



Australian Government

Interim Australian Government response to the
Final Report of the
Second year review of the National Redress Scheme

June 2021

Foreword

The National Redress Scheme for Institutional Child Sexual Abuse (the Scheme) began on 1 July 2018. The Australian Government, in partnership with state and territory governments, established the Scheme in response to recommendations of the [Royal Commission into Institutional Responses to Child Sexual Abuse](#), to recognise and alleviate the impact of past child sexual abuse that occurred in Australian institutions. The Scheme now encompasses all Commonwealth and state and territory government institutions and over 450 non-government institutions. Over 5835 applications have been finalised, with over \$490 million in redress payments made as at 28 May 2021. Since the commencement of the Scheme, nearly 30,000 requests for information have been sent.

The Scheme aims to be, and will always be, survivor-focussed and trauma-informed. Governments undertook significant work to realise these objectives in the set up and the first two years of the Scheme's operation. The Government has been committed to continuous improvement, noting it remains essential to ensure the needs of survivors are being met and the Scheme is operating effectively and addressing the unique and evolving challenges in administering such a program.

Governments' commitment to continual improvement is reflected in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act), which legislated wide-ranging reviews to commence after the second and eighth anniversaries of the Scheme. The Australian Government has made a range of administrative improvements to the Scheme since its inception.

Independent Reviewer Ms Robyn Kruk AO led the second year review of the Scheme (the Review). The Review heard from survivors, advocacy groups, support services, institutions and the Australian and state and territory governments.

The Review makes 38 recommendations to increase access to redress and improve the Scheme's operation, making it more trauma-informed, efficient and ultimately more survivor-focussed. This interim response indicates the Australian Government's commitment to improving the Scheme, and provides detail and response to a number of actions being taken that respond to the recommendations. The response recognises the combined role this work has with states and territories and only reflects the Australian Government's views and notes there is further development work and consultation with state and territory governments, survivors, institutions and other stakeholders to be done before final decisions can be made on a number of recommendations.

The Scheme operates on a co-operative basis between Commonwealth, State and Territory governments. It is underpinned by referral legislation in each state and territory, which mirrors the Act. The Ministers' Redress Scheme Governance Board (the Board) is made up of relevant Ministers from each jurisdiction. The Board has decision-making powers in relation to changes to the Scheme legislation, major Scheme design issues and changes that would increase the participation costs to states and territories. Implementing a number of the Review recommendations will require the agreement of all jurisdictions. Further, the

Scheme is voluntary in nature. While the Morrison Government has implemented financial levers including the removal of charitable status, ineligibility for government grant funding, and public naming, institutions cannot be compelled to join the Scheme, and can leave at any time. In considering the recommendations, it will be important to balance any changes with the risk that some institutions may consider leaving the Scheme, which would mean survivors have no access to redress. Maintaining and growing participation in the Scheme is therefore crucial.

The Australian Government is prioritising action on 25 of the 38 recommendations in full or in part. The Australian Government is investing over \$80 million over four years in the 2021-22 Budget to support implementation of these recommendations and will seek the agreement of state and territory governments to those recommendations that require the Board's agreement.

The remaining recommendations, many of which constitute major changes to the Scheme, require further detailed development work and consultation with survivors, institutions and other stakeholders. The Australian Government will continue to consider and consult on these issues over coming months, with the goal of providing a final response to all of the Review's recommendations by early 2022.

The Australian Government thanks Ms Kruk for the significant work and consultation that went into the preparation of the Review report. The Government also sincerely thanks the survivors, institutions and other stakeholders who contributed their views, experiences and feedback.

Recommendation 1.1

The National Redress Scheme Inter-governmental Agreement be amended so that both survivors and non-government institutions have formal input into the Scheme's operation.

The Australian Government **supports** this recommendation.

The input of both survivors and non-government institutions is integral to the Scheme's operation. The existing Survivor Roundtable and Redress Scheme Committee currently provide valuable advice and feedback to the Ministers' Redress Scheme Governance Board (the Ministers' Board). The Scheme would benefit from having formalised input mechanisms for survivors and non-government institutions, which are incorporated in the Scheme's Inter-governmental Agreement.

