



Supplementary
submission to the
Joint Standing
Committee on
Implementation of the
National Redress
Scheme

Resourcing of knowmore
and other support
services

3 July 2023

Table of Contents

About knowmore	3
Our service	3
Our clients	3
Introduction	4
Updates to the information about funding and demand provided in our previous submissions	5
Resourcing implications of reforms planned in response to the second year review	8
Survivors in prison	9
Survivors who are former child migrants	13
Certain survivors with finalised applications	14
Conclusion	17

About knowmore

Our service

knowmore legal service (knowmore) is a nation-wide, free and independent community legal centre providing legal information, advice, representation and referrals, education and systemic advocacy for victims and survivors of child abuse. Our vision is a community that is accountable to survivors and free of child abuse. Our aim is to facilitate access to justice for victims and survivors of child abuse and to work with survivors and their supporters to stop child abuse.

From 2013 to 2018, our service assisted people who were engaging with or considering engaging with the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). From 1 July 2018, knowmore has delivered legal support services to assist survivors of institutional child sexual abuse to access their redress options, including under the National Redress Scheme (NRS). knowmore also delivers financial counselling services to people participating in the NRS, and works with other services in the NRS support network to support and build their capability. Since 2022, knowmore has also been assisting survivors who experienced child sexual abuse in non-institutional settings, and providing legal and financial counselling support to people engaging with the Territories Stolen Generations Redress Scheme (Territories Redress Scheme).

knowmore uses a multidisciplinary model to provide trauma-informed, client-centred and culturally safe legal assistance to clients. knowmore has offices in Sydney, Melbourne, Brisbane, Perth, Adelaide and Darwin. Our service model brings together lawyers, social workers and counsellors, Aboriginal and Torres Strait Islander engagement advisors and financial counsellors to provide coordinated support to clients.

knowmore is funded by the Commonwealth Government, represented by the Departments of Attorney-General and Social Services and the National Indigenous Australians Agency.

Our clients

In our Royal Commission-related work, from July 2013 to the end of March 2018, knowmore assisted 8,954 individual clients. The majority of those clients were survivors of institutional child sexual abuse. Almost a quarter (24%) of the clients assisted during our Royal Commission work identified as Aboriginal and/or Torres Strait Islander peoples.

Since the commencement of the National Redress Scheme for survivors of institutional child sexual abuse on 1 July 2018 to 31 May 2023, knowmore has received 90,642 calls to its 1800 telephone line and has completed intake processes for, and has assisted or is currently assisting, 15,166 clients. Almost 2 in 5 clients (37%) identify as Aboriginal and/or Torres Strait Islander peoples. About 1 in 6 clients (16%) are classified as priority clients due to advanced age and/or immediate and serious health concerns including terminal cancer or other life-limiting illness.

Introduction

This supplementary submission to the Committee’s inquiry into the operation of the National Redress Scheme (NRS) highlights potentially significant resourcing implications for knowmore and other support services in light of the Australian Government response to the second year review of the NRS on 4 May 2023 (Australian Government response),¹ and the reduction of knowmore’s funding indicated by the federal Budget on 9 May 2023. knowmore will experience a significant reduction in our NRS-related legal support services funding from 30 June 2023, with further significant funding reductions in the following financial years.²

As indicated in our primary submission to the inquiry dated 27 February 2023 and our supplementary submission to the inquiry dated 28 April 2023, these funding reductions will prevent us from meeting the present rising demand for our services and require a reduction in our important services to clients, who experience severe vulnerability and marginalisation.³ In this supplementary submission, we first provide updates to the information about funding and service demand provided in our previous submissions to the Joint Standing Committee. We then highlight key aspects of the Australian Government response to the second year review that we expect will have further resourcing implications for our service and other support services.

We note that the matters discussed in this supplementary submission have significant implications for most of the Terms of Reference of the current inquiry, and in particular, Term of Reference 5(b). We express particular concern for the impact of funding and service reductions on survivors who experience heightened marginalisation, including survivors with disability and Aboriginal and/or Torres Strait Islander survivors, as relevant to Terms of Reference 1 and 2.

