

Child sexual abuse compensation – National Redress Scheme

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The National Redress Scheme was set up by the Federal Government to provide compensation and other redress initiatives to survivors of institutional child sexual abuse. In this article, we look at how the National Redress Scheme works and the compensation and other benefits available under the scheme.

Royal Commission into Institutional Responses to Child Sexual Abuse

In November 2012, the Federal Australian Government announced that a Royal Commission would be held to investigate the history of child sexual abuse in an institutional setting. After approximately 5 years of various investigations, the final report was released: Royal Commission into Institutional Responses to Child Sexual Abuse ("the Royal Commission").

One of the features of this Royal Commission was that several recommendations were made to provide a higher level of protection for children in the future and also to help survivors of child sexual abuse seek justice for what they have suffered.

After various governments took on implementation of the recommended changes, there are now two options available to many survivors of child sexual abuse in a Queensland institutional setting, to seek compensation for the serious physical or sexual abuse they suffered as a child.

The National Redress Scheme; and

A common law claim (a claim due to negligence).

This article looks at, in detail, your options under the National Redress Scheme.

At the outset, it should be noted that survivors cannot accept payment through both the National Redress Scheme and a common law claim. They may only accept one option to settle their claim. Therefore, it is important that applicants seek expert legal advice to assist in understanding the advantages and disadvantages of each of the schemes before accepting any offer the National Redress Scheme.

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National Redress Scheme

One of the major recommendations from the Royal Commission was the establishment of a single National Redress Scheme. The National Redress Scheme was established on 1 July 2018 to hold institutions responsible for the history of abuse.

To be eligible:

- the abuse must have occurred before 1 July 2018;
- the institution must have been responsible for bringing the applicant in contact with the person who perpetrated the abuse;
- the institution has joined the National Redress Scheme; and
- the applicant:
- was born before 30 June 2010; and
- is either an Australian citizen or an Australian permanent resident.

Applications can be made through paper form or online until 30 June 2027. Applicants may only apply on one occasion, even if they suffered multiple instances of child sexual abuse through various different institutions.

Which institutions participate in the National Redress Scheme

Not all institutions have joined the National Redress Scheme to allow survivors of abuse perpetrated by persons introduced to children in their care, to seek a Redress payment.

However, pleasingly, the list of institutions which have joined the National Redress Scheme is now quite significant. The National Redress Scheme has a helpful tool available to search for institutions that have joined the scheme. The list of institutions that have

joined the Scheme includes various Government organisations, schools, and church entities.

If you would like some help understanding who the entity responsible for certain organisations is, or to find out whether they have joined the National Redress Scheme, contact us for assistance.

Call our free advice line: 1800 001 339

You can also email us at info@imlawyers.com.au.

National Redress Scheme compensation for survivors of child sexual abuse

The National Redress Scheme can offer survivors of child sexual abuse three forms of redress:

Counselling - to help survivors deal with the effects of the abuse; and

Direct Personal Response from the institution – this could be in the form of an apology, and an explanation of what the institution has done or will do in the future to ensure that no other child suffers abuse; and

Compensation – a monetary payment to compensate the applicant for the abuse they suffered as a child.

What counselling is available under the National Redress Scheme?

The counselling which may be offered through the National Redress Scheme, depending on where the applicant is located, may be available by connecting the applicant to a counselling service or by paying an amount to the applicant for them to seek those services themselves.

If the Redress Scheme can connect the applicant to a local counselling service, then this may be included in the offer so that the appointments are free to the applicant. If approved, applicants will generally be granted a minimum of 20 hours of counselling over their lifetime.

How much compensation is available under the National Redress Scheme?

One of the most significant parts of the offer from the National Redress Scheme, if the application is successful, is the offer of a lump sum compensation payment.

Importantly, if an applicant has already sought compensation through another scheme, then that compensation will be deducted

from the Redress Scheme compensation.

This lump sum payment is not designed to be compensation for the applicant's loss or the suffering that they experienced because of the abuse. It is designed as an acknowledgment of the harm that was caused to them.

One of the defining features of a National Redress Scheme is that the **maximum** amount of compensation payable through the Scheme is $150,000.00. However, the vast majority of claims made through the NRS involve payments for significantly less than the maximum allowed.

In other words, successful applicants through the National Redress Scheme could receive payments of anywhere from $0.00 **up to** $150,000.00 as their compensation through that scheme. According to a 2020 report from the Australian Government Department Social Services, the average payment under the Scheme was $82,000.00.

Notably, survivors of institutional child sexual abuse have the potential to receive significantly higher sums of compensation through a common law claim, if eligible.

Accepting the offer –legal advice is crucial to protect your financial interests

The most important thing for applicants to be aware of when considering any offer from the National Redress Scheme is that if a survivor of child sexual abuse accepts payment through the National Redress Scheme, they are not then able to make a claim for common law damages.

National Redress Scheme compensation payments are ordinarily much less than any eligible common law claim.

To provide a very short overview, in a common law claim for damages, the claimant must show that the institution was negligent (a legal threshold), however, if this can be proven, there is no maximum payment. Therefore, it is possible that the survivor could receive compensation higher than what they may receive through the Redress Scheme.

If a Redress Scheme payment is accepted, then this higher compensation amount available with a common law claim cannot be pursued by that survivor.

Get help from an abuse compensation lawyer

The legal considerations in making this decision are very complex. It is critically important to seek expert legal advice **before** accepting any offer of settlement from the National Redress Scheme.

At IM Lawyers, we offer a free consultation and run eligible claims on a "no win, no fee" basis.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.