This recommendation requires agreement by all jurisdictions via the Ministers' Board. The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 2.1

The Australian Government develop and implement through a co-design process a Survivors' Service Improvement Charter by the end of 2021. The Charter should:

- a) include service standards to improve survivor experience
- b) be reflected in Scheme rules, the Inter-governmental Agreement and key governance and performance documents and contracts with support services
- c) provide a service guarantee to survivors including:
 - i. guaranteeing survivor information is safe and secure
 - ii. setting expectations regarding service delivery, transparency and accountability
 - iii. providing surety regarding responsiveness and resolution of issues
- d) establish a robust feedback loop to ensure the survivor voice is embedded throughout the Scheme.

The Australian Government **supports** this recommendation.

A Survivors' Service Improvement Charter will further drive improvements to the survivor experience of the Scheme and help enhance transparency and accountability moving forward. It will help embed the role of survivors in the Scheme's operation (see also 1.1).

The Australian Government is committing \$150,000 in the 2021-22 Budget to support the development of a co-designed Charter by the end of 2021.

The Australian Government will progress elements (a), (c) and (d) of this recommendation as a priority in consultation with survivors, institutions and other Scheme stakeholders. Element (b) of this recommendation requires legislative change and agreement by all jurisdictions via the Ministers' Board.

The Australian Government is working with state and territory governments to consider implementing element (b) as a priority, in consultation with survivors and other Scheme stakeholders.

Recommendation 3.1

The Australian Government review the current restriction on survivors making a single application, and assess this requirement to ensure fairness to the survivor and to acknowledge any changes in their circumstances or additional available information.

The Australian Government notes this recommendation.

This is a fundamental change to the principles underlying the establishment of the Scheme.

The Australian Government will further consider this recommendation, in consultation with states and territories, survivors, institutions and other Scheme stakeholders.

Recommendation 3.2

The Australian Government amend the eligibility criteria to include a single application process for all applicants. This process should also allow for applications to be made by the following survivors:

- a) non-citizens
- b) non-permanent residents
- c) prisoners
- d) those with serious criminal convictions
- e) care leavers if they were abused in care over the age of 18 and under the age of 21 prior to 1 November 1974.

The Australian Government notes this recommendation.

The Australian Government particularly notes the requirement for survivors to be Australian citizens or permanent residents at the time of application means some former child migrants who were abused while in the care of an Australian institution, and have subsequently given up their citizenship or Australian residency, are currently not eligible for redress.

Progressing this recommendation requires legislative change and agreement by all jurisdictions via the Ministers' Board. The Australian Government will further consider this recommendation in consultation with state and territory governments, survivors, institutions and other Scheme stakeholders.

Recommendation 3.3

The Australian Government review the application of policy guidance regarding child sexual abuse in a medical setting, amend inconsistencies and provide greater clarity for independent decision makers in the exercise of their judgement.

The Australian Government **supports** this recommendation.

Clearly articulated policy advice will support consistency of high quality decisions and the integrity of the Scheme. The Australian Government is working to improve guidance and training for Independent Decision Makers and Scheme staff.

The Australian Government is working with state and territory governments to implement this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.4

The Australian Government amend the Act, the Assessment Framework, policy and guidelines to establish a 'reasonable likelihood' standard of proof for all decisions relating to an application.

The Australian Government notes this recommendation.

Changing the standard of proof referenced throughout the Act, the Assessment Framework, policy and guidelines would constitute a significant change to the Scheme's design and the basis on which institutions have agreed to participate.

The Australian Government will further consider this recommendation, in consultation with states and territories, survivors, institutions and other Scheme stakeholders.

Recommendation 3.5

The Australian Government provide all survivors with end-to-end support by experienced, culturally appropriate, and trauma-informed professionals.
--

The Australian Government **supports** this recommendation.

The Australian Government continues to provide access to Redress Support Services to assist people throughout the application process, as well as provide independent legal and financial advice.

Improvements to the survivor experience have been made iteratively throughout the life of the Scheme. The Australian Government will support further survivor-focussed improvements, including:

- improvements to application forms and processes;
- more personalised and meaningful engagement with survivors in the early stages of applying for redress, and throughout the process, to help survivors understand the next steps for their application and have queries answered in a trauma-informed and timely manner; and
- enhancing trauma-informed training for Scheme staff.

Redress Support Services and knowmore legal services have received \$116 million since the Scheme's commencement. This includes \$73.1 million provided in 2020-21 over four years by the Australian Government.

