

National Redress Scheme Survivor Roundtable Overview and Outcomes

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Background

The National Redress Scheme Survivor Roundtable (the Roundtable) provides survivors of institutional child sexual abuse, supported by their advocates, an opportunity to advise on performance and operational issues affecting the survivor's journey with the National Redress Scheme (the Scheme). Six survivor-focused roundtables have been convened since the commencement of the Scheme.

The most recent National Redress Scheme Survivor Roundtable was hosted by the Minister for Social Services, the Hon Amanda Rishworth, MP, in Perth, Western Australia, on Wednesday 6 March 2024. There were 76 attendees including 36 survivors and their support people, officials from the Department of Social Services (the department), and WA Department of Justice and ministerial staff.

The Roundtable provided attendees an opportunity to share ideas about how the Scheme can be made more accessible and how awareness can be raised among those survivors yet to apply for redress. The Perth Roundtable also sought to hear survivors' perspectives on their engagement with other agencies and departments, including since the completion of their redress journey for those who had finalised their dealings with the Scheme. It also gave survivors an opportunity to talk about their experience and ideas on how survivors can be better supported after their redress journey ends.

Overview of the event

The event was facilitated by Ms Kerry Arabena. Professor Len Collard, a Whadjuk Nyungar Traditional Owner of the Perth Metropolitan area, delivered the Welcome to Country, followed by a moment's silence in recognition of those survivors who have passed.

The Minister for Social Services, the Hon Amanda Rishworth MP, spoke about the Australian Government's commitment to providing the best support possible for survivors who have been through the redress process, and for those who will seek redress in the future. The Minister:

- acknowledged the Roundtable is an important mechanism for Government to hear from survivors with direct experience of the Scheme, to support its continuous improvement and achievement of the best outcomes for survivors
- noted that the Scheme, in its second half, is moving from a focus on establishing and fine-tuning its functions, to a firmer focus on responding to the needs, experiences and ideas of survivors
- spoke about the achievements and improvements to the Scheme to date, made possible through meaningful consultation and co-design with survivors and support services, while also emphasising the need for further work to help shape the Scheme's future.

The WA Minister for Early Childhood Education, Child Protection, Prevention of Family and Domestic Violence, Community Services, the Hon Sabine Winton spoke about the WA government's commitment to redress and acknowledged that, while people may be concerned that things cannot change, often they can and do. The Minister noted that, while redress is important, so is listening to survivors who understandably often have strong views about not wanting future generations to experience what they experienced when they were children.

A number of attendees shared their experiences and asked questions of both Ministers during the course of these addresses. There was a particular focus on issues relating to current delivery of government services, such as child protection and the acknowledgement of particular groups of survivors such as Forgotten Australians and the Stolen Generation. Attendees participated in table discussions on the two key topics from this Roundtable – accessibility and Scheme awareness; and the needs of survivors after their redress journey.

Discussion sessions

Discussion centred around how survivors became aware of the Scheme, their experience of the application process, and barriers which may be impacting other survivors becoming aware of and accessing the Scheme. Further discussion focussed on survivors' experiences and needs after receiving their redress outcome. Many attendees also chose to share and discuss their individual stories and experiences.

The discussions indicated attendees believe the Scheme could focus more effort on:

- awareness-raising through non-print and non-digital communication methods
- greater investment in Redress Support Services and knowmore, given they are trusted and play a wide-reaching role, from awareness raising to application support and support after the redress outcome
- improved timeliness and transparency from the Scheme throughout the application process
- leveraging relationships with State/Territory governments to facilitate better – faster and if possible, more complete - access to records for survivors
- building greater awareness of knowmore's free financial counselling service
- encouraging State/Territory governments to review their counselling and psychological care (CPC) offerings, in particular when and for how long CPC is available to survivors
- working with other agencies, for example Department of Health and Ageing, to consider broader access to counselling services for survivors of child sexual abuse, potentially through programs outside of redress
- continuing work underway with Services Australia to ensure consistent information is provided to redress applicants when interacting with Services Australia regarding pensions, payments and aged care
- raising survivor concerns with other relevant Government departments (other Commonwealth and State and Territory governments), in particular in relation to current child protection systems and initiatives.

Questions and answers

Following the table discussions, there was an opportunity for participants to ask questions of the department's senior executives. The questions and answers relevant to all attendees are included below, and some have also been published on the [Scheme website](#). Questions relevant only to individual attendees have been responded to directly.

