find out if the institution responsible for their abuse is participating in the Scheme. This tool can be found by either:

- Going to the Home Page, and clicking on the “Participating institutions” button
- Going to the Home Page, and clicking on the Search button and selecting the “would you like to search for participating institutions button”

- Clicking on the dropdown menu and opening up the “Participating institution” menu.

A person can then search for a participating institution by clicking “Search for a participating institution” and entering key information about the institution into the search bar provided.

Any results listed will provide key information about the institution that the person can then be used in their application.

Sometimes an institution may not be listed because they are not yet participating in the Scheme. A person should still apply and can call the Scheme for further information. The Scheme will contact the person to discuss their application to explain what happens if an institution is or is not participating in the Scheme.

HOW CAN A PERSON FIND INFORMATION ABOUT SUPPORT SERVICES AVAILABLE TO THEM?

The Scheme Website provides a search tool for people who wish to access a support service. The search tool allows people to search to find a support service within the state or territory where they live and important information such as what the service can provide and contact details. This tool can be accessed by either:

- Going to the Home Page, and clicking on the “Support services” button
- Clicking on the dropdown menu and opening up the “Support services” menu

A person can then use the menu provided to explore all support services available, or to find a specific service depending on their support needs.

By clicking on “Explore all support services” a person can see information about all available support services and filter results by State or Territory, using the dropdown menu near the top of the page.

A person can also quickly access a range of services 24 hours a day, seven days a week, if they require it. Details about these services can be accessed from any page by clicking on the “Would you like support” button at the top right hand corner.

WHERE CAN A PERSON FIND A COPY OF THE APPLICATION TO DOWNLOAD OR PRINT?

A person can choose whether they would like to apply for redress using an online or a paper application. The application process can be started or continued by going to the Home Page, clicking on the “Thinking about applying” button and then the “Start or continue an application button”.

If a person wishes to apply online, they will need to first set up a MyGov account if they have not already done so. To set up a MyGov account, the person will need to first go to my.gov.au and click on the “Create an account” button, following the instructions provided.

If a person wishes to apply using a paper form, they can access this by going to the “Start or continue an application” page described above, and then clicking on the option to download the paper form. To print the form, the person first needs to open the file by clicking on the link, then using the Print function (accessing this may vary depending on the internet browser the person is using).

WHAT OPTIONS ARE THERE TO ASSIST PEOPLE WITH DIFFICULTIES USING TECHNOLOGY OR READING INFORMATION FROM THE WEBSITE?

The Scheme Website includes a couple of tools to assist people who may wish to print content to read instead of reading from their computer or mobile device. At the top of each page is a Printer Icon which allows a person to print off the current page.

The Scheme Website also has a feature which will read the contents of a page to a person. A button labelled “Listen” is located next to the Printer Icon and a person can listen to the page contents by clicking on the button.

THE ROLE OF SUPPORT SERVICES

COMMUNITY-BASED SUPPORT SERVICES

TARGET CLIENT GROUP

The target group for Redress Support Services are people who have experienced sexual abuse as children (under the age of 18 years) in institutional contexts before the commencement of the Scheme on 1 July 2018.

Support services should be accessible, inclusive and considerate of the varied needs of people who have experienced institutional child sexual abuse. Services should support the following cohorts (noting this is not an exhaustive list and that some services will specialise in supporting particular client groups):

- Forgotten Australians
- Former Child Migrants
- Indigenous Australians, including Stolen Generations
- people with disability, especially intellectual disability
- people with mental health difficulties
- people from culturally and linguistically diverse backgrounds
- people with low literacy
- people under the age of 18
- people living in rural and remote areas
- people who are experiencing homelessness
- people living in residential care, and
- people who experienced abuse in a religious institution.

Where support services deem that it is in the best interest in meeting the critical needs of the client, Redress Support Services may assist affected family members.

Key points:

- Support services should support people who have experienced institutional child sexual abuse.
- Support services can assist affected family members where that is in the best interest of the client.

PRACTICAL AND EMOTIONAL SUPPORT

The primary objective of support services is to provide flexible, timely and transparent practical assistance and emotional support to people engaging with the Scheme.

Practical support includes providing information about the Scheme, assisting clients to complete the Scheme's application, and supporting people to access other appropriate services such as legal and financial counselling or other community services.

Emotional support includes providing counselling, case management, professional supervision and similar arrangements to provide people with a safe environment to engage with the Scheme.

Support services can play a key role in managing client expectations about the Scheme by providing clear information about what the Scheme is, how it can be accessed and what a person can reasonably expect through the process of applying and potentially accepting an offer of redress.

Services can also support people who clearly do not fit the parameters of the Scheme with referrals to more appropriate supports. Services may assist affected family members where they think it is in the best interest in meeting the critical needs of the client.

Services will be delivered nationally through face-to-face settings, outreach services and national telephone and/or online support to ensure accessibility for people across Australia who are engaging with the Scheme.

Key points:

- The role of support services is to provide practical assistance in filling out applications and emotional support for people when they engage with the Scheme.
- Support services can provide information about the Scheme, manage expectations about outcomes and give an indication about what to expect throughout the process.

NOMINEE ARRANGEMENTS

Some people may wish for additional assistance during the process of applying for redress. They may choose to have a trusted family member, friend or legal guardian apply for redress on their behalf. There are two types of nominees for the Scheme, legal nominee or assistance nominee.

They may also request in some circumstances to have a support services act as their nominee.

Remember that any nominee arrangement must always consider the wishes of the person applying for redress.

The Scheme will allow for people to nominate a person or organisation to act on their behalf as an 'assistance nominee'.

The role of the assistance nominee is limited to engaging in correspondence with the Scheme on behalf of the person applying for redress. An assistance nominee cannot apply for redress, or accept or decline an offer on someone's behalf.

Support services are not required to act as an assistance nominee for a client however if it is within the organisational capacity to do so, services are not precluded from taking on this role.

An assistance nominee can:

- Help a person complete their application for redress,
- Receive copies of all letters,
- Ask questions about a person's application for redress,
- Receive phone calls about a person's application for redress,
- Provide information,
- Ask for an offer of redress to be reviewed

An assistance nominee cannot:

- apply for redress, or
- accept or decline an offer on a person's behalf.

An example of an assistance nominee is if a person has an agreement with a trusted friend or family member to receive help to put in an application or ask the Scheme questions.

A person may also have a 'legal nominee' act on their behalf. The role of a legal nominee is to do anything an 'assistance nominee' can do but goes further by allowing the nominee to make an application for redress and make decisions on behalf of the survivor, such as accepting an offer for redress and signing the acceptance document. A legal nominee does not have to be a lawyer.

A person can be a legal nominee if they already have the power to make decisions for the applicant, under state, territory or Commonwealth law.

An example of a legal nominee is if someone is under a guardianship arrangement or has given another person power of attorney.

Support services should carefully consider the extent to which they are able to support applicants who may wish to have them enter a nominee arrangement. To enter into a nominee arrangement, a nomination form will need to be completed and provided to the Scheme as part of the application process. The nominee form is available on the website with the application.

To change nominees or no longer use a nominee, an applicant needs to notify the Scheme in writing. If they have a legal nominee, the legal nominee must notify the Scheme in writing.

Key points:

- A person can have:
 - an assistance nominee: who can engage with the Scheme on a person's behalf via correspondence; or

- a legal nominee: who can apply to the Scheme and accept or reject an offer on a person's behalf.
- A person must have an existing legal arrangement with their legal nominee.

Support services can act as a person's nominee and will need to fill out a nominee form to do so.