The Australian Government is further committing \$2.4 million over four years in the 2021-22 Budget for a range of process improvements to enhance the survivor experience with the Scheme.

The Australian Government will progress this recommendation as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.6

The Australian Government develop a significantly simplified application form that:

- a) includes the provision of more assertive support, including culturally appropriate and easily understood information, to assist in the completion of the application
- b) includes the nominee form
- c) removes the statutory declaration requirement and simplifies identity checks
- d) removes the requirement to provide banking details in the application form, deferring this requirement until a determination is made.

The Australian Government **supports** this recommendation.

Elements (a), (b) and (d): Work to improve the application form and simplify the application process has been undertaken iteratively throughout the life of the Scheme. The Australian Government supports further action to simplify the form and the application process for applicants through a co-design process undertaken with survivors and their advocates.

The Australian Government is committing \$2.4 million over four years in the 2021-22 Budget for a range of process improvements to enhance the survivor experience with the Scheme, including improvements to Scheme forms and user testing.

The Australian Government will progress elements (a), (b) and (d) of this recommendation as a priority, in consultation with survivors, institutions and other Scheme stakeholders. Requiring bank account details in the application form may prove necessary to support the introduction of an advance payment measure; however this will be considered further during consultation and legislative drafting processes.

Element (c): During the height of COVID-19 restrictions the Australian Government made changes to ensure the requirement of statutory declarations was removed due to the pandemic and difficulties faced by survivors and institutions alike. The Australian Government supports the formal removal of the statutory declaration requirement from the application form. This is more trauma-informed and streamlined than the current arrangement. There are existing provisions in the Scheme's legislation that reduce risk and/or allow for management of fraudulent applications.

Element (c) of this recommendation requires legislative change and agreement by all jurisdictions via the Ministers' Board. The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.7

The Australian Government provide more assertive outreach support or assist applicants in the completion of their applications. This should include better access to enhanced front-end financial, legal, psychological, Indigenous and disability support services to minimise trauma and assist survivors to obtain better outcomes.

The Australian Government **supports** this recommendation.

The Australian Government continues to provide access to Redress Support Services to assist people throughout the application process, as well as independent legal and financial advice.

The Australian Government is continuously working to improve its operation of the Scheme and will take action to provide more meaningful upfront engagement with survivors (see also Recommendation 3.5).

The Australian Government is committing \$2.4 million over four years in the 2021-22 Budget for a range of process improvements to enhance the survivor experience with the Scheme. A further \$150,000 is committed for an external review of Redress Support Services, which will inform longer-term improvements.

knowmore legal services is funded by the Attorney-General's Department to provide free legal advice and support to people applying to the Scheme.

The Australian Government will progress this recommendation as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.8

The Australian Government explore, for consideration, alternative mechanisms to facilitate access to the Scheme for more vulnerable individuals, Aboriginal and Torres Strait Islander, culturally and linguistically diverse and applicants with disability, including but not limited to face-to-face application assistance.

The Australian Government **supports** this recommendation.

The Australian Government will explore alternative mechanisms to increase access to the Scheme for underrepresented groups, including the ability to rely on evidence given to other forums and non-written applications. This work will be done in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.9

The Australian Government strengthen consistency and integrity in decision-making through actions including but not limited to:

- a) the Australian Government providing accurate and clear policy guidance to independent decision makers
- b) the Australian Government, as a priority, reviewing and improving the information and training resources provided to independent decision makers
- c) the Australian Government creating the position of a Chief independent decision maker to provide a systemic focus on Scheme integrity, quality assurance and consistency in decision-making
- d) the development of a de-identified case database, available to assist independent decision makers.

The Australian Government **supports** this recommendation.

Clearly articulated policy advice will support consistency of high quality decisions and the integrity of the Scheme.

Elements (a), (b) and (d): The Australian Government is working to improve guidance and training for Independent Decision Makers and Scheme staff. The Australian Government is committing \$2.4 million over four years in the 2021-22 Budget for a range of process improvements to enhance the Scheme. This includes funding for training and establishing a de-identified case database to support Independent Decision Makers.

The Australian Government will progress elements (a), (b) and (d) of this recommendation as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Element (c): The Australian Government supports the establishment of a number of Senior Independent Decision Maker positions to undertake the Chief Independent Decision Maker functions.