-
- 1 Australian Government, *The Australian Government response to the final report of the second year review of the National Redress Scheme*, 4 May 2023, accessed 26 June 2023, <www.nationalredress.gov.au/document/1626>.
 - 2 See Attorney-General’s Department, *Portfolio Budget Statements 2023–24: Attorney-General’s Portfolio* [full report], 9 May 2023, accessed 26 June 2023, p 21, <www.ag.gov.au/about-us/publications/portfolio-budget-statements-2023-24>.
 - 3 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, 27 February 2023, accessed 26 June 2023, pp 55–56, <www.aph.gov.au/DocumentStore.ashx?id=8ace04da-4875-4fa9-b68d-24720abf5482&subId=734313>; knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, 28 April 2023, accessed 26 June 2023, pp 4–7, <www.aph.gov.au/DocumentStore.ashx?id=4fa258fb-5453-44e9-a08a-5f5fe5a98e63&subId=734313>.

Updates to the information about funding and demand provided in our previous submissions

In our primary submission to this inquiry, we noted that NRS application numbers ‘have increased significantly in the last 2 years and particularly in the last 12 months’.⁴ We annexed our pre-Budget submission to Treasury, which noted that:

*... over 4,500 applications had been received in a period of slightly over six months to the end of 2022.*⁵

This increasing trend has continued and accelerated in 2023 — in slightly over 5 months to 2 June 2023, over 5,000 applications have been received.⁶ This puts the NRS on track to receive a record number of applications — more than 10,500 — in the 2022–23 financial year. This is almost double the previous record of 5,987 in 2021–22.⁷

knowmore’s service data continues to reflect the NRS’s trends of an increasing demand for services. In our primary submission to this inquiry and our pre-Budget submission to Treasury, we provided a chart depicting knowmore’s funding levels for our NRS-related legal support services compared to NRS application data (application numbers) and knowmore client data (client intakes).⁸ That chart showed an increasing trend in knowmore client intakes over time, and particularly since July 2021.

The chart in Figure 1 below provides a closer look at the increasing trend in client intakes since July 2021. Allowing for the strong seasonality observed with lower numbers around Christmas and Easter, this data shows that client intakes have risen by 75% since in that time, from just under 200 client intakes in July 2021 to almost 350 client intakes in May 2023.

4 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, p 55.

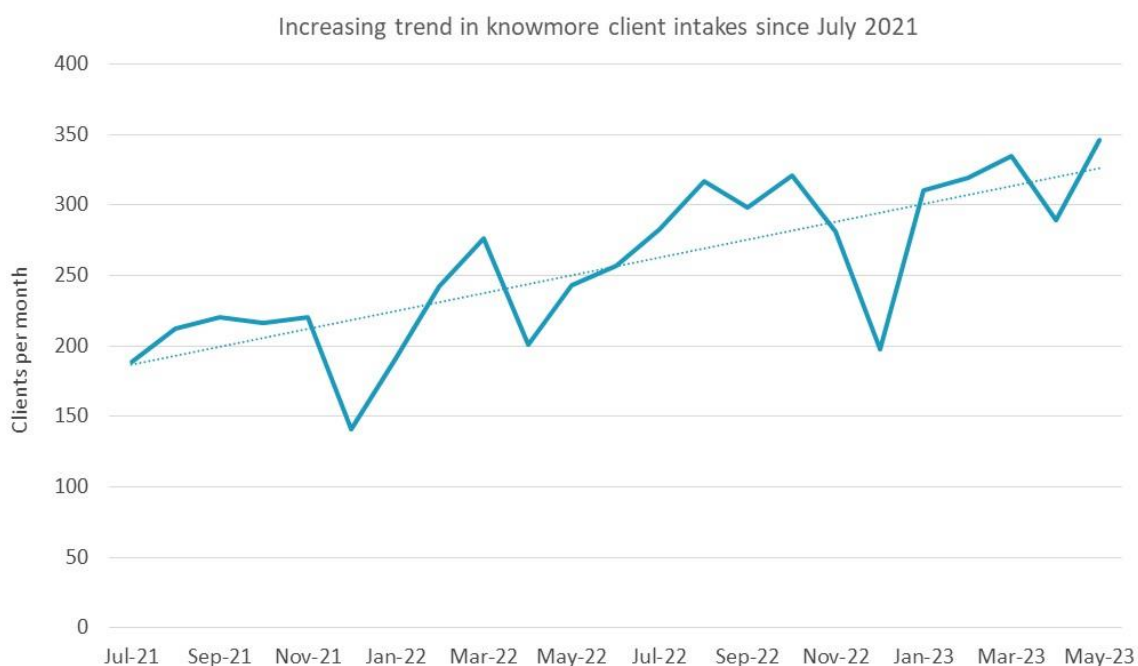
5 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, p 83.