DATA COLLECTION AND REPORTING

We will collect data from support services through DEX (the DSS Data Exchange) to get an overview of the number of clients accessing support services, client demographics, and the type of support they are accessing. Support services can receive assistance navigating DEX from their Funding Agreement Manager.

DEX generally collects information about clients and type of support offered. Service providers will have access to the reports that reflect the information they provide. DEX can be accessed through a web-based portal and using a login.

The data you provide gives us valuable information on client need, locations and the types of support that is needed, and complements other information sources around need and unmet demand.

Key points:

- Support services will report to us on DEX.
- This will assist us in how we run the Scheme and give us key information on what else may be needed.

Support services can receive assistance navigating DEX from their Funding Agreement Manager.

CONFLICT OF INTEREST

It is important that the support and advice that is given to any survivor is as independent as possible from any actual or perceived influence from an institution that may have to provide redress to that person.

A conflict of interest arises where a person or organisation is attempting to serve two or more interests that are not compatible. For example, there is a conflict of interest when a support service assists a person to prepare an application to the Scheme that may result in a financial liability for the organisation they work for, or one closely associated with that organisation.

Conflicts could include formal links between organisations, board members, key personnel, etc., or perceived links where a person may see a reasonable link between two organisations. Organisations and their staff members may like to consider how they would be able to assure an applicant coming forward that the service they provide is transparent and independent from organisations responsible for abuse.

Identifying a conflict of interest is a judgment. When considering the issue, the Department seeks assurance that it is taken seriously, that systems are in place to manage it and that everyone is open and transparent. If you are not sure, ask the Department of Social Services.

Key points:

- A conflict of interest occurs when you attempt to serve two incompatible interests (for example – a survivor and a responsible institution).
- Conflicts can include formal links within and between organisations, informal, or perceived links where a person may see a reasonable link.
- Systems should be put in place to manage conflicts and potential conflicts should be reported.

LEGAL SUPPORT SERVICES

Legal Support Services, provided through knowmore, will ensure applicants seeking to access redress are provided with free advice on their legal options.

Legal Support Services will include assisting people who experienced institutional child sexual abuse including:

- with advice on other options available to them, including access to compensation through other schemes or common law rights and claims
- prior to the application ensure the potential applicant understand the eligibility requirements and the application process
- during completion of a person's application
- after a person receives an offer of redress and elects to seek an internal review, and
- with advice on the effect accepting an offer and what this means for future claims.

Access to Legal Support Services will be available throughout the duration of an individual's engagement with the Scheme.

Key points:

- Legal support is available through knowmore legal services who previously assisted people engage with the Royal Commission.
- Legal support is free throughout a person's engagement with the Scheme.
- It includes advice about the effect of accepting a redress offer

FINANCIAL SUPPORT SERVICES

Financial counselling is a free, independent and confidential service for people needing assistance with managing their day to day money matters. Financial counsellors are available through the National Debt Helpline on 1800 007 007 or through the National Debt Helpline website at www.ndh.org.au.

The main focus of the Helpline is to assist people in Australia who are in financial trouble to tackle their debt problems. The Helpline will not provide advice on financial investments.

Financial counselling may be particularly helpful in situations where redress applicants receive a smaller payment than they had anticipated, or for applicants who are found to be ineligible for the Scheme. For people who are already experiencing financial hardship, it may help to speak with a financial counsellor before a redress payment is received, to help to manage expectations.

Financial Counsellors can also provide referrals to other services if additional support is required.

Additionally, for people who are struggling financially, Centrelink has social workers who can assist in a number of ways, including providing information about, or referring recipients to, community support services, including community-based financial counsellors.

Community-based financial counselling provides free and independent advice and assistance to people experiencing financial difficulty. An appointment to see a social worker can be arranged by calling Centrelink on 13 1794 for the cost of a local call.

For more information or to find a financial counselling organisation, visit the [Department of Social Services](#) website.

Key points:

- Financial counsellors, available via the National Debt Helpline, provide free and confidential advice for people needing assistance with managing their day to day money matters.
- Centrelink also has social workers who can assist people who are struggling financially including referring them to community-based financial counselling.

PART 2: APPLICATION AND OUTCOME

APPLICATION

Each application must include:

- a person's contact details,
- supporting documents (if relevant), and
- a statutory declaration that verifies the information in the application is true.

If an application does not include all the relevant elements, the person will be contacted to provide further information.

A person cannot make an application for redress under the Scheme in the following circumstances:

1. the person has already made an application for redress under the Scheme, given that people can only apply to the Scheme once,
2. a security notice is in force against the person²,
3. the person is a child who will not turn 18 before the 30 June 2028, which is the sunset day of the Scheme,
4. the person is in gaol (unless exceptional circumstances apply), or
5. the application is being made in the period of 12 months before 30 June 2028, the sunset day of the Scheme (unless exceptional circumstances apply).

Applications for redress under the Scheme are limited to one application per person. An applicant will be able to include multiple instances of sexual abuse and related non-sexual abuse suffered in multiple institutions in the one application. The paper application is attached to this manual.

It is not possible to make a claim on behalf of a deceased person. If a person passes away after making a complete application, and they are made an offer of redress, their estate can receive their redress payment. Beneficiaries or an executor can contact the National Redress Scheme team to arrange this. The counselling and direct personal response components of redress will not be passed on, or be made available to others.

² The Minister for Home Affairs may issue a security notice against an individual if, for national security reasons:

- a) their passport is cancelled or refused, or
- b) their visa has been revoked or refused.

Key points:

- Each person can only make one application to the Scheme that details all experiences of abuse and all responsible institutions.
- Each complete application will include the person's contact details, any supporting documents and a statutory declaration.
- A person may not be able to apply to the Scheme if they are in certain situations.

FILLING OUT THE APPLICATION

The first step is to complete the application, which will be available both online and in paper form. It is also attached to this manual. The form has been designed to collect all information required to assess a claim for redress.

Applications can be accessed on the Scheme's website – www.nationalredress.gov.au. There is information about how an application can be completed on MyGov, as well as a version of the application that can be printed. A person may also request, via the website or by calling the Scheme on 1800 737 377, a hardcopy application will be sent to them.

Support services can help people fill in the application and support them through the entire process. It is important for applicants to include as much detail as possible in the application. If a person is unsure of the timeline of abuse, it is possible to include approximate dates and age ranges.

The application will ask survivors about their experiences, including what happened to them and what impact it has had on their life. This may be distressing and challenging, which is why support services are available for help if survivors decide it is necessary.

Decision makers will consider the information provided in the application as well as any records or information provided by government or non-government institutions, and decide if there is a likely chance that the situation happened as described. This is the 'reasonable likelihood' assessment.

WHAT WILL THE APPLICATION ASK

The application will collect all the information that is required to assess an application for redress, so there is no requirement to provide supporting information. It is acknowledged that in many cases, records may not be available to applicants or may not exist if the abuse happened a long time ago. However a person can provide supporting documentation if they wish. If a person would like to provide supporting documents, they should provide certified true copies as the documents cannot be returned.

The application will have space for people to describe abuse from multiple institutions.

The application is divided into 3 parts:

- Part 1. Your personal information;
- Part 2. Your experience of sexual abuse;
- Part 3. The impact sexual abuse has had on your life.

WHAT HAPPENS TO THE APPLICATION ONCE IT IS SUBMITTED

DHS will phone the person to acknowledge receipt of the application, regardless of whether the application is lodged online or in paper format. DHS will also provide guidance on 'what next', about whether the institution is participating (where relevant) and seek any other relevant details important to understand the person's situation.