Element (c) requires legislative change and agreement by all jurisdictions via the Ministers' Board. The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.10

The Australian Government review the format and content of the outcome letter and statement of reasons template with a view to removing legalese and ensure independent decision makers provide detailed information to justify their decisions in plain English. The outcome letter should include the name of the independent decision maker.

The Australian Government **supports** this recommendation in part.

Work to improve the Scheme's forms and letters has been undertaken iteratively throughout the life of the Scheme. The Australian Government supports action that will further simplify these products, while maintaining the legal requirements in the offer.

The Australian Government is committing \$2.4 million over four years in the 2021-22 Budget for a range of process improvements to enhance the Scheme. This includes funding for improvement to Scheme forms and letters.

The Australian Government agrees outcome letters to survivors should include detail on a personal contact within the Scheme. However, including the Independent Decision Maker's name is not considered appropriate. The Australian Government is further considering the appropriateness of which name should be included, to meet the intent of the recommendation.

The Australian Government will progress this recommendation as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 3.11

The Australian Government amend the Assessment Framework to:

- a) remove the sole requirement for the existence of penetrative sexual abuse as the key indicator of severity of abuse and for the existence of extreme circumstances
- b) combine the separate payment for the impact of sexual abuse with the recognition payment for sexual abuse, recognising the impacts of child sexual abuse on the lives of every survivor
- c) avoid the use of the term 'penetrative' to acknowledge severe trauma is not exclusively penetrative, but is often equally severe and life-altering.

The Australian Government notes this recommendation.

Amending the assessment framework would constitute a fundamental change to the design of the Scheme and the basis on which institutions, including states and territories, have agreed to participate.

Progressing this recommendation requires amending the *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* and agreement by all jurisdictions via the Ministers' Board. The Australian Government will further consider this recommendation in consultation with state and territory governments.

Recommendation 3.12

The Australian Government amend key policy guidance, including the Internal Assessment Guide and the Assessment Framework Policy Guidelines, to:

- a) ensure clarity for independent decision makers in applying the Assessment Framework. This recommendation includes ensuring the Assessment Framework Policy Guidelines do not include any additional criteria which may, if applied, result in a higher threshold being required to be satisfied for a payment of extreme circumstances or limits the discretion of the independent decision maker
- b) provide clarity to independent decision makers about the weight of any guidance material provided by the Scheme in their making decisions under the Assessment Framework and ensure their discretion is not limited.

The Australian Government notes this recommendation.

The Australian Government supports action that will clearly articulate policy advice to support consistency of high quality decisions and the integrity of the Scheme.

The Australian Government is working to improve guidance and training for Independent Decision Makers and Scheme staff.

Amending the Assessment Framework Policy Guidelines would constitute a fundamental change to the design of the Scheme and the basis on which institutions have agreed to participate and may pose risks for Scheme integrity. The Australian Government will further consider this recommendation in consultation with state and territory governments.

Recommendation 3.13

The Australian Government make the Assessment Framework Policy Guidelines publicly available through removal of existing legislative protections to achieve greater transparency in decision-making and consistency with contemporary practices of other government schemes.

The Australian Government notes this recommendation.

The Assessment Framework Policy Guidelines are an important element of the Scheme’s design and operation, and support decision making based on a lower evidentiary threshold compared to criminal and civil proceedings. The Assessment Framework Policy Guidelines are not publicly available due to the risk of re-traumatising survivors because some descriptions may be viewed as being particularly explicit, and the potential risk to Scheme integrity.

The Australian Government will further consider this recommendation in consultation with state and territory governments.

The Australian Government is working to improve guidance and training for Independent Decision Makers to support consistency in decision-making. The Australian Government is considering ways to share more information with survivors about their redress determination to enhance transparency.

Recommendation 3.14

The Australian Government review the scope and content of the protected information provisions in the legislation, and have specific regard to the protection of information provided by applicants and the permitted use by the Scheme Operator and institutions of that information, including the appropriateness of protections provided to institutions.

The Australian Government **supports** this recommendation.

The Australian Government takes the protection of information provided by applicants very seriously and recognises the Scheme’s protected information provisions can be improved to ensure they are appropriately balanced, while meeting the objective of protecting sensitive information.