6 The NRS had received 21,674 applications as of 30 December 2022 and 26,802 applications as of 2 June 2023. See the NRS’s regular updates dated 11 January 2023 and 6 June 2023, available at <www.nationalredress.gov.au/about/updates>.

7 Department of Social Services, *Annual report 2021–22*, October 2022, accessed 26 June 2023, p 85, table 2.2.4, <www.dss.gov.au/publications-articles-corporate-publications-annual-reports/department-of-social-services-annual-report-2021-22>.

8 knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 56 and 83.

Figure 1: Chart depicting knowmore client data since July 2021



The increased demand for services has, among other things, contributed to increased wait times for clients to receive advice services from us, as noted in the public hearing of this inquiry on 12 April 2023⁹ and in our first supplementary submission.¹⁰ This trend is continuing, with wait times now out to about 6 weeks (40 to 44 days), compared to 2 to 3 weeks (12 to 19 days) 12 months ago.

For advice appointments booked for July 2023, average wait times are:

- more than 6 weeks (44 days) for an appointment with both a lawyer and a social worker or counsellor
- more than 6 weeks (43 days) for an appointment with a lawyer only
- almost 6 weeks (40 days) for an appointment with both a lawyer and an Aboriginal and Torres Strait Islander Engagement Advisor.

By comparison, our average wait times in July 2022 were:

- less than 3 weeks (19 days) for an appointment with both a lawyer and a social worker or counsellor
- less than 2 weeks (12 days) for an appointment with a lawyer only

⁹ Joint Standing Committee on Implementation of the National Redress Scheme, *Inquiry into the operation of the National Redress Scheme: transcript (proof copy)*, 12 April 2023, accessed 26 June 2023, p 8, <parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/26765/toc_pdf/Implementation%20of%20the%20National%20Redress%20Scheme%20-%20Joint%20Committee%202023%2004%2012.pdf;fileType=application%2Fpdf#search=%22redress%22>.

¹⁰ knowmore, *Supplementary submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 4–5.

- less than 2 weeks (13 days) for an appointment with an appointment with both a lawyer and an Aboriginal and Torres Strait Islander Engagement Advisor.

We note that the information above describes our wait times based on present demand for our services and our funding levels before 30 June 2023. It does not account for the following factors, which are likely to further extend wait times for clients:

- the significant reductions in knowmore's funding from 30 June 2023
- the present trend of increasing demand
- the likely impacts of the reforms planned in response to key recommendations of the second year review that will expand access to redress, as discussed in the following chapter.

Resourcing implications of reforms planned in response to the second year review

The Australian Government response to the second year review of the NRS announces some welcome reforms that will expand access to the Scheme for survivors. These reforms include:

- removing the restriction on survivors applying from gaol¹¹
- enabling former child migrants who are not Australian citizens or permanent residents to apply for redress¹²
- allowing finalised applications to be reassessed in cases where a non-participating institution identified in an application later joins the NRS, or where a government later agrees to be the funder of last resort for the institution.¹³

knowmore notes that all Australian governments have agreed to these reforms¹⁴ and hopes that the required legislative changes can be implemented swiftly. We note that some survivors have already contacted us for assistance, believing that the planned reforms have been implemented.

Many survivors will be directly affected by the reforms and it is to be expected that they will both require, and seek, assistance from support services as a result. This includes:

- legal support for survivors to understand the complex legal and policy framework that governs redress, to make applications that appropriately respond to that framework, and to identify other legal options, particularly if redress is not available or suitable for the survivor
- social work and counselling support to manage the impacts of trauma, including the risk of re-traumatisation from engaging with legal processes

11 *Australian Government response*, p 6. At present, there is a general rule that a person in gaol cannot apply for redress, unless there are exceptional circumstances. See further discussion in knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, p 46.

12 *Australian Government response*, p 5.

13 *Australian Government response*, p 4.

14 *Australian Government response*, pp 4–5.

- financial counselling to maximise the benefit of redress payments for survivors,¹⁵ support flexibility in how payments are made to survivors,¹⁶ and to assist survivors to manage the impacts of redress payments on other entitlements and/or debts
- cultural support to remove barriers to accessing redress for Aboriginal and/or Torres Strait Islander survivors, to recognise the overrepresentation of Aboriginal and/or Torres Strait Islander peoples among survivors of child sexual abuse and the impacts of the Stolen Generations, and to reduce the risk of re-traumatisation.¹⁷

While it is not possible to identify the precise number of survivors who will be affected by the planned reforms, we provide some indicative data below about the following 3 groups of survivors who will require assistance from support services as a result of the reforms:

- survivors in prison
- survivors who are former child migrants
- survivors with a finalised application ‘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’.¹⁸

It is worth noting that the group of survivors who will require assistance is not limited to those who will become newly eligible to apply for redress or to have a finalised application reassessed. Given the complex legal and policy framework that governs redress, many survivors who will still ultimately be ineligible for the NRS will also require multidisciplinary support to identify whether the planned reforms apply to them and understand what their options are.

