

National Redress Scheme
Survivor Roundtable Overview and Outcomes

Adelaide | 16 October 2024

Table of Contents

Background..... 3

Overview of the event 3

Discussion sessions..... 4

Questions and answers..... 5

Next steps 9

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). Seven roundtables have been convened since the commencement of the Scheme in July 2018. The most recent Roundtable was hosted by the Minister for Social Services, the Hon Amanda Rishworth, MP, in Adelaide on Wednesday 16 October 2024. There were 67 attendees including 23 survivors and their support people, the South Australian Attorney-General the Hon Kyam Maher MLC, officials from the Department of Social Services (the department), and the South Australian (SA) Attorney-General's Department and Department for Child Protection and ministerial staff.

The Roundtable gave 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 Roundtable also sought to hear survivors' perspectives on the application and outcome process, as well as 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 in relation to Direct Personal Response and Redress Support Services.

Overview of the event

The event was facilitated by Ms Sue Adams. Mr Cliffy 'Tangku Munaitya' Wilson, a Kaurna Narungga, Ngarrindjeri and Arrente Traditional Custodian of the Adelaide Metropolitan area, delivered the Welcome to Country, followed by a moment's silence in recognition of those survivors who have died.

The Minister for Social Services, the Hon Amanda Rishworth MP, spoke about the Australian Government's deep commitment to supporting survivors who have been through the redress process, and 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 the Scheme is firmly focused on responding to the needs, experiences and ideas of survivors, and that feedback from Roundtable attendees is vital to informing improvements for those who have not yet engaged with the Scheme
- 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
- noted the demand for the Scheme has far exceeded that anticipated by the Royal Commission, with changes being made to administration to ensure the Scheme can better respond to growing demand.

The SA Attorney-General, the Hon Kyam Maher MLC, spoke about the SA government's commitment to supporting survivors and noted that hearing directly from them provides important insight for those responsible for administering initiatives such as the Scheme. The Attorney-General mentioned a number of actions being looked at in SA, such as additional sanctions for non-participating institutions and introducing legislation to stop claim farming.

The Secretary of the department and Scheme Operator, Mr Ray Griggs AO, CSC introduced the discussion sessions, which covered four key topics - Scheme accessibility and awareness, After your Redress outcome, Direct Personal Response (DPR) and Redress Support Services (RSS).

Discussion sessions

Discussion centered around:

- how survivors became aware of the Scheme and barriers which may be impacting other survivors becoming aware of and accessing the Scheme
- survivors' experience of the application process, including receiving their outcome
- survivors' experiences after receiving their redress outcome, including their interactions with other parts of Government
- the Direct Personal Response (DPR) element of Redress, and
- Redress Support Services (RSS).

Many attendees also chose to share and discuss their individual stories and experiences.

The main points arising from discussions included:

- The most common ways people found out about the Scheme was through word of mouth or through a RSS.
- Before applying, many survivors were very concerned about not being believed or found ineligible, particularly in the absence of records.
- Having to relive their experiences in order to apply for redress can be re-traumatising.
- Trauma-informed support from RSS was considered by many to be the best thing about the application process.
- Some found the hardest thing about the application process was that it can be re-traumatising, some gave feedback that Scheme staff they engaged with weren't considered trauma-informed, the application form was complex, and some faced literacy barriers and challenges with the length of time waiting for an outcome.
- Barriers to people becoming aware of and accessing the Scheme include fear of not being believed, not knowing what support is available to apply, limited advertising/promotion, inherent distrust for government and authority and concerns about what would be done with the information provided in their application.
- There is a need for peer support to assist survivors to support each other after they are no longer interacting with the Scheme.
- Counselling and Psychological care should be consistent across jurisdictions, and there should be the ability for services such as RSS to continue to offer support post outcome.
- Financial counselling regarding the redress payment is important.
- DPR can be an important acknowledgement of what has happened in the past and a commitment to continuous prevention now and in the future.
- There are many survivors who choose not to take up DPR due to the risk of re-traumatisation, it not being from the people directly responsible, and seeming disingenuous.
- For those who have taken up a DPR, for some it has been a good experience and for others less so, largely due to it not being meaningful and institutions being ill prepared.
- Suggestions for increasing the uptake of DPR included providing more information about the types of DPR available to survivors, explaining DPR earlier in the outcome call, the Scheme doing more to initiate the DPR process, and making facilitators/mediators available to assist.
- RSS provide critical support and often make the difference between whether or not a person decides to apply for redress.