The Government has already implemented additional training on privacy and security of information to improve the handling of protected information after identifying the preparation of Requests for Information as a specific privacy risk stage in progressing an application. To mitigate this, the Scheme has established a new specialised Request for Information team to implement further refinements to quality control, increase training for staff and review staff support guidance materials. The staff selected for specialist roles in the new Request for Information team possess the desired skills, including attention to detail and strong analytical skills, to ensure accurate identification of institutions in historic settings and processing of requests for information.

Progressing this recommendation requires agreement by all jurisdictions, via the Ministers' Board. The Australian Government will further consider this recommendation, in consultation with state and territory governments, survivors, institutions and other Scheme stakeholders.

Recommendation 4.1

The Australian Government consider the inconsistent application and understanding of the prior payments provisions in the legislation, with specific reference to Stolen Generation payments and:

- a) amend the legislation relating to prior payments for related non-sexual abuse to achieve a fair and transparent outcome for applicants who have received a prior payment
- b) provide clear guidance and policy materials to the public and to independent decision makers on how the provisions are to operate, with a view to consistent application of the provisions.

The Australian Government **supports** this recommendation in principle.

Clearly articulated policy advice and guidance will support consistency of application of the Scheme's prior payments provisions. The Australian Government is working to improve guidance and training for Independent Decision Makers and Scheme staff.

Stolen Generation payments have been made by many states and territories.

Currently, where a Stolen Generation payment has been made that is not in recognition of sexual abuse or related non-sexual abuse, it is not considered a relevant prior payment and is therefore not deducted from a redress payment. The Australian Government already works closely with states and territories to understand the components of each Stolen Generation payment made by them and will continue to work closely with them to ensure prior Stolen Generation payments are not deducted from redress payments inappropriately.

Progressing element (a) of this recommendation requires legislative change and agreement by all jurisdictions, via the Ministers' Board. The Australian Government will further consider this recommendation, in consultation with state and territory governments, survivors, institutions and other Scheme stakeholders.

Recommendation 4.2

The Australian Government provide advance payments of \$10,000 to eligible survivors born before 1944, or 1964 for applicants that identified as Aboriginal and Torres Strait islander, and those with terminal illnesses.

The Scheme will adjust gross redress payments for these survivors by a corresponding amount.

The Australian Government **supports** this recommendation.

Advance payments would support elderly or terminally ill applicants to receive some early acknowledgment of the trauma they experienced as children. Given the nature of child sexual abuse, survivors may not come forward for some time and may be aged or ill when they apply to the Scheme.

The Australian Government proposes that the Scheme provide an advance payment of \$10,000 for applicants aged over 70, or over 55 for Aboriginal and Torres Strait Islander people, and those who are terminally ill, which is later deducted from the final redress payment, to meet this recommendation. Institutions would continue to pay for redress, however the Australian Government is willing to meet the cost of any advance payment where it was later determined the person was not entitled to the payment. There would be no additional financial impacts for state and territory governments or non-government institutions.

This recommendation requires legislative change and agreement by all jurisdictions via the Ministers' Board. The Australian Government is working with state and territory governments to implement this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 4.3

To acknowledge the impact of child sexual abuse, the Australian Government provide a minimum monetary redress payment of \$10,000, even where a relevant prior payment would otherwise have reduced the redress payment to a lesser amount.

The Australian Government notes this recommendation.

Establishing a minimum redress payment would constitute a significant change to the Scheme's design and the basis on which institutions have agreed to participate. Allowing applicants to receive a minimum payment of \$10,000 despite having received a previous monetary payment in recognition of the same abuse may create inequitable outcomes for survivors.

The Australian Government will further consider this recommendation, in consultation with states and territories, survivors, institutions and other Scheme stakeholders.

Recommendation 4.4

The Australian Government investigate the demand for payment by instalments and other flexible payment measures that support survivor interests, in consultation with survivors, their advocates and support services.

The Australian Government **supports** this recommendation.

As the redress payment can constitute a large sum of money, some survivors may wish to receive the payments in instalments to assist in managing their finances. This may be particularly important for vulnerable survivors who rely on others to help manage their finances. Implementing this recommendation will provide flexibility for survivors and will give survivors ownership and control over how they receive their payments.

The Australian Government is committing funding in the 2021-22 Budget to make changes to the Scheme's ICT platform to enable payments in instalments.