While we do not focus on it here, we also note that the planned reforms will have significant implications for the NRS itself. Expanding access to redress for a significant number of survivors, as outlined below, is inevitably going to place significant additional demands on the NRS’s processes, systems and staff.

Survivors in prison

The Royal Commission noted that people in prison were more likely than people in the general population to have experienced child sexual abuse.¹⁹ It held private sessions with 713 survivors in prison, representing 10% of all survivors who participated in a private

15 Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), *Redress and civil litigation report*, September 2015, accessed 26 June 2023, p 379, <www.childabuseroyalcommission.gov.au/redress-and-civil-litigation>.

16 Royal Commission, *Redress and civil litigation report*, pp 256–258; R Kruk AO, *Final report: second year review of the National Redress Scheme*, 26 March 2021, accessed 26 June 2023, p 116, <www.nationalredress.gov.au/document/1386>.

17 Kruk AO, *Final report*, pp 218–223.

18 *Australian Government response*, p 4.

19 Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), *Final report: volume 3, impacts*, December 2017, accessed 26 June 2023, p 144, <www.childabuseroyalcommission.gov.au/impacts>.

session.²⁰ Given the Royal Commission's estimate that 60,000 eligible survivors would make a claim for redress,²¹ it is a useful starting point for present purposes to assume that approximately 6,000 of that population of survivors will be survivors in prison. We anticipate that the number of survivors of institutional child sexual abuse in the prison system is in fact much higher than such a percentage, recognising that not all of that cohort would feel able, or safe and supported to the extent necessary, to make a disclosure about their abuse experiences and seek to exercise their justice-making options while they are incarcerated.

Data from other sources, while limited in various ways, is broadly consistent with the above estimate of the survivors in prison who may seek to engage with the NRS. For example:

- During the Royal Commission, knowmore assisted more than 1,700 clients in prison, the vast majority of whom were survivors of institutional child sexual abuse. More than half of these survivors (916) were in prison in Queensland, representing about 12% of all people in prison in Queensland at that time.²² Applying this percentage to the number of people in prison across Australia as at 30 June 2022 suggests there is likely to be more than 5,000 survivors of institutional child sexual abuse in prison in Australia.²³
- The Australian Child Maltreatment Study recently reported that 18.8% of boys and 37.3% of girls had experienced child sexual abuse.²⁴ Applying these percentages to the number of men and women in prison across Australia as at 30 June 2022 suggests there is likely to be more than 8,000 survivors of child sexual abuse in prison in Australia.²⁵ We acknowledge that not all of these survivors will be eligible for the NRS (in particular, those who did not experience institutional child sexual abuse will not be eligible), although we also note that the number of survivors in

20 Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission), *Final report: volume 5, private sessions*, December 2017, accessed 26 June 2023, p 241, <www.childabuseroyalcommission.gov.au/final-report-private-sessions>.

21 Royal Commission, *Redress and civil litigation report*, p 22.

22 Between 2013 and 2017, there was an average of 7,333 people in prison in Queensland. See Australian Bureau of Statistics, *Prisoners in Australia*, Data downloads — 2. Prisoner characteristics, states and territories (Tables 14 to 35).xlsx, 24 February 2023, accessed 26 June 2023, table 15 (Queensland, total prisoners), <www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#data-downloads>.

23 The Australian Bureau of Statistics reported that there were 37,605 males and 2,977 females in prison as at 30 June 2022. See Australian Bureau of Statistics, *Prisoners in Australia*, 24 February 2023, accessed 26 June 2023, <www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>.

24 D Haslam, B Mathews, R Pacella, JG Scott, D Finkelhor, DJ Higgins, F Meinck, HE Erskine, HJ Thomas, D Lawrence and E Malacova, *The prevalence and impact of child maltreatment in Australia: findings from the Australian Child Maltreatment Study: brief report*, Australian Child Maltreatment Study, Queensland University of Technology, 2023, accessed 26 June 2023, p 17, <www.acms.au/resources/the-prevalence-and-impact-of-child-maltreatment-in-australia-findings-from-the-australian-child-maltreatment-study-2023-brief-report/>.