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

- promotion of the Scheme to frontline healthcare providers
- promotion of the Scheme to individuals in aged care, and work with relevant departments on the impact of redress payments on assets tests in aged care (*note, since the Roundtable it has been announced that redress payments will be exempt from the aged care means assessment from 1 January 2025*).
- improving Scheme communication through explanation of the term 'institution'
- measures to improve timeliness of access to records, in particular from state and territory governments, to support applications
- working with institutions to help ensure DPRs are not perceived as disingenuous
- providing more information about DPRs to survivors, earlier in the outcome process to facilitate increased uptake
- increasing resources for Redress Support Services to enable more applicants to access support in a timely manner
- working with Redress Support Services to facilitate peer support for survivors.

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 have also been published on the [Scheme website](#).

Operational questions about the National Redress Scheme

1. What is the plan for the Scheme after 2027?

The Scheme is legislated to end on 30 June 2028, with the receipt of applications ceasing 30 June 2027. The end of the Scheme is a matter for Commonwealth, State and Territory Governments, and the department does not have any decision-making power in relation to this. A review will be conducted for the Scheme's eighth anniversary, which will inform the scheduled final years of the Scheme.

2. Can the Scheme be improved in relation to helping applicants feel believed, especially where there is a lack of records that verify their claim?

A standard of 'reasonable likelihood' is used to decide if a person experienced sexual abuse as a child and a participating institution was responsible. Independent Decision Makers will use all available information to make a decision, including a person's application and records from government and non-government institutions. We acknowledge that in many cases records may not be available to applicants or may not exist and an absence of records does not mean someone cannot access redress.

3. Can the Scheme improve the way ineligible outcomes are delivered, to make them more trauma informed?

The Scheme is reviewing its communication to ensure improvements continue to be made and decisions are communicated in a trauma informed manner.

4. It would be good to acknowledge the Scheme is inconsistent in relation to decisions where there is a lack of records.

Each decision is made on a case-by-case basis, including the weighting of information. If an applicant or nominee is concerned by the reason for a decision, they should contact the Scheme and consider lodging a request for review.

5. The Scheme chose not to have the maximum redress payment of \$200,000, as recommended by the Royal Commission. How does the Scheme recognise the pain and suffering of survivors when it is not following this recommendation?

The maximum redress payment was a decision taken by the Australian Government in early consultations with state and territory governments and the Independent Advisory Council. After consultation with jurisdictions, the Government decided on a maximum payment of \$150,000 to offer both recognition to people who experienced institutional child sexual abuse and provide the most opportunity for institutions to opt-in to the Scheme.

6. If someone applies to the Scheme and cannot remember the name of the abuser, but remembers after the application is finalised, what are their options? Can they reapply or pursue civil options?

The Scheme is about finding institutional responsibility, not individual responsibility, therefore it is not essential to identify the abuser's name in an application.

Once an outcome is accepted, the applicant releases the institution, but not the abuser, from future civil liability. Accepting a redress outcome does not restrict an applicant's ability to pursue a criminal case. However, a person who has accepted a redress outcome cannot reapply to the Scheme.

7. Why does application processing take so long? Why doesn't the Scheme employ more people and make things more efficient?

Application numbers continue to rise, and the Scheme is working to streamline processes to reduce the application processing time. It is also recruiting additional staff and Independent Decision Makers to process applications. The average processing time from the date the Scheme first receives an application until notifying an outcome is 13 months. This includes time outside the Scheme's control, such as when gathering information from institutions or applicants, or when applicants are considering their options.

8. Why does the Scheme not employ people with lived experience?

While the Scheme does not appoint people to specific lived experience roles, it does not exclude people who have experienced abuse from working in the Scheme. The Scheme does employ a Trauma Informed Advisor, who advises the Scheme on trauma-informed principles, impacts, and nature of child sexual abuse to support staff working with survivors through their application journey.

9. Why are there more ineligible outcomes than there were a few years ago?

Applications to the Scheme have been steadily rising since it began. As the number of total applications rise, the number of ineligible outcomes naturally rises as well. However, there has not been a significant increase in the proportion of ineligible outcomes.

10. If an applicant dies after submitting an application and getting an outcome, can their family request a review on their behalf?

If a deceased person's application is determined eligible for Redress, the [Redress Monetary Payment](#) component of the outcome may be paid to the appropriate party. The appropriate party is not eligible for the [Direct Personal Response](#) or [Counselling and Psychological Care](#), and they cannot request a review. In some circumstances, an 'out of scope' Direct Personal Response is possible if the relevant institution agrees.

