



Australian Government

The Australian Government response to the Final Report of the
Second Year Review of the National Redress Scheme

May 2023

Foreword

The National Redress Scheme for people who have experienced institutional child sexual abuse (the Scheme) is one of the many significant outcomes of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission). Development, implementation and oversight of the Scheme are responsibilities shared between the Australian and state and territory governments.

The Australian Government and state and territory governments are committed to upholding the Royal Commission's legacy, protecting Australia's children and ensuring survivors of historical institutional abuse can access redress for what they have endured. For those who experienced such abuse, the Scheme provides acknowledgement and recognition of the suffering they experienced, provides access to counselling services, a direct personal response and a redress payment. In doing so, it holds responsible institutions to account.

The Second Year Review of the National Redress Scheme (the Review) was undertaken by independent reviewer Ms Robyn Kruk AO, who heard from survivors, advocacy groups, support services, institutions and governments. The Review made 38 recommendations to increase access to redress and improve the Scheme's operation.

This final response to the Review outlines the Australian Government's actions and ongoing commitment to improving the Scheme for survivors. State and territory governments – as partners in the Scheme – share this commitment and have collaborated closely on the agreed approaches to relevant recommendations. Action has been progressively undertaken in response to Review recommendations, with approaches to the most complex recommendations settled with state and territory partners throughout 2022. References to all governments in the response mean the Australian government and all state and territory governments.

The Review has informed a range of measures that have now been embedded into the Scheme to support survivors. This includes implementing a Service Charter, more support services being made available across Australia, and the Australian and state and territory governments becoming funders of last resort in a range of circumstances where redress would otherwise not have been accessible.

The Australian Government and our state and territory partners are dedicated to progressing further improvements, including expanding eligibility so that more survivors can access redress, enhancing procedural and equity efforts, and further improving the survivor experience. The Australian Government will continue to implement the measures detailed in this final response, including progressing legislative changes where necessary, to ensure the Scheme is fulfilling a valuable and effective purpose for survivors of institutional child sexual abuse.

The Australian Government thanks Ms Kruk and all those who contributed their views on the Scheme. We especially thank survivors for their contributions, who are at the centre of our commitment to delivering an enhanced and accessible National Redress Scheme.

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.

An essential element of the Second Year Review has been consultation with Scheme stakeholders, especially survivors, their advocates and support services. All governments are committed to building on engagement to date through Survivor Roundtable and Redress Scheme Committee forums.

Formalising the advisory role of survivors and their advocates in the Inter-Governmental Agreement recognises and strengthens their voice in the Scheme's operation. The Inter-Governmental Agreement has been updated to address this recommendation, with updates agreed by all governments.

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 Service Charter was launched in September 2022. The Charter sets out the standards to be maintained in ensuring the Scheme operates in a safe, transparent and responsive way for survivors, and also outlines what survivors who apply to the Scheme can expect from the redress process.

The Service Charter was co-developed with survivors, Redress Support Services and advocacy groups, who were engaged through workshops, interviews and surveys. It was finalised in consultation with state and territory partners and other Scheme stakeholders.

The Charter is publicly available on the Scheme’s website, and a summary version, and Easy Read and translated versions will be made available. Scheme materials, such as the Inter-Governmental Agreement and training materials, have been updated to align Scheme operations with the Charter’s principles.

Referencing the Charter in the Scheme’s Inter-Governmental Agreement, as agreed by all governments, further embeds the Australian Government’s commitment to survivors and to continually improving the survivor experience with the Scheme.

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.
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The Australian Government supports a fairer approach to making an application to the Scheme being implemented in response to this recommendation.

The principle of a single application remains an important part of the Scheme’s design. However, the Australian Government considers that survivors should not be disadvantaged where an institution responsible for their abuse was not participating in the Scheme at the time their application was finalised.

To address this, all governments have agreed to make changes that will give survivors the option of having their finalised application reassessed, where an institution identified through their application later joins the Scheme or where a government later agrees to be the funder of last resort for the institution.

This approach recognises that some survivors have chosen to progress their application without all relevant institutions participating, which may have affected their redress outcome. Any redress payments adjusted through a reassessment will lead to the fairest outcome for survivors, regardless of when they applied to the Scheme.