Some of the information that is provided in the application will be shared with the institution(s) responsible for the abuse. An institution will only be able to view the information in the application that relates to the claim against their institution. This exchange of information is so that the Scheme can assess each application and the responsible institution(s) can provide redress.

The person's name, date of birth, Part 2 and Part 3 of their application will be shared with the relevant institution. The Scheme needs to do this to confirm who was responsible for the abuse.

When a person provides the Scheme with personal information, this information is protected. This means that there are strict rules about how the information in an application can be used. There are severe penalties for people who use or share information inappropriately and they can be gaoled.

Institutions are required by law to ensure personal information is secure at all times, and that only those people who need to see or use certain information will have access to it.

An application can be withdrawn up to the point that the Independent Decision Maker makes a decision about it, to change or add more information, or if the applicant wants to wait to see if a particular institution decides to participate in the Scheme.

Key points:

- The application is available on the Scheme website.
- The application is divided into three parts:
 - Personal information, information about the abuse and the impact of the abuse.
- A person does not have to provide supporting information in their application but can do so if they wish.
- The application is supported by a statutory declaration that the information provided is true.

STATUTORY DECLARATION

All applicants will need to sign a statutory declaration that the information provided in the application is true and that any documents attached are true copies of originals. The declaration has to be signed and witnessed (a list of people who can witness a statutory declaration is attached to the application). It is an offence to intentionally make a false statement via a statutory declaration.

SUPPORTING DOCUMENTS

Supporting documents are **not required** when submitting an application and a person will not be disadvantaged if they do not do so.

A person can provide additional supporting documentation with their application that relates to that person's experience and provides further information if they want to. For example, anything supporting their attendance at a school (like a school report card, school photo, certificate of achievement or attendance).

An Independent Decision Maker may request further information from an applicant or a participating institution if they think it is reasonable that they will have access to further information and it is not provided in an application.

Copies of previous transcripts can be attached, however the Scheme cannot receive audio or video files. It is important that if a person decides to attach a previous transcript, they still provide information asked in the application, if the transcript does not include that information.

A person can add more information to their application after submitting up until a decision on the application is made. They will need to contact the Scheme on 1800 737 377 (call charges may apply).

EXTRA FORMS

A person will have to complete an additional form if they have a criminal conviction of five years or more or if an application is accepted through exceptional circumstances from a person in gaol. The Scheme will contact the person if they are required to complete this additional form.

If a person will have a nominee acting on their behalf, the nominee will have to fill out a nominee form. The nominee form is attached to this manual.

PROOF OF IDENTITY

Confirming identity is one way a person's privacy and information is protected. There are options for confirming identity for the Scheme. A person can:

- Use their Centrelink Customer Reference Number (CRN) if they have one
- Provide their identity in person at a Centrelink service centre

If a person has provided their identity to Centrelink in the past, the National Redress Scheme may be able to use their CRN. If they choose to use their CRN they will receive a call from Centrelink asking them some questions to verify their identity.

If a person does not have a CRN, they will need to visit a Centrelink service centre. They will need to provide:

- one commencement document to confirm their birth in Australia or arrival in Australia, and
- one primary document and one secondary document to show the use of their identity in the community

At least one of these documents must have a photo of the person on it.

All documents must be original and be in the same name as their claim, or they need to provide evidence of a change of name.

Centrelink **can't accept any of the following:**

- copies or certified copies
- expired documents
- the Australia Post Keypass identity card
- the same document for more than 1 category

A person **must** provide the original of each document:

- in person at a service centre
- in person at an Agent or Access Point if you live in a remote area through an authorised nominee
- by post
- online using the Upload document service

If a person posts documents to the Scheme, DHS will return them to them by registered mail.

If DHS can't confirm their identity with the documents provided, DHS may ask them to provide more documents. If a person has trouble getting the documents, they should let DHS know as soon as possible.

A person may still need to attend a service centre in person so DHS can visually confirm their identity.

It may be difficult for some people to confirm their identity, if they are finding it hard to find their identity documents or to visit a Centrelink service centre, please contact DHS on 1800 737 377 (call charges may apply). If you are calling from overseas please call +61 3 6222 3455 and ask to speak to someone from the National Redress Scheme.

A person can find their nearest Centrelink service centre on the Department of Human Services website (<https://www.humanservices.gov.au/individuals/contact-us>).

Key points:

- A person can prove their identity by either using their Centrelink Customer Reference Number or attending a Centrelink service centre in person.
- If they attend a service centre, their documents must:
 - Include one document with a photo; and
 - One document that proves Australian citizenship.

MYGOV

SETTING UP A MYGOV ACCOUNT

myGov is a secure way to access government services such as the National Redress Scheme online with one login and one password.

To create a myGov account go to my.gov.au and select [create an account](#).

You will be asked to accept the terms and conditions for use and then provide an email address.

ENQUIRES ABOUT MYGOV

Contact myGov about using your myGov account.

CALL MYGOV

Call the myGov helpdesk on [13 23 07](tel:132307), select Option 1.

The myGov helpdesk is open from:

- 7:00am - 10:00pm, Monday - Friday and
 - 10:00am - 5:00pm, Saturday - Sunday in local Australian time zones.
-

FROM OUTSIDE AUSTRALIA

Contact myGov by calling [+61 1300 1MYGOV \(1300 169 468\)](tel:+6113001MYGOV). Select Option 1.

ACCESSING THE APPLICATION ONLINE

You can get access to the online application and submit it through your myGov account using these steps.

1. Log onto myGov using your details or create a new account
 2. Click on 'Link another service'.
 3. Select the 'National Redress Scheme'.
 4. Click on 'Start' to get access to the application. You can save it and come back to it whenever you need to.
 5. Fill in the online application
 6. Review and print your completed online application
 7. Sign and have the statutory declaration witnessed.
 8. Scan and submit your completed online application
 9. Keep a copy of your completed online application for your records.
-

SETTING UP A MYGOV INBOX TO RECEIVE MESSAGES

To get letters in your myGov Inbox:

1. Log into myGov using your details or create a new account.
2. Click on 'Link another service'.
3. Select the 'National Redress Scheme'.
4. Click on 'Link your application'.
5. Type in your Redress ID and Application ID that someone from the National Redress Scheme gave you when they called you to acknowledge that your application was received.
6. Answer the security questions.

The next time myGov will send you a letter it will be to your myGov inbox.

Key points:

- A person can apply for the Scheme online through myGov.
- myGov can also be used to receive correspondence from the Scheme.
- A myGov account can be linked to the National Redress Scheme service.

ASSESSMENT

REQUEST FOR INFORMATION

If the application identifies a participating institution as being involved in the abuse of the person, or if the decision maker has reasonable grounds to believe that a participating institution may be responsible for the abuse of the person, the decision maker is required to issue a request for information to that institution.

The Scheme will issue a request for information to a participating institution, the institution must respond in either:

- 8 weeks, or
- 4 weeks, if the application is considered urgent

If the institution does not provide information in the period above, the Scheme can progress the application and make a determination based on the information provided to the Scheme by the applicant.

If a person could be reasonably believed to have information and/or documents that are likely to have existed that relate to an event, place or person referenced in their application, a decision maker may ask for further information.

Additionally, where an applicant has provided very little information in their application, but it would be expected that they would have further information, a query can be raised with the applicant to allow them the opportunity to furnish further detail.

For example, if an applicant cannot remember the name of the institution they attended, it may be that they can remember other details of the structure of the institution (such as the design of the building or its location); the name of the school principal, other teachers or attendees.

Where the Scheme issues a request for information to the person who made the application, the RFI will ask the person to respond in either:

- 8 weeks, or
- 4 weeks, if the application is considered urgent.