Progressing this recommendation requires legislative change and agreement by all jurisdictions via the Ministers' Board. The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 4.5

The Australian Government remove the indexation of relevant prior payments. In the case where the Australian Government determines the indexation of prior payments should remain, the Review recommends the calculation of indexing at the date of receipt of an application and not the date of offer. For reasons of equity, any change should be applied retrospectively to 1 July 2018.

The Australian Government notes this recommendation.

Indexation of prior payments was a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. Removing indexation in its entirety would constitute a significant change to the Scheme's design and the basis on which institutions have agreed to participate.

Changing the date of calculation of indexation would create a fairer outcome for applicants with prior payments. Due to the lengthy delays in some institutions joining the Scheme, and delays in application processing, some applicants are unfairly penalised by having additional indexation removed from their redress payments compared to applicants who receive their redress outcomes in a quicker timeframe. Changing the calculation date for indexation to date of application would ensure all prior payments are treated consistently.

Progressing this recommendation requires legislative change and agreement by all jurisdictions, via the Ministers' Board. The Australian Government will further consider this recommendation in consultation with state and territory governments.

Recommendation 4.6

The Australian Government undertake the following actions to improve the equity, scope and quality of counselling support:

- a) all survivors have lifelong access to trauma informed redress counselling.
- b) access to redress counselling should not be determined by the state or territory in which the abuse occurred or where the survivor resides.
- c) the Australian Government should work with state and territory governments to review the current support services and counselling models to ensure survivors receive seamless support.
- d) the Australian Government should work with state and territory governments to ensure that counselling services are culturally appropriate, including Aboriginal and Torres Strait Islander healing approaches, and meet the diversity of survivors' needs, such as to disability, gender, sexuality and language, consistent with the requirements of the national service standards.
- e) the national service standards should be amended to provide access to redress counselling for families of survivors.

The Australian Government **supports** this recommendation in principle.

The provision of trauma-informed counselling is an important element of redress under the Scheme. Improvements can be made to increase the equity, scope and quality of counselling support, and improve consistency across the country.

Progressing this recommendation requires agreement by all jurisdictions, via the Ministers' Board.

The Australian Government will further consider this recommendation, in consultation with state and territory governments, survivors, institutions and other Scheme stakeholders.

Recommendation 4.7

In order to increase the uptake and quality of direct personal response, the Australian Government work with state and territory governments together with survivors, nominees, advocates, support services, institutions and restorative engagement experts to co-design an improved direct personal response process. This work needs to consider:

- a) identifying and removing barriers (legislative or otherwise) to allow facilitation of a direct personal response by someone other than the survivor
- b) offering better support to survivors by providing for the appointment of dedicated liaison officers to individual survivors, where requested by the survivor
- c) the merits of professional facilitation of face-to-face direct personal responses, particularly where there is survivor feedback regarding the quality of the delivery
- d) the Inter-jurisdictional Committee taking responsibility for developing, implementing, monitoring and reporting on these changes
- e) developing a direct personal response action plan for implementation by 30 November 2021.

The Australian Government **supports** this recommendation in principle.

Direct Personal Response is an important but underutilised element of redress, and the Ministers' Board has identified it as a key priority for 2021. Improving the mechanisms available for survivors to access a Direct Personal Response will increase uptake and quality.

The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders.

Recommendation 5.1

The Australian Government review the process for redress internal review and amend the legislation to:

- a) allow for the provision of additional information with an internal review request
- b) ensure all reviews are to be without prejudice to the original determination (i.e. original payment determination cannot be reduced on review)
- c) publish and make easily accessible an approved mandatory template for review requests.

The Australian Government notes this recommendation.

The Australian Government acknowledges the benefits of allowing survivors to provide further information to support their application, and the greater procedural fairness this will provide survivors.

The Australian Government will ensure the existing form for applicants to request an internal review is easily accessible under element (c) of this recommendation.

Commitments to improve the Scheme's forms and other communications and provide more personalised engagement with applicants (see 3.5 and 3.6) will also assist in addressing these issues.

This recommendation requires legislative change and agreement by all jurisdictions, via the Ministers' Board. The Australian Government will further consider this recommendation, in consultation with states and territories, survivors, institutions and other Scheme stakeholders.