This approach increases procedural fairness for survivors. It is more likely to affect applications finalised early in the Scheme when there were fewer institutions participating. Participation in the Scheme is at its greatest level, with over 600 institutions, covering over 71,000 sites, now participating and providing access to redress.

The Scheme will contact any affected applicants once a relevant institution is participating, and provide the survivor with the option to have their application reassessed. This will give survivors control over whether their application is opened for reassessing.

This measure will be implemented in parallel with the approach to recommendation 5.1, through which all governments intend to allow survivors to provide additional information when requesting a review of their redress outcome. This will allow all relevant information to be considered in making a determination, including additional information that may not have been available when an applicant submitted their application.

The Australian Government will progress the legislative amendments required to implement the approaches to recommendations 3.1 and 5.1.

The Scheme has also enhanced contact with survivors to best support them throughout the redress process, as detailed under recommendation 3.5. Survivors are encouraged to access free and confidential support from Redress Support Services to assist them throughout the application process, which includes practical and emotional support, legal advice, and financial counselling.

Recommendation 3.2

<p>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:</p>
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| <ul style="list-style-type: none">a) non-citizensb) non-permanent residentsc) prisonersd) those with serious criminal convictionse) care leavers if they were abused in care over the age of 18 and under the age of 21 prior to 1 November 1974 |
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The Australian Government supports expanding eligibility to increase access to redress.

In relation to elements (a) and (b) of this recommendation, all governments have agreed to make changes that will enable former child migrants who are not Australian citizens or permanent residents to be eligible for redress.

Some former child migrants who were abused in Australian institutions may not have ever gained, or not maintained, Australian citizenship or permanent residency status, meaning they do not currently meet the Scheme's eligibility criteria. Once implemented, this change will enable access to redress for these survivors who experienced institutional child sexual abuse in Australia and hold the relevant institutions to account.

Former child migrants are a group of survivors known to be currently affected by the citizenship and residency criteria. All governments have agreed to consider other non-citizen and non-permanent resident groups in relation to this recommendation.

In relation to element (c), all governments have agreed to make changes that will remove the restriction on people in gaol applying to the Scheme. Currently, Scheme legislation prevents prisoners from applying to the Scheme, unless the Scheme Operator determines exceptional circumstances apply.

This change will give prisoners the choice to apply for redress while in gaol or wait to apply upon release from gaol, making the Scheme more trauma informed and survivor focussed.

The Australian Government is working with state and territory partners to ensure that people in gaol are adequately supported in applying to the Scheme and to ensure appropriate survivor privacy and safety.

In relation to element (d), all governments have agreed to make changes that will refine the special assessment process for determining eligibility for applicants with serious criminal convictions, making the Scheme more trauma informed and efficient.

The Australian Government considers that the existing special assessment process for people with serious criminal convictions should be adjusted rather than removed entirely, to ensure public confidence in the Scheme is maintained. However, better targeting would see fewer survivors undergo the special assessment process before a decision on their eligibility for redress is made, which is currently leading to unnecessary delays in survivors accessing their redress outcome.

Once implemented, only people with certain types of particularly serious offences (such as homicide and sexual offences) or where there may be a risk to the integrity of the Scheme in allowing access to redress will go through the special assessment process.

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

In relation to element (e), the Australian Government acknowledges that prior to age of majority laws changing at various points in time across Australia, some survivors were required to remain in care between the ages of 18 and 21, and may have been abused during that period. Expanding eligibility for the Scheme to those aged 18 years of age and above could not be implemented consistently for survivors across Australia, given different circumstances, timeframes and laws in each jurisdiction. The Australian Government and state and territory partners are mindful of not creating inequities between survivors through the Scheme, meaning the age related eligibility will not be changed.

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.

External expertise assisted in reviewing relevant guidance in relation to child sexual abuse in medical settings. Internal Scheme guidance material has been updated to provide further clarity and context for Independent Decision Makers to assist them in determining whether a clinical procedure could be considered sexual abuse within the scope of the Scheme.

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 does not support changes to the legislative framework concerning the Scheme's standard of proof.

The Australian Government fully supports the 'reasonable likelihood' standard of proof as an important part in the Scheme being a viable alternative to civil litigation for survivors.