If an applicant does not respond, the Scheme will continue with the application as it stands.

Key points:

- The Scheme can request for further information from an applicant where:
 - they can be expected to have access to further information or
 - to give an applicant an opportunity to provide further details if they have not done so in their application.
- The Scheme will ask for further information from a participating institution when assessing an application.

REASONABLE LIKELIHOOD

The Australian Government has adopted the Royal Commission's recommendation that the evidence base for the National Redress Scheme should only require a reasonable likelihood that the abuse occurred.

The Scheme is not intended to be legalistic in nature and is intended as an alternative to civil litigation. Reasonable likelihood is a lower evidentiary threshold than the balance of probabilities test applied in the courts.

The Scheme's Independent Decision Makers will consider the information provided in the application, and any further information which may have been received by government or non-government institutions. Using this information, they will decide if there is a reasonably likely chance that the situation happened, and that an institution that has joined the scheme is responsible for the abuser having contact with the person.

Key points:

- When assessing applications, Independent Decision Makers will consider information in the application and additional information provided to the government.
- Decisions will be based on whether the Independent Decision Maker considers there is reasonable likelihood that the abuse occurred.
- This is a lower evidentiary threshold than those used by the courts in civil litigation.

OUTCOME AND REVIEW

LETTER OF OFFER

Independent Decision Makers will make decisions on applications for redress. When an application has been processed the person will receive a letter explaining the outcome. If they are offered redress, the letter will offer the person the three components of redress, including:

- access to counselling and psychological care (payment or state or territory based service);
- a direct personal response; and
- the amount of the monetary payment.

The letter will explain the reasons for the decision, including:

- how the Independent Decision Maker came to the payment amount offered;
- the institutions found responsible; and
- any institutions named in the application who were not found responsible.

The offer will also outline a six month period that the person will have to consider the offer. The offer letter will be accompanied with a document that is used to accept the offer. If this document has not been completed and returned within six months, the Scheme will assume that the offer has been declined. A reminder will be sent when a person has 30 days remaining to accept their offer. **If a person needs longer, they can request that this time period be extended.**

If a person has elected to receive a direct personal response, they can contact the institution at any time before the Scheme ends on 30 June 2028.

Key points:

- Once a decision is made, a person will receive an offer letter explaining what redress they will receive and the reasons why.
- The person will have six months to consider the offer and return an acceptance document. A person can request an extension.
- If the person does not return an acceptance document within six months, the offer is taken to be declined. A person will receive a reminder when they have 30 days remaining.

ACCEPTANCE DOCUMENT

To accept an offer of redress, the acceptance document must be returned within six months. If a person accepts an offer of redress, it means they:

- cannot take further action in civil courts against the responsible institution, its associate institutions and officials for abuse that the Scheme covers;
- will not be entitled to damages from the responsible institution, its associate institutions and officials in the future.

The acceptance document must clearly say which elements of redress the person wishes to receive, and from which institutions they wish to receive a direct personal response. The document needs to be signed and include an acknowledgement that the person understands the effect of accepting the offer.

To decline an offer a person can write to the Scheme or do nothing. If they write to the Scheme, they should say that they do not want to accept this offer and that they understand that they cannot apply again to the Scheme.

A person may also decline the offer by taking no action in relation to the offer. If a person does not accept their offer for redress within six months, **the Scheme will assume the offer has been declined**. A reminder will be sent when a person has 30 days remaining to accept their offer. If a person needs longer, they can request that this time period be extended.

No further applications for redress under the scheme can be submitted after an offer has been declined.

Key points:

- A person has to accept their offer by returning an acceptance document that clearly states which elements of redress they wish to receive.
- If a person does not accept within six months, they are taken to have declined their offer.
- Accepting an offer means that a person cannot take any further civil action against the responsible institution and cannot receive any further damages for their abuse.

TIMEFRAMES

The Scheme is aiming to progress and assess applications in the shortest time possible. The application process is conducted on a case-by-case basis and is survivor driven.

Processing times will vary depending on the person's circumstances, with some applications more complex than others.

DHS will phone the person to acknowledge receipt of the application, regardless whether the application is lodged online or in paper format.

As part of the telephone conversation, the Scheme will advise the person of the assessment process and next steps. The conversation will also seek any further information that is relevant to the process.

Applications where a person is terminally ill or very elderly will be given priority, so they can receive redress as soon as possible.

Generally, an application is not complex when there is only one participating institution identified and the institution is able to respond easily to the application. In these circumstances, the Scheme expects to be able to make an offer of redress in around 3 months. The person then has six months from the date of the notice to accept or decline their offer or seek a review of the outcome.

Once the offer is accepted, the redress payment, counselling and direct personal response details will be made available.

Processing of applications where a person's circumstances are more complex will take longer. This may occur in situations where:

- there are multiple institutions identified;
- an institution has not joined the Scheme, so the application is not able to be processed;
- institutions are experiencing difficulty in responding to the request for information;
- the special assessment process is required for people with a serious criminal conviction – the Scheme will need to seek advice from relevant Attorneys-General;
- an applicant is in gaol, and exceptional circumstances need to be considered before the Scheme can accept the application; and
- the applicant is under 18 years of age and the application cannot be processed until they are about to turn 18.

As a guide the most complex applications are expected to be processed within a 12 month period.

Key points:

- Processing of applications will depend on the complexity of the case.
- Applications with only one participating institution that do not require special assessment processes may be processed within 3 months.
- Complex applications may take up to 12 months to process.
- Applicants who are elderly or terminally ill will be given priority.

REVIEW PROCESS

When an application to the Scheme has been assessed, the person applying will receive a letter. If the application was successful, the letter will also provide an offer of redress. If the person seeking redress does not agree with the decision, they can request a review.

A review can be requested by calling the National Redress Scheme on 1800 737 377 or contacting the Scheme in writing.

A review might be requested because:

- their application was not successful and they were not offered redress under the Scheme; or
- they are unhappy with some aspect of their redress offer.

All reviews will be undertaken by a different Independent Decision Maker than the one that made the original decision. A person will not be able to provide any additional information than what was used to make the original decision.

A review may keep the original decision, change the original decision or make a new decision. It is necessary to apply for the review within six months of receiving the decision. Written notification will be provided of the review decision.

If the original decision is confirmed, the person seeking redress will receive an additional two months to consider whether to accept or decline the offer.

If a different decision is made, a new written offer for redress will be provided and the previous offer will be withdrawn. The person will have six months to consider the new offer.

Key points:

- A person can request a review, within six months of their decision, if they were unsuccessful or if they disagree with the offer they received.
- A different Independent Decision Maker to the one who made the original decision will conduct the review.
- If the review keeps the original decision, a person has two months to accept or decline. If a new decision is made, the person will have six months to decide.

EXITING THE SCHEME

Once an applicant accepts their offer of redress, support services would assist clients to manage the outcomes of redress.

For the monetary payment, services could assist clients to access Commonwealth Financial Counsellors who can provide confidential assistance for people to address their financial problems and debt.

Accessing counselling and psychological care, as provided by the Redress offer, will depend on where the person lives. Further information about accessing this support will be provided with the final acceptance documents. Services may be able to draw on their own expertise and service network knowledge to link people with appropriately skilled practitioners.

More information about the counselling and psychological care element of Redress is provided in Part 3 of this manual.

Note that support provided by support services throughout the application and assessment process will be separate from the counselling and psychological care element of redress that will be provided once a decision is made.

Support services may also be asked to support clients who wish to receive a DPR throughout the process. This may include attending a DPR session with the client or providing emotional and practical support when they make contact with the institution.

