

# National Redress Scheme

For people who have experienced institutional child sexual abuse

## FACT SHEET

### WHO CAN APPLY

This fact sheet gives information on who can apply to the National Redress Scheme.

#### **You can apply to the National Redress Scheme if:**

- You experienced sexual abuse when you were a child (under 18 years of age) and
  - the abuse happened before 1 July 2018, and
  - an institution was responsible for bringing you into contact with the person who abused you, and
- You were born before 30 June 2010, and
- You are an Australian citizen or permanent resident.

#### **Your application may be processed differently if you:**

- Were abused in an institution that hasn't joined the National Redress Scheme,
- Are under 18 years of age,
- Have ever been sentenced to more than 5 years in gaol, or
- Have already received a payment related to the abuse.

#### **You cannot apply if you:**

- Are in gaol (you can apply once you are released or before in exceptional cases), or
- Have already applied to the Scheme and had a decision about your redress.

#### **You cannot access redress if you:**

- Did not suffer sexual abuse, or
- Have already received a court-ordered payment from the institution.

There may be other options. For example, you might be able to take civil action. This is where you sue an institution through the courts. You might also be able to apply for a victims of crime compensation payment. A free and confidential legal service can help. They are called knowmore. You can call them on 1800 605 762.

You also have the option of reporting an incident to the Police. You can still do this if you apply for the National Redress Scheme.

## How can I get support and more information?

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

To connect with a support service and find out how to apply, please go to [www.nationalredress.gov.au](http://www.nationalredress.gov.au) or call the National Redress Scheme on 1800 737 377 (Monday to Friday 8am to 5pm, except public holidays - charges may apply).

Those who need immediate assistance can contact:

- Beyond Blue 1300 22 4636
- Lifeline 13 11 14
- 1800 Respect 1800 737 732
- Suicide Call Back Service 1300 659 467
- Mensline 1300 78 99 78
- In an emergency call Triple Zero (000)

## Frequently Asked Questions

### 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.

For example child sexual abuse may include (but is not limited to):

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

### When is an institution responsible for child sexual abuse?

The Scheme is designed so that institutions 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, or
- where activities of an institution take place, such as a camp or a sporting facility, or
- by an official of an institution, such as a teacher, a religious figure like a priest or nun, a coach or camp leader.

## How do I know if an institution has joined the National Redress Scheme?

You can find out if an institution has joined the scheme at [www.nationalredress.gov.au](http://www.nationalredress.gov.au) or by calling the National Redress Scheme on 1800 737 377 (charges may apply).

You can also sign up to get notifications when new institutions join.

Some people may not remember all of the details about an institution that they were involved with as a child. If you're not sure if the institution has joined, you can still make an application and the Scheme will contact you and let you know what your options are.

For example, Tim lived in an orphanage as a small child. He knows the nickname of the orphanage and the name of the order of nuns who ran it.

He fills out the application using the nickname and what he remembers about it. The Scheme will help Tim work out whether the orphanage has joined.

## What happens if my institution hasn't joined the National Redress Scheme?

You can make an application for redress at any time. However, applications will only be assessed if an institution has joined the Scheme.

For example, Nina was abused at an institution run by a charity that hasn't joined the Scheme.

Nina can call the Scheme for information on 1800 737 377 or she can apply for redress and the Scheme will contact Nina to let her know her options.

## What happens if I'm under 18?

If you are aged under 18 you can submit an application as long as you will turn 18 before 30 June 2028.

You will receive a preliminary assessment of your application, which may help you decide whether you would like to wait for redress or pursue other options.

Once you turn 18, your application will be assessed and an offer may be provided, which you can choose to accept or decline. Offers may differ from preliminary assessments as individual circumstances may change.

For example, Sam is 16. He applies to the Scheme. He will get a 'preliminary assessment'. Sam can access free legal advice to learn about his options and decide whether he would like to wait for redress or pursue other options (e.g. civil litigation). When Sam turns 18 his application will be assessed and he will receive an offer.