Reasonable likelihood goes to whether a person is eligible to access redress under the Scheme. The types of abuse considered in scope for the Scheme are clearly defined in the Scheme's legislation, and adding additional standard of proof decision points is not required. All governments have agreed this position.

Internal Scheme guidance material and training for staff and Independent Decision Makers will continue to support consistent understanding and operation of relevant decision-making thresholds and processes.

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.

Informed by consultation and feedback, action has been taken to enhance engagement with survivors and improve their experience with the Scheme. Ongoing initiatives include more frequent and meaningful communication with survivors, particularly at the points of entry to and exit from the Scheme, and through regular updates while their application is processed. First Nations applicants can also request a culturally appropriate single point of contact in the Scheme, to assist throughout the application process.

Training of Scheme staff is being continually updated and refined to reflect the latest improvements made to the Scheme and to support optimal survivor engagement. The Scheme has improved cultural awareness training in order to embed this within all Scheme interactions.

Implementation of the Service Charter and the Scheme's Trauma Informed Framework and other enhanced processes in response to the Review are further improving the survivor experience with the Scheme, and informing survivors, their advocates and support services about expectations of Scheme processing and contact.

As outlined at recommendation 3.7, survivors also continue to have access to free, confidential, practical and emotional support through Redress Support Services across Australia.

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.

Consultation and co-design processes with survivors and support services have informed enhanced processes across the Scheme, as noted for recommendation 3.5, and have also led to significant enhancements and simplifications to Scheme hardcopy and online forms.

Updates to the application form include design and language changes to make it easier to understand and use, and are being rolled out later this year following appropriate user testing and systems changes.

In September 2021, following agreement by all governments, the Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2021* which removed the requirement for a witnessed statutory declaration to be provided as part of a person's application for redress. This requirement had proven onerous and concerning for applicants, and risked some survivors not coming forward to access redress. Following the removal of the statutory declaration the Scheme has had a significant increase in the number of applications received on an ongoing basis.

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.
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The Australian Government supports this recommendation.

The Australian Government has expanded the network of Redress Support Services from 1 July 2022, including 15 new Redress Support Services covering more areas of Australia and bringing the total number to 45. This includes 12 First Nations specific organisations, providing improved services for First Nations Australians, as well as services supporting people with disability, and culturally and linguistically diverse communities. This increases survivors' access to free, confidential, practical and emotional support in regard to the Scheme.

The Australian Government also funds knowmore Legal Services to deliver dedicated legal support and financial counselling services for redress applicants.

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.

Consideration of alternative mechanisms to access the Scheme was informed by consultation with Scheme stakeholders in 2022, which sought information on mechanisms that would increase access to the Scheme for underrepresented groups, including the ability to rely on evidence given in other forums or non-written applications.

The Australian Government is continuing to look for opportunities to apply the findings to best support survivors to engage with and apply for redress in a trauma informed way.

Any further changes will be supported through enhanced guidance to accompany the updated application form, aiming to make the process of seeking redress as straightforward as possible. They will also be supported by targeted communications activities and build on recent increased support for prisoners, the culturally appropriate single point of contact for First Nations applicants and other survivor engagement improvements.

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.

A Chief Independent Decision Maker panel was established in March 2022, which provides support and leadership to Independent Decision Makers, including:

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

The Scheme has also created a de-identified case database which is a resource available for all Independent Decision Makers, and which is particularly useful to support those newer to the role.

The Scheme is reviewing and updating internal guidance and training provided to Independent Decision Makers. This is part of continual improvement efforts and supports consistent and high quality decision-making.

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.

Consultation with survivors and support services has led to significant enhancements and simplifications to Scheme forms and letters. This includes providing a greater level of detail about the reasons for a decision, to help support better understanding of the basis for decisions for survivors, advocates and institutions.

The name of a senior official within the National Redress Scheme is now included on all correspondence from the Scheme.

Recommendation 3.11

The Australian Government amend the Assessment Framework to:
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| <ul style="list-style-type: none">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. |
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The Australian Government supports this recommendation in part.

All governments support element (b) of this recommendation and intend to update the Assessment Framework to combine the impact of sexual abuse payment with the recognition for sexual abuse payments.