Recommendation 5.2

The Australian Government and state and territory governments consider and decide how to meet funder of last resort obligations in order to ensure that survivors receive their redress and are not subject to ongoing delays and uncertainty. Where an application names a responsible institution that is not participating in the Scheme and a determination would otherwise be suspended or delayed, governments should prioritise declaring themselves as the funder of last resort for:

- a) named institutions that are defunct and where no link to a parent or government institution can be found
- b) those named institutions that have been assessed to not possess the financial means to join the Scheme but are willing to do so.

The Australian Government **supports** this recommendation.

Currently, Funder of Last Resort arrangements are limited to defunct institutions where a government is equally responsible for the abuse. The Australian Government supports expanding Funder of Last Resort provisions to encompass defunct institutions where there is no equal government responsibility for abuse, and existing institutions that do not have the financial capacity to participate in the Scheme. This will increase access to redress, in line with the intent of the Scheme. This proposal does not cover existing institutions that have the capacity to join but choose not to.

This recommendation requires legislative change and agreement to share costs by all jurisdictions, via the Ministers' Board. The Australian Government is committing \$22.8 million over four years in the 2021-22 Budget for the Australian Government's portion of expanded Funder of Last Resort costs.

The Australian Government is working with state and territory governments to consider implementing this action as a priority, in consultation with survivors, institutions and other Scheme stakeholders, however note this requires approval from states and territories.

This is in addition to existing provisions where the Government has acted to ensure Fairbridge farm school applicants can receive Redress, by acting as the Funder of Last Resort with relevant states.

Recommendation 6.1

The Australian Government formalise the development and implementation of a trauma informed framework to inform all actions, policies and interactions within the Scheme. The Australian Government should then develop the framework with reference to the current clinical education on trauma informed guidelines and cultural sensitivity.

The Australian Government **supports** this recommendation.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.2

The Australian Government analyse the efficacy of existing staff mental health and wellbeing mechanisms against these trauma informed guidelines to ensure staff are supported and to reduce the risk of mental health issues and burnout.

The Australian Government **supports** this recommendation.

The Australian Government currently engages a number of external providers to support the mental health and wellbeing of staff working on the Scheme, including vicarious trauma training and access to confidential psychological support. Improving the mental health and wellbeing support offerings for staff, in line with trauma-informed principles, is a priority.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.3

The Australian Government finalise and regularly review and report on its annual Workforce Plan, Risk Management Plan, Mental Health and Wellbeing Plan and Business Plan to reflect clinically developed trauma informed principles and mitigate risks to staff and survivors.

The Australian Government **supports** this recommendation.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.4

The Australian Government review, co-develop and implement a clinically designed recruitment and selection process for all new staff to ensure staff are trauma aware and possess the capability and capacity to provide a trauma informed redress service to survivors.

The Australian Government **supports** this recommendation.

The Australian Government is continuously working to improve its operation of the Scheme and will work with experts to implement a clinically designed recruitment and selection process.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.5

The Australian Government mandate and regularly audit and report on the participation by all staff in a clinically designed and delivered training programs that include modules on trauma informed and culturally safe practices; work health, safety and wellbeing; privacy; and protected information. The efficacy of these measures should be monitored through survivor feedback mechanisms.

The Australian Government **supports** this recommendation.

The Australian Government has a comprehensive redress specific training package that new starters undertake. The suite of training and support material is continuously updated where improvements can be made, including in response to internal and external stakeholder feedback.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.6

The Australian Government implement reflective practices supervision training for all supervisors to improve staff support and the survivor experience.

The Australian Government **supports** this recommendation.

The Australian Government is continuously working to improve its operation of the Scheme and will consider ways to implement reflective practices supervision training.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.7

The Australian Government significantly increase its cap on Average Staffing Levels (ASL) in the Scheme based on workforce planning and scheme projections and not continue to rely on contract staff across the Redress Group. Provision should be included for appropriate skilled surge capacity to ensure timeliness is maintained.

The Australian Government notes this recommendation.

The Australian Government is considering current and future resourcing demands for the National Redress Scheme, with a focus on ensuring that an appropriate mix of experienced public servants and contractors are used to progress applications.