Key points:

- Once people receive an offer for redress, support services can assist people:
 - Access financial counselling;
 - Access psychological support (including links and referrals);
 - Go through the DPR process (providing support as people engage with the institution).

UNSUCCESSFUL APPLICANTS

Some applicants will not be offered redress where they do not meet the requirements of the Scheme.

Support services will be able to play a key role in providing applicants with clear information about the Scheme, and this should help to manage applicant expectations about engaging with the Scheme.

Redress support services are funded to provide support to people whilst they engage with the Scheme. Once people have formally received notification that they will not be offered redress and considered the internal review process, they will need to be referred onto more appropriate supports. Client support needs will vary during the transition process.

Staff members are best placed to work with your client to identify alternative service options (including no further support) and ensure a smooth transition following their engagement with the Scheme.

Alternative supports may include:

- State and territory Victims of Crime services or sexual assault support services.
- Find and Connect Support Services for Forgotten Australians and Former Child Migrants (including for counselling and record searching support).
- Link-Up services assist Aboriginal and Torres Strait Islander people of the Stolen Generations.
- General practitioners to support clients with a diagnosed mental disorder to access mental health services including Medicare subsidised services under the Better Access initiative.
- Family and Relationship Services where clients are experiencing family relationship issues.

Local services that you are aware of through your area's community service networks.

Key points:

- Redress support services are funded to support people throughout the application and assessment process.
- Once people finish their engagement with this process, support services can assist people to transition to other forms of support.
- If people receive an offer for redress and accept the offer of the counselling and psychological care component Support Services should encourage the transitioning to counselling and psychological care.

WITHDRAWN APPLICATIONS

A person can withdraw their application at any time before the decision maker makes a determination on the application. An application can be withdrawn to change or add more information, or if the applicant wants to wait to see if a particular institution decides to participate in the Scheme.

If an application is withdrawn, it is treated as not having been made. This means that the person can submit a new application without breaking the one application rule.

FEEDBACK AND COMPLAINTS

The National Redress Scheme website is maintained by the Department of Social Services. A person can make complaints or provide feedback in the following ways.

- Fax: (02) 6133 8442
- Email: complaints@dss.gov.au
- Mail: DSS Feedback, GPO Box 9820, Canberra ACT, 2601
- Online Feedback, Enquiry or Compliment Form

For more information on the complaints process go to the Department of Social Services complaints page.

PART 3: POLICY OVERVIEW

THE THREE ELEMENTS OF REDRESS

DIRECT PERSONAL RESPONSE

A direct personal response (DPR) can involve:

- an apology where the institution acknowledges the person's story and impact of the abuse, and
- an explanation by the institution on what they have done or will do to stop abuse from happening again.

Different institutions may offer different ways to engage with the DPR process, which could involve:

- a face-to-face meeting with a senior official
- a meeting as a group with other persons and/or with a senior official/s
- a written letter
- a public apology, or
- other arrangements, depending on their circumstances.

For the person who was abused, taking part in a direct personal response is completely voluntary and they can withdraw from the process at any time.

If a person decides to accept an offer of a direct personal response contact details for the institution will be provided for the person. When they are ready, they can make contact to begin talking about what is involved in doing a direct personal response.

Support Services may have the role of assisting people to determine how and if they will engage in a DPR.

People can choose to have a support person present with them through the DPR process. As a support person, Support Services may assist clients by:

- preparing them for the DPR process
- attending any DPR meetings as a support person
- supporting the person if they can no longer participate, or if the institution cannot provide what they request
- de-briefing and after-care for the person following the DPR.

Key points:

- People who receive an offer of redress can request a DPR from the institution responsible for their abuse.
- DPR can be face-to-face meeting with a senior official.
- A meeting as a group with other persons (survivors) with a senior official/s.
- DPR could also be a written letter, public apology or other arrangements, as agreed with the participating institution.
- People can choose to have a support person to be present throughout this process.

- Support services can assist people who have requested DPR in determining how and if they will engage in a DPR, or as a support person during the process.

COUNSELLING AND PSYCHOLOGICAL CARE

Access to counselling and psychological care will be provided in addition to the assistance provided by support services throughout the process. Depending on which state or territory the person applying lives in, the offer for redress will include either:

- a counselling payment of either \$1,250, \$2,500 or \$5,000, depending on the severity of the abuse; or
- access to state or territory-based counselling and psychological care for a minimum of 20 hours of service per person.

Where a person is purchasing counselling services, they should be aware that every counsellor will set their own rates, so the amount of sessions a person will receive will depend on who they choose to see.

People who live in jurisdictions that do provide services will be advised by the Scheme on how to engage with the relevant service. The type of counselling and psychological care services provided by each jurisdiction is at the discretion of the jurisdiction.

Access to psychological support received under the National Redress Scheme will be provided in addition to existing entitlements under the Medicare Better Access Program that some people may already be accessing.

Key points:

- Counselling and psychological care are available in two forms depending on which state or territory a person lives in. These arrangements are still being finalised.
- The first is a lump sum payment that can be used for psychological services. The amount will depend on the severity of abuse.
- The second is access to state or territory-based counselling services. People in those jurisdictions will receive a letter detailing how they can access these services.

REDRESS PAYMENT

The redress payment is intended as tangible recognition for the wrong suffered. Payments will be assessed on an individual basis, reflecting the severity and impact of the abuse. Payments can range from less than \$10,000 through to \$150,000, depending on the individual circumstances. Payments of more than \$100,000 will be for the most extreme cases.

The redress payment will be non-taxable and exempt from Commonwealth debt recovery and income tests related to government payments. However, redress payments may impact assets tests for Australian Government payments.

The payment will be made as a single lump sum in the person's nominated bank account.

Key points:

- Redress payments are assessed on an individual basis.
- Factors considered will include the severity of abuse and its impact.
- Payments will be non-taxable and deposited as a lump sum into the person's nominated bank account.

PRIOR PAYMENTS

People who received a prior payment can still apply to the Scheme. In some circumstances a person may have been required to sign a deed of release or confidentiality agreement. Those arrangements are not legally enforceable under the Scheme's legislation, which means they cannot legally stop a person from applying for redress.

However, a person's Scheme redress payment will be reduced by the amount of any relevant prior payment. It is possible that a prior payment may reduce a person's redress payment to nil.

A relevant prior payment is one that was made by or on behalf of the responsible institution that is participating in the scheme for relevant purposes. A payment is relevant where it was paid in recognition of the harm caused by the abuse that the institution is responsible for or in recognition of the abuse itself. This may include:

- prior redress payments;
- ex gratia payments;
- out of court settlements; or
- prior victims of crime monetary payments.

It does not include:

- ongoing statutory workers' compensation payments (for example Comcare and Department of Veterans' Affairs payments);
- routine payments of treatment or other expenses (for example medical or dental bills);
- one-off payments paid for a specific purpose that were not for the recognition of abuse or harm (for example payments for consumer items or rent).

Where there is evidence that a prior payment was broken into monetary components to cover multiple purposes, only the components that were paid in recognition of abuse or harm will be considered relevant for the Scheme.

Where a prior payment has not been broken down into components, the entire amount of the payment is a relevant prior payment.

Where there is a discrepancy between the amount or date or purpose of a relevant prior payment reported by a survivor and a participating institution, the Scheme will consider evidence provided by each party.

The Scheme has adopted a recommendation of the Royal Commission by adjusting prior payments to factor in changes to the value of money over time.

The Scheme will acknowledge what a prior payment would be worth in today's dollars by inflating a prior payment by 1.9 per cent per year since the payment was made. In most circumstances this will result in a better outcome for survivors than if it were adjusted according to the Consumer Price Index (CPI).