Currently, a survivor who is found to be entitled to the recognition payment is also entitled to the impact payment if their application indicates the sexual abuse has affected their wellbeing. Combining the separate payments will simplify the assessment process for survivors and ensure survivors are aware that all redress outcomes will expressly recognise the impact of the abuse they experienced.

The Australian Government will progress required legislative framework amendments to implement this measure.

The Australian Government does not support the other elements of this recommendation. All governments have agreed this position. Making broad changes to the Assessment Framework at this point in the Scheme would constitute a fundamental change to the Scheme's design and operation, risking the viability of institutional participation which is essential for survivors being able to access redress. Such major changes would also introduce complex issues of equity and re-traumatisation risks, noting the Scheme has issued over 12,000 outcomes to redress applicants.

Recommendation 3.12

The Australian Government amend key policy guidance, including the Internal Assessment Guide and the Assessment Framework Policy Guidelines, to:
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| <ul style="list-style-type: none">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. |
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The Australian Government does not support this recommendation.

Amending the Assessment Framework Policy Guidelines and guidance would constitute a fundamental change to the design of the Scheme. As noted for recommendation 3.11, all governments agree that making broad changes relating to Scheme decision making risks the viability of institutional participation and access to redress, and introducing inequity between survivors.

Independent Decision Makers continue to apply the legislated Assessment Framework in assessing each application and can use the Policy Guidelines to assist them in exercising their judgement.

The Assessment Framework and Policy Guidelines support decision making based on a lower evidentiary threshold compared with criminal and civil proceedings. This is an important design feature of the Scheme to ensure it provides survivors with a viable alternative option to undertaking criminal and civil proceedings.

Changes in response to other recommendations, including enhancing internal policy guidance and training and establishing a Chief Independent Decision Maker panel, are further supporting consistent and high quality decisions.

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.
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The Australian Government does not support this recommendation.

The Assessment Framework Policy Guidelines support decision making based on a lower evidentiary threshold compared with criminal and civil proceedings. They are not publicly available due to the risk of re-traumatising survivors because of the necessarily descriptive content aimed at the Independent Decision Maker audience and due to the potential risk to Scheme integrity. All governments have agreed this position.

Publicly available information for survivors who are thinking of applying to the Scheme is being reviewed and updated to provide further guidance that is easy to understand. Enhanced training and guidance is also in progress for Independent Decision Makers to support consistent and high quality decisions.

Survivors continue to have access to support services when applying to the Scheme. Improvements have also been made to engagement with survivors during the application process and to outcome letters so that they include greater detail on the reasons for a decision.

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.

Ensuring the protection of an applicant’s information remains a critical priority for the Scheme, and all staff are trained in safeguarding information practices.

Based on feedback to the Scheme, there are circumstances where it may be beneficial to an applicant to disclose protected information, in particular protected information about an institution.

All governments support progressing survivor focused changes that would enable disclosure of protected information, including to improve transparency regarding an institution’s participation status and to support engagement and on boarding of institutions, and to a relevant public trustee to facilitate a redress payment being made.

The proposed amendments balance the ongoing protection of an applicant’s information while authorising the use and disclosure of information where there is a genuine and justified need.

The Australian Government will progress required amendments to the legislative framework to implement these measures.

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:

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| <ul style="list-style-type: none">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. |
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The Australian Government supports this recommendation in part.

The treatment of Stolen Generation payments is already covered under the existing prior payment provisions in the Scheme’s legislation, and amendments are not required.

The Scheme has worked together with state and territory partners to ensure only relevant prior payments are considered for the Scheme. In addition, enhanced guidance has been provided for Independent Decision Makers on consideration of relevant prior payments.

In addition, receiving a payment under the National Redress Scheme does not limit a person’s ability to receive a payment under the Territories Stolen Generations Redress Scheme, and vice versa.

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.

In September 2021, following agreement by all governments, the Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2021*, which established advance redress payments of \$10,000 to be paid to elderly and terminally ill applicants. As at 10 February 2023, 1,768 advance payments have been offered and 1,351 payments made.

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 does not support this recommendation.

The *National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018* outlines the monetary payment that a person may receive under the Scheme. While the minimum amount a person could receive under the Framework is \$5,000, in practice all applicants who have been found entitled to receive a recognition of sexual abuse payment have also been entitled to receive the recognition of impact of sexual abuse payment, which together come to a minimum redress payment of \$10,000. In response to recommendation 3.11, the Australian Government intends to combine these two payments, ensuring all redress outcomes will expressly recognise the impact of the abuse that a person experienced.