Recommendation 6.8

The Australian Government urgently assess whether the redress ICT system is fit for purpose: to support the effective management of the Scheme; provide survivors with timely and accurate information on their application; reduce the current manual workarounds and off-system processes; and improve quality checks. This independent assessment should also identify necessary priorities for upgrades. Thereafter, the Australian Government commit to investment to improve the redress ICT system.
--

The Australian Government **supports** this recommendation.

Improvements to the redress ICT system have been made iteratively since the Scheme started. The Australian Government is committing \$29.9 million over four years in the 2021-22 Budget to invest in an ICT system for the remaining seven years of the Scheme, and to reduce off-system workarounds, improve efficiency of application processing and support changes to Scheme design.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.9

The Australian Government develop an information management strategy including a Minimum Data Set to capture ‘whole of client data’ and key performance indicators that realign transactional outputs with trauma informed outcomes and enhance the functionality of the redress ICT system to support the additional data capture and reporting requirements.

The Australian Government **supports** this recommendation.

Improvements to the redress data holdings have been made iteratively since the Scheme started. This includes implementing Scheme Key Performance Indicators (known as the Strategic Success Measures), which are publicly reported twice a year, and publishing key Scheme data monthly on the National Redress Scheme website.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.10

The Australian Government develop the redress ICT system to ensure ‘whole of client data’ analytics and to enable real-time reporting and prioritisation of applications and allow projections for future Scheme operational requirements and the collection of specific disaggregated data that provides analysis of the socio-demographic characteristics of the survivor cohort. This systems redevelopment must include bringing off-system processes, which currently require ‘system work around’, into the redress ICT system.

The Australian Government **supports** this recommendation.

Improvements to the redress ICT system have been made iteratively since the Scheme started.

The Australian Government is committing \$29.9 million over four years in the 2021-22 Budget to invest in an ICT system for the remaining seven years of the Scheme, and to reduce off-system workarounds, improve efficiency of application processing and support changes to Scheme design.

The Australian Government will progress this recommendation as a priority.

Recommendation 6.11

The Australian Government commit to continue improvements in complaint management and reflect these in the Survivors' Service Improvement Charter. Improvements should include shortening institutional reporting obligation time frames on survivor feedback and complaints received from 12 to six months to allow greater opportunities to identify and address areas of concern in a timely manner.

The Australian Government **supports** this recommendation.

The Australian Government is continuously working to improve its operation of the Scheme and will continue to improve the existing Scheme complaint mechanisms.

The Australian Government will progress this recommendation as a priority.

Recommendation 7.1

In 2021–22 and 2022–23 financial years, the Australian Government improve communication and engagement by:

- a) funding a targeted communication strategy to build trust and increase awareness of the Scheme among survivors, including; specific strategies to reach vulnerable people; Aboriginal and Torres Strait Islander people; people with disability; and regional, remote, and culturally and linguistically diverse communities
- b) taking proactive steps to better communicate the availability of all support services, including access to free legal services, to survivors, nominees, advocates and institutions
- c) where appropriate, the Scheme funding support services that facilitate Aboriginal and Torres Strait Islander healing approaches and which meet the diversity of survivors' needs with regard to disability, gender, sexuality, culture and language.

The Australian Government **supports** this recommendation.

The Australian Government is committing \$4.1 million over four years in the 2021-22 Budget for targeted communication activities, including to improve awareness of the Scheme, increase engagement with support services and to increase access to redress amongst Aboriginal and Torres Strait Islander peoples, people with a disability, culturally and linguistically diverse populations and other vulnerable cohorts.

The Australian Government will progress this recommendation as a priority.

Recommendation 7.2

The Australian Government provide greater access to survivor support services and interventions including:

- a) additional funding to improve the quality, scope and geographic spread of appropriately skilled and relevant support services. This should include financial counselling.
- b) the commissioning of an external impact evaluation of all existing support services to ensure they are trauma informed and survivor focused.
- c) the funding of services that are able to provide tailored and targeted responses, including outreach, to vulnerable individuals and cohorts.

The Australian Government **supports** this recommendation.

The Australian Government continues to provide access to Redress Support Services to assist people throughout the application process, as well as independent legal and financial advice.

A targeted funding round is underway to ensure support services continue to provide the best available service offering across Australia, including tailored services where needed.

The Australian Government is committing \$150,000 in the 2021-22 Budget for an external review of Redress Support Services, which will inform longer-term improvements.

The Australian Government will progress this recommendation as a priority.