As an example using the rate of 1.9 per cent per annum, a relevant prior payment of \$40,000 made 10 years ago would be adjusted to \$48,283. A relevant prior payment of \$2,000 made 30 years ago would be adjusted to \$3,517.67.

The monetary payment reached under the assessment framework would be reduced by the adjusted amount of the prior payment, to factor in the money that the person has already received.

Indexation is taken (in whole years) from the time of decision.

Key points:

- People who have received a prior payment for the abuse they suffered can still apply for redress.
- Their payment amount will be reduced by the amount of the prior payment, taking into account inflation.
- It is possible that a prior payment may reduce a person's redress payment to nil.
- If a person was required to sign a deed of release or confidentiality agreement when receiving that payment, they can still apply for the Scheme.

PARTICIPATING INSTITUTIONS AND RESPONSIBILITY

PARTICIPATING JURISDICTIONS AND NON-GOVERNMENT INSTITUTIONS

To be able to access redress, the institution that is responsible for the abuse needs to have joined the Scheme.

The Australian Government will provide redress to people who were abused in places that were run by the Commonwealth.

Every state and territory has committed to joining the Scheme. Non-government institutions are also participating, with many major churches and charities already on board as more organisations continue to join.

Other institutions have joined the scheme, which means they promise to acknowledge abuse that happened to children in their care and pay for the cost of providing redress.

A person can make an application for redress at any time, but applications cannot be assessed until the responsible institution, or institutions are fully participating in the Scheme. Once an application has been lodged, the Scheme will contact the applicant to provide information about whether the institution/s have fully joined the Scheme.

For states, and institutions within those states, to fully participate in the Scheme, relevant state laws need to be passed. This means that there may be a delay between when an institution announces it will join the Scheme and when applications relating to those institutions can be processed.

Currently, applications relating to Commonwealth, New South Wales, Victoria, and Australian Capital Territory institutions can be processed. More states are expected to pass laws in the coming months.

When an institution has completed all the necessary steps to join the Scheme, the list of these institutions is updated on the Scheme's website: www.nationalredress.gov.au. A person can also call the Scheme on 1800 737 377 to ask about the status of a particular institution.

NON-PARTICIPATING INSTITUTIONS

If any of the institutions listed in an application are not participating, the Scheme will contact the applicant and provide options on how to proceed.

A person may decide to:

- Withdraw their application until all the relevant institutions are participating; or
- Proceed with their application noting that they will not receive the portion of redress associated with the non-participating institution (for example, if the application includes abuse from multiple institutions).

If a person decides to proceed with their application and the non-participating institution later opts in, the person will not be able to make another application and will not receive any additional redress (e.g. a top up).

Institutions can only join the Scheme until 30 June 2020. This should assist applicants to decide whether to wait and or proceed.

Key points:

- For a person to be able to access redress, the institution where a person experienced abuse has to have joined the Scheme, as that institution will provide the redress.
- The Commonwealth government will be responsible for people abused in institutions they ran.
- State governments will be responsible for state government institutions and non-government institutions will be responsible for people abused in their care.
- State governments need to pass laws in their own jurisdiction before they can start providing redress.

RESPONSIBILITY

For a person to be able to access redress, one or more participating institutions must be responsible for the sexual abuse and related non-sexual abuse experienced by the person.

An institution is responsible for sexual abuse or non-sexual abuse of a person if there is a reasonable likelihood that the institution is responsible for the abuser having contact with the person.

Under the Scheme, institutions can be either primarily or equally responsible for abuse. An institution is primarily responsible if they are the only institution involved or one of many institutions involved although their involvement outweighs all others. A primarily responsible institution will pay the full costs of redress.

An institution is equally responsible if the institution and one or more other institutions are approximately equally responsible and no one institution is primarily responsible. Equally responsible institutions will equally share the costs of providing redress. An institution can be equally responsible with an institution that is not participating in the Scheme. In these cases, the person will not receive the non-participating institutions share of the redress payment.

To determine responsibility the following factors may be considered, 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;
- the abuser was an official of the institution; or
- abuse occurred on the institutions premises or in connection with its activities.

Key points:

- An institution is responsible for abuse if it is reasonably likely that the institution is responsible for the abuser having contact with the person.
- More than one institution can be responsible for abuse. Institutions can have equal responsibility.

- Primarily responsible institutions will pay the full costs of redress. Equally responsible institutions will equally share the costs.

FUNDER OF LAST RESORT

The Scheme's funder of last resort arrangements allow governments to meet the shortfalls in funding where an institution no longer exists. These arrangements are not intended to pick up liability for institutions that have the capacity to opt in and choose not to.

Participating governments have provided the Scheme with a list of institutions they are responsible for as funder of last resort, which may be updated as necessary throughout the Scheme.

Funder of last resort arrangements apply where:

- a participating government institution is determined to be equally responsible with a non-government institution,
- that non-government institution is defunct (which means it is no longer in existence)
- that non-government institution is not participating in the Scheme through a representative arrangement, and
- the relevant participating government has agreed to be the funder of last resort for that institution (the defunct institution will then be 'listed' for that jurisdiction).

Where funder of last resort requirements are satisfied, the participating government institution will pay the share of redress for which the defunct institution is liable, in addition to the government institution's own share of redress.

A participating institution acting as a funder of last resort for a defunct institution that has been identified as equally responsible will only be required to participate in direct personal response on behalf of their own institution – not the defunct institution.

Key points:

- A State, Territory or the Commonwealth government can make a payment to someone if the institution responsible for their abuse no longer exists.
- The government in question has to be equally responsible for the abuse to be able to pay in these situations.
- Funders of last resort are not required to participate in a direct personal response on behalf of a defunct institution. They are only required to offer a direct personal response on its own behalf.

ELIGIBILITY QUESTIONS

ELIGIBILITY AND ENTITLEMENT

For a person to be able to access redress under the Scheme they need to satisfy the eligibility and entitlement requirements. A person will be eligible for redress under the Scheme if an Independent Decision Maker considers that there is a reasonable likelihood that the person was sexually abused as a child (under the age of 18 years), before the Scheme's commencement (1 July 2018) and an institution that has joined the Scheme is responsible for the abuse.

The Australian Government does not have the constitutional power to provide redress for abuse that occurred in a state without the state passing a law to refer their power to the Commonwealth. This means that the Scheme is unable to provide redress to a person if they were abused in a state which has not passed the appropriate laws.

For example, if a person was abused in Western Australia and a non-government institution that has joined the Scheme is responsible for that abuse, if the Western Australian government has not passed laws opting into the Scheme then that person is not eligible for redress.

When a person is eligible for redress, the Scheme will provide the person with an offer of redress.

Before a person can be provided the three components of redress, they need to be 'entitled' to redress. For a person to be 'entitled' to redress they must have made an application for which they have received an offer, and accepted that offer. When a person accepts an offer of redress they are releasing the institution responsible, its associate institutions and officials from civil liability, but not the abuser.

Key points:

- A person is eligible for redress if the independent decision maker considers there is reasonable likelihood that the person was sexually abused as a child, before the Scheme's commencement (1 July 2018) and the responsible institution has joined the Scheme.
- A person is entitled to redress after they have received and accepted an offer.
- Additionally, the abuse a person experienced needs to meet a threshold under the assessment framework, in order to receive payment.

CRIMINAL CONVICTIONS

People with criminal convictions can still apply for redress. People applying to the Scheme who have been convicted of a serious crime and sentenced to imprisonment for five years or longer will have their applications assessed on a case-by-case basis.