25 The Australian Bureau of Statistics reported that there were 40,591 people in prison as at 30 June 2022. See Australian Bureau of Statistics, *Prisoners in Australia*.

prison is likely to be somewhat higher than 8,000, given the higher prevalence of child sexual abuse among people in prison compared to the general population.²⁶

What is certain is that there is currently a significant number of survivors in prison who will become newly eligible for the NRS under the planned reforms. We expect that the number of eligible survivors in prison will only increase as the total number of people in prison increases, as has been the trend in Australia in recent years. We note that, since 2017, there have consistently been more than 40,000 people in prison in Australia,²⁷ representing some of the highest numbers of people in prison and highest rates of imprisonment since 1900.²⁸

The significant number of survivors in prison who will become newly eligible to apply to the NRS is likely to place significant additional demands on knowmore and other support services. This group of survivors is likely to have additional or more complex support needs than other survivors given the heightened experiences of marginalisation among people in prison.²⁹ For example:

- People with disability, and especially Aboriginal and/or Torres Strait Islander people with disability, are significantly over-represented in Australia's prisons. According to the Law Council of Australia, 'people with disability comprise around 18 per cent of the Australian population, but almost 50 per cent of the adult prison population'.³⁰
- Aboriginal and/or Torres Strait Islander people are significantly over-represented in Australia's prisons. As at 30 June 2022, Aboriginal and/or Torres Strait Islander

26 As an example, the Queensland Women's Safety and Justice Taskforce noted research suggesting that '87% of women in custody have been victims of child sexual abuse, physical violence or domestic violence — 66% of whom have been victims of all three types of abuse'. This is significantly higher than the 37.3% reported in the Australian Child Maltreatment Study. See Queensland Women's Safety and Justice Taskforce, *Discussion paper 3: women and girls' experiences across the criminal justice system as victims-survivors of sexual violence and also as accused persons and offenders*, February 2022, accessed 26 June 2023, p 19, <www.womenstaskforce.qld.gov.au/_data/assets/pdf_file/0010/708418/discussion-paper-3-22.2.22.pdf>.

27 See Australian Bureau of Statistics, *Corrective services, Australia*, March Quarter 2023 (8 June 2023) and December Quarter 2021 (10 March 2022), accessed 26 June 2023, <www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia>.

28 Justice Reform Initiative, *The state of the incarceration nation: a briefing to Australia's Members of Parliament*, 6 September 2020, accessed 26 June 2023, p 3, <assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1681695665/1_JRI_The_State_of_the_Incarceration_Nation_Paper_V5_APPROVAL-2.pdf?1681695665>.

29 Law Council of Australia, *The Justice Project: final report, introduction and overview*, August 2018, accessed 26 June 2023, p 24 <www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Justice%20Project%20%20Final%20Report%20in%20full.pdf>; Justice Reform Initiative, *The state of the incarceration nation*, pp 6–7.

30 Law Council of Australia, *The Justice Project*, p 20.

people comprised about 3% of the Australian population,³¹ but 32% of the adult prison population.³² The Royal Commission found a significant level of overrepresentation among the survivors it heard from in private sessions too — 32% of survivors in prison were Aboriginal and/or Torres Strait Islander people, compared to 14% of all survivors in private sessions.³³

- People in prison have higher rates of mental health conditions than the general population.³⁴ The Australian Institute of Health and Welfare (AIHW) has reported that 40% of people entering prison had a previous diagnosis of a mental health condition, including alcohol and other drug use disorders,³⁵ and 23% were currently taking medication for a mental health condition.³⁶ Mental health conditions are likely to be even more prevalent among survivors in prison, with 95% of survivors in prison at the time of their private session with the Royal Commission speaking about the impact of the ongoing trauma of their abuse on their mental health.³⁷
- People who have been imprisoned have higher rates of unemployment and homelessness than the general population. The AIHW has reported that 54% of people entering prison were unemployed in the 30 days before entering,³⁸ 33% of people entering prison were homeless in the 4 weeks before entering,³⁹ and 54% of people being discharged from prison expected to be homeless once released.⁴⁰ Many survivors in prison reported similar experiences to the Royal Commission.⁴¹

These points demonstrate the particular need for survivors in prison to have access to multidisciplinary support during the redress process. Cultural support and social work and counselling support will be particularly important given the above experiences of marginalisation. Legal support and financial counselling will also be critical, especially where NRS processes have particular implications for survivors in prison. These include the possible

31 Based on the 2021 Census. See Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander people: Census*, 28 June 2022, accessed 26 June 2023, <www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-people-census/2021>.