1. Why does the Scheme require applicants to give up their common law rights to civil action?

The *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the redress Act) states that an applicant who accepts a redress offer will be required to sign a document which releases any institutions found responsible for abuse in an application. The practical effect of the relevant sections of the Redress Act is that an applicant cannot be paid twice in respect of abuse perpetrated by the same institution.

If an applicant has already received a civil settlement from an institution and then also applies for redress, the monetary sum of the civil settlement will likely be considered a relevant prior payment. If that applicant receives an offer of redress, any monetary amount would be reduced by the civil sum.

2. If you have received an advance payment of redress but decide to pursue a civil claim instead, do you have to pay back the advance payment?

An applicant will have to repay the advance payment amount if they withdraw their application, or they decline the offer of redress they receive from the Scheme.

3. Will the Scheme end in 2028 as scheduled?

Yes, and applications are able to be submitted until 30 June 2027.

4. Why isn't the full statement of reasons provided?

Since 2 April 2024, Independent Decision Makers are using a new statement of reasons template and applicants will, by default, receive a full, redacted statement of reasons.

Prior to 2 April 2024, an applicant could request their full statement of reasons by lodging a written administrative release request.

5. How can we stay better connected with the National Redress Scheme?

One of the best ways to stay in touch with the Scheme is to subscribe for monthly updates. You can do this at: [Australian Government \(list-manage.com\)](https://list-manage.com)

Survivors and other interested people are also encouraged to regularly visit the Scheme's website [Home | National Redress Scheme](#) for the most up to date information on the Scheme.

6. What is the penalty for non-compliant institutions, including if it's not a charity?

Institutions named in an application that fail to join the Scheme within six months of first contact by the Scheme may be subject to consequences. These consequences include:

- Public naming by the Scheme Operator as having failed to join the Scheme
- Associated reputational damage
- Loss of future access to Commonwealth and state or territory grant funding

- Loss of charitable tax status, if applicable

7. What happens if an institution named in an application is not a participating institution?

When an institution is named in an application for the first time, its ability to participate and meet its obligations is assessed through a research, outreach and onboarding process undertaken by the Scheme. The Scheme contacts the institution to advise that it has been named in an application and then the Scheme works with the institution to commence the onboarding process if they agree to join the Scheme.

Where an institution has been named in an application and is assessed by the Scheme as being unable to join, the institution may progress to a Funder of Last Resort arrangement with the relevant state or territory government. These provisions apply where an institution no longer exists or does exist but lacks the financial resources to participate fully in the Scheme.

8. How many people are accessing their DPR?

Around 200 people per year are accessing their Direct Personal Response. Applicants who receive an offer of redress and accept the DPR component can commence their DPR at any time prior to the end of the Scheme.

This number is less than the number of applicants who indicate that they would like a DPR as part of their redress offer.

The Scheme supports applicants to commence and engage with their DPR through the Scheme's [DPR Information and Support Service](#) or through Redress Support Services.

9. How are Independent Decision Makers (IDMs) selected?

IDMs are recruited through various methods, including a nomination by state and territory governments. A panel comprised of Department of Social Services (DSS) senior executives selects IDMs based on specific selection criteria, and individuals are screened for suitability. As Scheme partners, state and territory governments must also agree to the appointment of IDMs. The Scheme Operator then makes a determination on whether to engage an IDM under subsection 185(1) of the National Redress Scheme for Institutional Child Sexual Abuse Act 2018.

10. What training do IDMs receive?

The Scheme provides intensive induction training to IDMs and ongoing support is delivered through policy guidance, on the job learning and training sessions. IDMs also attend additional training sessions and attend workshops throughout the course of their engagement. The Scheme has also established a panel of Chief IDMs who support all IDMs with education and advice, to foster consistent and high-quality decision making.

11. How are Redress Support Services (RSS) selected and trained?

RSS play a critical role in providing practical and emotional support for people who have experienced institutional child sexual abuse and who wish to apply for redress through the Scheme.

In September 2021, DSS conducted an open competitive selection process (grant opportunity) to deliver services from 1 July 2022 to 30 June 2024. These grants have recently been extended for a further three years.

RSS workers receive training from the Scheme in addition to their professional qualifications in fields such as counselling and social work. Each RSS is required to demonstrate that they have a program of ongoing professional development, training and wellbeing supports for their redress staff, with updates on these activities provided to the Scheme annually.

The department also funds knowmore Legal Services additionally to help RSS build their capacity and understanding of the Scheme.