Under the Scheme's legislation, relevant prior payments made to an applicant by or on behalf of the responsible institution are taken into account when calculating the final redress payment. This approach is in line with the recommendations of the Royal Commission (recommendation 25) and the Joint Select Committee on oversight of the implementation of redress related recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (recommendation 16).

Introducing a minimum payment, regardless of whether a person has already received a prior payment from the relevant institution, would introduce inequity between survivors, and between participating institutions. All governments have agreed this position.

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.

In September 2021, following agreement by all governments, the Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse Amendment Act 2021* which allowed for redress payments to be paid in instalments.

As at 10 February 2023, 81 applicants have taken up this option and requested their redress payment be paid by instalment. Applicants can also access free financial counselling through knowmore to assist in making decisions around their redress payment.

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 supports this recommendation in part.

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

This change results in a fairer outcome for all applicants, as they are not affected by the duration required to finalise an application.

The Australian Government does not support removal of indexation in its entirety. The adjustment of prior payments to account for indexation was a recommendation of the Royal Commission. The change to the date indexation is calculated addresses the equity and consistency concern for redress payments to applicants and does not create inequities between participating institutions. The Ministers' Redress Scheme Governance Board considered these issues and reached this position.

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.

Access to trauma informed counselling that meets the needs of survivors is an important element of redress. State and territory governments provide access to Counselling and Psychological Care (counselling) under the Scheme.

All governments are committed to ensuring applicants can access the support available to them, no matter where the abuse occurred or where the survivor resides. For states and territories that provide counselling services, survivors can access a minimum of 20 hours counselling over the course of their lifetime, consistent with the requirements of the national service standards. This does not mean unlimited or continuous access to counselling over a person's lifetime.

The Australian Government has worked closely with state and territory partners to improve uptake and the equity, scope and quality of counselling support. All governments have worked together to identify and address barriers to the uptake of counselling, including by informing applicants about the availability and benefits of counselling support and working with Redress Support Services to ensure survivors receive information and seamless support to access counselling services.

The Australian Government has worked with state and territory partners to ensure greater flexibility is offered to survivors in accessing a broader range of alternative and culturally appropriate, trauma informed therapies and healing programs, consistent with the requirements of the national service standards.

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.

Access to a Direct Personal Response (DPR) is a significant and important element of redress. Extensive consultations has been undertaken with state and territory partners, participating non-government institutions, Redress Support Services and survivor advocacy groups to help inform improvements to the DPR process.

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

- improving information and support available for survivors;
- enhancing DPR training, education and information resources for institutions, Redress Support Services and professional facilitators, including with the expertise of a restorative engagement specialist; and
- strengthening the DPR evidence base and reporting.

Recommendation 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 supports this recommendation.

All governments have agreed to make changes to allow applicants to provide additional information with a request for review of their redress offer. This will ensure review decisions can be made based on all relevant and available information. It supports procedural fairness and particularly assists those applicants who may have had difficulty in completing their application.

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

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

A request for review form has been implemented, which is provided to applicants with their redress decision and is also available on the National Redress Scheme website.

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.

In November 2021, following agreement by all governments, the Parliament passed the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (Funders of Last Resort and Other Measures) Act 2021*, which extended the Scheme's funder of last resort arrangements.

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

Through governments agreeing to be the funder of last resort for relevant institutions, survivor access to redress has increased. As at 10 February 2023, 95 individual institutions have been declared under expanded funder of last resort arrangements.

These arrangements do not apply to institutions that have the capacity to join the Scheme but choose not to.

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.

A Trauma Informed Framework has been developed and is being applied across the entirety of the Scheme's operations, including training, recruitment and communications. It will embed what it means to work in a trauma informed way, including in interactions with survivors and others stakeholders, managing staff wellbeing, and for the internal operations of the Scheme.

The Trauma Informed Framework was developed with an external provider with specific expertise in this area.

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 wellbeing of staff is of the utmost importance in delivery of the Scheme, and the sensitivities and complexities it involves. A number of measures have been implemented, including contracting a dedicated wellbeing provider to support work health and safety obligations and the psychological wellbeing of Scheme staff, as well as regular staff communications focussed on maintaining and improving wellbeing.