## Do I need to be an Australian citizen or permanent resident?

Yes, you need to be an Australian citizen or a permanent resident when you apply to the Scheme.

You did not have to be an Australian citizen or a permanent resident at the time the abuse occurred.

For example:

Amanda was born in Australia. She moved overseas when she was 22, although remains an Australian Citizen. She can apply to the Scheme if she meets the other criteria for who can apply.

David was born in England and came to Australia when he was 4 years old. He has taken out Australian citizenship. He can apply to the Scheme if he meets the other criteria for who can apply.

Geoff has a permanent visa. He can apply to the Scheme if he meets the other criteria for who can apply.

Fatima has a protection visa (a kind of permanent visa). She can apply to the Scheme if she meets the other criteria for who can apply.

### **What happens if I am in gaol?**

If you are in gaol, you can't apply for redress. You can apply when you are released.

Gaol includes a prison, youth training centre, remand, and community correction centre.

There are some exceptions. For example, if you will not be released from prison until after the Scheme closes.

For example, Terry is currently serving a prison term. He will be released on 1 June 2020. He can apply to the Scheme then or earlier if he is paroled.

### **What happens if I have been sentenced to serve 5 years or more in gaol (in Australia or overseas)?**

You will be asked to provide details about the nature of your offence, the sentence and your rehabilitation.

State, territory and Commonwealth Attorneys-General may provide advice on your application.

The Scheme Operator will make a decision about whether your application will be processed based on:

- the views of the relevant Attorneys-General,
- the nature of your offence and sentence, and
- your rehabilitation.

For example, Doug was sentenced to serve more than 5 years in prison in New South Wales. He served 3 years.

- He was abused in an institution in Victoria.
- The NSW and Victorian Attorneys-General will provide advice on Doug's application to the Scheme Operator.

### **What happens if I have already received a payment related to the abuse?**

Earlier payments related to the abuse will be deducted from your redress payment.

- This includes payments from other redress and victims of crime schemes and out of court settlements.
- Earlier payments will be adjusted to today's value. An annual inflation rate of 1.9 % will be used.
- The adjusted amount will be deducted.

If you signed an agreement not to speak about your abuse or ask for any more money you can still apply. An institution cannot legally stop you from applying for or receiving redress through the Scheme.

For example, Andrea received an out of court settlement from her institution 10 years ago.

The payment was for \$40,000.

The payment adjusted to \$48,283.

Andrea was determined to receive a Redress payment of \$60,000. Once the earlier payment is deducted she will receive \$11,717.

### **What happens if I have received court-ordered damages or compensation?**

If you have received a payment as a result of a court order, you cannot apply to the Scheme for redress from the institution that has already paid you compensation.

You can still make an application about other institutions.

If you have received a settlement or other redress scheme payments you can still apply.

For example, Andrew took the institution responsible for his abuse to court. The court determined that the institution should pay damages. Andrew cannot apply for the National Redress Scheme for that abuse.

### **What happens if someone dies after they apply?**

If someone dies after they have made a valid application for redress, their estate can receive their redress payment.

The counselling and direct personal response components of redress will not be passed on.

You can't apply on behalf of a person who has died.

For example, the Scheme will arrange for the payment to beneficiaries or an executor.

### **Does it matter where I live now, or where the abuse took place?**

Access to redress is based on where the abuse occurred, and the institution responsible. Where you live now does not affect your ability to get access to the Scheme.

For example, the institution where Manuel was abused was based in New South Wales and run by the NSW Government. Manuel now lives in Queensland. The NSW government will be responsible for paying Manuel redress.

### **What if an institution where I was abused no longer exists?**

You can still access redress if there is a 'connection' to a current institution.

For example, if a state government placed a child into an orphanage run by a charity and the charity no longer exists, the state government may provide redress on behalf of the charity.

For example, a religious organisation may take responsibility for providing redress for an institution that was once part of their religious order but has since closed down.