Where a person indicates in their application that they have been convicted of a serious crime, the Scheme will request that the person provide additional information to the scheme. This information will be used to:

- undertake a National Policy History Check; and
- better understand the context of the offence.

The additional information will be collected through a special form which will ask about the nature of the offence, the length of the sentence and rehabilitation outcomes.

Applications will then go through a special assessment process that takes into account the need to recognise the impact that childhood abuse can have on a person's life, including increasing the risk of breaking the law.

Key points:

- People with criminal convictions can still apply for redress.
- If someone has been convicted of a serious crime and sentenced to five or more years in prison, their application will be decided on a case-by-case basis.
- A number of factors will be considered including the nature of the offence a person has committed and the impact of childhood abuse on their life.

INCARCERATED APPLICANTS

In most cases, people cannot apply to the National Redress Scheme while they are in gaol. This includes people who are lawfully detained outside a prison or are detained while waiting for a trial or sentencing for an offence.

People can apply once they are released, or they are on parole or licence.

If a person indicates in their application that they are in gaol, or the Scheme is contacted by a potential applicant about intending to apply from gaol, the Scheme will send that person a form requesting further information including:

- Basic identification information,
- The location of where they are detained,
- The length of their sentence,
- Expected release date,
- The jurisdiction where they were abused, and
- Any circumstances that might lead to their application being accepted.

If a person has made a valid application and then goes to gaol, their redress offer (payment, counselling and direct personal response) will be provided based on the detail provided in their application. Applicants who have gone to gaol after making a valid application will need to advise the Scheme of their change in circumstances to ensure the Scheme can reach them.

In exceptional circumstances, a person in prison may be able to apply for the National Redress Scheme and have their application accepted.

Examples of exceptional circumstances include if a person is likely to remain in prison until after the scheme ends or if it is likely that the person will be too ill to make an application when they are released.

Key points:

- Ordinarily, people cannot apply for redress from gaol.
- People can apply once they are released or if they are in exceptional circumstances.
- Exceptional circumstances may include if a person is likely to be in gaol until after the Scheme ends or if they will be too ill to apply when released.

CHILD APPLICANTS

Applications to the National Redress Scheme will be accepted from children who will turn 18 years old by 30 June 2028. These applicants will not receive a formal offer of redress until they turn 18.

This special rule is in place to avoid children having to make important legal decisions about their future before they are old enough to understand all of their options. For instance, it ensures children do not sign away their future right to sue a responsible institution through the courts when they may not fully understand the implications of that decision.

Because the scheme only runs for 10 years, to access redress a child must turn 18 years old before the scheme ends on 30 June 2028. This means children aged eight and below when the Scheme commences will not be able to apply.

If a child applies to the scheme, their application will be assessed and relevant information will be collected. They will receive a preliminary decision on their application, which will give the family information about their options.

Once the child turns 18, they can choose to proceed with their application, withdraw their application and reapply or withdraw their application completely.

Child applicants, and their families, including those who are unable to access redress under the Scheme, will still be able to access the Scheme's support services. These include legal support services, which can assist with consideration of the child's legal rights.

Key points:

- A child can apply for redress if they will turn 18 by the end of the Scheme, 30 June 2028.
- Their application will be assessed and they will receive a preliminary decision so families can consider their options, however an offer will not be made until they are 18 years old.
- Even if a child cannot access redress, they will still be able to access the Scheme's support services, including free legal advice.

SECURITY NOTICES

The Minister for Home Affairs may issue a security notice against an individual if, for national security reasons:

- a) their passport is cancelled or refused, or
- b) their visa has been revoked or refused.

If a person has a security notice made against them, they cannot make an application. If they make an application and a security notice is made after, the application may be rejected.

HOW ARE APPLICATIONS ASSESSED?

REDRESS CONTACT TEAM AND REDRESS RECOMMENDATIONS TEAM

The Redress Contact Team (RCT) within the Department of Human Services (DHS) will receive applications for redress.

The Redress Contact Team provides enquiry support for Survivors, checks applications for completeness, prepare requests for information to responsible institutions, prepares applications for assessment by the Redress Recommendation Team.

The application will then be assessed by the Redress Recommendations Team within DHS. This team makes a recommendation to the Independent Decision Makers (IDM) about eligibility and redress payment amounts.

The Redress Recommendation Team makes a recommendation on the survivor's eligibility for the Scheme and on the amount of redress payment payable to the survivor. When completed, these recommendations will be sent to the Chief IDM (the Chief) who will allocate the case to an IDM to make the final decision on the application using the:

- [National Redress Scheme for Institutional Child Sexual Abuse Act 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Rules 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Declaration 2018](#)
- [National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018](#)

The Redress Recommendation Team will then notify the survivor of the decision outcome.

Key points:

- The Redress Contact Team (RCT) within the Department of Human Services (DHS) will initially receive applications for redress.
- This team will check that forms are appropriately filled out and all relevant information has been given. This includes contacting survivors if more information is needed.
- Applications are then passed onto the Recommendation Team who will make a recommendation based on the evidence provided about eligibility and what redress should be provided.
- This recommendation is passed onto the Independent Decision Maker.

INDEPENDENT DECISION MAKERS

Independent Decision Makers will make all decision on applications for redress. Independent Decision Makers are not public servants – they are independently contracted and are required to have no association with institutions that are participating in the Scheme.

Participating governments will be nominating candidates for the Independent Decision Maker positions. The Scheme will not be seeking applications from the public.

To ensure independence, prospective Independent Decision Makers will:

- undergo a vetting and probity process before appointment;
- be required to declare any potential conflicts of interest;
- undertake a national police check; and
- undertake a working with children check.

It is expected that the people appointed as Independent Decision Makers will have knowledge and experience in a range of areas, including social welfare, case management and the legal sector, although representatives from all backgrounds will be considered.

Independent Decision Makers are not direct employees of the Department of Social Services or the Department of Human Services but will be supported by both agencies in their roles. The Department of Human Services will assist Independent Decision Makers by making sure all information needed to assess an application has been made available. The Department of Social Services will assist Independent Decision Makers by providing policy advice.

Key points:

- Independent Decision Makers will assess applications.
- They do not directly work for the government and will be independently contracted.
- People will be required to undergo a number of checks and declare any potential conflicts of interest before they will be hired.

ASSESSMENT FRAMEWORK

Redress payments made by the Scheme will be assessed on an individual basis. The Scheme will use the assessment framework to work out the monetary payment amount that each person will be offered. The assessment framework recognises:

- the severity of sexual abuse suffered;
- the impact on the person who experienced the abuse;
- related non-sexual abuse;
- institutional vulnerability; and
- extreme circumstances.

The Scheme will provide eligible survivors with a monetary payment of up to \$150,000. The average payment is expected to be around \$76,000 and payments over \$100,000 will only be made in very extreme circumstances.

The assessment framework design is based on an approach recommended by the Royal Commission, and in consultation with the Independent Advisory Council on Redress.

Key points:

- People will receive different payment amounts based on their experience.
- While the maximum payment amount is \$150,000, any amount over \$100,000 will only be paid in very extreme circumstances.
- The Scheme advises people not to make financial commitments before they receive a payment.

SECURITY AND PRIVACY

When assessing whether there is a reasonable likelihood, Independent Decision Makers will have regard to all of the information available. This may include:

- the information contained in the person's application;
- any supporting documentation the person provided in support of their application;
- the information provided by the relevant participating institution(s) in response to the Request for Information (RFI), including any supporting documentation provided; and
- any other information available (for example through an online search) or from Scheme holdings.