The Scheme has also developed a periodic wellbeing pulse survey to track staff wellbeing and to inform support efforts. Staff have positively engaged with these wellbeing actions.

The Scheme Wellbeing Framework has been updated to incorporate these measures (see recommendation 6.3).

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.

These documents support the operation and integrity of the Scheme, and help its staff best serve survivors. This work has been informed by other recommendations, such as the development of the Trauma Informed Framework.

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 Scheme has established a dedicated recruitment function to better manage workforce and recruitment needs and is continuing to mature its selection processes, including through development of a Redress recruitment guide. Further improvements will be developed as required to support recruitment of high quality and suitable staff.

The Trauma Informed Framework developed in response to recommendation 6.1, and a Workforce Plan in response to recommendation 6.3, further embeds trauma informed practices in the Scheme, including informing recruitment and workforce processes.

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.

A Learning Framework has been developed to support the key principles of this recommendation. Relevant training covers trauma informed principles; culturally safe practices; wellbeing; work health and safety; protected information; and privacy. The Scheme is monitoring training attendance on a quarterly basis to ensure appropriate participation.

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 Scheme is committed to supporting staff wellbeing, including to support survivors through the redress process. The Scheme engaged a specialised trainer to support the design, development and delivery of reflective practice supervisor training and regularly delivers this in courses tailored to redress staff.

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 supports this recommendation.

Recruitment and retention of suitable staff is an ongoing challenge in administering the Scheme. The Scheme is engaging and retaining capable staff to support the operation of the Scheme, and additional ASL have been engaged throughout 2022 including in regional locations. The Scheme is also trialling better ways to build flexibility within its workforce to support surge capacity within the Scheme.

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.

The Scheme engaged an independent assessor to review its ICT system and is using the findings to further target investment, with the aim of supporting improved application processing. The Scheme is working closely with Services Australia to deliver planned system enhancements.

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.

The Scheme engaged an external provider for data expertise to help develop the Redress Data Strategy 2022-2028. The strategy ensures data governance, processes and outputs are appropriately captured, and ultimately supports improvements to the functioning of the Scheme, including application processing.

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.

Substantial improvements have been made to the Scheme’s data holdings. The Scheme is working closely with Services Australia to design and progressively roll out further enhancements in line with this recommendation.

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 Scheme’s complaint management arrangements have been improved, including implementing an improved Complaints Management Framework to ensure complaints are handled fairly, efficiently and effectively.

The Complaints Management Framework will also enable insights from complaints and feedback to drive continuous improvement efforts and will align with the Service Charter and Trauma Informed Framework.

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.

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

The Australian Government funds specialist Redress Support Services to meet the diversity of survivors’ needs. This includes 12 First Nations specific organisations providing support to and working with First Nations peoples. There are also services focusing on supporting people with disability, people from culturally and linguistically diverse backgrounds and young people.

These activities build on other actions to improve awareness of support services for survivors. In addition, Redress Member Service (myGov) and website messaging about Support Services continues to be improved.

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.

As outlined at Recommendation 3.7, the Australian Government has increased access to Redress Support Services by expanding coverage to more areas of Australia, and is providing improved services for survivors. A Scheme specific Financial Counselling service has also been established and is delivering support to applicants. This service has been very well received during its first year, with information provided to 763 clients and 66 training sessions conducted with Redress Support Services, Community Legal Services, other support services and financial counsellors.

As outlined for recommendation 7.1, 12 First Nations specific organisations are providing support to First Nations peoples, and other services are providing support to people with disability, people from culturally and linguistically diverse backgrounds and young people.

The Scheme commissioned an external independent evaluation of the service delivery practices of Redress Support Services to ensure they are trauma informed, culturally safe and survivor focussed. This has informed the development of the Redress Support Services Maturity Framework (the Framework) to help better understand the current and target maturity of a service's practice in delivering trauma informed, culturally safe, survivor centred care. The Framework will be used to guide best practice and be included in training and education for Redress Support Services staff.

In addition, the development of an evaluation strategy will inform key performance indicators and data collection requirements, and inform a future impact evaluation of Redress Support Services.