12. Why does each state offer different counselling services?

The provision of trauma-informed counselling is an important element of the Redress Scheme. All applicants who receive an offer of redress under the Scheme are provided with access to counselling and psychological care if they accept this component of redress.

The counselling and psychological care (CPC) component of a redress offer is delivered by the relevant state or territory government. The delivery of these services arrangements is a matter for each government, however they must meet the minimum standards set out in the Inter-Governmental Agreement. Several jurisdictions have recently revised their CPC offering in an endeavour to provide CPC that meets the diverse needs of survivors of institutional child sexual abused.

Details of the counselling and psychological care arrangements in each jurisdiction can be found on the Scheme's website at [Counselling arrangements in your State or territory | National Redress Scheme](#)

13. Cross jurisdictional issues are causing barriers for people who reside outside the states or territories in which they were abused. What is being done to streamline this process?

States and territories have arrangements in place for people to access counselling and psychological care (CPC) where an application relates to abuse that occurred in another jurisdiction.

Affected applicants who have accepted an offer of counselling and psychological care and have queries should contact the relevant area of the state or territory government directly. Details are on the Scheme's website at [Counselling arrangements in your State or territory | National Redress Scheme](#). People who have accepted an offer of CPC in Western Australia (WA) should contact the WA Redress Co-ordination Unit at the Office of the Commissioner for Victims of Crime for assistance.

14. Why is there a \$10.2 million tender for counselling services for non-offending paedophile family and friends, when there are so many survivor victims, family and friends that would access counselling if it was available for them?

The First Commonwealth Action Plan and First National Action Plan under the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030* (National Strategy) contain a combined 62 measures to prevent and improve responses to child sexual abuse in Australia. These measures were developed in 2018-2021 in close collaboration with stakeholders, including victims and survivors of child sexual abuse, and focus on initiatives to support primary and secondary victims and survivors, as well as initiatives to address offending prevention. In addition to existing investment by the states and territories for victim support services, under the National Strategy the Government has committed \$40.6 million between 2021-22 and 2024-25 for programs to support primary victims and survivors of child sexual abuse. As part of this, the Government is working to establish a national information and referral service to assist victims and survivors of child sexual abuse, as well as family members and others seeking help and information, to navigate the service system and access information and resources. Other support for primary victims and survivors under the National Strategy includes:

- expansion of funding for free national and trauma-informed legal advice services for victims and survivors of child sexual in both institutional and non institutional settings, and
- establishment of an online chat service to deliver free legal information, advice and referrals to children and young people experiencing or at risk of harm, including sexual abuse.

In line with the National Strategy's multi-faceted approach to addressing child sexual abuse-related harms, the Government is designing and delivering a non-offending family member support service (The Service). The Service will provide therapeutic, peer, emotional, and psychoeducational support to non-offending family members and friends of child sexual abuse perpetrators.

15. Why does the Closing the Gap Implementation Plan not make specific reference to gaps for Stolen Generations?

The National Agreement on Closing the Gap was agreed in 2020 between all Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks) to enable Aboriginal and Torres Strait Islander people and governments to overcome the inequality experienced by Aboriginal and Torres Strait Islander people, and achieve life outcomes equal to all Australians.

The Commonwealth Implementation Plan outlines the Commonwealth's commitments to meet the Priority Reforms and Socio-Economic Outcomes outlined in the National Agreement. While the Implementation Plan does not make specific reference to the gaps experienced by Stolen Generations survivors, the Plan is intended to address gaps for all First Nations Australians. One of the key Commonwealth actions in the first Commonwealth Implementation Plan under the National Agreement was the establishment of the Territories Stolen Generations Redress Scheme, a financial and wellbeing scheme for Stolen Generations survivors who were removed from their families or communities while living in the Northern Territory, the Australian Capital Territory or the Jervis Bay Territory. This Scheme commenced on 1 March 2022 and will close on 30 June 2026. In addition to the actions outlined in the Implementation Plans, the Commonwealth continues to invest in programs that provide practical support to the Stolen Generations and their families through family tracing and reunion support services and Social Emotional Wellbeing Support Services. The Commonwealth also funds The Healing Foundation, a member organisation of the Coalition of Peaks, to continue its work to support Aboriginal and Torres

Strait Islander people with their healing and the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Family History Unit to continue its work to help Aboriginal and Torres Strait Islander people looking for information about their families by providing family history research assistance, access to information, skills and knowledge.

