

Civil claim or National Redress Scheme

This fact sheet provides information for survivors of institutional child sexual abuse to help understand the differences between making a civil claim and applying to the National Redress Scheme.

Civil claim

What is it?

A civil claim against an institution is a compensation claim for physical or psychiatric injury developed as a result of an institution's failure to care and protect a survivor from childhood sexual abuse.

A civil claim can also be made against the perpetrator if they are still alive.

There is no time limit for making a civil claim.

How much can I receive?

There is no cap on compensation payments. An individual's claim will be based on the severity of the injury and the impact it has had on the survivor's life.

How much will it cost me?

Civil claims can be complex and a civil lawyer can help. These lawyers may charge an hourly rate for their work and there will be a cost agreement. knowmore can refer you to a civil lawyer.

What is a 'cost agreement'?

A cost agreement outlines the terms of payment to a civil lawyer and will outline if any money needs to be paid up-front. Lawyer fees, other costs, and deductions may need to be paid out of any final compensation funds. If this is the case the civil lawyer should provide regular updates on their fees.

Will I have to go to court?

Many institutions are open to negotiating an agreement out of court. However, if negotiations are unsuccessful a survivor can discuss with their civil lawyer about going to court and the risk of further legal costs, especially if the court case is unsuccessful.

How long will it take?

In most states and territories, it takes anywhere between 12–24 months to negotiate an agreement (settle a claim outside of court). Additional time may apply if the matter is taken to court.

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for survivors

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Image inspired by original artwork by Dean Bell depicting knowmore's connection to the towns, cities, missions and settlements within Australia.

knowmore acknowledges the Traditional Owners of the lands and waters across Australia upon which we live and work. We pay our deep respects to Elders past and present for their ongoing leadership and advocacy.

National Redress Scheme

What is it?

A Scheme to provide survivors recognition of institutional childhood sexual abuse experienced prior to 1 July 2018. Applications are open until 30 June 2027.

What can I receive?

- A payment of up to \$150,000 depending on the circumstances. This will be assessed by the Scheme and most people will not receive the maximum amount.
- Counselling and psychological support.
- A personal response or apology from the institution that was responsible for the abuse.

How much will it cost me?

It does not cost anything to apply to the Scheme. A survivor can complete the application themselves or seek assistance in completing the application.

When preparing an application we recommend seeking free assistance from a Redress Support Service and free legal advice from knowmore.

Will I have to go to court?

No, a decision will be made on the submitted application. However, the Scheme may ask for further information.

How long will it take?

Approximately 6–12 months and sometimes longer depending on:

- any serious criminal convictions
- whether the institution(s) have joined the Scheme.

Accepting an offer

Accepting an offer from the Scheme involves giving up your right to proceed with a civil claim against the responsible institution(s). You should seek legal advice before accepting an offer.

How knowmore can help

knowmore can provide free advice about National Redress Scheme applications and decisions.

knowmore can provide free advice and referrals about your other legal options.

How to contact knowmore

- Visit: www.knowmore.org.au
- Free call: 1800 605 762
- Email: info@knowmore.org.au

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