32 Australian Bureau of Statistics, *Prisoners in Australia*.

33 Royal Commission, *Final report: volume 5*, pp 241 and 373.

34 Australian Institute of Health and Welfare (AIHW), *The health of Australia's prisoners 2015*, 27 November 2015, accessed 26 June 2023, <www.aihw.gov.au/reports/prisoners/health-of-australias-prisoners-2015/contents/summary>.

35 Australian Institute of Health and Welfare (AIHW), *The health of Australia's prisoners 2018*, 30 May 2019, accessed 26 June 2023, p 28, <www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/summary>.

36 AIHW, *The health of Australia's prisoners 2018*, p 38.

37 Royal Commission, *Final report: volume 5*, p 269.

38 AIHW, *The health of Australia's prisoners 2018*, p 18.

39 AIHW, *The health of Australia's prisoners 2018*, p 22.

40 AIHW, *The health of Australia's prisoners 2018*, p 24.

41 Royal Commission, *Final report: volume 5*, p 277; see also pp 248 and 251.

application of the NRS's serious criminal conviction process,⁴² and unique considerations for survivors in prison in receiving and managing NRS payments. In recommending that prisoners be allowed to apply for redress,⁴³ the second year review noted that an application process for survivors in prison would require appropriate support services.⁴⁴

While supporting survivors in prison is unquestionably important, our experience is that the prison environment presents many unique barriers to providing support that require additional resources to overcome. These barriers include:

- the inability to simply and confidentially call a survivor in prison on the phone, communicate by email or hold an in-person appointment without significant planning and engaging the co-operation of relevant prison authorities
- difficulties and delays in arranging confidential phone calls with survivors in prison, including difficulties and delays linked to the limited space for such calls in many prisons, and the limited resources of correctional staff
- the reluctance of some survivors in prison to share relevant information, given distrust of the legal system and confidentiality concerns (which in some cases reflect systemic barriers to confidentiality, for example, the absence of legislative protections in some jurisdictions to prevent prison staff from opening legal correspondence)
- the lack of ready access to documents, and difficulties and delays in obtaining documents
- difficulties and delays linked to prison lockdowns, which may lead to appointments being cancelled without notice
- limited access to other supports, including family, friends and support services.

Given all of the above considerations — the likely significant number of survivors in prison, the particular multidisciplinary support needs of those survivors, and the practical and logistical barriers to providing that support — the Australian Government's planned reforms relating to survivors in prison are likely to have very significant resourcing implications for knowmore and other services.

Survivors who are former child migrants

The second year review reported that 'between 1922 and 1967, between 5,000 and 10,000 children were shipped to Australia, most of whom were sent to charitable and religious institutions, where many of them suffered severe physical and sexual abuse'.⁴⁵ While we are not aware of data that confirms what proportion of this group obtained Australian citizenship or permanent residency, the Australian Government response recognised that

42 See discussion in knowmore, *Submission to the Joint Standing Committee on Implementation of the National Redress Scheme*, pp 48–50.

43 Kruk AO, *Final report*, p 75, Recommendation 3.2.

44 Kruk AO, *Final report*, p 66.

45 Kruk AO, *Final report*, p 64.

‘former child migrants are a group of survivors known to be currently affected by the citizenship and residency criteria’.⁴⁶ The Child Migrants Trust has estimated that ‘the numbers involved are probably fewer than 200’.⁴⁷ While this is significantly less than the number of survivors in prison who will become newly eligible for the NRS, it nonetheless represents an additional group of survivors who will likely need support from knowmore and other services.

Certain survivors with finalised applications

As noted on page 9 above, certain survivors with finalised applications will be eligible to have their applications reassessed under the Australian Government’s planned reforms. This includes several groups of survivors with distinct and complex situations:

- survivors whose applications have already been finalised, where an institution was not participating at the time, but has since joined the NRS or since become covered by a funder of last resort arrangement
- survivors whose applications have already been finalised, where an institution was not participating at the time and is not participating at present, but joins the NRS or becomes covered by a funder of last resort arrangement in future
- survivors who finalise an application with a non-participating institution in future, and the institution later joins the NRS or becomes covered by a funder of last resort arrangement.