16. Why are Forgotten Australians still being forgotten in the discourse and falling through the cracks? Very few of us are Stolen Generations, we are mainly white Forgotten Australians and now need to be remembered Australians.

Survivors of institutional child sexual abuse are a diverse group and many of them also identify as members of particular cohorts such as Forgotten Australians. The Scheme makes every endeavour to ensure its processes are suitable and accessible for all the people who need to access it.

17. What is being done to bring perpetrators to justice for the harms they have caused?

The National Redress Scheme does not have a role in bringing perpetrators to justice in a criminal sense. Making an application to the Scheme, or accepting an offer of redress, does not impact or limit a survivor's ability to commence criminal proceedings against a perpetrator of abuse.

18. Why is funding for Redress Support Services not increasing, which effectively caps the number of applications any service can support?

The 2023-24 Budget announced funding of \$80.1 million for redress support services to the end of the 2026-27 financial year. The 2024-25 Budget includes a further \$33.3 million for redress support services which includes \$26.1 million across four years to deliver a specialist service to help people submit complete applications to the Scheme and \$7.2 million in 2024-25 for knowmore Legal Services to provide free and independent legal support.

This funding acknowledges increasing demand for support from survivors of institutional child sexual abuse to access the Scheme.

19. Why is the decision about whether a person with a serious criminal conviction can apply for redress vested in only one person, the Scheme Operator?

The Scheme's legislation, the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (the Act), sets out the provisions for a person with a serious criminal conviction (someone who has been sentenced to 5 or more years in prison for one offence). People with a serious criminal conviction are not permitted to access redress, under the Act. However, the Scheme Operator can make a determination to allow them access. The Scheme Operator considers many factors under the special eligibility process, including advice received from the Special Advisor in the state or territory where the applicant resides and also the state or territories where they were abused.

20. What is being done for people in regional WA in respect of support to apply for redress and counselling, especially for those who only speak Indigenous languages?

There are currently eight RSS in WA. These are Aboriginal Family Legal Service, Child Migrants Trust, Kimberley Community Legal Services, Kimberley Stolen Generation Aboriginal Corporation, Pilbara Community Legal Service, Relationships Australia WA, Tuart Place and Yorgum Healing Services Aboriginal Corporation. People living in WA also have access to the Scheme's national RSS. The Scheme has 11 specialist Indigenous RSS nationally. Three of these are in WA.

The Scheme has also recently developed a new suite of communications and promotional materials for people who want to find out more about the Scheme. This includes a suite of materials specially designed to assist First Nations people. These products are being translated into a number of languages including Yolngu Matha, Eastside Kriol, Tiwi, Arrernte (Central-Eastern), Warlpiri and Pitjantjatjara.

21. Why is Counselling and Psychological Care not available during the redress application process?

The design of the National Redress Scheme is that CPC is one element that may be offered to an eligible person as part of the outcome of their application. Redress Support Services provide emotional support and counselling to people who are considering interacting with the Scheme, including through the application process.

However, the Scheme notes feedback from survivors at the Roundtable that wider, longer-term access to counselling is something that many survivors believe would be beneficial, and will explore ways in which people could access this. Further advice will be posted on the Scheme's website about this topic.

22. How will payments under the WA Aboriginal Stolen Wages Class Action be treated in relation to redress applications?

A prior payment is money paid to you from an institution in relation to the abuse you experienced at an institution. These payments are made in recognition of abuse (sexual or physical), or harm caused by the abuse. Payments can be made as a court awarded payment, through victims of crime, or from another redress scheme. A payment that has previously been paid to you by an institution for the abuse may be deducted from the amount of redress payment you can receive. Only payments that the Scheme considers 'relevant prior payments' will be deducted from the redress monetary payment amount.

In relation to the WA Aboriginal Stolen Wages Class Action, a relevant prior payment would need to relate to sexual abuse or related non-sexual abuse experienced as a child. A decision would be needed based on the settlement deed in this Action.

23. What is the Scheme doing to stop claim farming by private law firms? Are you helping people you see have a claim farming organisation or individual as a nominee to seek further support from the right support service?