Stakeholder engagement

11. Why are health professionals unaware of the eligibility requirements of the Scheme?

Despite continued efforts to raise awareness of the Scheme and its eligibility requirements among front line services, the Scheme acknowledges that some doctors, psychologists and health professionals are still unaware of the Scheme. There are several different Schemes that people may be eligible for, including the National Redress Scheme, Territories Stolen Generations Redress Scheme, Victoria Care Leaver's Scheme and the Historical Forced Adoptions Redress Scheme. The number of Schemes available can cause confusion about eligibility requirements and we continue to engage with frontline services about the Scheme to raise their awareness.

12. Are there any plans for the Scheme to engage with aged care facilities, as some residents may be eligible for redress?

The Scheme recognises there are challenges for people living in aged care who may be eligible for the Scheme. The Scheme is engaging with the Department of Health about this. From January 2025, redress payments will be exempt from aged care means testing arrangements.

Institutions

13. Many people are confused by the word 'institutions', as they might think they had to be in foster care or gaol to be eligible. Could the word 'institutions' be changed to 'organisations'?

The Scheme legislation uses the term 'institutions', and we are bound to use that term in certain contexts. However, the Scheme will ensure communications material and the website clearly explain what 'institution' means.

14. When an institution becomes defunct by their own choosing, such as by setting up its organisational structures in particular ways to avoid liability, can the Scheme publicly name them?

When an institution is first named, the Scheme does extensive research to determine whether, if defunct, it is linked to another institution that continues to operate. If it becomes evident that an institution has taken actions to avoid liability, the institution can be publicly named as refusing to join the Scheme. While the Scheme is voluntary, we have applied consequences to institutions refusing to join, which have worked in many instances.

Independent Decision Makers

15. How does the Scheme ensure Independent Decision Makers (IDMs) are sensitive and trauma informed when writing their Statement of Reasons?

From April 2024, the Scheme introduced a new Statement of Reasons (SoR) template to be used by IDMs when outlining their decision on a redress application. The Scheme acknowledges receiving the SoR may be upsetting for some applicants and for others, it may be an important part of their journey. Measures have been implemented to minimise harm as much as possible and provide options for applicants to make their own choice about what to do with the document.

16. Can training for IDMs suggest that they think, when determining a redress payment, “if this was my child, what amount would I give them”?

Independent Decision Makers use an Assessment Framework to assess redress applications and to determine the amount of the monetary payment offered to eligible applicants. The design of the assessment framework has been based on the approach recommended by the Royal Commission and is publicly available on the Federal Register of Legislation website www.legislation.gov.au.

It recognises:

- the type of sexual abuse experienced;
- the impact on the person who experienced the abuse and related non-sexual abuse;
- circumstances that made a person especially vulnerable, where the abuse was particularly extreme.

17. Will the Scheme address the procedural unfairness related to the lack of transparency in relation to the assessment framework used by IDMs?

Independent Decision Makers use an Assessment Framework to assess redress applications and to determine the amount of the monetary payment offered to eligible applicants. The framework is publicly available on the Federal Register of Legislation website www.legislation.gov.au. In terms of the policy guidelines used by IDMs, the guidelines aren't publicly available to maintain the integrity of the scheme. The Statement of Reasons (SoR) templates have been developed to assist IDMs in outlining their reasons for their determination and all the considerations they need to make in exercising the Scheme Operator's delegated statutory power under the Act and Rules.

Since April 2024, the Scheme has included a copy of SoR with the Outcome Letter, rather than providing the applicant with option to request of copy of the SoR (which had been the practice for a couple of years).

Redress Support Services (RSS)

18. Can I continue to access support from RSS after I receive an outcome?

Support from RSS continues after an outcome, where applicants would like assistance to access DPR. Eligible applicants can also access counselling and psychological care as part of their outcome, and RSS can assist with this transition.

19. How will RSS cope with increasing numbers of applicants without extra funding?

RSS across Australia are experiencing high demand, leading to some having waitlists. Additional funding was allocated in 2023 to support essential Redress Support Services who assist survivors in applying to the Scheme and this funding will continue until 2027 at this stage. The department continues to monitor levels of demand for RSS and the funding provided to them.

While the Scheme encourages people to access RSS, it is important to note that you do not have to apply to the National Redress Scheme through a RSS.

Next steps

The feedback provided will be considered for improvements to the Scheme. The department will communicate the changes 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 anticipated to be held in the second half of 2025 with the location to be decided.