The complexity of the situations involved makes it difficult to identify data that speaks directly to the number of survivors who will be affected by these planned reforms. However, other available data suggests that the number is likely to be significant. We particularly note that:

- 12,374 applications to the NRS have been finalised to date (as at 2 June 2023)⁴⁸

46 *Australian Government response*, p 5.

47 Child Migrants Trust, *Submission to the inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and related bill*, n.d., accessed 26 June 2023, p 2, <www.aph.gov.au/DocumentStore.ashx?id=a000ccca-f6df-479b-8d72-ee6959bf8139&subId=611755>.

48 NRS, *National Redress Scheme – Update*, NRS website, 6 June 2023, accessed 26 June 2023, <www.nationalredress.gov.au/about/updates/1636>.

- since the start of the NRS, there has consistently been a large number of applications that identify institutions that are not already participating in the NRS⁴⁹
- the majority of applications to the NRS (79%) name more than one institution,⁵⁰ raising the possibility that they are able to be finalised with a non-participating institution (where one is identified)
- a significant number of previously non-participating institutions are now participating in the NRS, including more than 100 institutions that are now covered by funder of last resort arrangements.⁵¹

Our experience suggests that survivors are particularly likely to be affected by the planned reforms if they lodged an application without legal advice or if they lodged an application at an early stage of the NRS. Information provided across the first 3 years of the NRS shows that there were consistently hundreds of survivors who identified institutions in their applications that at the time were not participating in the NRS.⁵² We know from our experience that many of these survivors chose to have their applications progressed and finalised without regard to the non-participating institution/s. We outlined the experiences of one such survivor in our submission to the second year review.⁵³

Information provided by the Department of Social Services in February 2020 gives some insight into the extent to which this was occurring more broadly. At that time, 11% of all applications to the NRS (758 out of 6,670 applications) named more than one institution

49 For example, the number of applications on hold due to a non-participating institution was 557 as at 3 January 2020, 362 as at 15 January 2021, 115 as at 28 January 2022 and 164 as at 30 December 2022. See the NRS's updates dated 17 January 2020, 7 February 2022 and 11 January 2023, available at <www.nationalredress.gov.au/about/updates>, and page 3 of the transcript of the Joint Select Committee on Implementation of the National Redress Scheme hearing on 22 January 2021, available at <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Public_Hearings>.

50 Department of Social Services, *Submission to the inquiry into the operation of the National Redress Scheme*, February 2023, accessed 26 June 2023 p 2, <www.aph.gov.au/DocumentStore.ashx?id=2ce085ab-fd51-45de-aa07-77a45ab1cde8&subId=734158>.

51 As at 26 June 2023, 103 unique defunct institutions and 1 partly-participating institution are covered by a funder of last resort arrangement. See National Redress Scheme for Institutional Child Sexual Abuse (Funders of Last Resort) Declaration 2019 and National Redress Scheme for Institutional Child Sexual Abuse (Partly-participating Institutions) Declaration 2023 (No. 1).

52 See, for example, information provided by the Department of Social Services to the Joint Select Committee on Implementation of the National Redress Scheme (hearing transcripts available at <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Public_Hearings> and Answers to Questions on Notice available at <www.aph.gov.au/Parliamentary_Business/Committees/Joint/Former_Committees/National_Redress_Scheme/NationalRedressScheme/Additional_Documents>), the NRS's strategic success measures reports (available at <www.nationalredress.gov.au/about/strategic-success-measures>) and the NRS's regular updates as noted in footnote 49.

53 knowmore, *Submission to the second anniversary review of the National Redress Scheme*, 30 September 2020, accessed 26 June 2023, p 11, <knowmore.org.au/wp-content/uploads/2020/11/submission-second-anniversary-review-of-the-national-redress-scheme-cth.pdf>.

where at least one of the institutions was not participating in the NRS.⁵⁴ In 43% of those cases (323 applications), the survivor was progressing or had progressed with their application (269 applications in progress and 54 applications finalised).⁵⁵

When considered alongside the significant decrease in non-participating institutions over time,⁵⁶ we expect that hundreds of survivors since the beginning of the NRS have had applications finalised with an institution that has subsequently come to participate in the Scheme, either in its own right or under a funder of last resort arrangement. As more applications are finalised and more non-participating institutions join the NRS, especially under funder of last resort arrangements, we expect that more survivors will ultimately become eligible to have their applications reassessed in the future.