The Scheme has written to the law societies in each State and Territory asking them to assist in stopping claim farming and to promote the free legal support provided by knowmore with their members. Other strategies the Scheme has implemented to help address the concerns around claim farming include:

- Promoting access to the Scheme and free support services via the Scheme website, through all Scheme correspondence, community engagement events and via the myGov portal
- Sponsoring key search terms and making Scheme website updates to improve the prominence of the Scheme website in search results on search engines, in comparison to private law firms
- Producing a Fact Sheet on the Scheme’s website for applicants to consider if hiring a lawyer or other provider and how to make a complaint to a professional body about a private law firm practices.
- Distributing a Fact Sheet to Redress Support Services regarding the disclosure of protected information in civil legal proceedings to keep them informed of their legal protections against claim farming efforts
- Amending legislation to restrict the use of the Scheme name and logo without the Scheme Operator’s consent, to stop businesses representing themselves as connected to the Scheme. Protected names are: ‘National Redress Scheme’, ‘National Redress Scheme for Institutional Child Sexual Abuse’, and ‘National Redress Scheme for people who have experienced institutional child sexual abuse’.

The Queensland and South Australian Governments have also acknowledged the predatory nature of claim farming by private law firms and have introduced their own anti-claim farming legislation. The Queensland Government passed the Personal Injuries Proceedings and Other Legislation Amendment Bill 2022, which makes it an offence to solicit someone to make a personal injury/workers’ compensation claim or approach them without their prior consent. The South Australian Government is currently consulting on draft legislation aimed at banning claim farming.

24. Why is there disparity between Aboriginal and non-Aboriginal applicant eligibility for an advanced payment – 55 vs 70 years of age?

This policy reflects the lower life expectancy of Indigenous Australians. This is not specific to Redress and is present in other government programs.

25. Why is the Scheme not providing counselling for ineligible redress applicants?

Redress Support Services can assist and counsel survivors through the entire redress journey including through a decision regarding their eligibility. Additionally, survivors of institutional child sexual abuse may be able to access other options for counselling including free phone support from national helplines, services from jurisdictional Victims of Crime programs and other mental health services through Medicare, such as the Better Access initiative which gives eligible people access to up to 10 individual and 10 group sessions per year.

26. Why is information from institutions not shared with applicants? A lot of ‘care’ records are blacked out.

The Scheme’s legislation includes strong protected information provisions. Some information that is provided by institutions during the Request for Information stage of application processing is not able to be shared with the applicant due to these provisions. This usually means that the information that is redacted does not directly relate to their application.

27. Can recipients of a redress payment legally share their stories, such as through writing books?

Protected information provisions mean redress recipients may not be able to talk about their Redress experience, but they can share their institutional experience. Survivors should seek their own legal advice.

28. Why are there no redress options for people who lost siblings in institutions?

Under the Redress Act, the Scheme can only accept a redress application while the person is alive and is not able to accept an application on their behalf from a family member or anyone else after they have passed away.

29. What informed the design of the Scheme? Why didn't British Child Migrants, or any representative Child Migrant body have any input?

The Scheme was designed and established in response to the Royal Commission into Institutional Child Sexual Abuse, which presented its final report on 15 December 2017. The Royal Commission conducted wide ranging survivor engagement activities over the years during which it was in operation.

Former child migrants and other survivors can continue to have input into the operation of the Scheme by participating in events such as the Survivor Roundtable and providing their feedback directly to the Scheme.

30. Why does publicly available information state 'the average time to process an application is 12 months', yet there are many people who are still waiting three years after submitting their application?

The published figure is the average amount of time that it takes for an application to be processed. The Scheme acknowledges that in some circumstances, including where the institution that has been named in the application has not joined the Scheme, the time taken to finalise an application can exceed this timeframe.

31. If an institution was the subject of a Child Abuse Royal Commission case study and they have not joined the Scheme, what action can be taken?

There are only a very small number of institutions that were named in the Royal Commission that have not joined, due to being defunct and where the Scheme is exploring options to progress under Funder of Last Resort arrangements. The Scheme looks at individual cases and encourages applicants to name the institution/s where they were abused, including if they are not yet participating in the Scheme.

Next steps

The Minister will inform Redress Ministers about the outcomes from the Roundtable at the next Ministers' Board meeting, which will be held in July 2024.

The feedback provided will be considered for improvements to the Scheme. The department will ensure to communicate what changes are made in response to the feedback.

The department will look to include planned improvements as part of the Scheme Improvement Update document published on the Scheme's website.

The next Roundtable is being planned for the second half of 2024 with the location to be finalised.

In response to feedback from invitees and attendees at the Perth Roundtable, the Scheme is aiming to invite local survivors and their support people with as much notice as possible, to ensure sufficient time for personal and travel arrangements to be made.