The law provides strict protections to ensure personal information is secure at all times, and that only those people who need to see or use certain information will have access to it. Information collected by the Scheme Operator (or delegate) for the purposes of the Scheme is considered 'protected information'.

This means there are limited circumstances where this information can be accessed, used, recorded or disclosed. The penalty for misusing protected information is imprisonment for two years or a fine of \$25,200 or both.

The information collected by the Scheme can be used, recorded or disclosed in the following circumstances:

- For the purposes of running the scheme and assessing applications;
- With the express or implied consent of the person to whom the information relates;
- If there are reasonable grounds to believe it is necessary to prevent or lessen a serious threat to an individual's life, health or safety; or
- Where the information is displayed in a way that a particular person or institution cannot be identified.

People working on the Scheme may disclose protected information to:

- A person's nominee; or
- A government agency to enforce a criminal law or to protect the safety and wellbeing of children.

Some information will be shared with participating institutions, but they will be required by law to keep this information private and confidential. Participating institutions may need access to protected information in order to:

- comply with a request for information under the Scheme;
- participate in a direct personal response;
- make a claim under an insurance policy; or
- undertake an internal investigation or disciplinary proceedings.

Protected information will also be exempt from freedom of information requests.

Key points:

- Independent Decision Makers will consider information from application, non-government institutions, supporting documentation and other publicly available information.
- Applicant information is strictly protected and can only be accessed or used by specific people and in specific circumstances.
- Participating institutions may receive some information to assist with an application.

CHILD SAFE REPORTING

Once an application has been made, DHS will contact each applicant to discuss reporting, amongst other things. At this time, an applicant may elect to have the allegation of abuse passed onto police in full, including information which identifies the applicant.

Blind reports can also be made to police if the applicant does not wish to be identified to police, but information received by the Scheme raises a suspicion on reasonable grounds that children are currently at risk of being abused.

A 'blind report' means a report that does not include the name or other details that may identify the applicant. Blind reports will still include details of the abuse and alleged abuser, while protecting the privacy of the person who experienced the abuse.

'Suspects on reasonable grounds' is more than a 'possibility', but a lower standard than a 'belief' that children are currently at risk of being abused. This standard will likely encompass the majority of allegations made to the Scheme, given the Scheme uses 'reasonable likelihood' as a standard of proof to assess eligibility. Any of the following would raise such a suspicion:

- the person who experienced institutional child sexual abuse indicates that the alleged abuser is still working with children,
- the person who experienced institutional child sexual abuse indicates that the alleged abuser has their own children,
- the person who experienced institutional child sexual abuse is still a child themselves,
- the abuse occurred in the last ten years, or
- any other reason that children may currently be at risk of being abused.

No reports will be made for matters where the alleged abuser/s is/are deceased.

Where the application indicates that the matter has been reported previously to the appropriate authorities, the team responsible for blind reporting under the Scheme will have discretion as to whether to make a blind report.

It is acknowledged that police agencies may be unable to take any action in relation to blind reports.

If at any stage a threat of harm is identified, the Scheme will immediately contact police in the relevant jurisdiction. This 'threat' may include a threat of self-harm.

Key points:

- During an application process, DHS will contact each applicant about whether they want their allegation of abuse passed onto the police.
- This information will include an applicant's identity.
- If an applicant does not wish DHS to contact the police but information received by the Scheme raises a suspicion on reasonable grounds that children are currently at risk of being abused, a blind report (not identifying the applicant) can be made.

GLOSSARY

| Term | Description |
|---|--|
| Assistance nominee | You can ask someone to help you apply to the National Redress Scheme. This person is called an Assistance Nominee. They need to fill in the Redress Nominee Form. |
| Application | The application is available online or by paper. You can make an application at any time between now and 30 June 2027. |
| Child | A child is a person under the age of 18. |
| Child Sexual abuse | Under the Scheme, 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. |
| Chief Independent Decision Maker | The Chief Independent Decision Maker will oversee the team of independent decision makers who consider applications and make offers of redress. |
| Counselling | People can apply for this as part of the National Redress Scheme. Depending on where people live they will receive a lump sum to pay for services in their local area or a referral to services their state government |
| Civil Claim | A civil claim is when you sue someone in court for compensation (money). |
| Australian citizens and permanent residents | This means someone who is legally a citizen of Australia or holds a permanent resident visa. If you are unsure of your citizenship or visa status |
| CRN | The Customer Reference Number used for accessing or verifying a Centrelink account |
| Criminal Conviction | Being sentenced by a judge to serve time in prison. |
| Direct Personal Response (DPR) | People who receive an offer of redress can request a Direct Personal Response. This could be a face-to-face meeting, either individually or in a group, a written letter, a public apology, or other arrangements. Not all institutions will be able to meet every type of request. |
| Gaol | Gaol includes: Prison (pending trial or sentencing), Remand Centres, Youth Training Centre, and Community Correction Centres. |
| Incarcerated | Incarcerated means being lawfully detained as part of a term of imprisonment. |
| Independent Decision Maker | Independent Decision makers will consider applications and decides offers of redress. They will be highly experienced people with backgrounds in social welfare, case management and/or the legal sector. They will not have any connection to participating institutions. |
| Institution | An institution means an organisation such as a school, a church, parish, mission a club, an orphanage or Children’s Home; or government department. If an institution was responsible for a child coming into contact with the person who sexually abused them, then the National Redress Scheme considers that institution responsible for the abuse. |
| Institutional Child Sexual Abuse | When the child sexual abuse occurred on the premises of an institution, or where activities of an institution took place, (such as a camp) or by an official of an institution. |
| Legal Nominee | A person who can apply for and accept an offer of redress on your behalf. For example, a power of attorney. They need to fill in the Redress Nominee Form. |
| myGov | myGov is a secure way to access government services online with one login and one password. |

| Term | Description |
|----------------------------|--|
| National Redress Scheme | The Australian Government set up the <u>National Redress Scheme</u> to provide redress to people who experienced institutional child sexual abuse. The offer of redress can include: access to counselling, a redress payment and a direct personal response |
| Attorney-General | An Attorney-General is the government Minister responsible for the Law. |
| Scheme Operator | In the National Redress Scheme legislation, there is a role called the National Redress Scheme Operator. The person who will do this role is the Department of Social Services' Secretary. |
| Nominee | A person nominated to act on behalf of a person applying for redress. They need to fill in the Redress Nominee Form. |
| Non-government institution | An institution or organisation that is not run by a government. May include, churches, charities, schools, and sporting clubs. |
| Non-sexual abuse | Includes physical abuse, psychological abuse and neglect. |
| Permanent resident | Someone who can stay in Australia permanently |
| Reasonable likelihood | Applications are successful if the Independent Decision Maker determines that the events in the application are likely to have happened. |
| Redress | Redress means acknowledging harm done. The National Redress Scheme will provide redress by providing access to counselling, a direct personal response and a redress payment. |
| Redress Payment | People can apply for this payment as part of the National Redress Scheme. |
| NRS | The National Redress Scheme. |
| Related non-sexual abuse | Includes physical abuse, psychological abuse and neglect related to the occurrence of sexual abuse. |
| Review | If you do not agree with a decision we make, you can ask us to look at it again. This is done by a different Independent Decision Maker. |
| Scheme | The National Redress Scheme for people who experienced Institutional child sexual abuse. See National Redress Scheme |
| Child Sexual abuse | Under the Scheme child, sexual abuse is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. |
| Statutory declaration | A written statement that you are providing true information. This is signed in front of an authorised witness. |
| Withdraw | To stop an application being considered by the Independent Decision Maker and National Redress Scheme. |