These reforms will present a major new source of demand for support services, from former clients, current clients and new clients seeking to understand their options for reassessment and their prospects of receiving an improved redress outcome. The resourcing implications of this may be particularly significant depending on how the reforms are implemented in practice. For example, if the NRS proactively contacts affected survivors, as indicated in the Australian Government response,⁵⁷ this would likely result in a surge of requests for assistance being directed to knowmore and other services, especially when the reforms first come into effect.

54 Department of Social Services, *Joint Select Committee on the Implementation of the National Redress Scheme: Private Briefing – 07 February 2020 – Answer to Question on Notice*, question reference number SQ20-000009 and SQ20-000012, n.d., accessed 26 June 2023, <www.aph.gov.au/DocumentStore.ashx?id=7ab73fd1-fb6f-45d4-b577-a8a99557d44d>.

55 Department of Social Services, *Joint Select Committee on the Implementation of the National Redress Scheme: Private Briefing – 07 February 2020 – Answer to Question on Notice*, question reference number SQ20-000009.

56 For example, in April 2020, DSS was engaging with over 260 non-participating institutions to encourage them to join the NRS; as of 12 April 2023, the NRS was working with 87 institutions to support them to join the NRS. See Senator the Hon A Ruston, *Letter to the Chair of the Joint Select Committee on Implementation of the National Redress Scheme*, 29 April 2020, accessed 26 June 2023, p 1, <www.aph.gov.au/DocumentStore.ashx?id=0adc1cee-ded1-4242-a29f-d84bf9598392>; Department of Social Services, *Joint Standing Committee on the Implementation of the National Redress Scheme: Public Hearing – 12 April 2023 – Answer to Question on Notice*, question reference number IQ23-000044, n.d., accessed 26 June 2023, <www.aph.gov.au/DocumentStore.ashx?id=7d25f8c7-914c-4c6a-b234-f1a86bfca0a5&subId=734158>. See also footnote 51.

57 *Australian Government response*, p 4.

Conclusion

As we noted at the beginning of this submission, our funding from 30 June 2023 is not enough for us to meet the present rising demand for our services, let alone further increases in demand associated with expanded access to redress for the 3 groups of survivors discussed above. We expect other support services will be in the same situation, noting that \$80.1 million has been committed to the Redress Support Services over 5 years from 2023–24.⁵⁸ This is only a modest funding allocation — about \$16 million a year to be distributed among dozens of mostly small, community-based support services across Australia.

Without additional funding for support services, many survivors who are affected by the reforms planned in response to key recommendations of the second year review are simply not going to be able to access the support they need. This risks survivors not receiving the redress they are entitled to, not receiving redress in a trauma-informed, survivor-focused and culturally safe way, and being re-traumatised by the redress process. Inadequate support for survivors is also likely to have adverse flow on effects for the NRS, leading, for example, to more enquiries from survivors and more applications needing additional work to progress.

To avoid these outcomes, it is imperative that the Australian Government provide additional funding to knowmore and other support services as part of its implementation of reforms arising from the second year review.

58 Department of Social Services, *Continuing to deliver the National Redress Scheme: key measures in Australia's 2023–24 May Budget*, 9 May 2023, accessed 26 June 2023, <www.dss.gov.au/publications-articles-corporate-publications-budget-and-additional-estimates-statements/continuing-to-deliver-the-national-redress-scheme-key-measures-in-australias-2023-24-may-budget>.

Adelaide

Level 1, 99 Gawler Pl, Adelaide SA 5000
GPO Box 1365, Adelaide SA 5001
t 08 7092 2740

Brisbane

Level 20, 144 Edward St, Brisbane QLD 4000
PO Box 2151, Brisbane QLD 4001
t 07 3218 4500

Darwin

Level 2, 13 Cavenagh St, Darwin City NT 0800
GPO Box 413, Darwin NT 0801
t 08 7918 8455

Melbourne

Level 15, 607 Bourke St, Melbourne VIC 3000
PO Box 504, Collins St West VIC 8007
t 03 8663 7400

Sydney

Level 7, 26 College St, Darlinghurst NSW 2010
PO Box 267, Darlinghurst NSW 1300
t 02 8267 7400

Perth

Level 5, 5 Mill St, Perth WA 6000
PO Box 7072, Cloisters Sq WA 6850
t 08 6117 7244

Image inspired by original artwork by Ngunawal man 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.

knowmore Legal Service Limited | ABN 34 639 490 912 | ACN 639 490 912. knowmore is funded by the Commonwealth Government, represented by the Departments of Attorney-General and Social Services and the National Indigenous Australians Agency.